

**Instructions for I-612, Application for Waiver of the Foreign
Residence Requirement [Under Section 212(e) of the INA, as Amended]****Instructions**

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

What Is the Purpose of This Form?

In order to be eligible to apply for an immigrant visa or for permanent residence in the United States, or for a nonimmigrant visa as a temporary worker, certain exchange visitors (visa symbols J-1 and J-2) must reside and be physically present in the country of their nationality or last foreign residence for an aggregate of at least two years following departure from the United States.

An exchange visitor is subject to the two-year foreign residence requirement if:

1. His or her participation in the exchange program was financed at any time in whole or in part, directly or indirectly, by an agency of the U.S. Government or by the government of his or her country of nationality or last foreign residence; or
2. Prior to issuance of an exchange visitor visa, or admission as an exchange visitor without a visa, or acquisition of status as an exchange visitor, to participate in an exchange program, his or her country of nationality or last foreign residence was designated by the U.S. Secretary of State as clearly requiring the alien's specialized knowledge or skill; or
3. He or she entered the United States as, or changed status to, an exchange visitor on or after January 10, 1977, to participate in graduate medical education or training.

If a participant in an exchange program is subject to the two-year foreign residence requirement, his or her spouse and unmarried minor children who were admitted as exchange visitors or acquired such status after admission are also subject to this requirement. If you have any question as to whether you are subject to the two-year foreign residence requirement, the nearest U.S. Citizenship and Immigration Services (USCIS) office or American Embassy or consulate will respond to your concerns.

Who May File This Application?

This application may be submitted only by an alien who believes that compliance with the foreign residence requirement of Section 212(e) of the Immigration and

Nationality Act, as amended, would impose exceptional hardship on his or her spouse or child who is a citizen of the United States or a lawful permanent resident thereof, or by an alien who believes that returning to the country of his or her nationality or last residence would subject him or her to persecution on account of race, religion, or political opinion.

Waiver of the two-year foreign residence requirement may be authorized only under the following circumstances:

1. The alien has a U.S. citizen or permanent resident spouse or unmarried minor child and establishes in an application to USCIS that compliance with the two-year foreign residence requirement would impose exceptional hardship on such spouse or child.
2. The alien establishes in an application to USCIS that returning to his or her country of nationality or last foreign residence would subject him or her to persecution on account of race, religion, or political opinion.
3. A U.S. Government agency requests the U.S. Secretary of State to recommend a waiver on the alien's behalf for the reason that compliance with the two-year foreign residence requirement would be detrimental to a program or activity of official interest to the agency.
4. The country of the alien's nationality or last foreign residence furnishes the U.S. Secretary of State a written statement that it has no objection to the waiver.

NOTE: This waiver is not available to an alien who came to the United States on or after January 10, 1977, as an exchange visitor, or who acquired such status on or after that date in order to receive graduate medical education or training.

In no case may the two-year foreign residence requirement be waived unless a favorable recommendation is made by the Director of the U.S. Information Agency to the Secretary, Department of Homeland Security.

An alien, who believes that a U.S. Government agency may be officially interested in his or her case and may wish to request a waiver on his or her behalf, should inquire directly to that agency concerning such request.

An alien who seeks a waiver of the foreign residence requirement on the basis that the foreign country of his or her citizenship/nationality or last foreign residence has no objection to the waiver should, if in the United States, apply directly to the embassy of the country concerned; or if abroad, should inquire at his to her foreign ministry.

Spouse of Applicant

If your spouse is or was an exchange alien who is subject to the foreign residence requirement solely because of a relationship to you, he or she may be included in this application by checking "A" in **Block 6** of the application.

If your spouse is subject to the foreign residence requirement because of participation in an exchange program, your spouse may apply for a waiver of the foreign residence requirement by submitting a separate application on Form I-612. In such case, "B" should be checked in **Block 6** on each application.

General Instructions

Step 1. Fill Out the Form I-612

1. Type or print legibly in black ink.
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. State that an item is not applicable with "N/A." If the answer is none, write "none."

Step 2. General Requirements

The following documents must be submitted with this application:

1. If you check "A" in **Block 5**, then you must submit evidence of U.S. citizenship of your spouse or child:
 - A. If your spouse or child is a citizen by reason of birth in the United States, submit (a) a birth certificate of the spouse or child; or (b) if a birth certificate is unobtainable, a copy of the baptismal certificate (baptism must have occurred within two months after birth) under seal of the church, showing the place of birth; or (c) if the birth or baptismal certificate cannot be obtained, affidavits of two U.S. citizens who have personal knowledge of the birth of your spouse or child in the United States.
 - B. If your spouse or child was born outside the United States and became a citizen of the United States through a parent and has not been issued a certificate of citizenship, submit evidence of the citizenship and

marriage of parent, as well as termination of any prior marriages of parent. Also submit a birth certificate of the child and a separate statement showing the dates, ports, and means of all arrivals and departures into and from the United States by the spouse or child.

- C. If the naturalization of your spouse or child occurred within 90 days immediately preceding the filing of this application, submit a copy of the naturalization certificate.
2. If you check "A" in **Block 5**, then you must submit evidence of a relationship between you and your spouse or child.

Each application must be accompanied by a certificate of marriage to the spouse and proof of legal termination of all previous marriages of the applicant and spouse. If the application is based on hardship to a child, also submit the birth certificate of the child.

3. To support your application for a waiver: In addition to your own required statement, you may submit any documentary evidence available that you believe affects the exceptional hardship or persecution issues.
4. If you are in the United States, you must submit your original temporary entry permit (Form I-94, Arrival-Departure Record) and the original entry permit of your spouse, if he or she is in the United States and not a U.S. citizen or lawful permanent resident. If the entry permit is attached to the passport, remove and submit it for this purpose. **Do not submit the passport.**

Translations. Any document containing a foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Where To File?

If you live in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, U.S. Virgin Islands, Virginia, or West Virginia, mail your application to:

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

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your application to:

USCIS Texas Service Center
P.O. Box 850965
Mesquite, TX 75185-0965

If you live in Arizona, California, Guam, Hawaii or Nevada, mail your application to:

USCIS California Service Center
I-612 Unit
P.O. Box 30112
Laguna Niguel, CA 92607-0112

If you live elsewhere in the United States, mail your application to:

USCIS Nebraska Service Center
P.O. Box 87751
Lincoln, NE 68501-7724

What Is the Filing Fee?

The filing fee for Form I-612 is **\$545**.

Use the following guidelines when you prepare your check or money order for the Form I-612 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 and are filing your petition there, make it payable to **Treasurer, Guam**.
 - B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.

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 online 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-612 that is not signed or accompanied by the correct fee will be rejected with a notice that Form I-612 is deficient. You may correct the deficiency and resubmit Form I-612. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once Form I-612 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-612.

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 Form I-612 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-612, we will deny Form I-612 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-612.

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 20 minutes per response, including the time for reviewing instructions and 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. OMB No. 1615-0030. **Do not mail your application to this address.**