

Practice Areas

BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries:

- Australia
- Chile / SingaporeE-1

E-1 Visas

E-2 Visas

PERM Labor Certification

HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

FAMILY

Spouse / Fiancée Visas

Permanent Residence for Family
within U.S.

Naturalization /Citizenship

AMNESTY

Proposed Rules Could Shorten Path to Green Card

January 12th, 2012 by [admin](#)

The U.S. Citizenship and Immigration Services (the “USCIS”) announced last week a proposal that could greatly ease the process that spouses and children of U.S. citizens who entered the U.S. illegally must follow to obtain permanent resident, or so-called “green card” status.

Currently, those spouses and children who are not citizens, and who illegally entered the United States (U.S.), and have resided within the U.S. for over one year, must leave the country to be eligible, and then apply to the U.S. government for a “family unity” waiver in order to avoid being required to reside outside of the U.S. for 10 years before being allowed to return and be reunited with their U.S citizen relatives.

The proposed rule would let children and spouses of U.S. citizens ask the government to decide on a waiver request prior to returning to their home country to apply for applicable visas. Obtaining the waiver approval ahead of time could dramatically reduce waiting times for families to be reunited while pursuing the technicalities of the green card process.

Furthermore, the new rule will provide a bright line definition of those who are entitled to automatic waiver. All immigrants with no criminal record (other than violation of immigration law) will be able to win a waiver if they can show that their absence would cause “extreme hardship” for their citizen spouse or parent.

The new rule is also expected by USCIS to reduce the current waiting times for government issuance of waivers. The hope is that waits of six months or longer will be reduced to just days or a few weeks.

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The proposal does not, however, eliminate the bars to returning to the U.S. for those who entered illegally. Once again, without a special waiver, the requirement is that if you enter the U.S. illegally, and overstay more than 6 months, you must leave for three years before obtaining the green card, or if you stay more than 1 year, you must leave for 10 years (The 3/10 year bar). The new rule that has been proposed simply shortens the path to green card status for those immigrant spouses or children of U.S. citizens and makes it less precarious to travel.

If you need help with a permanent residence application on behalf of yourself or a family member, do not hesitate to call our offices at (847)564-0712 for an appointment, and feel free to check out [our Website](#) for more information about how we might help you.