

**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 09/30/2024

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

We provide free forms through the USCIS website. To view, print, or complete 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 Contact Center and ask that we mail a form to you.

Signature. You (or your signing authority) must properly complete your application. USCIS will not accept a stamped or typewritten name in place of any signature on this application. 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. If your application is not signed, or if the signature is not valid, we will reject your application. See 8 CFR 103.2(a)(7)(ii)(A). If USCIS accepts a request for adjudication and determines that it has a deficient signature, USCIS may deny the request.

Validity of Signatures. USCIS will consider a photocopied, faxed, or scanned copy of an original handwritten signature as valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten ink signature.

Filing Fee. See Form G-1055, available at www.uscis.gov/forms, for specific information about the fees applicable to this form.

Evidence. When you file your application, you must submit all evidence and supporting documents listed in the **What Evidence Must You Submit** sections of these Instructions.

Biometric Services Appointment. USCIS may require you to appear for an interview or provide biometrics (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 or petition. If we determine that a biometric services appointment is necessary, we will send you an appointment notice with the date, time, and location of your appointment. If you are currently overseas, your notice will instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to schedule an appointment.

At your biometrics 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.

If you do not attend your biometric services appointment, we may deny your application.

Copies. You should submit legible photocopies of requested documents unless the Instructions specifically instruct you to submit an original document. USCIS may request an original document at any time during our process. If we request an original document from you, we will return it to you after USCIS determines it no longer needs the original.

NOTE: If you submit original documents when they are not required or requested, **USCIS may destroy them after we receive them.**

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 they are competent to translate from the foreign language into English. The certification must also include their signature, printed name, the signature date, and their contact information.

USCIS Contact Center. For additional information on the application and Instructions about where to file, change of address, and other questions, visit the USCIS Contact Center at www.uscis.gov/contactcenter or call at **800-375-5283** (TTY **800-767-1833**). The USCIS Contact Center provides information in English and Spanish.

Disability Accommodations/Modifications. To request a disability accommodation/modification, follow the instructions on your appointment notice or at www.uscis.gov/accommodationsinfo.

How To Complete 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.** You will only have a USCIS Online Account Number (OAN) if you previously filed a form that has a receipt number that begins with IOE. If you filed the form online, you can find your OAN in your account profile. If you mailed us the form, you can find your OAN at the top of the Account Access Notice we sent you. If you do not have a receipt number that begins with IOE, you do not have an OAN. The OAN is not the same as an A-Number.
5. **Country of Citizenship or Nationality.** Provide the name of the country where you are a citizen and/or national. This is not necessarily the country where you were born. If you do not have citizenship in any country, type or print "stateless" and provide an explanation in **Part 8. Additional Information**.

- 6. 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.
- 7. 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.
- 8. 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 for your records.

What Evidence Must You Submit

You must submit all evidence requested in these Instructions with your application. If you fail to submit required evidence, USCIS may reject or deny your application 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.
- 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.)
 - 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.
 - 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 your Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.

NOTE: If CBP admitted you into the United States at an airport or seaport after April 30, 2013, they may have issued you an electronic Form I-94 instead of a paper Form I-94. You may visit the CBP website at www.cbp.gov/i94 to obtain a paper version of your electronic Form I-94. CBP **does not** charge a fee for this service. Some travelers may also be able to obtain a replacement Form I-94 from the CBP website for free if they were admitted to the United States at a land border, airport, or seaport after April 30, 2013, with a passport or travel document and received a paper Form I-94 from CBP. If you cannot obtain your Form I-94 from the CBP website, you may obtain it by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS does charge a fee for **Form I-102**. See **Form G-1055**, available at www.uscis.gov/forms, for specific information about the fees applicable to this form.

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

Where to File?

Please see our website at www.uscis.gov/I-612 for the most current information about where to file this application.

Address Change

If you are not a U.S. citizen, you must notify USCIS of your new address within 10 days of moving from your previous residence. For information on changing your address, go to our website at www.uscis.gov/addresschange, or call the USCIS Contact Center.

NOTE: Do not submit a change of address request to the USCIS Lockbox.

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 properly complete this application, you will not establish a basis for your eligibility and we may reject or deny your application.

Requests for More Information. USCIS 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 we request an original document from you, we will return it to you after USCIS determines it is no longer needed.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your application. During your interview, USCIS may require you to provide your biometrics 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 our decision in writing.

USCIS Forms and Information

To ensure you are using the latest version of this application, visit www.uscis.gov.

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 application and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

DHS Privacy Notice

AUTHORITIES: The information requested on this waiver, and the associated evidence, is collected under the Immigration and Nationality Act section 212(e) and 8 CFR S. 212.7(c).

PURPOSE: The primary purpose for providing the requested information on this waiver is to apply for a waiver of the two year foreign residence requirement. DHS uses the information you provide to grant or deny the immigration benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in denial of your waiver.

ROUTINE USES: DHS may share the information you provide on this waiver and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System and DHS/USCIS-007 Benefits Information System] and the published privacy impact assessments [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems] which you can find at www.dhs.gov/privacy. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

USCIS may not conduct or sponsor an information collection, and you are 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 **15** 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, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0030. **Do not mail your completed Form I-612 to this address.**

Not for
Production
12/19/2023