

Instructions

Read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the section and number of the item to which the answer refers.

What Is the Purpose of This Form?

An alien who is ineligible to be admitted to the United States as an immigrant or to adjust status in the United States, and certain nonimmigrant applicants who are inadmissible, must file this form to seek a waiver of certain grounds of inadmissibility.

Who May File This Form?

1. An immigrant visa applicant;
2. Any applicant for adjustment of status;
3. K-1 or K-2 nonimmigrant visa applicant (see Specific Instructions);
4. K-3, K-4, or V nonimmigrant visa applicant;
5. Temporary Protected Status (TPS) applicant;
6. Nicaraguan Adjustment and Central American Relief Act (NACARA) applicant;
7. Haitian Refugee Immigrant Fairness Act (HRIFA) applicant;
8. Violence Against Women Act (VAWA) self-petitioner; or
9. A T nonimmigrant visa status holder filing for adjustment of status who is inadmissible by reason of a ground that has not already been waived in connection with the T nonimmigrant status; and

who is inadmissible to the United States pursuant to the Immigration Nationality Act (INA) section 212 and who seeks a waiver of the following grounds of inadmissibility:

- A. Health-related grounds (INA section 212(a)(1));
- B. Certain criminal grounds (INA section 212(a)(2));
- C. Immigrant Membership in Totalitarian Party (INA section 212(a)(3)(D));
- D. Immigration fraud or misrepresentation (INA section 212(a)(6)(C)) **except** that a waiver under INA section 212(i) is not available, if you are inadmissible based on a false claim to be a U.S. citizen (INA section 212(a)(6)(C)(ii)), and if you made your false claim on or after September 30, 1996;
- E. Smugglers (INA section 212(a)(6)(E)) and Being Subject of Civil Penalty (INA section 212(a)(6)(F));
- F. The three-year or ten-year bar (INA section 212(a)(9)(B));

G. Certain grounds of inadmissibility, if filed by an applicant for TPS;

H. INA section 212(a)(9)(A)(Aliens Previously Removed) and (9)(C)(Unlawfully Present After Previous Immigration Violations), if filed by a NACARA or HRIFA adjustment applicant;

I. INA section 212(a)(9)(C)(Unlawfully Present After Previous Immigration Violations) for a VAWA self-petitioner.

J. T nonimmigrant visa status holders applying for adjustment of status may receive a waiver of INA section 212(a)(1)(Public Health) and INA section 212(a)(4)(Public Charge), and any other ground of inadmissibility (with the following exclusions). Grounds that cannot be waived are INA section 212(a)(3)(Security Related Grounds), INA section 212(a)(10)(C)(International Child Abductors), or INA section 212(a)(10)(E)(Former Citizens who Renounced Citizenship to Avoid Taxation).

If the application is filed to waive a communicable disease of public health significance, and the applicant is incompetent to file, a qualified family member listed in "Specific Instructions, 1. Applicants With Communicable Diseases," may file the waiver application on the applicant's behalf.

Note: Except as provided in Title 8, Code of Federal Regulations (CFR), part 204.313(g)(1)(ii) for convention adoption cases, if you seek a waiver of grounds of inadmissibility in connection with your application for an immigrant visa or adjustment of status and the waiver is granted, the waiver is valid indefinitely even if you do not obtain your immigrant visa, immigrant admission, or adjustment of status, or if you otherwise lose your legal permanent resident status. If you obtained the waiver in connection with an application for lawful permanent residence on a conditional basis pursuant to section 216 of the Act, the validity of the waiver automatically ceases with the termination of such residence; no separate notification of termination of the waiver is needed, and the termination of the waiver cannot be appealed. However, if the immigration judge determines that you are not removable based on the termination of your conditional resident status, the waiver will become effective again. Also, a waiver granted in relation to a TPS application is only valid for the TPS application.

General Instructions

Step 1. Fill Out Form I-601

1. When filling out the form, type or print legibly in black ink. Make sure the entire form, including the Agency Copy, is properly completed.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. If the answer is not applicable write "N/A." If the answer is none, write "none."
4. Applicant's Signature. Pursuant to 8 CFR 8CFR 103.2(a)(9) (2), you or the qualified family member filing the application on your behalf must sign this application personally. A parent or legal guardian may also sign the application for someone under the age of 14, and a duly appointed legal guardian may sign for an adult who is incompetent to sign the application.
5. Preparer's Signature. If an individual, other than the applicant, or a qualified family member prepared the application, that individual must sign and date the application and provide the information requested.
6. Any documentation submitted to U.S. Citizenship and Immigration Services (USCIS) that is in a foreign language or which contains foreign language must be accompanied by a full and complete English translation. The translator must certify that he or she is fluent in English, and the language contained in the document, and that he or she is competent to translate from the foreign language into English. The translator must furthermore certify that the translation is complete and accurate.
7. The application has to be signed by the applicant and submitted with the required fee. If the application is not properly signed and submitted with the required fee, the application will be returned as incomplete. Please see "Specific Instructions" for additional reasons why the application may be rejected.

Specific Instructions

Note: If this form is approved, the waiver that is granted will apply **ONLY** for those grounds of inadmissibility and those crimes, incidents, events, or conditions that you have included in your application. For this reason, it is important that you disclose all grounds of inadmissibility for which you seek a waiver.

Special Note to K-1 and K-2 Nonimmigrant Visa Applicants

Since you do not have the requisite relationship to a citizen or lawful permanent resident of the United States to qualify for a waiver, you must enter one of the following in Block B:

If you are a fiancé(e) of a U.S. citizen:

1. Complete items B.1, B.2, B.3, and B.5 with information regarding the U.S. citizen who filed a fiancé(e) petition on your behalf; and
2. Indicate "Prospective Spouse" in item B.4 (Relationship to Applicant).

If you are the child of a fiancé(e) of a U.S. citizen and will be less than 18 years of age when your parent marries such person:

1. Complete items B.1, B.2, B.3, and B.5 with information regarding the U.S. citizen who filed a fiancé(e) petition on your parent's behalf; and
2. Indicate "Prospective Step-child" in item B.4 (Relationship to Applicant)

If you are the child of a fiancé(e) of a U.S. citizen, and will be at least 18 years of age but less than 21 years of age when your parent marries such person:

1. Complete items B.1, B.2, and B.3 with information regarding your parent who will marry the U.S. citizen who filed a fiancé(e) petition on your parent's behalf; and
2. Indicate "Child" in item B.4 (Relationship to Applicant); and
3. Indicate "Prospective LPR" in item B.5 (Immigration Status).

If, upon review of your application, USCIS determines that you will be eligible for an immigrant waiver from inadmissibility once you have (or your parent has) celebrated a bona fide marriage to the U.S. citizen who filed the K visa petition, USCIS will conditionally approve the waiver application. The condition imposed on the approval is that you (or your parent) and the U.S. citizen who filed the K visa petition celebrate a bona fide marriage within the statutory time frame of three months from the day of your (or your parent's) admission. Despite the conditional approval, USCIS may ultimately deny Form I-601 if you (or your parent) do not marry the U.S. citizen who filed the K visa petition and if you (or your parent) do not seek and receive permanent residence on the basis of that marriage.

Applicants Seeking a Waiver of Health-Related Grounds of Inadmissibility INA Section 212(a)(1)

1. Applicants With Communicable Diseases

If you have a communicable disease that has been determined to be of public health significance, you must complete the application, and provide the information as requested in the form.

Communicable diseases of public health significance are defined in 42 CFR 34.2(b) and include but are not limited to:

- A. Class A Tuberculosis condition, as per U.S. Department of Health and Human Services (HHS) regulations;
- B. Human Immunodeficiency Virus (HIV) Infection;
- C. Chancroid;
- D. Gonorrhea;
- E. Granuloma inguinale;
- F. Lymphogranuloma venereum;
- G. Syphilis, infectious stage;
- H. Leprosy, infectious;
- I. Any other communicable disease as determined by the U.S. Secretary of Health and Human Services and as defined at 42 CFR 34.2(b).

The application may be approved if:

- A. You are the spouse, parent, the unmarried son or daughter, or the minor unmarried lawfully adopted child of a U.S. citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or if you are the fiancé(e) of a U.S. citizen or the fiancé(e)'s child; or
- B. You are a VAWA self-petitioner.

For specific information pertaining to applicants with a Class A Tuberculosis condition as per HHS regulations, or HIV, please see number two or three below.

2. Applicants With Class A Tuberculosis Condition as Per HHS Regulations

If you have been diagnosed with a Class A Tuberculosis condition as per HHS regulations, page six of this form must be completed.

If page six of the application is not completed, the application will be returned to you without further action.

3. Applicants With HIV Infection

If you have an HIV infection, page seven of this form must be completed. In addition, you must submit evidence that establishes the following:

1. The danger to the public health of the United States created by your admission is minimal;
2. The possibility of the spread of the infection created by your admission to the United States is minimal; and
3. There will be no cost incurred by any level of government agency of the United States without the prior consent of that agency.

Examples of the evidence considered sufficient to meet criteria 1 and 2 above may include but are not limited to: evidence that you have arranged for medical treatment in the United States; evidence of your awareness of the nature and severity of your medical condition; evidence of counseling; evidence of your willingness to attend educational seminars; and evidence of your knowledge of the modes of transmission of the disease.

Examples of the evidence considered sufficient to meet criteria 3 above may include but are not limited to; evidence of private insurance; personal financial resources; proof that a hospital, research organization, or other type of facility will provide care at no cost to the government; or any other evidence establishing the ability to cover the cost of your medical treatment for HIV/AIDS.

If page seven of the application is not completed, the application will be returned to you without further action. The information provided in seven must establish that the danger to the public health of the United States and the possibility of the spread of infection created by your admission to the United States is minimal. In addition, you must establish that no government agency will incur any cost for your treatment without that agency's prior consent.

4. Applicants With Physical or Mental Disorder and Associated Harmful Behavior

If you have a physical or mental disorder and behavior associated with the disorder that poses, may pose, or has posed a threat to the property, safety, or welfare of you or others, you must file this form, and a waiver may be granted pursuant to INA section 212(g)(3). You must also submit this form if you have a history of such a physical or mental disorder and a history of behavior associated with the disorder that has posed a threat to your property, safety, or welfare or the property, safety, or welfare of others, and if the behavior is likely to recur or to lead to other harmful behavior.

In addition to this form, you must submit a complete medical history and a report that addresses the following:

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- A. Your physical or mental disorder, and the behavior associated with the disorder that poses, has posed, or may pose in the future a threat to the property, safety, or welfare of you or other individuals. The report should also provide details of any hospitalization, institutional care, or any other treatment you may have received in relation to this physical or mental disorder;
- B. Findings regarding your current physical condition, including, if applicable, reports of chest X-rays and a serologic test, if you are 15 years of age or older, and other pertinent diagnostic tests; and
- C. Findings regarding the current mental or physical condition, including a detailed prognosis that should specify, based on a reasonable degree of medical certainty, the possibility that the harmful behavior is likely to recur or that other harmful behavior associated with the disorder is likely to occur; and
- D. A recommendation concerning treatment that is reasonably available in the United States and that can reasonably be expected to significantly reduce the likelihood that the physical or mental disorder will result in harmful behavior in the future.

The medical report will be referred to the U.S. Public Health Service for review and, if found acceptable, you will be required to submit such additional assurances as the U.S. Public Health Service may deem necessary in your particular case.

5. Applicants Seeking to Waive the Vaccination Requirement

If you seek an exemption from the vaccination requirement because being vaccinated is against your religious beliefs or moral convictions, you must file this form. You must establish with evidence that:

- A. You are opposed to vaccinations in any form;
- B. The objection is based on religious beliefs or moral convictions; and
- C. The belief or conviction is sincere.

Applicants Seeking a Waiver of Certain Criminal Grounds of Inadmissibility and Immigration Fraud or Misrepresentation Pursuant to INA Sections 212(h) and (i)

1. Criminal Grounds

If you are found to be inadmissible based on criminal grounds, you may seek a waiver of inadmissibility for the following:

- A. A crime involving moral turpitude (other than a purely political offense);

- B. A controlled substance violation according to the laws and regulations of any country insofar as it relates to a single offense of simple possession of 30 grams or less of marijuana;
- C. Two or more convictions other than purely political ones, for which the aggregate sentences to confinement were five years or more;
- D. Prostitution;
- E. Unlawful commercialized vice whether or not related to prostitution; and
- F. Certain aliens involved in serious criminal activity, who have asserted immunity from prosecution.

With the application, you will have to establish that:

- A. You are inadmissible only because of your participation in prostitution, including having procured others for prostitution or having received the proceeds of prostitution, but that you have been rehabilitated and your admission to the United States will not be contrary to the national welfare, safety, or security of the United States; **OR**
- B. At least 15 years have passed since the activity or event that makes you inadmissible, that you have been rehabilitated, and that your admission to the United States or the issuance of the immigrant visa will not be contrary to the national welfare, safety, or security of the United States; **OR**
- C. Your qualifying U.S. citizen or legal permanent resident relative (spouse, son, daughter, parent), or K visa petitioner would experience extreme hardship if you were denied admission; **OR**
- D. You are an approved VAWA self-petitioner.

For information about how you can establish extreme hardship, please see "What Evidence Should Be Submitted With the Application?" (Page seven).

Note: If you are convicted of a violent or dangerous crime, the waiver may not be approved unless there is an extraordinary circumstance, such as one involving national security or foreign policy consideration, or if the denial of your admission would result in exceptional and extremely unusual hardship. Even if that standard is met, your waiver may still be denied. See 8 CFR 212.7(d).

2. Immigration Fraud or Misrepresentation

If you are inadmissible because you have sought to procure an immigration benefit by fraud or misrepresenting a material fact (INA section 212(a)(6)(C)(i)), you may seek a waiver by filing this form. This waiver may be approved if you can establish that:

A. Your qualifying U.S. citizen or legal permanent resident relative (spouse, parent) or the K visa petitioner would experience extreme hardship if you were denied admission;

OR

B. You are a VAWA self-petitioner, and that you or your U.S. citizen or lawful permanent resident parent or child may experience extreme hardship if you were denied admission.

2. If you are seeking admission or adjustment of status as an immediate relative under INA section 201(b)(2)(A), as an immigrant under INA section 203(a)(Preference allocation for family-sponsored immigrants based on the first, second, or third preference, but not the fourth preference) or as the fiancé(e) (or his or her child(ren) of a U.S. citizen.

For information about how you can establish extreme hardship, please see "What Evidence Should Be Submitted With the Application?" (Page seven).

If you are inadmissible because you have been the subject of a final order for violation of INA section 247C, you may apply for a waiver pursuant to INA section 212(d)(12) that may be granted for humanitarian purposes or to assure family unity, if no previous civil money penalty was imposed against you under INA section 247C, and the offense was committed solely to assist, aid, or support your spouse or child (and not another individual); and

1. If you are an alien lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of removal and who is otherwise admissible to the United States as a returning resident under INA section 211(b); or

2. If you are seeking admission or adjustment of status as an immediate relative, as an immigrant under INA section 203(a)(Preference allocation for family-sponsored immigrants) or as the fiancé(e) (or his or her child(ren)) of a U.S. citizen.

Applicants Seeking a Waiver for Immigrant Membership in a Totalitarian Party (INA section 212(a)(3)(D)(i))

If you are inadmissible for having been a member of or affiliated with the Communist or any other totalitarian party (or subdivision or affiliate thereof) whether domestic or foreign, you may apply for a waiver pursuant to INA section 212(a)(3)(D)(iv), if you are the parent, spouse, son, daughter, brother, or sister of a citizen of the United States or a spouse, son, or daughter of an alien lawfully admitted for permanent residence, or if you are the fiancé(e) of a U.S. citizen. The waiver may be granted for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, if you are not a threat to the security of the United States.

Applicants Seeking a Waiver for Smuggling under INA section 212(a)(6)(E) and Being Subject of Civil Penalty (INA section 212(a)(6)(F))

If you are inadmissible for having engaged in alien smuggling (INA section 212(a)(6)(E)(i), you may apply for a waiver pursuant to INA section 212(d)(11) that may be granted for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, if you have encouraged, induced, assisted, abetted, or aided only an individual who at the time of such action was your spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of the law, and;

1. If you are an alien lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of deportation or removal and who is otherwise admissible to the United States as a returning resident under INA section 211(b); or

Applicants Seeking a Waiver of Inadmissibility Based on the Three-Year or Ten-Year Bar Pursuant to INA Section 212(a)(9)(B)(v)

T nonimmigrants visa status holders seeking exemption from only INA section 212(a)(9)(B) do not need to file this form.

If you are inadmissible because you have been unlawfully present in the United States in excess of either 180 days (three-year bar) or one-year (10-year bar), you may seek a waiver by filing this form.

The waiver may be granted if:

A. Your qualifying U.S. citizen or legal permanent resident relative (spouse, parent), or the K visa petitioner would experience extreme hardship if you were denied admission.

For TPS applicants and VAWA self-petitioners, see special instructions below.

For information about how you can establish extreme hardship, please see "What Evidence Should Be Submitted With the Application?" (Page seven).

TPS Applicants Seeking a Waiver of Grounds of Inadmissibility Pursuant to INA Section 244

If you are a TPS applicant applying for a waiver of any grounds of inadmissibility listed in INA section 212, your waiver may be granted for humanitarian purposes to assure family unity or when it is otherwise in the public interest.

No waiver of inadmissibility is available to TPS applicants for the following grounds of inadmissibility:

- A. INA Section 212(a)(2)(A), (B) or (C) (except for a single offense of simple possession of 30 grams or less of marijuana);

OR

- B. INA Section 212(a)(3)(A), (B), (C), or (E).

Note: A waiver that is granted in relation to an application for TPS is valid only for purposes of your application for TPS. If you seek an immigrant visa or adjustment of status, you may need to apply for an additional waiver at that time.

NACARA and HRIFA Applicants Seeking a Waiver From Inadmissibility Based on Prior Removal (INA Section 212(a)(9)(A)) or Unlawful Presence After Previous Immigration Violations (INA Section 212(a)(9)(C))

If you are a NACARA or HRIFA applicant for adjustment of status pursuant to section 202 of NACARA or section 902 of HRIFA, who is inadmissible under INA section 212(a)(9)(A) or INA section 212(a)(9)(C) of the Act, you may apply for a waiver of these grounds of inadmissibility while present in the United States. You seek this waiver by filing Form I-601, rather than Form I-212 that is used to obtain "Consent to Reapply" under INA section 212(a)(9)(A)(iii) or (C)(ii).

When adjudicating your waiver application, USCIS will consider the same factors that would be considered if you were seeking "Consent to Reapply." Factors that may be considered include, but are not limited to:

- A. The length of time you have lived in the United States, whether lawfully or unlawfully;
- B. Whether you have any criminal records;
- C. Your immigration history in the United States;
- D. Your family ties to U.S. citizens or to aliens living lawfully in the United States;
- E. Whether the denial of your application will impose hardship on you or on these relatives, and the degree of that hardship;
- F. Whether granting your waiver application is likely to result in your ability to immigrate lawfully;

- G. Your employment history in the United States and the continued need for your services;
- H. Whether you are a person of good moral character;
- I. Any other factor that you believe USCIS should consider in deciding your case.

In addition to this form, you should submit a brief statement indicating why USCIS should grant your waiver application and any documentary evidence that may be available to support your factual claims. Although hardship to a relative who is a U.S. citizen or an alien who is living lawfully in the United States is not specifically required by statute, this factor can play a significant role in establishing why USCIS should grant your application.

For information about how you can establish hardship, please see "What Evidence Should Be Submitted With the Application?" (Page seven).

Approved I-360 VAWA Self-Petitioner and His or Her Child(ren) Seeking a Waiver of Inadmissibility Pursuant to Section 212(a)(9)(C)(iii)

The INA provides special forms of relief for an approved VAWA self-petitioner and his or her child(ren) who are applying for adjustment of status or an immigrant visa but who are inadmissible under certain provisions of INA section 212(a)(6)(A)(i), section 212(a)(9)(B)(i), or section 212(a)(9)(C)(i). **You should only file this Form I-601 to seek a waiver of inadmissibility pursuant to INA section 212(a)(9)(C)(i); you do not need to file this form if you are inadmissible under INA sections 212(a)(6)(A)(i) or 212(a)(9)(B)(i), as explained in the "Note" below.**

If you are inadmissible under INA section 212(a)(9)(C)(i): USCIS has discretion to waive this ground of inadmissibility under INA section 212(a)(9)(C)(iii) for an approved VAWA self-petitioner and his or her child(ren), if the VAWA self-petitioner can establish a "connection" between the battery or extreme cruelty that is the basis for the VAWA claim, the unlawful presence and departure, or the removal, or his or her subsequent unlawful entry or attempted reentry into the United States. If you seek such a waiver, complete Form I-601 and attach evidence that shows the connection between the battery or extreme cruelty and your removal or departure from the United States, or your reentry or reentries into the United States, or attempted reentry into the United States.

Note: You do not need to file Form I-601 if you are an approved VAWA self-petitioner (and his or her child(ren)) seeking adjustment of status, and if you are inadmissible under INA section 212(a)(6)(A)(i) (Presence in the United States without admission or parole, or arrival in the United States, other than at an open port-of-entry). According to USCIS policy, you are eligible for adjustment of status under INA section 245(a) regardless of your unlawful entry. Because INA section 212(a)(6)(A)(i) inadmissibility ends when you depart the United States, you also do not have to submit any special documentation with an immigrant visa application.

Note: You do not need to file Form I-601 if you are an approved VAWA self-petitioner (and his or her child(ren)) and inadmissible under INA section 212(a)(9)(B)(i)(three-year or ten-year bar to admission). You may be exempt from this inadmissibility if you, the approved VAWA self-petitioner, or his or her child(ren) can establish a "substantial connection" between the battery or extreme cruelty that is the basis for your VAWA claim and the violation of your prior nonimmigrant admission. You must submit evidence of the "substantial connection" with your Form I-485, Application to Register Permanent Residence or Adjust Status, or your immigrant visa application.

Applicants for Adjustment of Status Based on T Nonimmigrant Status

If you are a T nonimmigrant status holder admitted to the United States and applying for adjustment of status, you may obtain a waiver of almost any ground listed in INA section 212(a).

If you are inadmissible based on public health grounds (INA section 212(a)(1)) or public charge (INA section 212(a)(4)), the waiver may be approved if granting the waiver is in the national interest.

If you are inadmissible based on any other ground of inadmissibility, the waiver may be approved if the activities making you inadmissible were caused by or were incident to your trafficking victimization, and granting the waiver is in the national interest.

No waiver of inadmissibility is available to adjustment of status applicants based on T nonimmigrant status, for the following grounds of inadmissibility:

- A. INA section 212(a)(3) (Security Related Grounds);
- B. INA section 212(a)(10)(C) (International Child Abductors);
- C. INA section 212(a)(10)(E) (Former Citizens who Renounced Citizenship to Avoid Taxation).

Note: You do not need to file Form I-601 if you are inadmissible because you have been unlawfully present in the United States and then departed (INA section 212(a)(9)(B)). You may be exempt from the 3-year or 10-year bar if you can establish that your victimization was at least one central reason for your unlawful presence in the United States. You should submit evidence with your Form I-485, Application to Register Permanent Residence or Adjust Status, to demonstrate that the victimization you suffered was a central reason for the unlawful presence in the United States.

What Evidence Should Be Submitted With the Application?

Pay close attention to the qualifying family relationship that you have to establish if you apply for a hardship waiver. While the relationships appear to be similar, the various waiver provisions contain different qualifying family relationships.

Also, pay close attention to the requirements that need to be established to have a particular ground of inadmissibility waived, as listed in the "Specific Instructions."

In support of your application, you should provide evidence that establishes why you may qualify for a waiver of inadmissibility. Depending on the type of waiver, this information and evidence may include but is not limited to:

- A. Affidavits from you or other individuals in support of your application;
- B. Police reports from any country you lived in;
- C. Complete court records regarding any conviction or charge from any country;
- D. If applicable, evidence of rehabilitation;
- E. Any evidence you may wish to submit to establish that your admission to the United States would not be against national welfare or national security;
- F. Medical reports;
- G. If you are applying for a waiver because you are the spouse, parent, son, or daughter of a U.S. citizen or an alien lawfully admitted for permanent residence, or the fiancé(e) of a U.S. citizen, you have to attach evidence that demonstrates your denial of admission would result in **extreme hardship** to the U.S. citizen or legal permanent resident spouse, son, daughter or parent, or your U.S. citizen fiancé(e). Such evidence can include but is not limited to:

1. Evidence establishing the family relationship (birth certificate, marriage certificate, etc.);
2. Presence of legal permanent resident or U.S. citizen family ties to the United States;
3. Qualifying relative's family ties outside the United States;
4. Country conditions in the country you would have to relocate to and the qualifying relative's family ties to that country;
5. Financial impact of departure from the United States;
6. Significant health conditions, and if appropriate, what type of treatment and suitable medical care is available in that country;
7. The impact of separation;
8. Other conditions that impact the relocation, such as economic and social conditions impacting quality of life, technical skills, etc.

- H.** If you are a VAWA self-petitioner and you seek a waiver under INA section 212(a)(9)(C)(iii), submit any evidence that you believe establishes a connection between the battery or extreme cruelty that is the basis for the VAWA claim, your unlawful presence and your departure, or your removal, and your unlawful return or attempted unlawful return.
- I.** If you are a T nonimmigrant status holder seeking a waiver under INA section 212(a)(1) or section 212(a)(4), submit any evidence that demonstrates it is in the national interest to waive these grounds. If you are seeking a waiver under any other INA section 212(a) ground, submit any evidence that demonstrates it is in the national interest to waive such ground and that the activities rendering you inadmissible were caused by or were incident to your victimization.

Note: Your application should be supported by documentary evidence, or you should have a detailed explanation why such evidence cannot be obtained. Mere assertions will not suffice. Medical assertions should be supported by a professional's statement.

Where To File?

The application and supporting documents must be taken or mailed to the following locations:

1. If you are outside the United States, you must submit Form I-601 to the U.S. Embassy or consulate where you are applying for a visa. For VAWA self-petitioners, see number 2 below.
2. If you are:
 - a. An approved VAWA self-petitioner, whether inside or outside the United States; or
 - b. A T nonimmigrant seeking adjustment of status:

You must file your Form I-601 with the Vermont Service Center. The address is:

**USCIS Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001**

3. If you are in the United States and filing Form I-601 together with Form I-485, Application To Register Permanent Residence or Adjust Status, you must file the I-485/I-601 at the filing location specified on Form I-485. See the filing instructions for Form I-485.
4. If you are in the United States and your Form I-485 is currently pending, you must file Form I-601 with the USCIS office or Service Center where your Form I-485 is **CURRENTLY** pending.
5. If you are in removal proceedings, you must file this application with the office of the Executive Office for Immigration Review (EOIR) office with jurisdiction over your case and according to the instructions that are provided to you in court. For information about EOIR, visit EOIR's website at www.usdoj.gov/eoir.
6. If you are an applicant for Temporary Protected Status (TPS) under INA section 244, you must file this form at the filing location specified on Form I-821, Application for Temporary Protected Status. See the filing instructions for Form I-821.

What Is the Filing Fee?

All applications must be accompanied by a fee of **\$545**. The fee cannot be refunded, regardless of the action taken on the application. **Do not mail cash. All fees must be submitted in the exact amount.**

A fee waiver request will be accepted in accordance with 8 CFR 103.7(c)(5) for the following individuals:

- A. An alien in lawful nonimmigrant status under section 101(a)(15)(T);

B. An approved VAWA self-petitioner; or

C. An alien to whom section 212(a)(4) of the Act does not apply with respect to adjustment of status.

Note: As stated on page 2 of these instructions, the approval of a Form I-601 waives only those events and the resulting grounds of inadmissibility that you have specifically identified in the application. You should specify on this Form I-601 every ground of inadmissibility for which you seek a waiver. You may file just one application, and pay just one filing fee, if you request more than one type of waiver or a waiver for more than one event or condition that makes you inadmissible. If you do not include all applicable events or grounds of inadmissibility in your application, you may need to file an additional Form I-601 and pay an additional fee to request any additional waiver(s).

Use the following guidelines when you prepare your check or money order for the Form I-601 fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
 - A. If you live in Guam, make it payable to **Treasurer, Guam**.
 - B. If you live in the U.S. Virgin Islands, make it payable to **Commissioner of Finance of the Virgin Islands**.
 - C. If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. Embassy or consulate for instructions on the method of payment.

Note: Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at www.uscis.gov, select "Immigration Forms" and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at www.uscis.gov, click on "Change your address with USCIS," and follow the prompts. Or you may complete and mail Form AR-11, Alien's Change of Address Card, to:

**U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134**

For commercial overnight or fast freight services only, mail to:

**U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744**

Processing Information

Any Form I-601 that is not signed or accompanied by the correct fee will be rejected with a notice that the Form I-601 is deficient. You may correct the deficiency and resubmit the Form I-601. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing

Once a Form I-601 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-601.

Requests for more information or interview

We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision

The decision on a Form I-601 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet website at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment.

InfoPass generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-601, we will deny the Form I-601 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-601.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 90 minutes per response, including the time for reviewing instructions, completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210, OMB No. 1615-0029. **Do not mail your application to this address.**

DRAFT