

Application for Permission to Reapply or Admission Into the  
United States After Deportation or Removal, Form I-212  
Table of Changes  
For Form I-212 Instructions  
**REVISED 12/08/11 (CA – FMB)**  
**OMB Control No. 1615-0018**

**Instructions**

	<b>Old Version</b>	<b>New Version</b>
<p><b>Page 1</b></p> <p><b>Who Should File This Form?</b></p>	<p>You should file this form if you are inadmissible under section 212(a)(9)(A), but not section 212(a)(9)(C), and you are:</p> <ol style="list-style-type: none"> <li>1. An applicant for an immigrant visa;</li> <li>2. An applicant for adjustment of status under INA section 245 (other than as a T or U nonimmigrant seeking adjustment under 8 CFR 245.23 or 245.24); or</li> </ol> <p>An applicant who wishes to seek admission as a nonimmigrant at a U.S. port of entry but who is not required to obtain a nonimmigrant visa. (If you are an applicant for a nonimmigrant visa at a U.S. consulate, and you are required to obtain consent to reapply because of your inadmissibility, the consulate with jurisdiction over your visa application will advise you how to request consent to reapply. You may not be required to file the Form 1-212 in order to receive consent to reapply).</p> <p>....</p>	<p>NOTE to applicants who are outside of the United States and applying for an immigrant visa: you should only file this form if a consular officer has found you inadmissible pursuant to 212(a)(9)(A) or (C) of INA.</p> <p>You should file this form if you are inadmissible under section 212(a)(9)(A), but not section 212(a)(9)(C), and you are:</p> <ol style="list-style-type: none"> <li>1. An applicant for an immigrant visa;</li> <li>2. An applicant for adjustment of status under INA section 245 (other than as a T or U nonimmigrant seeking adjustment under 8 CFR 245.23 or 245.24).</li> </ol> <p>An applicant who wishes to seek admission as a nonimmigrant at a U.S. port of entry but who is not required to obtain a nonimmigrant visa. (If you are an applicant for a nonimmigrant visa at a U.S. consulate, and you are required to obtain consent to reapply because of your inadmissibility, the consulate with jurisdiction over your visa application will advise you how to request consent to reapply. You may not be required to file the Form 1-212 in order to receive consent to reapply).</p> <p>....</p>
<p><b>Page 1</b></p>	<p>Detailed Description of INA sections 212(a)(9)(A) . . .</p>	<p>Detailed Description of INA sections 212(a)(9)(A) . . .</p>

<p><b>Who Should File This Form?</b></p>	<p>Inadmissible Under . . .</p> <p>You need to file this form, if you seek . .</p>	<p>Inadmissible Under . . .</p> <p>You need to file this form if you seek . . .</p> <p><b>(remove comma after form)</b></p>
<p><b>Page 3,</b></p>	<p><b>3. Inadmissible Under INA Section 212(a)(9)(C)(i)</b></p> <p>...</p> <p><b>B.</b> You had been removed under any provision of the INA or any other provision of law prior, on, or after April 1, 1997.</p>	<p><b>3. Inadmissible Under INA Section 212(a)(9)(C)(i)</b></p> <p>...</p> <p><b>B.</b> You had been removed under any provision of the INA or any other provision of law before, on, or after April 1, 1997.</p>
<p><b>Page 4</b></p>	<p><b>Who Is Not Required To File This Form?</b></p> <p>...</p> <p>7. You received . . . departure order;</p> <p>...</p> <p><b>Waiver of Inadmissibility Other Than Through Consent to Reapply</b></p> <p>...</p> <p><b>3.</b> You are an applicant for Temporary Protected Status (TPS) under section 244 of the Act, and you file Form I-601, Application for Waiver of Grounds of Inadmissibility;</p> <p>...</p> <p><b>5.</b> You have already received T nonimmigrant status and you are applying for adjustment of status under 8 CFR 245.23 and you file a Form I-601, Application for Waiver of Grounds of Inadmissibility, under 8 CFR.212.18; or</p> <p>...</p>	<p><b>Who Is Not Required To File This Form?</b></p> <p>...</p> <p>7. You received . . . departure order; or</p> <p>...</p> <p><b>Waiver of Inadmissibility Other Than Through Consent to Reapply</b></p> <p>...</p> <p><b>3.</b> You are an applicant for Temporary Protected Status (TPS) under section 244 of the Act, and you file Form I-601;</p> <p>...</p> <p><b>5.</b> You have already received T nonimmigrant status and you are applying for adjustment of status under 8 CFR 245.23 and you file a Form I-601 under 8 CFR.212.18; or</p> <p>...</p> <p><b>7.</b> You are an approved VAWA self-petitioner seeking adjustment of status, and you seek to waive inadmissibility</p>

	<p>7. You are an approved VAWA self-petitioner seeking adjustment of status, and you seek to waive inadmissibility under INA section 212(a)(9)(C). You should file Form I-601, Application for Waiver of Grounds of Inadmissibility;. This waiver will be good only for inadmissibility under INA section 212(a)(9)(C). If you are also inadmissible under INA section 212(a)(9)(A), you should file Form I-212 as well as Form I-601, Application for Waiver of Grounds of Inadmissibility.</p> <p>...</p>	<p>under INA section 212(a)(9)(C). You should file Form I-601. This waiver will be good only for inadmissibility under INA section 212(a)(9)(C). If you are also inadmissible under INA section 212(a)(9)(A), you should file Form I-212 as well as Form I-601.</p> <p>...</p>
<b>Page 4</b>	<p>Between "When Should You File This Application and Where To File"</p>	<p>General Filing Instructions and What Evidence Must Be Submitted With Your Application</p> <p>These 2 sections have been moved to the space between "When Should You File This Application" and "Where To File."</p> <p>This follows standard formatting</p>
<b>Page 5</b>	<p><b>General Filing Instructions</b></p> <p>... 14 years of age, and a duly appointed legal guardian may sign for an adult who is incompetent to sign the application.</p>	<p><b>General Filing Instructions</b></p> <p>... 14 years of age, and a duly appointed legal guardian may sign for an adult who is incompetent to sign the application. A copy of a signed application or typewritten name in place of a signature is not acceptable.</p>
<b>Page 7</b>	<p><b>Where To File?</b></p> <p>....</p> <p><b>2. With a Consulate of the DOS</b></p> <p><b>A.</b> Applicants for Nonimmigrant Visa (other than K, T, U, or V Visa Applicants) or applicants for Nonresident Border Crossing Cards: Consent to reapply is requested by a manner prescribed by the consular officer. See the U.S. consulate which has</p>	<p><b>Where To File?</b></p> <p>....</p> <p><b>2. With a Consulate of the DOS</b></p> <p><b>Applicants for Nonimmigrant Visa (other than K, T, U, or V Visa Applicants) or applicants for Nonresident Border Crossing Cards:</b> Consent to reapply is requested by a manner prescribed by the consular officer. See the U.S. consulate which has jurisdiction over</p>

	<p>jurisdiction over your place of residence.</p> <p><b>B. Applicant for K or V Nonimmigrant Visa:</b> Consent to reapply is requested by filing Form 1-212 with the U.S. consulate having jurisdiction over the alien's place of residence. The consular officer will forward the form to the USCIS office with jurisdiction over the area within which the consulate is located.</p> <p><b>C. Applicant for Immigrant Visa</b> where a concurrent waiver on Form 1-601 must also be filed. You must file the application according to instructions given by the Consular officer at the time of your visa interview. The application will be forwarded and adjudicated by the USCIS overseas office with jurisdiction over the consulate where you filed the application. For further processing information, see "Processing Information." If you require more information before filing the form, please contact DOS and the U.S. consulate where your immigrant visa will be processed. You can find contact information for U.S. consulates on the Department of State's Web site at <a href="http://www.state.gov">www.state.gov</a>. If you require information after filing the form, please contact the USCIS office overseas with jurisdiction over the consulate where you filed the application.</p> <p><b>3. With U.S. Citizenship and Immigration Services (USCIS)</b></p> <p><b>A. Vermont Service Center</b></p>	<p>your place of residence.</p> <p><b>3. With U.S. Citizenship and Immigration Services (USCIS)</b></p> <p><b>A. Applicant for K or V Nonimmigrant Visa:</b> You may request consent to reapply for admission to the United States after you have attended your visa interview at a U.S. consulate and after a consular officer has found you inadmissible. You must file Form I-212 with the USCIS Phoenix Lockbox facility at the address listed below.</p> <p><b>B. Applicant for Immigrant Visa who is Outside the United States and Who Also Requires a Waiver of Inadmissibility (Form I-601):</b> You may request both the waiver and consent to reapply for admission to the United States after you have attended your visa interview at a U.S. consulate and after a consular officer has found you inadmissible. You must file Form I-212 together with Form I-601, Application for Waiver of Grounds of Inadmissibility. You must send both forms together to the USCIS Phoenix Lockbox facility at the address listed below:</p> <p>USCIS P.O. Box 21600 Phoenix, AZ 85036</p> <p><b>Express Mail or commercial courier delivery services:</b></p> <p>USCIS ATTN: 601/212 Foreign Filers 1820 E. Skyharbor, Circle S, Suite 100</p>
--	---	--

	<p>a. Applicant for adjustment of Status or Immigrant Visa based on an approved VAWA Self-Petition (Form 1-360)</p> <p>The application must be filed directly with USCIS at the Vermont Service Center. The address is:</p> <p>USCIS - Vermont Service Center 75 Lower Welden Street St. Albans, VT 05479-0001</p> <p><b>B. USCIS Field Office</b></p> <p>a. Applicant physically present in the United States, applying for adjustment of status with USCIS and inadmissible only under INA section 212(a) (9)(A): You must file the application either concurrently with your application for adjustment of status (Form 1-485), or at any time afterward. If you are filing Form 1-212 together with Form 1-485, you must file the Form 1-485/1-212 at the filing location specified on Form 1-485. See the filing instructions for Form 1-485. If you are in the United States and your Form 1-485 is currently pending, you must file Form 1-212 with the USCIS field office or Service Center where your form is CURRENTLY pending.</p> <p>b. Applicant for Immigrant visa at the U.S. consulate but not required to file Form 1-601. You must file the application with the Field Office Director having jurisdiction over the place where your</p>	<p>Phoenix, AZ 85034</p> <p><b>C. Vermont Service Center</b></p> <p><b>Applicant for Adjustment of Status or Immigrant Visa based on an approved VAWA Self-Petition (Form 1-360).</b> The application must be filed directly with USCIS at the Vermont Service Center. The address is:</p> <p>USCIS - Vermont Service Center 75 Lower Welden Street St. Albans, VT 05479-0001</p> <p><b>D. USCIS Field Office</b></p> <p>1. <b>Applicant physically present in the United States, applying for adjustment of status with USCIS and inadmissible only under INA section 212(a) (9)(A):</b> You must file the application either concurrently with your application for adjustment of status (Form 1-485), or at any time afterward. If you are filing Form 1-212 together with Form 1-485, you must file the Form 1-485/1-212 at the filing location specified on Form 1-485. See the filing instructions for Form 1-485. If you are in the United States and your Form 1-485 is currently pending, you must file Form 1-212 with the USCIS field office or Service Center where your form is CURRENTLY pending.</p> <p>2. <b>Applicant for Immigrant visa at the U.S. consulate but not required to file Form 1-601.</b> You must file the application with the Field Office Director having</p>
--	--	--

deportation or removal proceedings were held.

If you are inadmissible because you had previously accrued unlawful presence in the aggregate of 1 year or more in the United States, and you departed the United States and entered or attempted to reenter the United States without being admitted (INA section 212(a)(9)(C)(i)(I)), you may not have been in removal proceedings. In this case, you should file the application with the Field Office Director having jurisdiction over your intended place of residence in the United States.

- c. Aliens physically present in the United States seeking immigrant status but not eligible for adjustment of status (for reasons other than inadmissibility under INA Section 212(a)(9)(C)): You must file your application with the Field Office Director having jurisdiction over your place of residence.

NOTE: If your application is approved, the approval is conditioned upon your departure from the United States. If you do not depart, the approval has no effect.

....

jurisdiction over the place where your deportation or removal proceedings were held.

If you are inadmissible because you had previously accrued unlawful presence in the aggregate of 1 year or more in the United States, and you departed the United States and entered or attempted to reenter the United States without being admitted (INA section 212(a)(9)(C)(i)(I)), you may not have been in removal proceedings. In this case, you should file the application with the Field Office Director having jurisdiction over your intended place of residence in the United States.

- 3. **Aliens physically present in the United States seeking immigrant status but not eligible for adjustment of status (for reasons other than inadmissibility under INA Section 212(a)(9)(C)):** You must file your application with the Field Office Director having jurisdiction over your place of residence.

NOTE: If your application is approved, the approval is conditioned upon your departure from the United States. If you do not depart, the approval has no effect.

If you have any questions regarding the filing of these forms, please contact our National Customer Service Center at **1-800-375-5283**. If you live outside of the United States please note that you may have to dial an international code to access the National Customer Service Center and that your calls may not be toll free.

		<p>....</p> <p><b>6. Special Circumstances.</b></p> <p>USCIS may accept a filing of Form I-212 at other locations as USCIS may designate in special situations. USCIS will post the eligible special circumstance and the alternative filing location on the Form I-212 entry page at <a href="http://www.USCIS.gov/i-212">www.USCIS.gov/i-212</a>. Please consult that page if you wish to file Form I-212 at a location other than one listed above.</p>
<p><b>Page 8</b></p>	<p><b>What Is the Filing Fee?</b></p> <p>....</p> <p><b>3. When applying with USCIS:</b> Make the check or money order payable to U.S. Department of Homeland Security, unless:</p> <ul style="list-style-type: none"> <li><b>A.</b> If you live in Guam and are filing your petition there, make it payable to Treasurer, Guam.</li> <li><b>B.</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.</li> <li><b>C.</b> 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.</li> </ul> <p><b>4. When applying at the consular section of the U.S. Department of State (DOS):</b> You must contact the nearest U.S. Embassy or consulate of the DOS on the method of payment.</p>	<p><b>What Is the Filing Fee?</b></p> <p>....</p> <p><b>3. When applying with USCIS:</b> Use the following guidelines when you prepare your check or money order for the Form I-212 fee:</p> <ul style="list-style-type: none"> <li><b>A.</b> 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; <b>and</b></li> <li><b>B.</b> Make the check or money order payable to U.S. Department of Homeland Security.</li> </ul> <p><b>NOTE:</b> Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."</p> <p><b>4.</b> If you are a VAWA Self-petitioner or filing under section 101(a)(15)(T) (T visa), 101(a)(15)(U) (U visa), 106 (battered spouse of A, G, E-3, or H nonimmigrant), 240A(b)(2) (battered spouse or child of a lawful permanent or U.S. Citizen), or 244(a)(3) (Temporary Protected Status), of the Act (as in effect on March 31, 1997),</p>

	<p>5. When applying with EOIR during removal proceedings: If you are in removal proceedings, you must submit the payment as instructed by the court with jurisdiction over your case. For information about EOIR, please visit EOIR's Web site at <a href="http://www.usdoj.gov/eoir">www.usdoj.gov/eoir</a>.</p>	<p>you may be eligible for a fee waiver for this form based upon your inability to pay the fee. You may submit a written fee waiver request or Form I-912 and any required evidence of your inability to pay the fee with this form. You can review the fee waiver guidance at <a href="http://www.uscis.gov">www.uscis.gov</a>.</p> <p>5. When applying with EOIR during removal proceedings: If you are in removal proceedings, you must submit the payment as instructed by the court with jurisdiction over your case. For information about EOIR, please visit EOIR's Web site at <a href="http://www.usdoj.gov/eoir">http://www.usdoj.gov/eoir</a>.</p>
<p><b>Page 9</b></p>	<p><b>Address Change</b></p> <p>....</p> <p>In addition to the above, you should notify the USCIS office where your application or petition is currently pending of your change of address. You can find contact information on the receipt notice that was sent to you or that you received for Form 1-212.</p> <p><b>If You Filed Your Application Abroad With the U.S. Consulate:</b> If you change your address after you have submitted an application with the consulate in relation to your application for immigrant or nonimmigrant visa, you should notify the U.S. consulate and the USCIS overseas office of your address change in writing.</p> <p><b>If You Filed Your Application With EOIR:</b> If you change your address after you have submitted an application with EOIR because you are in removal proceedings, you should notify EOIR in writing according to the instructions provided to you by the immigration court</p>	<p><b>Address Change</b></p> <p>....</p> <p>In addition to the above, you should notify the USCIS office where your application or petition is currently pending of your change of address. You can find contact information on the receipt notice that was sent to you or that you received for Form 1-212.</p> <p>Do not submit changes of address to a Lockbox facility; the Lockbox does not process changes of address.</p> <p><b>If You Filed Your Application With EOIR:</b></p> <p>If you change your address after you have submitted an application with EOIR because you are in removal proceedings, you should notify EOIR in writing according to the instructions provided to you by the immigration court handling your removal case.</p> <p>....</p>



	<p>handling your removal case.</p> <p>....</p>	
<b>Page 10</b>	<p><b>Processing Information</b></p> <p>....</p> <p>If you are an applicant for K or V nonimmigrant status, or if you are an applicant for an Immigrant Visa who is also required to file Form 1-601, Application for Waiver of Grounds of Inadmissibility: The application will be forwarded to the USCIS overseas office with jurisdiction over the consulate's location. You will receive a decision in writing. If you need more information after filing the form, please contact the USCIS overseas office with jurisdiction over the area where the consulate is located. You should also be contacted by the DOS consular section where you applied for your visa once a decision has been made on the application. Your visa application will then be finalized by the consular officer.</p> <p>....</p>	<p><b>Processing Information</b></p> <p>....</p> <p><b>If you are an applicant for K or V nonimmigrant status, or if you are an applicant for an Immigrant Visa and also required to file Form 1-601, Application for Waiver of Grounds of Inadmissibility:</b> USCIS will adjudicate your application. You will receive a decision in writing. The DOS consular section where you applied for your visa will contact you once a decision has been made on the application. Your visa application will then be finalized by the consular officer.</p> <p>....</p>
<b>Page 11</b>	<p><b>Privacy Act Notice</b></p> <p>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-212.</p>	<p><b>USCIS Privacy Act Statement</b></p> <p><b>AUTHORITIES:</b> The information requested on this form, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, et seq.</p> <p><b>PURPOSE:</b> The primary purpose for providing the requested information on this form is to determine if you have established eligibility for the immigration benefit for which you are filing. The information you provide will be used to grant or deny the benefit sought.</p> <p><b>DISCLOSURE:</b> The information you provide is voluntary. However, failure to</p>

		<p>provide the requested information, and any requested evidence, may delay a final decision or result in denial of your form.</p> <p>ROUTINE USES: The information you provide on this form may be shared with other Federal, State, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records, which can be found at <a href="http://www.dhs.gov/privacy">www.dhs.gov/privacy</a>]. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.</p>
<b>Page 12-14</b>	<b>Appendix 1</b>  <a href="#">See Below</a>	<b>Appendix 1</b>  <a href="#">See Below</a>

## Appendix 1

Scenario	Office Where the Application Is Filed	Source	Office Where the Application Is Adjudicated
Applicant for nonimmigrant visa (other than K, T, U, or V) or nonresident border crossing card abroad	<b>U.S. Consulate</b> with jurisdiction over the alien's place of residence according to the manner prescribed by the consular officer	8 CFR 212.2(b)	<b>U.S. Customs and Border Protection (CBP).</b> The consular officer must forward recommendation for consent to reapply and visa issuance to CBP/Admissibility Review Office (ARO) for decision.
Applicant for admission as a nonimmigrant who is not required to obtain a visa	<b>U.S. Customs and Border Protection (CBP)</b> with the CBP-designated port of entry or designated CBP preclearance office	8 CFR 212.2(f)	<b>U.S. Customs and Border Protection (CBP)/Admissibility Review Office (ARO)</b>
Nonimmigrant visa applicants under INA section 101(a)(15)(K) and (V)	<b>USCIS Phoenix Lockbox</b>	8 CFR 212.2(c)	<b>USCIS Nebraska Service Center</b>

Applicant for immigrant visa in need of concurrent waiver filed on Form 1-601	<b>USCIS Phoenix Lockbox</b>	8 CFR 212.2(d)	<b>USCIS Nebraska Service Center</b>
Applicant for adjustment of status based on an approved VAWA self-petition (Form 1-360)	<b>USCIS Vermont Service Center</b>	INA Section 212 (a)(9)(A)	<b>USCIS Vermont Service Center</b>
Applicant for adjustment of status, only subject to INA section 212(a)(9)(A) (irrespective of need of Form I-601)	<b>USCIS Office</b> with jurisdiction over the adjustment-of-status application	8 CFR 212.2(e)	<b>USCIS Office</b> with jurisdiction over the adjustment-of-status application
Applicant for immigrant visa and waiver on Form 1-601 not required	<b>USCIS Field Office</b> with jurisdiction over the place where the alien's deportation or removal proceedings were held  If the applicant is inadmissible under INA section 212(a)(9)(C)(i) (I): The application is filed with the USCIS Field Office with jurisdiction over the alien's intended place of residence in the United States.	8 CFR 212.2(d)	<b>USCIS Field Office</b> with jurisdiction over the place where the deportation or removal proceedings were held
Alien is physically present in the United States but not eligible for adjustment of status because of inadmissibility under INA section 212(a)(9)(C)	An alien may not file the application until the alien has departed the United States and until he or she has resided abroad for 10 years since the alien's last departure.  Once the 10-year requirement is satisfied, the individual may apply; jurisdiction is determined:  1. According to the principles outlined above for individuals outside the United States, and  2. Based on the individual's	Matter of Torres - Garcia, 23 I&N Dec. 866 (BIA 2006) and Matter of Briones, 24 I&N Dec. 355 (BIA 2007)	<b>No Change</b>

	need for a waiver filed on Form 1-601		
--	---------------------------------------	--	--

**NO CHANGES ON THE REMAINDER OF THE CHART**

<b>Scenario</b>	<b>Office Where the Application Was Filed</b>	<b>Source</b>	<b>Office Where the Application Is Adjudicated</b>
Alien physically present in the United States but in removal proceedings* *Note: If the alien is put into proceedings after having filed Form 1-212 with USCIS, the USCIS office should forward the application to the EOIR location with jurisdiction over the alien's removal proceedings.	<b>Executive Office for Immigration Review (EOIR)</b> with jurisdiction over the removal proceedings	8 CFR 212.2(e); March 31, 2005 memorandum, William R. Yates, EOIR Processing	<b>Executive Office for Immigration Review (EOIR)</b> with the office having jurisdiction over the alien's removal proceedings
The alien is seeking conditionally granted advance permission to reapply for admission prior to departure and is inadmissible only under INA section 212 (a)(9)(A) (irrespective of whether another waiver under section 212(g), (h), (i), or 212 (a)(9) (B) is needed)	<b>USCIS Field Office</b> with jurisdiction over the place where the alien is residing	8 CFR 212.2(j)	<b>USCIS Field Office</b> with jurisdiction over the place where the alien is residing
All other circumstances not listed above	<b>USCIS Field Office</b> with jurisdiction over the place where deportation or removal proceedings were held, or with the Field Office Director who exercised or is exercising jurisdiction over the applicant's most recent proceedings	8 CFR 212.2(g) (i) and (ii)	<b>USCIS Field Office</b>

**Justification:**

USCIS is changing the Form I-212 Instructions in part to require applicants residing outside of the United States to file the Form I-212 and appropriate fees with USCIS domestically rather than with the nearest U.S. Embassy or consulate. The changes are not substantive in nature and do not impact the information collection or the burden on the applicant.