



# Instructions for Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended)

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-612  
OMB No. 1615-0030  
Expires 03/31/2017

## What Is the Purpose of This Application?

There is a two-year foreign residence requirement for certain J-1 and J-2 exchange visitor visa holders. This application provides eligible visa holders the opportunity to apply for a waiver of this requirement.

To be eligible to apply for an immigrant visa or for lawful permanent residence in the United States, or for a nonimmigrant visa as a temporary worker under the H or L nonimmigrant category, certain J-1 and J-2 exchange visitors must reside and be physically present in the country of their citizenship or nationality or last foreign residence for at least two years following departure from the United States.

If you are an exchange visitor, you are subject to the two-year foreign residence requirement if:

1. Your 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 your country of citizenship or nationality or last foreign residence;
2. Prior to being admitted as an exchange visitor, or acquiring such status after admission, your country of citizenship or nationality or last foreign residence was designated by the U.S. Secretary of State as clearly requiring your specialized knowledge or skill; or
3. You were admitted as an exchange visitor or acquired such status after admission on or after January 10, 1977, to participate in graduate medical education or training.

If you have any question about whether you, your spouse, or your children are subject to the two-year foreign residence requirement, contact your responsible program officer or the nearest U.S. Embassy or U.S. Consulate.

**NOTE:** If you are subject to the two-year foreign residence requirement, your J-2 spouse and unmarried minor children are also subject to this requirement.

## Who May File Form I-612?

Exchange visitors (J-1); spouses (J-2) who are no longer married to the exchange visitors; or sons and daughters of the J-1 and/or J-2, who married or who are 21 years of age or older, may file this application to apply for a waiver of the two-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act (INA) based on:

1. Exceptional hardship to the exchange visitor's U.S. citizen or lawful permanent resident spouse or children; or
2. The exchange visitor's belief that returning to the country of his or her citizenship or nationality or last foreign residence would subject him or her to persecution on account of race, religion, or political opinion.

**NOTE:** J-2 spouses still married to the J-1 exchange visitor and unmarried children under 21 years of age may not file this application on their own behalf.

### Spouse and Children of Applicant

If you are subject to the two-year foreign residence requirement and your spouse and children were admitted as J-2 exchange visitors or acquired such status after admission, they are also subject to this requirement. To include your spouse and minor children in your waiver application, you will need to list their names, dates of birth, countries of birth, countries of citizenship or nationality, and countries of last foreign residence on your application in the spaces provided in **Part 3, Item Numbers 3.a. - 6.g.** If you need extra space to complete this section, use the space provided in **Part 8. Additional Information.** If you do not include your J-2 spouse or J-2 children, your J-2 spouse or J-2 children will not receive waivers with you and each person will have to file a separate Form I-612.

If your spouse or child is subject to the foreign residence requirement because he or she participated in an exchange program as a J-1 nonimmigrant (instead of as a J-2 nonimmigrant), he or she will need to submit a separate application.

If your child is subject to the two-year foreign residence requirement, and he or she is married or currently 21 years of age or older, he or she will need to submit a separate application for a waiver.

**NOTE:** In no case may the two-year foreign residence requirement be waived unless a favorable recommendation is made by the Department of State's Waiver Review Division (formerly the U.S. Information Agency) to the Secretary, U.S. Department of Homeland Security.

**Do not file Form I-612 with U.S. Citizenship and Immigration Services (USCIS) if you are seeking a waiver of the two-year foreign residence requirement based on:**

1. A request by an interested U.S. Government Agency (IGA);
2. A written statement from your country of citizenship or nationality or last foreign residence that it has no objection to the waiver (also called "No Objection"); or
3. A request from a state public health department, or its equivalent, to permit you to work as a physician in a medically underserved area (also called "Conrad Waiver Program").

You can find information on how to apply for an IGA, No Objection, or Conrad Waiver Program at <http://travel.state.gov/content/visas/english/study-exchange/student/residency-waiver.html>.

**NOTE:** Foreign medical physicians who acquired J-1 exchange visitor visa status on or after January 10, 1977, for the purpose of receiving graduate medical education or training, cannot receive a No Objection Waiver.

## General Instructions

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

**Signature.** Each application must be properly signed and filed. For all signatures on this application, USCIS will not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf. A legal guardian may also sign for a mentally incompetent person.

**Filing Fee.** Each application must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee** section of these Instructions.)

**Biometric Services Fee.** If you file this application with USCIS, you do not need to include a biometric services fee at the time you submit your application. If you are later notified that you must submit biometrics, you will receive a biometric services appointment notice with instructions on how to submit the additional biometric services fee. If you file this application with an agency other than USCIS, please check with that agency to determine if and when you must submit biometric services fees.

**Evidence.** At the time of filing, you must submit all evidence and supporting documentation listed in the **General Requirements** section of these Instructions.

**Biometric Services Appointment.** USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application. After USCIS receives your application and ensures it is complete, we will inform you in writing if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment. If you fail to attend your biometric services appointment, USCIS may deny your application.

**Acknowledgement of Appointment at USCIS Application Support Center.** Review the ASC Acknowledgement that appears in **Part 5.** of the application. The purpose of this acknowledgement is to confirm that you have completed your application, reviewed your responses, and affirmed that the information was provided by you and is complete, true, and correct. If someone helped you fill out your application, that person must review the ASC Acknowledgement with you to make sure you understand it.

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**Copies.** You may submit legible photocopies of documents requested, unless the instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If you submit original documents when not required, those documents may remain a part of the record, and USCIS will not automatically return them to you.

**Translations.** If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

## How To Fill Out Form I-612

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this application, use the space provided in **Part 8. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number, Part Number,** and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks, "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed.
4. **USCIS ELIS Account Number** (if any). If you have previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is **not** the same as an A-Number. If you were issued a USCIS ELIS Account Number, enter it in the space provided.
5. **Part 5. Applicant's Statement, Contact Information, Acknowledgement of Appointment at USCIS Application Support Center, Certification, and Signature.** Select the appropriate box to indicate that you either read this application yourself or someone interpreted this application for you from English to a language in which you are fluent. If applicable, select the box to indicate if someone prepared this application for you. You must also affirm that you have read and understand (or that an interpreter or preparer read to you, and you understand) the **Acknowledgement of Appointment at USCIS Application Support Center in Part 5.** Further, you must sign and date your application and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every application **MUST** contain the signature of the applicant (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.
6. **Part 6. Interpreter's Contact Information, Certification, and Signature.** If you used anyone as an interpreter to read the instructions and questions on this application to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, and his or her email address (if any). The interpreter must also certify that he or she has read the **Acknowledgement of Appointment at USCIS Application Support Center in Part 5.** to you in the same language in which you are fluent. The interpreter must sign and date the application.
7. **Part 7. Contact Information, Statement, Certification, and Signature of the Person Preparing this Application, If Other Than the Applicant.** This section must contain the signature of the person who completed your application, if other than you, the applicant. If the same individual acted as your interpreter and your preparer, that person should complete both **Part 6.** and **Part 7.** If the person who completed this application is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you prepare this application **MUST** sign and date the application. A stamped or typewritten name in place of a signature is not acceptable. Anyone who helped you prepare your application must also certify that he or she has read the **Acknowledgement of Appointment at USCIS Application Support Center in Part 5.** to you, and that you informed him or her that you understood the ASC Acknowledgement. If the person who helped you prepare your application is an attorney or accredited representative, he or she must also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your application.

- 8. Part 8. Additional Information.** If you need extra space to provide any additional information within this application, use the space provided in **Part 8. Additional Information**. If you need more space than what is provided in **Part 8.**, you may make copies of **Part 8.** to complete and file with your application, or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

**We recommend that you print or save a copy of your completed application to review in the future and for your records. If you must appear for a biometric services appointment at a USCIS Application Support Center (ASC), we recommend that you review your copy of your completed application before you come to your appointment.** At your appointment, USCIS will permit you to complete the application process only if you are able to confirm, under penalty of perjury, that all of the information in your application is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.

## General Requirements

You must submit the following documents with your application:

- 1.** If you select **Item Number 1. in Part 3.**, you must submit evidence of U.S. citizenship or lawful permanent resident status of your spouse or child:
  - A.** If your spouse or child is a U.S. citizen by birth in the United States, submit a birth certificate for your spouse or child. If a birth certificate is not available, you must submit a letter and supporting evidence from the appropriate state agency stating a birth certificate is not available and explain why a birth certificate is not available. Also submit:
    - (1)** A copy of the baptismal certificate showing that the baptism occurred within two months after birth, under the seal of the religious organization, showing the place of birth; or
    - (2)** If you cannot obtain the birth or baptismal certificate, 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, became a U.S. citizen through a parent, and was not issued a certificate of citizenship, you must submit evidence of the citizenship and marriage of the parent, as well as termination of any prior marriages of the parent. Also, you must submit a birth certificate of the child and a separate statement showing the dates, ports-of-entry, and means of all arrivals into and departures from the United States by the spouse or child.
  - C.** If the naturalization of your spouse or child occurred within 90 days immediately before you filed this application, you must submit a copy of the naturalization certificate.
  - D.** If your spouse or child is a lawful permanent resident, submit a copy of a valid I-551, Permanent Resident Card, of the spouse or child.
- 2.** If you select **Item Number 1. in Part 3.**, you must submit evidence of the relationship between you and your spouse or child. You must also include a certificate of marriage to your spouse and proof of legal termination of all prior marriages for you and your spouse, with each application. If the application is based on hardship to your child, you must also submit his or her birth certificate. (If a birth certificate is not available, see **Item A.** above.)
- 3.** To support your application for a waiver, in addition to your own required statement detailing the hardship or persecution that will occur if you return to your country of citizenship or nationality or last foreign residence, submit copies of all forms DS-2019/IAP-66, Certificate of Eligibility for Exchange Visitor Status, for all exchange programs in which you or your spouse participated (if applicable). You may also submit any available evidence that you believe demonstrates the exceptional hardship or persecution issues raised in your statement.
- 4.** Form I-94 Arrival-Departure Record. If you are in the United States, you must submit a copy of your Form I-94, Arrival-Departure Record, and a copy of your spouse's Form I-94, 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 or stamped in your passport, submit a complete copy of all pages in your passport. Do not submit your original passport.

If U.S. Customs and Border Protection (CBP) or USCIS issued you a Form I-94, provide your Form I-94 number and date that your authorized period of stay expires or expired (as shown on Form I-94). The Form I-94 number is also known as the Departure Number on some versions of Form I-94.

**NOTE:** If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, you may have been issued an electronic Form I-94 by CBP, instead of a paper Form I-94. You may visit the CBP Web site at [www.cbp.gov/i94](http://www.cbp.gov/i94) to obtain a paper version of an electronic Form I-94. CBP does not charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013, with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP Web site without charge. If your Form I-94 cannot be obtained from the CBP Web site, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS does charge a fee for this service.

## What is the Filing Fee?

The filing fee for Form I-612 is \$585.

**NOTE:** The filing fee is not refundable, regardless of any action USCIS takes on this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amount.

**Use the following guidelines when you prepare your check or money order for the Form I-612 filing 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**.

**NOTE:** Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”

3. If you live outside the United States, contact the nearest U.S. Embassy or U.S. Consulate for instructions on the method of payment.

**Notice to Those Making Payment by Check.** If you send us a check, USCIS will convert it 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 your bank will show it on your regular account statement.

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

## How to Check If the Fees Are Correct?

The Form I-612 filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fee is correct by following one of the steps below.

1. Visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov), select “FORMS,” and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for the fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

## Where to File?

Please see our Web site at [www.uscis.gov/I-612](http://www.uscis.gov/I-612) or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this application. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

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## Address Change

You must notify USCIS of your new address within 10 days of moving from your previous residence. For information on filing a change of address, go to the USCIS Web site at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

**NOTE:** Do not submit a change of address request to USCIS Lockbox facilities because these facilities do not process change of address requests.

## Processing Information

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

**Initial Processing.** Once USCIS accepts your application, we will check it for completeness. If you do not completely fill out this application, you will not establish a basis for your eligibility, and USCIS may reject or deny your application.

**Requests for More Information.** We may request that you provide more information or evidence to support your application. We also may request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

**Requests for Interview.** We may request that you appear at a USCIS office for an interview based on your application. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

**Decision.** The decision on Form I-612 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

## USCIS Forms and Information

To ensure you are using the latest version of this application, visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov) where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our online system, **InfoPass**, at [infopass.uscis.gov](http://infopass.uscis.gov). 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 your Form I-612, we will deny your 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.

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## USCIS Privacy Act Statement

**AUTHORITIES:** The information requested on this form, and the associated evidence, is collected under section 212(e) of the Immigration and Nationality Act (INA).

**PURPOSE:** The primary purpose for providing the requested information on this application is to apply for a waiver of the two year foreign residence requirement under INA section 212(e)(iii). DHS will use the information you provide to grant or deny the waiver sought.

**DISCLOSURE:** The information you provide, is voluntary. However, failure to provide the requested information, including your Social Security number, may delay a final decision or result in denial of your waiver.

**ROUTINE USES:** DHS may share the information you provide on this application with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses, as described in the associated published system of records notices [DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records and DHS-USCIS-007 - Benefits Information System] which you can find at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). DHS may also make the information available, as appropriate, for law enforcement purposes or in the interest of national security.

## 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, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. 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 Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0030. **Do not mail your completed Form I-612 to this address.**

03/24/2015