

Date

address

Re: Form I-601A unlawful presence waiver for ____

Dear Sir/Madam:

I am submitting the enclosed I-601A waiver for the unlawful presence bar on behalf of the applicant, _____. She has applied for an immigrant visa based on an approved petition filed by her U.S. citizen father, _____. If the provisional waiver were denied and she were required to relocate to Colombia, her father would suffer extreme hardship. The combination of the particularly significant hardships in this case, coupled with the other hardship factors, support a finding of extreme hardship. Please find detailed declarations from the applicant and the qualifying relative, as well as other supporting documents.

_____ is a 70-year-old naturalized U.S. citizen who fled Colombia in 1991. Although he was granted asylum, he elected to obtain his permanent residence based on a separate family-based petition filed by his U.S. citizen wife at that time. _____ cannot return to Colombia due to the continued fear he still feels. In addition to the danger due to the political situation in his home country, _____ cannot return because he has made the United States his home. Over the last 26 years he has formed strong bonds with this country and his local community, as reflected in his decision to change his citizenship. As an asylee, a disabled parent, and someone whose country is subject to a travel warning, his situation falls within three of the five "particularly significant factors" that must be considered when determining whether the applicant has satisfied her burden.

_____ would suffer the following separation hardship should the applicant, _____, be required to relocate to her native country for ten years. First, Colombia, where the applicant is from and where she would reside, is subject to a Department of State Travel Warning. Although _____ would not be required to return, he would worry about the safety of his daughter. Second, _____ plays a central role in the life of his daughter and her two U.S. citizen children. He would suffer a tremendous emotional loss if they were to leave. Third, _____ is the primary care provider for her father. _____ has been diagnosed with atrial fibrillation and serious medical problems related to a stroke he recently experienced. His movements are restricted, as is his ability to provide for his own basic needs. For practical purposes, he should be considered disabled, and is dependent on _____'s daily care. Finally, _____ would suffer financial hardship since he is retired and is living on relatively meager Social Security retirement benefits. He would not be able to afford housing in northern California on his income; he resides now with _____ where he contributes to the expenses that she bears. _____ is dependent on _____'s income to support himself here. If she were required to return to Colombia, she would no longer be able to support her father.

Ms. _____ has also submitted evidence of her good moral character and positive discretionary factors. She has no criminal record or immigration violations other than overstaying her nonimmigrant visa many years ago. If she were required to depart and remain in Colombia for ten years, her father would be devastated emotionally, physically, and financially.

Sincerely,