Comment #	Public Comments	USCIS Response
Comment 1. With 14 Recommendations	**Commenter: Paul Stern, The American Immigration Lawyers Association**	
1	AILA recommends that requests for an applicant's I-94 information and the requirement that the applicant authorize a release of his or her status information should be stricken from the Form I-612 and its instructions as they deem it inappropriate and irrelevant to an adjudication of a §212(e) waiver.	**Response:** We believe there is justification for information collection of the I-94 information. We disagree with AILA that information about an applicant's immigration status is unnecessary and irrelevant for a 212(e) waiver. Although the waiver determination, itself, does not confer an immigration status, the entire purpose of the form is to have it be the baseline as to whether an alien is able to change to an H or L status and stay in the US instead of leaving. If there is information that the alien has somehow violated immigration laws, then it is germane to the whole adjudication of the waiver, and the applicant should tell us at this stage.
2	AILA recommends that the following language from the "Applicant's Declaration and Certification" on page 5 of the Form I-612 be stricken— "I furthermore authorize release of information contained in this application, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of immigration law" – since applicants are requesting an immigration benefit which does not confer a lawful status	We expect J-1 exchange visitors to have been following our regulations; if they have not (e.g., if they have been working illegally and somehow this comes out during the 612 adjudication), then we can make a status violation and accrual of unlawful presence determination.
3	USCIS should further explain in the form instructions that USCIS will make the recommendation request of the DOS Waiver Review Division (WRD), receive the recommendation (if any) directly from WRD, and that the applicant will not be directly involved in this process	The NOTE about the WRD is not new. We disagree that more specifics are needed in the form instructions. There is a lot of info on our website and on DOS's website.
4	AILA recommends that USCIS should slightly change the language in 'Note' portion on page 2 of the instructions to read	While it is true that J-1 physicians cannot receive a waiver of §212(e) merely by obtaining a No Objection Letter from their

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	"NOTE: Foreign medical physicians who acquired J-1 exchange visitor status on or after January 10, 1977, for the purpose of receiving graduate medical education or training, cannot be granted a waiver based solely upon a No Objection letter."	home country government, if they received government funding from their home country in furtherance of their J-1 exchange visitor program, they are required to obtain a No Objection Letter in addition to a Conrad 30 or IGA waiver before a §212(e) waiver can be granted. By stating that they "cannot receive a No Objection Waiver," they may erroneously conclude that they are not required to obtain a No Objection Letter, when they may, in fact, be required to do so.
5	Under "Translations" on page 3 of the Instructions, AILA suggests changing the language to "If you submit a document in a language other than English . . . DHS recommends the certification contain the date, the translator's printed name and the translator's contact information."	USCIS does not see the need to modify this language.
6	AILA recommends that USCIS strike "I-94 Arrival and Departure Record" from the "What Evidence You Must Submit", section on page 4.	USCIS does not concur with this suggestion; see response above regarding I-94s. USCIS may request documentation that helps identify an applicant and/or determine whether an alien is complying with the terms of his/her admission.
7	AILA recommends that USCIS include as required evidence, copies of all Forms IAP-66/DS-2019 that were issued, rather than requesting it on page 3, part 4 of the Form I-612 under "Additional Information About You." This will reduce redundancy and shorten the form.	USCIS believes that the information provided on page 3, part 4 of the form, while available from other sources, is best obtained from the form I-612. USCIS recommends leaving this section as is. Immigration Officers do not find that it is necessary to include the IAP-66/DS-2019 under "required evidence" as it is not essential for adjudicating cases.
8	AILA recommends that USCIS remove the "Important Advisory" on page 2 of the Form I-612 and instead include this information in the form instructions under "What Evidence You Must Submit." As this advisory is actually a request for documentary evidence, it is better placed within the form's instructions.	USCIS Concurs with this change. Since this is an extension action of the Form I-612 information collection and the desired changes are not substantive, they will be considered during the next Form I-612 revision.
9	AILA disagrees with the assertion that J-2 dependents could be subject to the two-year home residency requirement and could be required to obtain a waiver of that requirement in order to access H or L nonimmigrant status or permanent residency and as such USCIS should strike items 7.a, 7.b, and 7.c from Part 4	USCIS does not agree with this recommendation; both USCIS and DOS have long interpreted the foreign residence requirement to apply to dependents, and it is codified in our regulations under 8 CFR 212.7(c)(4) and (9).

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	"Additional Information About You" of the Form I-612.	
10	AILA recommends that DHS strike the language from Part 3 of the form requesting the applicant "List all J-1 dependents that are included in this application."	USCIS does not agree with this recommendation; both USCIS and DOS have long interpreted the foreign residence requirement to apply to dependents, and it is codified in our regulations under 8 CFR 212.7(c)(4) and (9).
11	The fields in the Sections "Information About Spouse" on page 2 and "Information About Children" on page 3 should be merged with the family information requested on page 4 of the form for requesting information regarding U.S. citizen or U.S. permanent resident spouses or children to the extent that it is relevant to a hardship waiver request	This is an extension of the Form I-612 information collection. It appears that the desired changes are not substantive and can be considered during the next Form I-612 revision.
12	AILA recommends that USCIS completely strike the first "Note" that appears on page 1 of the Form I-612 instructions in the section entitled "What is the Purpose of This Application?"	USCIS does not agree with this recommendation; both USCIS and DOS have long interpreted the foreign residence requirement ato apply to dependents, and it is codified in our regulations under 8 CFR 212.7(c)(4) and (9).
13	AILA recommends that USCIS also strike the following verbiage from the first sentence under the section "Who May File Form I-612" (i.e., "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 and who are 21 years of age or older . . . .")	USCIS does not agree with this recommendation; both USCIS and DOS have long interpreted the foreign residence requirement to apply to dependents, and it is codified in our regulations under 8 CFR 212.7(c)(4) and (9).
14	AILA recommends that USCIS strike the section on page 1 of the form instructions entitled "Dependent of Applicant (Spouse of Unmarried Minor Children)", as these sections are based on the incorrect premise that J-2 dependents are subject to the two-year foreign residence requirement.	USCIS does not agree with this recommendation; both USCIS and DOS have long interpreted the foreign residence requirement to apply to dependents, and it is codified in our regulations under 8 CFR 212.7(c)(4) and (9).