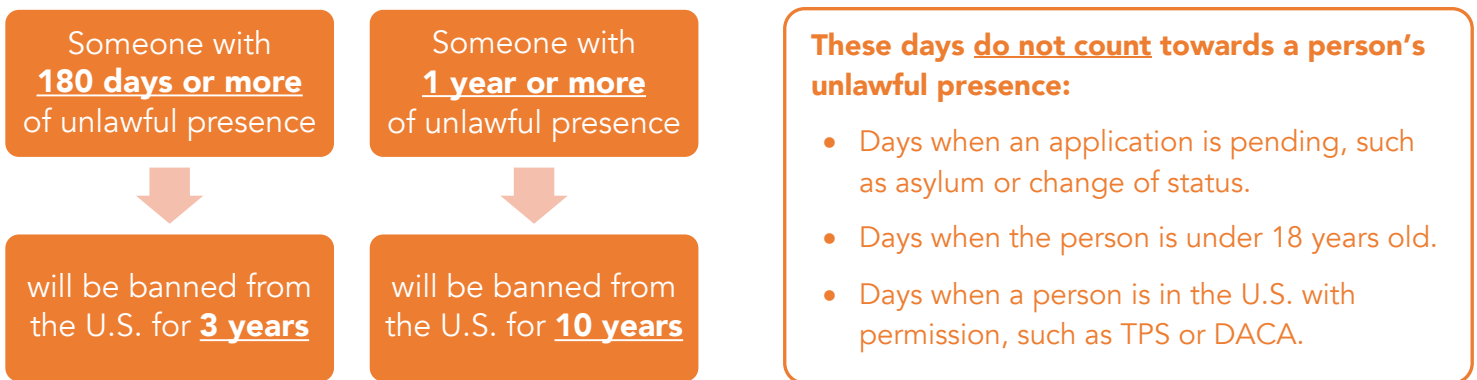


WHAT IS DEPORTATION AND UNLAWFUL PRESENCE?

Deportation is the removal of a person who is not a citizen from the United States back to their home country. It happens after a person has been arrested and detained – either by Customs and Border Protection (CBP) if they are close to the U.S. border, or by Immigration and Customs Enforcement (ICE) if they are inside the U.S. People who are deported are often not allowed back into the U.S. for a very long time, but there are sometimes exceptions.

“Unlawful presence” is what the U.S. calls the time which a person is in the U.S. without any valid immigration status. For example, after overstaying a visa or after entering without inspection. The number of days of “unlawful presence” decides how long the person is barred from the U.S, either 3 or 10 years. A bar is triggered once the person leaves the U.S., whether by their own decision or through deportation.



WAIVERS

The U.S. might “waive,” or ignore, a ban in certain cases. A migrant who had some unlawful presence, left the U.S., and wishes to return before the 3- or 10-year ban is up must apply for a waiver called an I-601, Application for Waiver of Grounds of Inadmissibility. If they were deported, depending on how soon they wish to return to the U.S., they may also need to file an I-212 waiver. The I-212 asks the U.S. for permission to apply for re-entry after removal.

Requirements for I-601 Waiver

- You are outside of the U.S.
- You cannot be admitted because you were unlawfully present in the U.S.
- You have a “qualifying family member” — a U.S. citizen or green-card holding spouse or parent.
- The qualifying family member lives in the U.S.
- The qualifying family member would experience “extreme hardship” if you are not allowed to return to them in the U.S.

When an I-212 Waiver is needed

- Before 5 years have passed, if ordered removed upon arrival or through expedited removal.*
- Before 10 years have passed, if ordered removed after arrival.*
- Before 20 years have passed if removed more than once.*
- At any time, if ever convicted of certain crimes.
- *If a person wants to return to the U.S. after deportation AFTER 5, 10, or 20 years have passed, they do not need the I-212.

