



Pardon Me: A Comprehensive Guide to Immigration Waivers

Whether you are in the United States on a Visa or a green card or you are hoping to come into the country, there are a lot of rules that must be followed. If you violate certain laws you may be ineligible to come into the country, or you may even be deported. Even if you have a violation on your record, however, don't lose hope. Immigration Waivers exists to "pardon" certain immigration violations, allowing you to enter or remain in the U.S. lawfully. Learning about these waivers is important for anyone who is going through the immigration process. Below is a brief outline of some of the waivers and how to use them.

Who Can Qualify for a Waiver?

Anyone who is seeking a visa, Green Card, or other immigration status in the United States can potentially qualify for a waiver. These waivers were designed to help those who want to come to the United States to better their lives, be closer to loved ones, find work, or otherwise live the American Dream. When making the immigration laws governing how and when people can come to the country, the US government recognized that it is unfair to eliminate people from consideration just because they made a mistake.

Automatic Waivers

There are some types of criminal convictions that carry civil penalties, but aren't deemed serious enough to prevent you from getting a visa. In these situations, you will be given an automatic immigration waiver so you can continue through the process without having to formally apply for the waiver yourself. For example, in most situations if you are found guilty of possession of a small amount of marijuana (less than 10g), it won't hurt your chances of getting a visa. There are a variety of other minor, typically victimless, crimes that may have a civil impact, but will not prevent you from getting or keeping a visa.

Examples of Common Waivers

There are many different types of waivers, each designed for a different situation. Understanding what options are out there and how to apply for them will help ensure you have the best possible chance at qualifying for the waiver you need. The following are among the most common types of waivers, along with some information about them. There are other waivers as well so make sure you talk to an attorney to see which waiver is right for you.

- **Aliens Previously Removed** – You can petition for this waiver if you have been previously removed from the country. If your petition is approved, you will be permitted to reapply for admission into the United States. You still must meet all requirements for the type of visa on which you want to enter.
- **Aliens Unlawfully Present** – If you have been arrested for being in the country unlawfully, you can petition for a waiver so you can attempt to remain in the US. If successful, you can seek a valid visa to adjust your immigration status.
- **Fraud & Misrepresentation** – If you are charged with fraud or misrepresenting yourself, you will need to petition for a waiver. This is a common option for those who have lied to the police during an arrest in an attempt to hide their immigration status.

- **Controlled Substance Violations** – If you are convicted of possession of a controlled substance, you may qualify for a waiver. For small amounts of certain drugs, you may automatically qualify for the waiver.
- **Alien smuggling**--If you have been charged with smuggling an individual who at the time of entry was your spouse, parent or child, the government may grant you a waiver for family-based immigration petitions.
- **Multiple Criminal Convictions and Crimes of Moral Turpitude**--If you have been charged with or convicted of certain crimes you may be able to benefit from a waiver that will forgive you of the charge, allowing you to proceed through the immigration process.

Of course, there are dozens of other types of petitions that are available. Even some very serious situations can be overcome using the immigration pardon waiver. When you apply, the courts will look carefully at all factors in your case to come to a decision.

Issues for Which There Are No Waivers

While the courts do have a lot of flexibility when it comes to issuing waivers, there are certain violations for which they cannot give waivers. If you have been convicted of certain crimes or other violations, you won't be able to get a waiver. Some examples of this include:

- **Submitting False or Frivolous Asylum Claims** – Those who have filed a false or frivolous asylum claim in an attempt to come to the country will be denied a visa and cannot obtain a waiver.
- **Repeat Offenders for Certain Serious Crimes** – If you have been arrested and convicted of serious crimes such as assault, rape, murder and certain higher-level drug charges, you won't be able to qualify for the waiver.

While these and many other serious crimes or violations of immigration policy will prevent you from getting this type of waiver, you should not assume that all hope is lost

when it comes to entering the United States. It may be possible to have the violation removed from your record. It is best to speak with an experienced immigration attorney about your situation so you can get an accurate understanding of your chances of obtaining a visa.

Never Fight Alone

If you need an immigration waiver, you are starting the immigration process with one strike against you. Make sure you have an experienced immigration attorney there to help you to obtain the waiver you need to push forward with your immigration petition so you can come to or remain in the United States. Please contact us to discuss your situation and get the help you need today.