Instructions for Collecting Information and Documentation in Support of Waiver Application

# INTRODUCTION

A successful waiver application requires extensive documentation to support the hardship the U.S. Citizen Petitioner will experience if the wavier is denied. The USCIS requires extreme hardship be demonstrated in two different scenarios:

1. If the U.S. citizen is separated from the foreign citizen applicant by remaining in the U.S.

OR

2. If the U.S. citizen is forced to leave the U.S. and move to and live in the country of the foreign citizen applicant.

The U.S. citizen must submit credible evidence in support of each hardship. Thus, while hardship under both scenarios may be established for a U.S. citizen diagnosed with a terminal disease requiring the daily assistance of the foreign citizen applicant, it is not enough to simply state the diagnosis. Medical records documenting the disease and the type of care and assistance needed would be required to prove this hardship.

We require your assistance in preparing some statements and collecting documents in support of your hardship claims.

This packet contains detailed instructions for preparing three different types of statements.

STATEMENT 1. Personal Background Statement of the Petitioner

STATEMENT 2. Statement of Personal Hardships for the Petitioner

STATEMENT 3. Personal Statement of the Beneficiary

In addition to these Personal Statements, we are also asking you to complete four forms and to attach supporting documents, so we may obtain the information necessary to draft your waiver and complete required USCIS Forms. Included in this packet are the following forms.

FORM 1. MSC & Associates Client Questionnaire (Petitioner) v7b

FORM 2. MSC & Associates Client Questionnaire (Foreign Citizen) v7b

FORM 3. Petitioner-Qualifying Relative Supporting Documents Form

FORM 4. Beneficiary Supporting Documents Form

In order to complete this statements and forms, a definition of the following terms may be helpful.

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| The **PETITIONER** is the U.S. citizen or sometimes U.S. lawful permanent resident (LPR) who is sponsoring the foreign citizen seeking admission to the U.S.  The **BENEFICIARY** is the foreign national, currently inadmissible, seeking a waiver to enter the U.S. under the sponsorship of the PETITIONER.  **QUALIFYING RELATIVE** is any other U.S. Citizen, or U.S. LPR who is the Spouse/Fiancée, Parent, and in certain cases, child, of the Beneficiary.  **NON-QUALIFYING RELATIVE** are other U.S. citizens who would experience hardship if the waiver is denied and whose hardship would contribute to the hardship of the Petitioner or a Qualifying Relative (e.g., Beneficiary provides critical care to the gravely ill parent of Petitioner and removal of Beneficiary from the U.S. would impose extreme economic hardship on Petitioner who cannot afford to hire private caregiver.) |

To determine whether or not individuals in your family are qualifying or non-qualifying relatives, please complete the following worksheet.

# IDENTIFYING THE RELEVANT PARTIES

The Petitioner is a (Check One):

a. \_\_\_\_ U.S. Citizen

b. \_\_\_\_ Lawful Permanent Resident (Green Card holder)

The Beneficiary applying for a waiver will be applying from (check one):

c.\* \_\_\_\_ within the U.S. where he/she currently resides

d. \_\_\_\_ his/her country of origin

The Beneficiary is inadmissible because of (Check all that apply):

e. \_\_\_ a prior unlawful presence in the U.S. (illegal entry or overstay of visa)

f. \_\_\_ fraud/misrepresentation

g.\* \_\_\_ committing a crime of moral turpitude

h.\* \_\_\_ multiple criminal convictions

i.\* \_\_\_ engaging in prostitution or commercial vice

j.\* \_\_\_ a single conviction for possession of 30 grams or less of marijuana

If you checked one of the responses marked with an asterisk (\*), **qualifying relatives** would include the **spouse/fiancée**, **parents**, and **children** of the Beneficiary.

In all other cases, the **qualifying relatives** include only the **spouse/fiancée** or **parents** of the beneficiary.

Based on the above, lease list who you wish to have considered as **Qualifying Relatives**:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Given Name | Middle | Family Name | Birthdate | Immigrant Status | Residence (City/St) | Relationship to Beneficiary |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

Please list who you wish to have considered as **Non-Qualifying Relatives**:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Given Name | Middle | Family Name | Birthdate | Immigrant Status | Residence (City/St) | Relationship to Beneficiary |
|  |  |  |  |  |  |  |
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# PREPARATION OF STATEMENTS, COMPLETION OF FORMS AND DOCUMENT COLLECTION

Please complete the requested Personal Statements and Forms, and collect ALL of the documentary evidence PRIOR to forwarding the material to us.

* All four FORMS are **editable PDF files**, meaning you can **type information directly** into the fields on your computer. After completing the forms and saving them, **PLEASE EMAIL the FORMS** **BACK** to [mcho@msclaw.com](mailto:mcho@msclaw.com). Please do **NOT print out the forms**, scan them and return as scanned PDFs — we cannot extract your information once the FORM has been scanned. Obviously, this does not apply if you have to handwrite out the information on the forms in which case you may scan and email back the completed forms.
* If you have a **Qualifying Relative** make an additional copy of the **FORM 3 -** **PETITIONER/QUALFYING RELATIVE SUPPORTING DOCUMENTS** form and complete it for each Qualifying Relative
* Please SCAN each supporting document and save it in PDF format.
* Enter the file name for each scanned documents on the “SUPPORTING DOCUMENTS FORM”
  + For example, scan, save, and label the Beneficiary’s passport PDF File as “John Jones Passport” and enter that file name in the “Filename of Document” column of the “Passport” row of the BENEFICIARY SUPPORTING DOCUMENTS Form.
* Prepare all statements and collect all documents FIRST, and then forward via email as PDF files or regular mail if email is not available.
* Please return the completed PETITIONER/QUALIFYING RELATIVE SUPPORTING DOCUMENTS and BENEFICIARY SUPPORTING DOCUMENTS forms at the same time as you are forwarding the documents.

It can take up to two months to draft a waiver once we received all of your documentation.

Considerable research is performed on country conditions in the Beneficiary’s home country. Additional research into medical and economic issues unique to your case is conducted in order to draft a persuasive waiver letter.

Once the draft is complete you will receive a copy to review and make changes, if needed.

Additionally, the Personal Statements submitted will be carefully reviewed and we will assist you with any editing as may be required for the Statements to provide a concise and relevant summary of the information required.

# CERTIFICATION OF TRANSLATION FOR NON-ENGLISH DOCUMENTS

* All non-English documents (official records, personal statements, letters of reference, etc.) must include a certified English translation.
* Anyone other than the Beneficiary who is fluent in both English and the Foreign Language to be translated may prepare a translation and certify as to its accuracy.
* The following signed certification should be included either at the end of the translated document or as a separate page attached to the translated document.
* WHEN SUBMITTING TRANSLATED DOCUMENTS, BOTH THE ORIGINAL AND THE TRANSLATION MUST BE PROVIDED.

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| Certification of Translation  I, [Name of Translator] , being of full age, hereby certify that:  I am fluent in the written languages of both English and [Foreign Language]  I have made the attached translation of [Name of Translated Document] from the [Foreign Language] language to the English language.  The translation I have provided is a true, accurate, and complete translation to the best of my knowledge, ability, and belief.  I, [Name of Translator] , hereby certify that the above statements made by me are true. I am aware that if any of the above statements are willfully false, I am subject to punishment.  Printed/Typed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_ |

# Letters In Support of Petitioner Hardship Letters of Reference as to Beneficiary’s Good Moral Character

Letters written by individuals who know the Petitioner or the Beneficiary well, can be helpful in documenting both the Petitioner’s hardships, and the Beneficiary’s good moral character.

For Letters in Support of the Petitioner’s hardships, writers should identify how they know the petitioner and for how long, and detail **specific examples of hardships** **they have observed** the Petitioner experience due to separation from the Beneficiary.

Individuals writing Letters of Reference attesting to the Beneficiary’s good moral character should detail:

* the writers’ name and contact information;
* who they are and what they do; how they know the Beneficiary and for how long;
* **examples of behavior they’ve witnessed** that show good moral character;
* a statement as to their belief the beneficiary is honest, ethical, law-abiding, and of good moral character.