

Office of the Citizenship and Immigration Services Ombudsman

# ANNUAL CONFERENCE

## ROUNDTABLE 3 I-601 WAIVERS OF INADMISSIBILITY

Does the Current Process Work? When is Hardship  
Extreme? Do Alternative Models Exist?



Homeland  
Security



# I-601 Waivers - Speakers

- ◎ Pilar Peralta Mihalko - Branch Chief, International Adjudications Support Branch, International Operations Division, USCIS Refugee, Asylum, & International Operations Directorate
- ◎ Anna Gallagher - Shareholder, Maggio + Kattar
- ◎ Michael D. Olszak- Director, Admissibility Review Office, Office of Field Operations, US Customs and Border Patrol
- ◎ Moderator - Peggy Gleason, CIS Ombudsman office



# Immigrant Waiver Issues

- Legal limitations – narrow eligibility, and impact of unlawful presence bars combined with loss of INA §245(i) adjustment;
- Problems with current process – gap between State and USCIS overseas offices in filing; USCIS offices vary on processing times and adjudications; offices in US perceived to have very high denial rate.
- Variability of extreme hardship and discretion in adjudications.



# Immigrant Waiver Issues

- A few examples of the impact on immigrant families of the current process –
- Long, unpredictable (1 – 2 years or more) separation from US family part of the process.
- Uncertain outcome means uncertain return.
- Appeals take 26 months if needed.
- Juarez has adopted same day processing for easily approvable cases, but even that can take 6 months. Applicant remains in highly dangerous conditions while waiting.

