



Embassy of the United States of America
100 Duke & Young Streets, Kingston, Georgetown, Guyana

Ask the Consul Installment One Hundred Thirty-Six Waivers for Immigration Related Ineligibilities

This Ask the Consul installment addresses questions and provides useful tips for waivers for immigration related ineligibilities.

Q: What is visa ineligibility?

In order to protect the health, welfare, and security of the United States, certain applicants are not eligible for the issuance of a visa, based on specific ineligibilities written in U.S. immigration law. For example, there are ineligibilities associated with applicants who have a communicable disease, or a dangerous physical or mental disorder; have committed serious criminal acts and/or have illegally entered the United States.

Q: If I am found ineligible, can I apply for a waiver?

If you are found to be ineligible, the Consular Officer will advise you regarding your ineligibilities and whether there is a possibility of obtaining a waiver. In some cases, you may have to request a waiver or exception from the Department of Homeland Security (DHS). The Consular Section will provide you with information on how to apply for the waiver.

General filing tips when filing the waiver include:

- Read the form's filing instructions, ensure your form is neat and legible, and keep all entries within the spaces provided on the form.
- Use a current form version and mail all pages of the form. Forms are available free of charge on www.uscis.gov or by calling the United States Citizenship and Immigration Services (USCIS) Customer Service at 1-800-375-5283.
- When possible, use the Adobe forms available online at www.uscis.gov. These forms have helpful features, and their use will ensure the most current version of the form is being used.

- When completing forms by hand, use black ink and do not gray any part of the form or use highlighters or correction fluid. Use of these items prevents USCIS Lockbox scanners from reading the forms, possibly resulting in the form being rejected.
- Submit all required documentation or evidence as indicated in the form instructions.
- Sign the form in the correct section (see the form-specific tips below). An original signature is required. If there is no signature or if it is signed in the wrong place, the application will be rejected.

Q: Who needs to file for I-601?

Form I-601, *Application for Waiver of Grounds of Inadmissibility*, should be filed by an immigrant visa applicant who is ineligible to be admitted to the United States as an immigrant. By filing Form I-601, an applicant is seeking a waiver of certain grounds of inadmissibility.

Q: Who needs to file for I-212?

Form I-212, *Application for Permission to Reapply for Admission into the United States After Deportation or Removal*, should be filed by an immigrant visa applicant who is inadmissible under section 212(a)(9)(A) or (C) of the Immigration and Nationality Act (INA), which specifies that By filing Form I-212, an applicant can obtain "consent to reapply for admission" that is required before the alien can lawfully return to the United States. "Consent to reapply" is also called "permission to reapply."

Q: Can an applicant use one of these forms if they have been denied a tourist visa or Non-Immigrant visa because of an ineligibility?

No, unfortunately the process for waiving an ineligibility for non-immigrant visas is much different. The interviewing officer must make a recommendation to the Department of State in order to waive an ineligibility for a non-immigrant visa applicant, and no forms are required or accepted. Please **do not** file one of these forms if you have an ineligibility and have been denied a non-immigrant visa.

Q: How much does it cost to file these forms?

The filing fee for Form I-601 or Form I-212 is \$585 U.S. dollars. No biometric fee is required for Form I-212.

A fee waiver request will be accepted from a Violence Against Women Act (VAWA) self-petitioner, and applicants of certain categories of visas related to a battered spouse or child of a lawful permanent resident or U.S. citizen, an applicant for Temporary Protected Status, or an alien for whom a determination of their likelihood of becoming a public charge under section 212(a)(4) of the Act is not required at the time of their application for admission or adjustment of status. Please see www.uscis.gov/feewaivers for more information.

General tips associated with filing fees:

- Pay the correct fee. Check the form instructions or <http://www.uscis.gov/forms> for the latest fee information. The United States Citizenship and Immigration Services (USCIS) cannot refund the amount of any overpayments. If the correct fee is not received, the application will be rejected.
- Checks or money orders must be payable in U.S. dollars, otherwise they will be rejected.
- Although one check covering multiple applications is acceptable, we recommend submitting separate checks or money orders when multiple applications are filed.
- Complete the check correctly.
 - The “Pay to the Order of” line should read: U.S. Department of Homeland Security.
 - Ensure the numerical and written check amounts are the same.
 - Ensure the check date is not postdated or outdated (over one year old).
- Only applications with fees or fee waiver requests should be sent to a USCIS Lockbox facility. Please do not send items such as a response to a Request for Evidence (RFE) or Notice of Intent to Deny (NOID) to a Lockbox facility; send these documents to the office that requested the information.

Q: How long does it take to get a waiver processed?

The average wait time for a waiver decision is approximately one year, but may be longer.

Q: What if I have more questions regarding waivers?

The U.S. Department of Homeland Security, through USCIS is responsible for processing waiver applications, receiving fees and making the ultimate decision

regarding the outcome of a waiver request submitted on either of the forms referenced above. The U.S. Department of State, which sets policy and provides oversight of the U.S. Embassy and Consular Section in Georgetown, is **not** responsible for accepting, filing or deciding the outcome of waiver requests.

Applicants may contact Lockboxsupport@dhs.gov with questions regarding applications and petitions that are pending at a USCIS Lockbox facility and those that have been rejected.

If an applicant wants to receive an e-notification that a form has been accepted at a USCIS Lockbox facility, Form G-1145, *E-Notification of Application/Petition Acceptance*, must be completed and attached to the first page of a waiver application.

NOTE: Filing instructions and filing fees may change. Please ensure you have the most current information, available on www.uscis.gov or by calling the USCIS Customer Service Center.

“Ask the Consul” is a bi-weekly column from the U.S. Embassy answering questions about U.S. immigration law and visa issues. If you have a general question about visa policy please email it to us at AskGeorge@state.gov. We select questions every other week and publish the answers in Stabroek News and on our website at <http://georgetown.usembassy.gov/ask-the-consul.html>. Information about visas and travel can be viewed at <http://georgetown.usembassy.gov>, <http://travel.state.gov>, and at <http://www.dhs.gov>. Applicants are strongly encouraged to prepare their own documents and avoid third-party advice. U.S. Consular rules change frequently and non-U.S. government advisors often provide inadequate or inaccurate information.

Other than the questions we select, we DO NOT respond to questions sent to Ask the Consul. Please contact the visa inquiries unit (email visageorge@state.gov or call 225-7965 between 8 am and 4 pm Monday through Friday) if you have questions about a specific case.