



# 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?

The Immigration and Nationality Act (INA) section 212(e) requires certain J-1 and J-2 exchange visitors to return to their home country or country of last foreign residence for at least two years upon completion of their U.S. training and departure from the United States before they may apply for an immigrant visa, an adjustment of status, or a change of status (such as to the H or L nonimmigrant category). This application provides eligible J-1 and J-2 nonimmigrants the opportunity to apply for a waiver of this requirement.

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 questions about whether you, your spouse, or your children are subject to the two-year foreign residence requirement, contact your responsible program officer or a U.S. Embassy or U.S. Consulate.

**NOTE:** If you are subject to the two-year foreign residence requirement, your dependents (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 INA section 212(e) 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.

### Dependent of Applicant (Spouse and Unmarried Minor Children)

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:** The two-year foreign residence requirement **cannot** 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 (DHS).

**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 website. 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 **What Evidence Must You Submit** 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, petition, or request. 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.

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If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:

1. You provided or authorized all information in the application;
2. You reviewed and understood all of the information contained in, and submitted with, your application; and
3. All of this information was complete, true, and correct at the time of filing.

**Copies.** You should 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 USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original document.

**NOTE:** If you submit original documents when not required or requested by USCIS, **your original documents may be immediately destroyed upon receipt.**

**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. The certification must include the translator's signature. DHS recommends the certification contain the translator's printed name and the date and the translator's contact information.

### 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 Online Account Number** (if any). If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.
5. **Part 5. Applicant's Statement, Contact Information, Declaration, Certification, and Signature.** Select the appropriate box to indicate whether you read this application yourself or whether you had an interpreter assist you. If someone assisted you in completing the application, select the box indicating that you used a preparer. 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, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the application.

- 7. Part 7. Contact Information, Declaration, 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 complete this application **MUST** sign and date the application. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your application is an attorney or accredited representative, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, or **Form G-28I, Notice of Entry of Appearance as Attorney In Matters Outside the Geographical Confines of the United States,** along with your application.

**We recommend that you print or save a copy of your completed application to review in the future and for your records.**

### What Evidence Must You Submit

You must submit all evidence in these Instructions with your application. If you fail to submit required evidence, USCIS may reject or deny your application for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.

You must submit the following documents with your application.

1. If you select **Part 3., Item Number 1.,** 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 **explaining** 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 **Part 3., Item Number 1.,** 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, Arrival-Departure Record, 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 website 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 website without charge. If your Form I-94 cannot be obtained from the CBP website, 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.

**Passport and Travel Document Numbers.** If you used a passport or travel document to travel to the United States, enter either the passport or travel document information in the appropriate space on the application, even if the passport or travel document is currently expired.

### What is the Filing Fee?

The filing fee for Form I-612 is **\$930**.

**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 amounts.

**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 process 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.

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## How to Check If the Fees Are Correct

The Form I-612's 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 fees are correct by following one of the steps below.

1. Visit the USCIS website 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 fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

## Where to File?

Please see our website 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**.

## Address Change

An applicant who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address, go to the USCIS website 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 the USCIS Lockbox facilities because the Lockbox does 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 may also request that you provide the originals of any copies you submit. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

**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 website 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 the Forms Request Line 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**.

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Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at [www.uscis.gov](http://www.uscis.gov). Select “Schedule an Appointment” and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

## 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.

## USCIS Privacy Act Statement

**AUTHORITIES:** The information requested on this application, and the associated evidence, is collected under INA section 212(e) and 8 CFR 212.7(e).

**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. The information you provide **will be used** 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:** The information you provide on this application **may be shared** with other Federal, state, local, and foreign government agencies and authorized organizations **in accordance with** approved routine uses, as described in the associated published system of record 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)]. The information may also be made 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 Office of Management and Budget (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.**