

PUBLIC SUBMISSION

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Docket: [USCIS-2012-0003](#)

Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives

Comment On: [USCIS-2012-0003-0001](#)

Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives

Document: [USCIS-2012-0003-1276](#)

Comment Submitted by Anonymous

Submitter Information

General Comment

Final Rule Timeline

1) This proposed rule should be made final soon after the comment period expires. There is absolutely no reason why applicants should potentially wait until the end of the year for the final rule to be promulgated. The final rule should go into effect by July 2, 2012.

Criminal History

2) The application, I believe misstates a fact regarding criminal history. It indicates that applicants are not eligible for a provisional unlawful presence waiver if the answer is "Yes" to Items, 30 or 33. Questions 30 and 33 request information regarding committing a crime for which the applicant has not been arrested and conviction of a crime. In other words, if an applicant has ever committed a crime for which he/she was not arrested or has ever been convicted of a crime, the applicant is not eligible for the provisional unlawful presence waiver. No where in the draft rule does it indicate this determination. Please amend this section of the application.

Denied Applications

3) Applicants should have the opportunity to either refile their application stateside and/or appeal a denial, even though a RFE may be issued if pertinent supporting documents are missing.

Removal Proceedings

4) Individuals in removal proceedings should be afforded the opportunity to participate in this process.