

“Curing” Undocumented Immigration Status

In all cases please advise patients to consult a knowledgeable immigration attorney.

1. Those Who Entered the Country Without A Visa or Inspection

There are not many options for “curing” undocumented status, especially if someone entered without inspection. Generally adjustment of status is **not** available for those who entered illegally, **unless** the petition was filed on their behalf before April 30, 2001 and certain other criteria apply. However, they should always consult an immigration lawyer. **Do NOT** direct them to contact the U.S. Citizenship and Immigration Service directly.

2. Those Who Have Over-Stayed Their Visa

- A. Family sponsorship- Those who are “immediate relatives” of a U.S. Citizen (a spouse, unmarried child under age 21, or a parent) can “cure” over-staying a visa.
- **Step One** – Your U.S. citizen family member (sponsor) must file the [Form I-130](#), Petition for Alien Relative, for you and it must be approved. You must wait for your “priority date” in your immigrant visa category to become current. This is the date when the Form I-130 is properly filed (with correct fee and signature) on your behalf by your U.S. citizen relative.
 - **Step Two** – Once the priority date in your visa category is current, you may file for Adjustment of Status with [Form I-485](#), Application to Register Permanent Residence or Adjust Status.

(This section adapted from:

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=f63da6c515083210VgnVCM100000082ca60aRCRD&vgnnextchannel=f63da6c515083210VgnVCM100000082ca60aRCRD> retrieved 7/15/10)

- B. Asylum- those who entered the U.S. less than 1 year ago and have faced or would face persecution in their home country may try applying for status as an asylee. [More information about asylum status.](#)
- C. Humanitarian Relief- This is granted on a very limited basis. It might be an option for undocumented a parent with a seriously ill U.S. citizen child for example. This status is granted at the discretion of the U.S. Citizenship and Immigration Service. Some forms of humanitarian relief mean you cannot apply for a green card. U.S. Congressional offices are the most helpful resource to request Humanitarian Relief.

For more information:

http://healthcare.partners.org/ss/ssframebottom/staffresources/news/2007/07-07_immigrationQuestionsAnswered.htm