



# Instructions for Application for Waiver of Grounds of Inadmissibility

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

USCIS  
**Form I-601**  
OMB No. 1615-0029  
Expires 12/31/2014

## What is the Purpose of This Form?

An individual who is ineligible to be admitted to the United States as an immigrant or to adjust status in the United States, and certain nonimmigrant applicants who are inadmissible, must file a Form I-601, Application for Waiver of Grounds of Inadmissibility, to seek a waiver of certain grounds of inadmissibility.

## Who May File This Form?

1. An immigrant visa applicant who is outside the United States who has had a visa interview with a consular officer and was found inadmissible;
2. Any applicant for adjustment of status;
3. K-1 or K-2 nonimmigrant visa applicant who is outside the United States who has had a visa interview with a consular officer and was found inadmissible (see section entitled "**Specific Instructions**");
4. K-3, K-4, or V nonimmigrant visa applicant who is outside the United States who has had a visa interview with a consular officer and was found inadmissible;
5. Temporary Protected Status (TPS) applicant;
6. Nicaraguan Adjustment and Central American Relief Act (NACARA) applicant;
7. Haitian Refugee Immigrant Fairness Act (HRIFA) applicant;
8. Violence Against Women Act (VAWA) self-petitioner applying for adjustment of status or an immigrant visa;
9. T nonimmigrant applying for adjustment of status who is inadmissible based on a ground that has not already been waived in connection with the T nonimmigrant status;

### and who seeks a waiver of the following grounds of inadmissibility:

- a. Health-related grounds (Immigration and Nationality Act (INA) section 212(a)(1));
- b. Certain criminal grounds (INA section 212(a)(2));
- c. Immigrant Membership in Totalitarian Party (INA section 212(a)(3)(D));
- d. Immigration fraud or misrepresentation (INA section 212(a)(6)(C)) **except** that a waiver under INA section 212(i) is not available, if you are inadmissible based on a false claim to be a U.S. citizen (INA section 212(a)(6)(C)(ii)), and if you made your false claim on or after September 30, 1996;
- e. Smugglers (INA section 212(a)(6)(E)) and Being Subject of Civil Penalty (INA section 212(a)(6)(F));
- f. The 3-year or 10-year bar due to previous unlawful presence in the United States (INA section 212(a)(9)(B));
- g. Certain grounds of inadmissibility, if filed by an applicant for TPS (see section of instructions entitled "**TPS Applicants Seeking a Waiver of Grounds of Inadmissibility Under INA Section 244(c)(2)(A)(ii)**");
- h. INA section 212(a)(9)(A) (Aliens Previously Removed) and INA section 212(a)(9)(C) (Unlawfully Present After Previous Immigration Violations), if filed by a NACARA or HRIFA adjustment applicant;
- i. INA section 212(a)(9)(C) (Unlawfully Present After Previous Immigration Violations) for a VAWA self-petitioner;
- j. T nonimmigrant visa status holders applying for adjustment of status may receive a waiver of INA section 212(a)(1) (Public Health) and INA section 212(a)(4) (Public Charge), and any other ground of inadmissibility, with the following exclusions; Grounds that cannot be waived are INA section 212(a)(3) (Security Related Grounds), INA section 212(a)(10)(C) (International Child Abductors), or INA section 212(a)(10)(E) (Former Citizens who Renounced Citizenship to Avoid Taxation).

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## How Long Is a Waiver Valid?

Except as provided below, if you seek a waiver of grounds of inadmissibility in connection with your application for an immigrant visa or adjustment of status and the waiver is granted, the waiver is valid indefinitely even if you do not obtain your immigrant visa, immigrant admission, or adjustment of status, or if you otherwise lose your legal permanent resident status.

The following waivers are either conditional or limited to certain benefits.

**Convention Adoptee.** If you obtain a waiver in connection with Form I-800, Petition to Classify Convention Adoptee as an Immediate Relative, the approval of your waiver is conditioned upon the final issuance of an immigrant or nonimmigrant visa based on the final approval of the Form I-800.

**K Nonimmigrant Visa Applicant.** If you obtain a waiver in connection with an application for a K-1 or K-2 nonimmigrant visa, the approval of your waiver is conditioned upon the marriage of the K-1 visa applicant and the K-1 visa petitioner after the K-1 nonimmigrant visa applicant is admitted to the United States.

**Conditional Resident.** If you obtain a waiver in connection with an application for lawful permanent residence on a conditional basis under INA section 216, the validity of the waiver automatically ceases with the termination of such residence; no separate notification of termination of the waiver is needed, and the termination of the waiver cannot be appealed. However, if the immigration judge determines that you are not removable based on the termination of your conditional resident status, the waiver will become effective again.

**TPS Applicant.** If you obtain a waiver in connection with a Form I-821, Application for Temporary Protected Status, the waiver is only valid for the TPS application. If granted, the waiver will apply to subsequent TPS re-registration applications, but not to any other immigration benefit applications.

## General Instructions

Each application must be properly signed and accompanied by the appropriate fee or a fee waiver request if such a request can be filed for the particular benefit. (See the section of the instructions entitled "**What is the Filing Fee?**".) A photocopy of a signed application or typewritten name in place of a signature is not acceptable.

**Evidence.** You must submit all required initial evidence along with all the supporting documentation with your application at the time of filing.

**Copies.** Unless specifically required that an original document be filed with an application or petition, a legible photocopy may be submitted. Original documents submitted when not required may remain a part of the record, and will not be automatically returned to you.

**Translations.** Any document containing a foreign language submitted to USCIS must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

## How to Fill Out Form I-601

1. Type or print legibly in black ink.
2. If you need additional space to complete any item, proceed to **Part 6, Additional Information** of the form. In order to assist us in reviewing your response, you must identify the Part Number and Item Number to which your answer refers.
3. Answer all questions fully and accurately. If an item is not applicable or the answer is "none," leave the space blank.
4. **Applicant's Signature.** You must sign this application personally, unless one of the following exceptions apply:
  - a. If you are under 14 years of age, your parent or legal guardian may sign the application for you;
  - b. If you are not competent to sign the application, but you are over 14 years of age, a duly appointed legal guardian may sign the application for you; or

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- c. If you are filing this application to waive inadmissibility for a communicable disease of public health significance (under INA section 212(g)), and you are not competent to sign the application, a qualified family member listed in **"Specific Instructions, Applicants Seeking a Waiver under INA Section 212(g) of Health-Related Grounds of Inadmissibility under INA Section 212(a)(1); 1. Applicants Seeking a Waiver under INA Section 212(g)(1) of Inadmissibility Due to Communicable Diseases"** may file and sign the application on your behalf. This qualifying relative may sign the application for you even if that person is not your legal guardian.

5. **Preparer's Signature.** If someone, other than the applicant, prepared this application, that individual must sign and date the application and provide the information requested.

### Specific Instructions

**NOTE:** If this form is approved, the waiver that is granted will apply **only** for those grounds of inadmissibility and those crimes, incidents, events, or conditions that you have included in your application. For this reason, it is important that you disclose all grounds of inadmissibility for which you seek a waiver.

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### Special Note to K-1 and K-2 Nonimmigrant Visa Applicants

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Since you do not have the requisite relationship to a citizen or lawful permanent resident of the United States to qualify for a waiver, you must enter one of the following in **Part 2**:

**1. If you are a fiancé(e) of a U.S. citizen:**

- Complete **item numbers 1.a. through 6.** with information regarding the U.S. citizen who filed a fiancé(e) petition on your behalf; and
- Write "Prospective Spouse" in the data collection box for **item number 5.** (Relationship to Applicant).

**2. If you are the child of a fiancé(e) of a U.S. citizen and will be less than 18 years of age when your parent marries such person:**

- Complete **item numbers 1.a. through 6.** with information regarding the U.S. citizen who filed a fiancé(e) petition on your parent's behalf; and
- Write "Prospective Step-child" in the data collection box for **item number 5.** (Relationship to Applicant).

**3. If you are the child of a fiancé(e) of a U.S. citizen, and will be at least 18 years of age but less than 21 years of age when your parent marries such person:**

- Complete **item numbers 1.a. through 4.** with information regarding your parent who will marry the U.S. citizen who filed a fiancé(e) petition on your parent's behalf; and
- Write "Child" in the data collection box for **item number 5, Part 2.** (Relationship to Applicant); and
- Write "Prospective LPR" in the data collection box for **item number 6, Part 2.** (Immigration Status).

If, upon review of your application, USCIS determines that you will be eligible for an immigrant waiver from inadmissibility once you have (or your parent has) celebrated a bona fide marriage to the U.S. citizen who filed the K visa petition, USCIS will conditionally approve the waiver application. The condition imposed on the approval is that you (or your parent) and the U.S. citizen who filed the K visa petition celebrate a bona fide marriage within the statutory time frame of 3 months from the day of your (or your parent's) admission. Despite the conditional approval, USCIS may ultimately deny Form I-601 if you (or your parent) do not marry the U.S. citizen who filed the K visa petition and if you (or your parent) do not seek and receive permanent residence on the basis of that marriage.

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### Applicants Seeking a Waiver under INA Section 212(g) of Health-Related Grounds of Inadmissibility under INA Section 212(a)(1)

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**1. Applicants Seeking a Waiver under INA Section 212(g)(1) of Inadmissibility Due to Communicable Diseases**

If you have a communicable disease that has been determined to be of public health significance, you must complete the application and provide the information as requested in the form.

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Communicable diseases of public health significance are defined in 42 CFR 34.2(b) and include but are not limited to:

- a. Class A Tuberculosis condition, as per U.S. Department of Health and Human Services (HHS) regulations;
- b. Chancroid;
- c. Gonorrhea;
- d. Granuloma inguinale;
- e. Lymphogranuloma venereum;
- f. Syphilis, infectious stage;
- g. Leprosy, infectious;
- h. Any other communicable disease as determined by the U.S. Secretary of Health and Human Services and as defined at 42 CFR 34.2(b).

**The application may be approved if:**

- a. You are the spouse, parent, the unmarried son or daughter, or the minor unmarried lawfully adopted child of a U.S. citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or if you are the fiancé(e) of a U.S. citizen or the fiancé(e)'s child; or
- b. You are a VAWA self-petitioner.

For specific information pertaining to applicants with a Class A Tuberculosis condition as per HHS regulations, see **item number 2** below.

**2. Applicants With Class A Tuberculosis Condition as Per HHS Regulations**

If you have been diagnosed with a Class A Tuberculosis condition as per HHS regulations, you and the physician at the local health department in the area where you plan to reside must complete the last 2 pages of this form, entitled **"To Be Completed for Applicants With Class A Tuberculosis Condition."**

**3. Applicants Seeking a Waiver under INA Section 212(g)(3) of Inadmissibility Due To Physical or Mental Disorder and Associated Harmful Behavior**

If you have a physical or mental disorder and behavior associated with the disorder that poses, may pose, or has posed a threat to the property, safety, or welfare of you or others, you must file this form, and a waiver may be granted under INA section 212(g)(3). You must also submit this form if you have a history of such a physical or mental disorder and a history of behavior associated with the disorder that has posed a threat to your property, safety, or welfare, or the property, safety, or welfare of others, and if the behavior is likely to recur or to lead to other harmful behavior.

In addition to this form, you must submit a complete medical history and a report that addresses the following:

- a. Your physical or mental disorder, and the behavior associated with the disorder that poses, has posed, or may pose in the future a threat to the property, safety, or welfare of you or other individuals. The report should also provide details of any hospitalization, institutional care, or any other treatment you may have received in relation to this physical or mental disorder;
- b. Findings regarding your current physical condition, including, if applicable, reports of chest X-rays and a serologic test, if you are 15 years of age or older, and other pertinent diagnostic tests;
- c. Findings regarding the current mental or physical condition, including a detailed prognosis that should specify, based on a reasonable degree of medical certainty, the possibility that the harmful behavior is likely to recur or that other harmful behavior associated with the disorder is likely to occur; and
- d. A recommendation concerning treatment that is reasonably available in the United States and that can reasonably be expected to significantly reduce the likelihood that the physical or mental disorder will result in harmful behavior in the future.

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The medical report will be referred to the U.S. Public Health Service for review and, if found acceptable, you will be required to submit such additional assurances as the U.S. Public Health Service may decide are necessary in your particular case.

#### 4. Applicants Seeking a Waiver under INA Section 212(g)(2)(C) of the Vaccination Requirement

If you seek an exemption from the vaccination requirement because being vaccinated is against your religious beliefs or moral convictions, you must file this form. You must establish with evidence that:

- a. You are opposed to vaccinations in any form;
- b. The objection is based on religious beliefs or moral convictions; and
- c. The belief or conviction is sincere.

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### **Applicants Seeking a Waiver of Certain Criminal Grounds of Inadmissibility and Immigration Fraud or Misrepresentation Under INA Sections 212(h) and (i)**

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#### 1. Criminal Grounds

If you are found to be inadmissible based on criminal grounds, you may seek a waiver of inadmissibility for the following:

- a. A crime involving moral turpitude (other than a purely political offense);
- b. A controlled substance violation according to the laws and regulations of any country related to a single offense of simple possession of 30 grams or less of marijuana;
- c. Two or more convictions, other than purely political ones, for which the aggregate sentences to confinement were 5 years or more;
- d. Prostitution;
- e. Unlawful commercialized vice whether or not related to prostitution; and
- f. Certain aliens involved in serious criminal activity who have asserted immunity from prosecution.

#### **With the application, you will have to establish that:**

- a. You are inadmissible only because of your participation in prostitution, including having procured others for prostitution or having received the proceeds of prostitution, but that you have been rehabilitated and your admission to the United States will not be contrary to the national welfare, safety, or security of the United States; **or**
- b. At least 15 years have passed since the activity or event that makes you inadmissible, that you have been rehabilitated, and that your admission to the United States or the issuance of the immigrant visa will not be contrary to the national welfare, safety, or security of the United States; **or**
- c. Your qualifying U.S. citizen or lawful permanent resident relative (spouse, son, daughter, parent), or K visa petitioner would experience extreme hardship if you were denied admission; **or**
- d. You are an approved VAWA self-petitioner.

For information about how you can establish extreme hardship, see the section of the instructions entitled "**What Evidence Should Be Submitted With the Application?**".

**NOTE:** If you are convicted of a violent or dangerous crime, the waiver may not be approved unless there is an extraordinary circumstance, such as one involving national security or foreign policy consideration, or if the denial of your admission would result in exceptional and extremely unusual hardship. Even if that standard is met, your waiver may still be denied. See 8 CFR 212.7(d).

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## 2. Immigration Fraud or Misrepresentation

If you are inadmissible because you have sought to procure an immigration benefit by fraud or misrepresenting a material fact (INA section 212(a)(6)(C)(i)), you may seek a waiver by filing this form. This waiver may be approved if you can establish that:

- a. Your qualifying U.S. citizen or lawful permanent resident relative (spouse, parent) or the K visa petitioner would experience extreme hardship if you were denied admission; or
- b. You are a VAWA self-petitioner, and you or your U.S. citizen, lawful permanent resident, or qualified parent or child may experience extreme hardship if you were denied admission.

For information about how you can establish extreme hardship, see the section of the instructions entitled "**What Evidence Should Be Submitted With the Application?**".

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### **Applicants Seeking a Waiver for Immigrant Membership in a Totalitarian Party Under INA Section 212(a)(3)(D)(i)**

If you are inadmissible for having been a member of or affiliated with the Communist or any other totalitarian party (or subdivision or affiliate thereof) whether domestic or foreign, you may apply for a waiver pursuant to INA section 212(a)(3)(D)(iv), if you are the parent, spouse, son, daughter, brother, or sister of a U.S. citizen or a spouse, son, or daughter of an alien lawfully admitted for permanent residence, or if you are the fiancé(e) of a U.S. citizen. The waiver may be granted for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, if you are not a threat to the security of the United States.

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### **Applicants Seeking a Waiver for Smuggling Under INA Section 212(a)(6)(E) and Being Subject of Civil Penalty Under INA Section 212(a)(6)(F)**

If you are inadmissible for having engaged in alien smuggling (INA section 212(a)(6)(E)(i)), you may apply for a waiver under INA section 212(d)(11) that may be granted for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, if you have engaged, induced, assisted, abetted, or aided only an individual who at the time of such action was your spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of the law, and;

1. If you are an alien lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of deportation or removal and who is otherwise admissible to the United States as a returning resident under INA section 211(b); or
2. If you are seeking admission or adjustment of status as an immediate relative under INA section 201(b)(2)(A), as an immigrant under INA section 203(a) (Preference allocation for family-sponsored immigrants based on the first, second, or third preference, but not on the fourth preference) or as the fiancé(e) (or his or her child(ren)) of a U.S. citizen.

If you are inadmissible because you have been the subject of a final order for violation of INA section 274C, you may apply for a waiver under INA section 212(d)(12). A waiver may be granted for humanitarian purposes or to assure family unity, if no previous civil monetary penalty was imposed against you under INA section 274C, and the offense was committed solely to assist, aid, or support your spouse or child (and not another individual); and

1. If you are an alien lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of removal and who is otherwise admissible to the United States as a returning resident under INA section 211(b); or
2. If you are seeking admission or adjustment of status as an immediate relative, as an immigrant under INA section 203(a) (preference allocation for family-sponsored immigrants) or as the fiancé(e) (or his or her child(ren)) of a U.S. citizen.

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## **Applicants Seeking a Waiver of Inadmissibility Based on the 3-Year or 10-Year Bar Under INA Section 212(a)(9)(B)(v)**

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T nonimmigrant visa status holders seeking exemption from only INA section 212(a)(9)(B) do not need to file this form.

If you are inadmissible because you were previously unlawfully present in the United States in excess of either 180 days (3-year bar), or 1 or more years (10-year bar), you may seek a waiver by filing this form.

The waiver may be granted if your qualifying U.S. citizen or lawful permanent resident relative (spouse, parent), or the K visa petitioner would experience extreme hardship if you were denied admission.

For TPS applicants and VAWA self-petitioners, see special instructions below.

For information about how you can establish extreme hardship, see the section of the instructions entitled "**What Evidence Should Be Submitted With the Application?**".

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## **TPS Applicants Seeking a Waiver of Grounds of Inadmissibility Under INA Section 244(c)(2)(A)(ii)**

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If you are a TPS applicant applying for a waiver of any relevant grounds of inadmissibility listed in INA section 212, your waiver may be granted for humanitarian purposes, to assure family unity or when such a waiver is in the public interest. In **Part 1** of the form, under the section entitled "**Reason(s) for Inadmissibility,**" item **number 51**, you must provide all information that supports your request for a waiver for one or more of these reasons.

**The following grounds of inadmissibility do not apply to TPS applicants.** These grounds will not cause you to be found inadmissible for TPS purposes **ONLY**. You do not need to file this form for the following grounds of inadmissibility if you are a TPS applicant:

1. Public charge (INA section 212(a)(4));
2. Labor Certifications and qualifications for certain immigrants (INA section 212(a)(5));
3. Aliens present without admission or parole (INA section 212(a)(6)(A));
4. Stowaways (INA section 212(a)(6)(D));
5. Student visa violators (INA section 212(a)(6)(G));
6. Documentation requirements for immigrants and nonimmigrants (INA section 212(a)(7));
7. Certain aliens previously removed (INA section 212(a)(9)(A));
8. Aliens unlawfully present (INA section 212(a)(9)(B)); and
9. Aliens unlawfully present after previous immigration violations (INA section 212(a)(9)(C)).

**No waiver is available to TPS applicants for the following grounds of inadmissibility:**

1. Crimes involving moral turpitude (INA section 212(a)(2)(A)(i)(I)), except purely political offenses, certain juvenile offenses committed under the age of 18, or a single petty offense for which the maximum penalty was 1 year or less and the actual sentence was 6 months or less. You do not need to apply for a waiver on this form if your offense falls within these statutory exceptions.
2. Controlled Substance violations (INA section 212(a)(2)(A)(i)(II)), other than a single offense of simple possession of 30 grams or less of marijuana. You may apply for a waiver on this form if your offense was for such simple possession of marijuana.
3. Multiple criminal convictions (INA section 212(a)(2)(B)), except for purely political offenses.
4. Controlled substance traffickers (INA section 212(a)(2)(C));
5. General security and related grounds (INA section 212(a)(3)(A));
6. Terrorist activities (INA section 212(a)(3)(B));

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7. Adverse foreign policy consequences for the U.S. (INA section 212(a)(3)(C));
  8. Immigrant membership in totalitarian party (INA section 212(a)(3)(D));
  9. Participants in Nazi persecution, genocide, or the commission of any act of torture or extrajudicial killing (INA section 212(a)(3)(E));

**NOTE:** Although certain grounds of inadmissibility do not apply to TPS applicants, they may still apply to you if you are seeking an immigration benefit other than TPS in the future. In addition, a waiver granted for TPS is valid only for purposes of your application for TPS. If you seek an immigrant visa or adjustment of status, you may need to apply for an additional waiver at that time.

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**NACARA and HRIFA Applicants Seeking a Waiver of Inadmissibility Based on Prior Removal Under INA Section 212(a)(9)(A) or Unlawful Presence After Previous Immigration Violations Under INA Section 212(a)(9)(C)**

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If you are a NACARA or HRIFA applicant for adjustment of status under section 202 of NACARA or section 902 of HRIFA, who is inadmissible under INA section 212(a)(9)(A) or INA section 212(a)(9)(C), you may apply for a waiver of these grounds of inadmissibility while present in the United States. You seek this waiver by filing Form I-601, rather than Form I-212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal, which is used to obtain "Consent to Reapply" under INA section 212(a)(9)(A)(iii) or (C)(ii).

When adjudicating your waiver application, USCIS will consider the same factors that would be considered if you were seeking "Consent to Reapply." Factors that may be considered include but are not limited to:

1. The length of time you have lived in the United States, whether lawfully or unlawfully;
2. Whether you have any criminal records;
3. Your immigration history in the United States;
4. Your family ties to U.S. citizens or to aliens living lawfully in the United States;
5. Whether the denial of your application will impose hardship on you or on these relatives, and the degree of that hardship;
6. Whether granting your waiver application is likely to result in your ability to immigrate lawfully;
7. Your employment history in the United States and the continued need for your services;
8. Whether you are a person of good moral character;
9. Any other factor that you believe USCIS should consider in deciding your case.

In addition to this form, you should submit a brief statement indicating why USCIS should grant your application and any documentary evidence that may be available to support your factual claims. Although hardship to a relative who is a U.S. citizen or an alien who is living lawfully in the United States is not specifically required by statute, this factor can play a significant role in establishing why USCIS should grant your application.

For information about how you can establish hardship, see the section of the instructions entitled "**What Evidence Should Be Submitted With the application?**".

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**Approved VAWA Self-Petitioner and His or Her Child(ren) Seeking a Waiver of Inadmissibility Under INA Section 212(a)(9)(C)(iii)**

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The INA provides special forms of relief for an approved VAWA self-petitioner and his or her child(ren) who are applying for adjustment of status or an immigrant visa but who are inadmissible under certain provisions of INA section 212(a)(6)(A)(i), section 212(a)(9)(B)(i), or section 212(a)(9)(C)(i). **You should only file this Form I-601 to seek a waiver of inadmissibility pursuant to INA section 212(a)(9)(C)(i); you do not need to file this form if you are inadmissible under INA sections 212(a)(6)(A)(i) or 212(a)(9)(B)(i), as explained in the "NOTE" below.**



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**If you are inadmissible under INA section 212(a)(9)(C)(i):** USCIS has discretion to waive this ground of inadmissibility under INA section 212(a)(9)(C)(iii) for an approved VAWA self-petitioner and his or her child(ren), if the VAWA self-petitioner can establish a "connection" between the battery or extreme cruelty that is the basis for the VAWA claim, the unlawful presence and departure, or the removal, or his or her subsequent unlawful entry or attempted reentry into the United States. If you seek such a waiver, complete Form I-601 and attach evidence that shows the "connection" between the battery or extreme cruelty and your removal or departure from the United States, or your reentry or reentries into the United States, or attempted reentry into the United States.

**NOTE: You do not need to file Form I-601 if you are an approved VAWA self-petitioner (and his or her child(ren)) seeking adjustment of status, and if you are inadmissible under INA section 212(a)(6)(A)(i) (presence in the United States without admission or parole, or arrival in the United States, other than at an open port of entry).** According to USCIS policy, you are eligible for adjustment of status under INA section 245(a) regardless of your unlawful entry. Because INA section 212(a)(6)(A)(i) inadmissibility ends when you depart the United States, you also do not have to submit any special documentation with an immigrant visa application.

**NOTE: You do not need to file Form I-601 if you are an approved VAWA self-petitioner (and his or her child(ren)) and inadmissible under INA section 212(a)(9)(B)(i) (3-year or 10-year bar to admission).** You may be exempt from this inadmissibility if you, the approved VAWA self-petitioner, or your child(ren) can establish a "substantial connection" between the battery or extreme cruelty that is the basis for your VAWA claim and the violation of your prior nonimmigrant admission. You must submit evidence of the "substantial connection" with your Form I-485, Application to Register Permanent Residence or Adjust Status, or your immigrant visa application.

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### **Applicants for Adjustment of Status Based on T Nonimmigrant Status**

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If you are a T nonimmigrant status holder admitted to the United States and applying for adjustment of status, you may obtain a waiver of almost any ground listed in INA section 212(a).

If you are inadmissible based on public health grounds (INA section 212(a)(1)) or public charge (INA section 212(a)(4)), the waiver may be approved if granting the waiver is in the national interest.

If you are inadmissible based on any other ground of inadmissibility, the waiver may be approved if the activities making you inadmissible were caused by or were incident to your trafficking victimization, and granting the waiver is in the national interest.

No waiver of inadmissibility is available to adjustment of status applicants based on T nonimmigrant status, for the following grounds of inadmissibility:

1. INA section 212(a)(3) (Security Related Grounds);
2. INA section 212(a)(10)(C) (International Child Abductors);
3. INA section 212(a)(10)(E) (Former Citizens who Renounced Citizenship to Avoid Taxation).

**NOTE: You do not need to file Form I-601 if you are inadmissible because you have been unlawfully present in the United States and then departed (INA section 212(a)(9)(B)).** You may be exempt from the 3-year or 10-year bar if you can establish that your victimization was at least one central reason for your unlawful presence in the United States. You should submit evidence with your Form I-485 to demonstrate that the victimization you suffered was a central reason for the unlawful presence in the United States.

### **What Evidence Should Be Submitted With the Application?**

**Pay close attention to the qualifying family relationship that you have to establish if you apply for an extreme hardship waiver. While the relationships appear to be similar, the various waiver provisions contain different qualifying family relationships.**

**Also, pay close attention to the requirements that need to be established to have a particular ground of inadmissibility waived, as listed in the "Specific Instructions."**

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In support of your application, you should provide evidence that establishes why you may qualify for a waiver of inadmissibility. In all cases, you must show that the approval of your application is warranted as a matter of discretion, with the favorable factors outweighing the unfavorable factors in your case. Depending on the type of waiver, this information and evidence may include but is not limited to:

1. Affidavits from you or other individuals in support of your application;
2. Police reports from any country you lived in;
3. Complete court records regarding any conviction or charge from any country;
4. If applicable, evidence of rehabilitation;
5. Any evidence you may wish to submit to establish that your admission to the United States would not be against national welfare or national security;
6. Medical reports;
7. If you are applying for a waiver because you are the spouse, parent, son, or daughter of a U.S. citizen or an alien lawfully admitted for permanent residence, or the fiancé(e) of a U.S. citizen, you must submit evidence establishing the family relationship (birth certificate, marriage certificate, etc) and attach evidence that demonstrates your denial of admission would result in **extreme hardship** to the U.S. citizen or lawful permanent resident spouse, parent, son, daughter, or your U.S. citizen fiancé(e).

**Factors USCIS considers when determining extreme hardship include, but are not limited to:**

- a. *Health* - For example: Ongoing or specialized treatment required for a physical or mental condition; availability and quality of such treatment in the foreign country; anticipated duration of the treatment; chronic vs. acute vs. long or short-term care.
- b. *Financial Considerations* - For example: Future employability; loss due to sale of home or business or termination of a professional practice; decline in standard of living; ability to recoup short-term losses; cost of extraordinary needs such as special education or training for children with special needs; cost of care for family members (elderly and sick parents).
- c. *Education* - For example: Loss of opportunity for higher education; lower quality or limited scope of education options; disruption of current program; requirement to be educated in a foreign language or culture with ensuing loss of time or grade; availability of special requirements, such as training programs or internships in specific fields.
- d. *Personal Considerations* - For example: Close relatives in the United States and country of birth or citizenship; separation from spouse/children; ages of involved parties; length of residence and community ties in the United States.
- e. *Special Factors* - For example: Cultural, language, religious, and ethnic obstacles; valid fears of persecution, physical harm, or injury; social ostracism or stigma; access (or lack of access) to social institutions or structures (official or unofficial) for support, guidance, or protection.

**Evidence of extreme hardship may include, but is not limited to:**

- a. Affidavits from the qualifying relative or other individuals with personal knowledge of the claimed hardships;
- b. Expert opinions;
- c. Evidence of employment or business ties, such as payroll records or tax statements;
- d. Evidence of monthly expenditures such as mortgage, rental agreement, bills and invoices, etc.;
- e. Other financial records supporting any claimed financial hardships;
- f. Medical documentation and/or evaluations by medical professionals supporting any claimed medical hardships;
- g. Records of membership in community organizations, volunteer confirmation, and evidence of cultural affiliations;
- h. Birth/marriage/adoption certificates supporting any claimed family ties;

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- i. Country condition reports; and
  - j. Any other evidence you believe supports the claimed hardships.
8. If you are a VAWA self-petitioner and you seek a waiver under INA section 212(a)(9)(C)(iii), submit any evidence that you believe establishes a connection between the battery or extreme cruelty that is the basis for the VAWA claim, your unlawful presence and your departure (or your removal) and your unlawful return or attempted unlawful return.
  9. If you are a T nonimmigrant status holder seeking a waiver under INA section 212(a)(1) or section 212(a)(4), submit any evidence that demonstrates it is in the national interest to waive these grounds. If you are seeking a waiver under any other INA section 212(a) ground, submit any evidence that demonstrates it is in the national interest to waive such ground and that the activities rendering you inadmissible were caused by or were related to your victimization.
  10. If you are a TPS applicant, submit any evidence that demonstrates that the granting of your waiver serves humanitarian purposes, family unity or is in the public interest.

**NOTE:** Your application should be supported by documentary evidence, or you should have a detailed explanation why such evidence cannot be obtained. Mere assertions will not suffice. Medical assertions should be supported by a medical professional's statement.

### What Is the Filing Fee?

All applications must be accompanied by a fee of **\$585** unless you are eligible to request a fee waiver. The fee cannot be refunded, regardless of the action taken on the application. **Do not mail cash. All fees must be submitted in the exact amount.**

A fee waiver **may be requested** by a VAWA self-petitioner, a T nonimmigrant applying for adjustment of status, an applicant for Temporary Protected Status, or any applicant who is exempt from the public charge grounds of inadmissibility of INA section 212(a)(4).

If you believe you are eligible for a fee waiver, please complete Form I-912, Request for a Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the form fee with this form. You can review the fee waiver guidance at [www.uscis.gov](http://www.uscis.gov).

**NOTE:** As stated in the **NOTE** in the section of the instructions entitled "**Specific Instructions**", the approval of a Form I-601 waives only those events and the resulting grounds of inadmissibility that you have specifically identified in the application. You should specify on this Form I-601 every ground of inadmissibility for which you seek a waiver. You may file just one application, and pay just one filing fee, if you request more than one type of waiver or a waiver for more than one event or condition that makes you inadmissible. If you do not include all applicable events or grounds of inadmissibility in your application, you may need to file an additional Form I-601 and pay an additional fee to request any additional waiver(s).

Use the following guidelines when you prepare your check or money order for the Form I-601 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."

**Notice to Those Making Payment by Check.** If you send us a check, it will be converted 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 will be shown on your regular account statement.

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

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## How to Check If the Fees Are Correct

The fee on this form is current as of the edition date appearing in the lower left corner of this page. However, because USCIS fees change periodically, you can verify if the fees are 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. Telephone the USCIS National Customer Service Center at **1-800-375-5283** and ask for the fee information.

**NOTE:** 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.

## Where To File?

### Updated Filing Address Information

Please see our Web site at [www.uscis.gov/i-601](http://www.uscis.gov/i-601) or call the USCIS National Customer Service Center at **1-800-375-5283** for the most current information about where to file this benefit request.

### E-Notification

If you are filing your Form I-601 at a USCIS Lockbox facility, you may elect to receive an e-mail and/or text message notifying you that your application has been accepted. You must complete Form G-1145, E-Notification of Application/Petition Acceptance, and clip it to the first page of your application. To download a copy of Form G-1145, including the instructions, refer to [www.uscis.gov](http://www.uscis.gov) "FORMS." The Form G-1145 is activated after the form has been processed at the Lockbox facility and the receipt notice has been issued.

## Address Changes

If you changed your address, you must inform USCIS of your new address. 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**.

## Processing Information

### Initial Processing

Once a Form I-601 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and USCIS may deny your Form I-601. An application or petition is not considered properly filed until accepted by USCIS.

### Requests for More Information, or Interview

We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copies submitted with the initial application. We will return these originals when they are no longer required.

### Decision

The decision on a Form I-601 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

## USCIS Forms and Information

You can get USCIS forms and immigration-related information on the USCIS Web site at [www.uscis.gov](http://www.uscis.gov). You may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by telephoning the USCIS National Customer Service Center at **1-800-375-5283**.

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As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through USCIS Internet-based system, **InfoPass**. To access the system, visit USCIS Web site. 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 this request, we will deny the benefit you are filing for, 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 form, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, et seq.

**PURPOSE:** 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.

**DISCLOSURE:** The information you provide is voluntary. However, failure to provide the requested information and any requested evidence may delay a final decision or result in denial of your form.

**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 [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 OMB control number. The public reporting burden for this collection of information is estimated at 90 minutes per response, including the time for reviewing instructions and completing and submitting the form. 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. 1615-0029. **Do not mail your completed Form I-601 application to this address.**