

**[\*\*\*PLACE LETTER ON YOUR AGENCY LETTERHEAD AND TAILOR FOR YOUR USE. THE DEADLINE TO SUBMIT YOUR COMMENTS IS 21 SEPT 2015. YOU MAY SUBMIT YOUR COMMENTS ONLINE, VIA EMAIL OR BY REGULAR MAIL. WE RECOMMEND EMAIL TO THE EMAIL LISTED BELOW\*\*\*]**

September 21, 2015

Laura Dawkins  
Chief, Regulatory Coordination Division  
Department of Homeland Security  
20 Massachusetts Avenue, NW  
Washington, D.C. 20529-2020

Submitted via email to OMB USCIS Desk Officer, [uscisfrcomment@dhs.gov](mailto:uscisfrcomment@dhs.gov)

**RE: Proposed Rule - Expansion of Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives  
DHS Docket No. USCIS-2012-0003**

Dear Ms. Dawkins:

We respectfully submit the following comments related to the proposed regulatory changes expanding the provisional unlawful presence waiver program published in the Federal Register on July 22, 2015 (80 Fed. Reg. 43338).

**\*\*\*Include information about your agency and the clients that you serve.\*\*\***

*Sample language in italics: Catholic Charities Immigration Services was established in \*1985 and operates in \*two locations in our state. We are a member of the Catholic Legal Immigration Network, Inc. Our program has \*two full-time immigration attorneys and \*four BIA-accredited representatives that served \*1,500 individuals and families last year. A great majority of the immigration services that we provide are assistance with family-based immigration applications.*

*We regularly assist clients with I-601A applications and successfully process approximately \*12 – 15 applications each year. We have seen the great value of this program and the benefits to families who, without it, would endure separation for undefined periods of time, impacting family unity and causing extreme emotional and financial hardships. Families like \_\_\_\_\_. (provide a case example).*

We welcomed Secretary Jeh Johnson's announcement regarding the expansion of the provisional waiver program last November and are grateful to see that this proposed rule has now been published. In his memo of November 20th, the Secretary indicated that the purpose for the announcement was for family unity – we cannot think of a better reason to make this benefit available to more deserving individuals. The family is the central social institution that must be supported and strengthened, not undermined. Separating husbands from wives, brothers from sisters, mothers and fathers from their sons and daughters for long periods of time creates unnecessary suffering and has a harmful effect on the welfare of our communities. We appreciate this effort to keep families together.

We acknowledge that DHS has authority to waive certain inadmissibility grounds through a waiver process, providing that relevant statutory and regulatory requirements are met, and commends DHS's specific and tailored use of discretion. We wholeheartedly support DHS's proposal to expand eligibility for provisional waivers. We applaud the agency on its proposed expansion to include all family-based applicants, as well as employment-based applicants and Diversity Lottery winners. We support the proposed expansion of the definition of a "qualifying relative" to include both U.S. citizen and lawful permanent resident (LPR) spouses and parents.

Expanding eligibility for provisional waivers is one of many ways that the immigration service can show that it supports keeping families together, which we know is to the benefit to them as well as to our nation and society. We also encourage the immigration service to clarify the factors that are considered by adjudicators in determining whether the "extreme hardship" standard has been met and to consider whether a legal presumption of extreme hardship may be determined to exist. The creation of the presumption of hardship would greatly reduce the burden on applicants seeking to show extreme hardship and would benefit even more families in need of relief.

In summary, we support the proposed rule expanding the provisional waiver program and encourage the immigration service to make improvements in the process by establishing and implementing clear standards. We appreciate the opportunity to submit comments on the expansion of the provisional waiver program. If you have any questions, please contact [redacted] at [email] or [telephone].

Sincerely,

Name  
Title