

Instructions for Application for Permission to Reapply for Admission Into the United States After Deportation or Removal



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

USCIS
Form I-212
OMB No. 1615-0018
Expires 12/31/2013

What is the Purpose of This **Application**?

If you are inadmissible under section 212(a)(9)(A) or (C) of the Immigration and Nationality Act (INA), you must ask for consent to reapply for admission to the United States (consent to reapply) before you can lawfully return to the United States. Consent to reapply is also called "permission to reapply." You should use this application to seek consent to reapply.

Why Do I Need Consent to Reapply?

If you are inadmissible under INA section 212(a)(9)(A) or (C), you need to obtain consent to reapply for admission to the United States under INA section 212(a)(9)(A)(iii) or (C)(ii). If you need to obtain consent to reapply, it is very important that you **do not** return to the United States before you have filed an application for consent to reapply, and before the Department of Homeland Security (DHS) has approved it.

Returning unlawfully to the United States without inspection and admission or parole, or without obtaining consent to reapply for admission after having been excluded, deported, or removed, OR after having accrued, in the aggregate, more than one year of unlawful presence in the United States may make you permanently inadmissible to the United States under INA section 212(a)(9)(C).

Additionally, returning to the United States without obtaining consent to reapply when needed or returning unlawfully (such as returning without being inspected and admitted, or by fraud, or any other unlawful means after you have been deported, excluded, or removed) may have significant consequences, including:

1. Reinstatement of your removal order under INA section 241(a)(5);
2. Prosecution in criminal court under INA section 276; and
3. A permanent bar from admission to the United States under INA section 212(a)(9)(C).

Returning to the United States with a visa may not protect you from these consequences if you are required to obtain consent to reapply, but did not get that consent.

These instructions contain more information about the grounds of inadmissibility and the consequences for failure to obtain consent to reapply in the **Detailed Description of Grounds of Inadmissibility Under INA Sections 212(a)(9)(A) and (C), and Criminal Penalties under INA Section 276** section.

Who Should File This **Application**?

You should file this application if you are inadmissible under **INA section 212(a)(9)(A) or (C)**. To determine if one or both of these grounds of inadmissibility apply to you, read below in **Detailed Description of Grounds of Inadmissibility Under INA Sections 212(a)(9)(A) and (C) and Criminal Penalties Under INA Section 276**.

Inadmissibility Under INA section 212(a)(9)(A)

You will need to file Form I-212 if you are inadmissible under INA section 212(a)(9)(A) because:

1. You were actually removed from the United States; or
2. You departed the United States on your own after being issued an order of removal (whether administratively final or not).

You may file Form I-212 if you are inadmissible under INA section 212(a)(9)(A), **but not** INA section 212(a)(9)(C), and you are:

1. An applicant for an immigrant visa;
2. An applicant for adjustment of status under INA section 245 (other than as a T or U nonimmigrant seeking adjustment under Title 8 Code of Regulations (8 CFR) 245.23 or 245.24);
3. An applicant who wishes to seek admission as a nonimmigrant at a U.S. Port-of-Entry who is not required to obtain a nonimmigrant visa; or

NOTE: U.S. Customs and Border Protection (CBP) has jurisdiction over these applications for consent to reapply. For more information on filing Form I-212 with CBP, consult the CBP **Web** site at www.cbp.gov.

4. An applicant for a nonimmigrant visa at a U.S. **Consulate**.

NOTE: Some applicants who are applying for a nonimmigrant visa may not have to file Form I-212 to obtain consent to reapply for admission. The U.S. Consulate with jurisdiction over your nonimmigrant visa application will advise you on whether and how to file to obtain consent to reapply for admission.

Inadmissibility Under INA section 212(a)(9)(C)

You will need to file Form I-212 if you are inadmissible under INA section 212(a)(9)(C) and you are:

1. An applicant for an immigrant visa;
2. An applicant who wishes to seek admission as a nonimmigrant at a U.S. Port-of-Entry, but who is not required to obtain a nonimmigrant visa; or

NOTE: CBP has jurisdiction over these applications for consent to reapply. For more information on filing Form I-212 with CBP, consult the CBP **Web** site at www.cbp.gov.

3. An applicant for a nonimmigrant visa at a U.S. Consulate who must obtain consent to reapply for admission.

NOTE: Some applicants who are applying for a nonimmigrant visa may not have to file Form I-212 to obtain consent to reapply for admission. The U.S. Consulate with jurisdiction over your nonimmigrant visa application will advise you on whether and how to file to obtain consent to reapply for admission.

Even if you are in one of the categories of applicants listed above, you **may not** file an application for consent to reapply if you are inadmissible under INA section 212(a)(9)(C) and:

1. You are in the United States; or
2. You have not been *physically outside* the United States for *more than* 10 years since the date of your last departure from the United States.

Who May Not Be Required to File for Consent to Reapply?

If any of the following apply to you, you may not be inadmissible under INA section 212(a)(9)(A) or (C), or both, and would **not** need to seek consent to reapply for admission to the United States:

1. You were inadmissible under INA 212(a)(9)(A), **but** your inadmissibility period has expired (see the **Detailed Descriptions of Grounds of Inadmissibility Under INA Sections 212(a)(9)(A) and (C) and Criminal Penalties Under INA Section 276** section of these instructions to determine whether one or both of these grounds of inadmissibility apply to you);
2. You were allowed to withdraw your application for admission at the border, and you departed from the United States within the time specified for your departure;
3. You were refused entry at the border, but not formally removed;
4. You were refused admission as an applicant under the Visa Waiver Program;

-
- You had previously been unlawfully present in the United States for more than one year, in the aggregate, or you were previously ordered excluded, deported, or removed, but when returning to the border, you were paroled into the United States;

NOTE: Even if you were paroled into the United States, you may still be inadmissible under INA section 212(a)(9)(B) if you accrued more than 180 days of unlawful presence in the United States or under INA section 212(a)(9)(A) because of a prior removal. In either case, you may be eligible for a waiver to overcome the unlawful presence bar or to request consent to reapply for admission for your prior removal. For more information on waivers and consent to reapply for admission, visit www.uscis.gov. You may also review the instructions for Form I-601 or Form I-601A for information about the grounds of inadmissibility covered by those forms and whether you need to file either of them.

- You received an order of Voluntary Departure from an immigration judge and left the United States during the time period specified in your Voluntary Departure order;
- You are an applicant for Registry under INA section 249;
- You are in U nonimmigrant status and you are applying for Adjustment of Status under 8 CFR 245.24; or
- You are an applicant for Temporary Protected Status (TPS) under INA section 244.

NOTE: Although you may be inadmissible under INA section 212(a)(9)(A) or (C), the U.S. Citizenship and Immigration Services (USCIS) cannot consider your inadmissibility under these provisions for purposes of a TPS application because INA section 244(a)(5) states that a TPS applicant's current status may not be considered as part of the adjudication of TPS. Therefore, TPS applicants do not need to file Form I-212 to establish eligibility for TPS. Your inadmissibility under INA section 212(a)(9)(A) or (C), however, may remain relevant and be considered for the purposes of other immigration benefits.

Applicants for certain immigration benefits may be able to obtain a waiver of inadmissibility under INA section 212(a)(9)(A) or (C) instead of consent to reapply for admission. See the **Waiver of Inadmissibility Instead of Consent to Reapply** section below.

Waiver of Inadmissibility Instead of Consent to Reapply

Some applicants do not have to file Form I-212 to overcome their inadmissibility under INA section 212(a)(9)(A) or (C). If you fall under one of the categories listed below, you may apply for a waiver of your grounds of inadmissibility by using the following forms:

1. Form I-601, Application for Waiver of Grounds of Inadmissibility, if:

- You are an applicant for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act (NACARA) section 202;
- You are an applicant for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 (HRIFA) section 902;
- You are a T nonimmigrant applying for adjustment of status under 8 CFR 245.23; or
- You are an approved Violence Against Women Act (VAWA) self-petitioner seeking adjustment of status who is inadmissible under INA section 212(a)(9)(C).

NOTE: If you are inadmissible under INA section 212(a)(9)(A) and (C), you should file Form I-212 **and** Form I-601.

2. Form I-690, Application for Waiver of Grounds of Inadmissibility Under Sections 245A or 210 of the Immigration and Nationality Act, if:

- You are an applicant for adjustment of status based on any legalization program under INA section 245A; or
- You are an applicant for adjustment of status based on any legalization program under INA section 210 (Special Agricultural Workers).

3. Form I-192, Application for Advance Permission to Enter as Nonimmigrant, if:

- A. You are an applicant for U nonimmigrant status. You must file your Form I-192 with your Form I-918, Petition for U Nonimmigrant Status. You **do not** need to file Form I-212 or a new waiver application if you are already in U nonimmigrant status and applying for adjustment of status under 8 CFR 245.24;
- B. You are an applicant for T nonimmigrant status. You may file Form I-192 with your Form I-914, Application for T Nonimmigrant Status; or
- C. You are an applicant for nonimmigrant status and inadmissible under INA section 212(a)(9)(C)(i)(I) for unlawful presence and subsequent reentry without admission or parole. You may be eligible for a waiver of inadmissibility authorizing you to enter as a nonimmigrant under INA section 212(d)(3)(A) at any time and as an alternative to consent to reapply, but only if you wish to seek admission to the United States as a nonimmigrant. This authorization is temporary and does not eliminate the INA section 212(a)(9)(C)(i)(I) ground of inadmissibility for immigrant purposes or future entries as a nonimmigrant. See the instructions for Form I-192 to determine whether and how you may obtain a waiver of a ground of inadmissibility for authorization to enter as a nonimmigrant under INA section 212(d)(3)(A).

When Should You Apply for Consent to Reapply?

If You Are Inadmissible Under INA section 212(a)(9)(A)

1. If you have already been **excluded, deported, or removed** from the United States and are currently outside the country, you **must** seek consent to reapply **before** returning to the United States.
2. If you have been ordered removed, but have not left the United States, and will be applying for an immigrant visa abroad, you may file your application for consent to reapply **before** you leave the United States under the removal order. If the agency, at its discretion, chooses to approve your application for consent to reapply, the approval is considered **conditional** until you actually depart the United States. Consent to reapply for admission in this situation applies only to inadmissibility under INA section 212(a)(9)(A). You cannot file an application for consent to reapply for admission while you are in the United States if you are inadmissible under INA section 212(a)(9)(C).
3. If you are ordered removed again **after** approval of consent to reapply, you will have to file a new application for consent to reapply. A conditional approval does not protect you from any other ground of inadmissibility that may result from your departure from the United States, including under INA section 212(a)(9)(B). See the **Where to File** section of these instructions to determine whether you qualify for the advanced, conditional approval.

If You Are Inadmissible Under INA section 212(a)(9)(C)

1. If you are inadmissible under INA section 212(a)(9)(C)(i), you are **permanently inadmissible** and will **always** need to request for consent to reapply for admission **BEFORE** you return to the United States.
2. You **cannot** file an application for consent to reapply until you have left the United States and have remained **outside the country** for at least 10 years since your last departure. **After 10 years, you must request consent to reapply** before you seek admission to the United States.

Detailed Descriptions of Grounds of Inadmissibility Under INA Sections 212(a)(9)(A) and (C) and Criminal Penalties Under INA Section 276

If You Are Inadmissible Under INA section 212(a)(9)(A)(i)

You must seek consent to reapply if you seek admission to the United States during the period specified in INA section 212(a)(9)(A)(i) and you are inadmissible because:

1. You were removed from the United States as an inadmissible alien through expedited removal proceedings under INA section 235(b)(1) that were initiated when you arrived at a U.S. Port-of-Entry; or
2. You were removed from the United States as an inadmissible, arriving alien under INA section 240, and the removal proceedings were initiated when you arrived at a U.S. Port-of-Entry.

The periods of time during which you must obtain consent to reapply for admission before you can apply for admission to the United States again are:

1. **5 years** from the date of removal, if you were only removed once;
2. **20 years** from the date of removal, if you were removed **two** or more **times**; or
3. **Forever**, if you are an alien who has been convicted of an aggravated felony (as defined in INA section 101(a)(43)). You must obtain consent to reapply for admission, even if you were not removed because of the aggravated felony conviction and even if you were convicted of the aggravated felony after you were removed from the United States.

If you seek admission to the United States before the appropriate inadmissibility period is over, you must file an application for consent to reapply for admission to the United States.

If you do not know the provision of law that was the basis for your exclusion, deportation, or removal from the United States, review the official documents you received during your proceedings. These documents should indicate the section of law that applies to your case.

NOTE: If you have remained outside the United States for the entire inadmissibility period, you are no longer required to seek consent to reapply. Under INA section 276(a)(2)(B), you also will not be subject to criminal liability under INA section 276(a) if you return lawfully to the United States through a U.S. Port-of-Entry. If you are granted consent to reapply for admission to the United States during the inadmissibility period, your inadmissibility under INA 212(a)(9)(A)(i) no longer applies.

NOTE: Even if the inadmissibility period under INA section 212(a)(9)(A)(i) has already passed (you were required to remain abroad for 5 or 20 consecutive years, and have done so, and have not been convicted of an aggravated felony), you will become inadmissible under INA section 212(a)(9)(C) if you enter or attempt to enter the United States without being inspected and admitted or paroled.

If You Are Inadmissible Under INA section 212(a)(9)(A)(ii)

You must obtain consent to reapply if you seek admission to the United States during the period specified in INA section 212(a)(9)(A)(ii) and you are inadmissible because:

1. You were removed from the United States under INA section 240;
2. You were ordered removed under any other provision of U.S. law; or
3. You departed from the United States on your own while an order of exclusion, deportation, or removal was outstanding (for example, you left after you were ordered removed, but before the U.S. government could physically remove you based on your order of removal). This does not include a Voluntary Departure granted under INA section 240B if you departed the United States during the time period specified in your Voluntary Departure order.

The periods during which you must obtain consent to reapply before you can apply for admission to the United States again are:

1. **10 years** from the date of departure or removal, if you were only removed once;
2. **20 years** from the date of departure or removal, if you were removed **two** or more **times**; or
3. **Forever**, if you were convicted of an aggravated felony (as defined in INA section 101(a)(43)). You must obtain consent to reapply for admission, even if you were not removed because of the aggravated felony conviction and even if you were convicted of the aggravated felony after you were removed from the United States.

NOTE: If you have remained outside of the United States for the entire inadmissibility period, you are no longer required to file this application. Under INA section 276(a)(2)(B), you also will not be subject to criminal liability under INA section 276(a), if you return lawfully to the United States through a U.S. Port-of-Entry. If you are granted consent to reapply for admission to the United States during the inadmissibility period, your inadmissibility under INA 212(a)(9)(A)(ii) no longer applies.

NOTE: Even if the inadmissibility period under INA section 212(a)(9)(A)(ii) has already passed (you were required to remain abroad for 10 or 20 years, and have done so, and have not been convicted of an aggravated felony), you will become inadmissible under INA section 212(a)(9)(C) if you enter or attempt to enter the United States without being inspected and admitted or paroled.

Removal under any provision of U.S. law includes, but is not limited to:

1. An exclusion and deportation order under **INA section 236** as it existed prior to April 1, 1997;
2. Arrest and deportation from the United States under any law prior to April 1, 1997;
3. Removal under **INA section 217** for a violation of terms of admission of the Visa Waiver Program;
4. Removal under **INA section 235(c)** for security and related grounds;
5. Removal as a stowaway under **INA section 235(a)(2)**;
6. Removal under **INA section 238(b)** after conviction of an aggravated felony;
7. Removal after revocation of the crew member's landing permit under **INA section 252(b)**; and
8. Removal as an alien in distress under **INA section 250**.

If you do not know the provision of law that was the basis for your exclusion, deportation, or removal from the United States, review the official documents you received during your proceedings. These documents should indicate the section of law that applies to your case.

If You Are Inadmissible Under INA section 212(a)(9)(C)

You must seek consent to reapply if, on or after April 1, 1997, you entered or attempted to reenter the United States without being admitted or paroled after:

1. You had been unlawfully present in the United States after April 1, 1997, for a total period of more than one year (INA section 212(a)(9)(C)(i)(I)); or
2. You had been ordered removed from the United States under any provision of the INA or any other provision of law before, on, or after April 1, 1997 (INA section 212(a)(9)(C)(i)(II)).

If you are inadmissible under INA section 212(a)(9)(C)(i), you are **permanently** inadmissible and will always need to **request** consent to reapply for admission **before** you return to the United States. **Also, each** time you **reenter** or attempt to **reenter** the United States without admission **or parole**, you incur a new inadmissibility under INA section 212(a)(9)(C). **You** may not obtain consent to reapply **for readmission unless** you leave the United States and remain outside the country **for** at least 10 years since your most recent departure.

NOTE: If you intend to seek admission to the United States as a **nonimmigrant** and are inadmissible under INA section 212(a)(9)(C)(i)(I) (unlawful presence **for a total of more than one year, in the aggregate**, and subsequent reentry without admission **or parole**), you may be eligible for a **waiver of inadmissibility** under INA section 212(d)(3)(A) **instead of** consent to reapply **for admission**. This authorization is temporary and does not eliminate INA section 212(a)(9)(C)(i)(I) ground of inadmissibility for **future** immigrant purposes.

Criminal Penalties Under INA section 276

You may be subject to criminal prosecution and, if convicted, sentenced to prison under INA section 276, if you:

1. Have been denied admission;
2. Were excluded, deported, or removed from the United States; or
3. Have departed the United States while an order of exclusion, deportation, or removal is outstanding;

AND then you:

1. Entered or attempted to enter the United States; or
2. Are found in the United States unlawfully (including without consent to reapply for admission).

Your return to the United States, even with a visa, is unlawful **if you were** required to obtain consent to reapply for admission, **but did not obtain that** consent.

Even if the period during which you are required to obtain consent to reapply has expired, you may still be subject to criminal liability under INA section 276. This could happen if you return to the United States unlawfully, without being inspected and admitted or paroled, or if you return by fraud or any other unlawful means.

General Instructions

USCIS provides forms free of charge through the USCIS Web site. 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/>.

Signature. Each application must be properly signed and filed. USCIS will not accept a 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 also may 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.)

Evidence. At the time of filing, you must submit the evidence and supporting documentation listed in the **Specific Instructions** and the **What Evidence Should You Submit** sections of these instructions.

Biometric Services Appointment

- 1. For Applicants Filing Form I-212 with USCIS.** USCIS may require that you appear for an interview or provide fingerprints, photographs, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks before making a decision on your application. 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 the local or designated USCIS Application Support Center (ASC) and the date and time of your appointment. If you fail to attend your biometric services appointment, USCIS may deny your application.
- 2. Applicants Filing Form I-212 with Other Agencies.** Contact the relevant agency to determine whether you have to attend a biometric services appointment for purpose of filing your Form I-212.

Acknowledgement of Required Appointment at USCIS ASC. Review the USCIS ASC Acknowledgement that appears in **Part 5** of the application. This acknowledgement is to confirm that you have completed your application, reviewed your responses, and verified that the information is complete, true, and correct. If someone helped you fill out your application, the person should review the acknowledgement with you to make sure you understand it.

Copies. You may submit a legible photocopy of documents requested, unless the instructions specifically state that you must submit an original document. If you submit original documents when not required, the documents may remain a part of the record, and the adjudicating agency will not automatically return them to you.

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must certify that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

How to Fill Out Form I-212

- 1.** Type or print legibly in black ink.
- 2.** If you need extra space to complete any item within this application, attach a separate sheet of paper or use the space provided in **Part 8. Additional Information**; 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 an item is not applicable or the answer is "none," type or print "N/A," unless otherwise directed.

Specific Instructions

Part 1. Information About You

If you need extra space to complete this section, use the space provided in **Part 8. Additional Information.**

Item Number 1. Alien Registration Number (A-Number) (if any). Your A-Number is the number used to identify your immigration records. You can find this number on documents you received from USCIS, Immigrations and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), Department of Justice (DOJ) Executive Office For Immigration Review (EOIR), and Department of State (DOS).

Item Numbers 2.a. - 2.c. Your Full Name. Provide your full legal name.

Item Numbers 3.a. - 3.c. Other Names Used. Provide any other names you have used, including your maiden name and nicknames.

Item Numbers 4.a. - 4.i. Mailing Address. Provide the address where you would like to receive written correspondence regarding this application. Use a mailing address in the United States if you have one. If you do not have a U.S. mailing address, provide your mailing address abroad.

Item Numbers 5. - 6.h. Physical Address. If the place where you live is different from your mailing address, provide the address where you currently reside.

Item Number 7. U.S. Social Security Number (if any). Provide your U.S. Social Security Number.

Item Number 8. Gender. Indicate whether you are male or female.

Item Number 9. Date of Birth. Provide your date of birth in mm/dd/yyyy format.

Item Numbers 10. - 12. Place of Birth. Provide the name of the city or town, state or province, and country where you were born.

Item Number 13. Country of Citizenship or Nationality. Provide the country where you are currently a citizen or national. If you do not have citizenship in any country, indicate "stateless."

Item Numbers 14.a. - 14.b. Consent to Reapply Filed with Immigrant or Nonimmigrant Visa Applications. If you seek an immigrant visa or nonimmigrant visa and are or will be filing your application for consent to reapply with your immigrant or nonimmigrant visa application, provide the DOS Consular Case Number for your immigrant or nonimmigrant visa application (if available) and indicate the location of the U.S. Embassy or U.S. Consulate where you are seeking or will be seeking your visa.

Item Numbers 15.a. - 15.c. Consent to Reapply Filed with Adjustment of Status Applications. If you are seeking consent to reapply in connection with your application to adjust your status to that of a lawful permanent resident or if you have previously filed an application for adjustment of status, list the USCIS receipt number for your adjustment of status application and indicate the date and the USCIS office where you filed your application.

Item Numbers 16. - 17.c. Consent to Reapply Filed with Form I-601, Waiver of Grounds of Inadmissibility. Indicate whether you are submitting your application for consent to reapply with your Form I-601, Waiver of Grounds of Inadmissibility. If you mark "No," but have previously filed a Form I-601, provide the USCIS receipt number for that application and indicate the date and USCIS office where you filed your Form I-601.

Part 2. Reasons You Are Filing Form I-212

Item Numbers 1.a. - 2.b. Removal as an Arriving Alien. Complete this section if you were removed from the United States as an arriving alien in expedited removal proceedings under INA section 235(b)(1) or at the end of proceedings under INA section 240. Also indicate either the number of times you have been removed from the United States or if you were convicted of an aggravated felony at any time before or after removal from the United States. Provide the dates you were removed from the United States and the location from where you were removed (city or town and state). If you

were convicted, you must submit court documents, police records, or criminal records showing the disposition of your offense. You also should submit the originals or certified copies that are properly authenticated. Provide the dates you were removed from the United States and the location from where you were removed (city or town and state).

Item Numbers 3.a. - 4.b. Removal as a Deportable Alien. Complete this section if you were removed from the United States as a deportable alien under INA section 240 or any other provision or law or if you departed while an order of removal was outstanding. Also indicate either the number of times you have been removed from the United States or if you were convicted of an aggravated felony at any time before or after removal from the United States. If you were convicted, you must submit court documents, police records, or criminal records showing the disposition of your offense. You also should submit the originals or certified copies that are properly authenticated. Provide the dates you were removed from the United States and the location from where you were removed (city or town and state).

Item Numbers 5.a. - 6.d. Entry After Unlawful Presence in the Aggregate of 1-Year. Complete this section if you entered or attempted to enter the United States without being admitted or paroled after having been unlawfully present in the United States on or after April 1, 1997, for a period of more than one year, in the aggregate. (See INS section 212(a)(9)(C)(i)(I)). List all periods when you were unlawfully present in the United States, beginning with the most recent period. Provide the dates and locations (city or town and state) for your departures and entries or attempted reentries. Attach evidence to establish that you have remained outside of the United States for 10 years since your last departure.

Item Numbers 7.a. - 8.b. Entry After Removal. Complete this section if you entered or attempted to enter the United States without being admitted or paroled after having been excluded, deported, or removed from the United States. List all the dates you were excluded, deported, or removed and when you entered or attempted to reenter into the United States. (See INA section 212(a)(9)(C)(i)(II)). Provide the dates and locations (city or town and state) for each exclusion, removal and entry or attempted reentry. Attach evidence that you have remained outside of the United States for 10 years since your last departure.

Part 3. Reasons For Your Request For Permission to Reapply

Item Numbers 1.a. - 2. Indicate what immigration status you seek and explain why you would like to reenter the United States.

Item Numbers 3.a. - 4.b. U.S. Citizen or Lawful Permanent Resident Family Members (if any). Provide the name and your relationship to the U.S. citizen or lawful permanent resident family members (if any) with close ties to the United States. Indicate whether each relative is a U.S. citizen or lawful permanent resident or has some other status. Refer to the **What Initial Evidence Should You Submit** section for more information about family members.

Part 4. Biographic Information

Provide the biometrics information requested in **Item Numbers 1. - 6.** Providing this information as part of your application also may reduce the time you spend at your USCIS ASC appointment as described in the **Biometrics Services Appointment** section of these instructions.

Item Numbers 1. - 2. Ethnicity and Race. Select the boxes that best describe your ethnicity and race.

Categories and Definitions for Ethnicity and Race

- 1. Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. (**NOTE:** This category is only included under Ethnicity in **Item Number 1.**)
- 2. White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- 3. Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- 4. Black or African American.** A person having origins in any of the black racial groups of Africa.

-
- 5. American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- 6. Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Item Number 3. Height. Select the values that best match your height in feet and inches. For example, if you are five feet and nine inches, select "5" for feet and "09" for inches. Do not enter your height in meters or centimeters.

Item Number 4. Weight. Enter your weight in pounds. If you do not know your weight, or need to enter a weight under 30 pounds or over 699 pounds, enter "000." Do not enter your weight in kilograms.

Item Number 5. Eye Color. Select the box that best describes the color of your eyes.

Item Number 6. Hair Color. Select the box that best describes the color of your hair.

Part 5. Applicant's Statement, Certification, USCIS ASC Acknowledgement, Signature, and Contact Information

Item Numbers 1.a. - 6.b. Select the box that indicates if you filled out this application yourself or if someone interpreted this application for you. If applicable, select the box to indicate if someone else prepared this application for you. You also must affirm that you have read and understand the **Acknowledgement of Required Appointment at USCIS ASC**. Further, you must sign and date your application and provide your daytime telephone number, mobile telephone number, and email address. Every application **MUST** contain the original signature of the applicant (or parent or legal guardian, if applicable). A typewritten name in place of a signature is not acceptable.

Part 6. Interpreter's Certification, Signature, and Contact Information

Item Numbers 1.a. - 6.b. If you used an interpreter to read the instructions to you and record your responses to each question on this application, in a language in which you are fluent, he or she must verify the accuracy of the information recorded on your application. The interpreter must also complete this section of the application, provide the name and address of his or her business or organization (if any), his or her daytime telephone number, and his or her email address. The interpreter also must certify that he or she has read to you the **Acknowledgement of Required Appointment at USCIS ASC** in the same language in which you are fluent. The interpreter must sign and date the application.

Part 7. Name, Contact Information, Certification, and Signature of the Person Preparing this Application, If Other Than the Applicant

Item Numbers 1.a. - 8.b. If the person who completed this application is someone other than the person named in **Part 1.**, he or she must complete this section of the application, provide his or her name, the name and address of his or her business or organization (if any), and his or her contact information. If the person completing this application is an attorney or accredited representative, he or she must submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with this application. An attorney and accredited representative, and any other individual who assists in preparing your application also must certify that he or she has read the **Acknowledgement of Required Appointment at USCIS ASC** to you. Further, the attorney or accredited representative, and anyone who assisted in preparing your application, must sign and date the application. This section of the application **MUST** contain the original signature of the attorney or accredited representative, and anyone who assisted in preparing your application. A typewritten name in place of a signature is not acceptable.

Part 8. Additional Information

If you need extra space to provide any additional information within this application, use the space provided in **Part 8.** or attach a separate sheet of paper. If you need more space than what is provided, you may make copies of the **Additional Information** page to complete and file with this application. Include your name and 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.

What Evidence Should You Submit?

You must submit the following evidence.

1. **Deportation/Removal Proceedings.** Attach copies of all correspondence and documentation that you have relating to your deportation or removal proceedings and your removal from the United States (if applicable). Remember to retain the originals for your records.
2. **Relatives.** If you listed any relative in **Part 3. Reasons for Your Request for Permission to Reapply, Item Numbers 3.a. - 3.d.**, you must submit evidence of your relationship to that person. In addition, if your relative is a U.S. citizen, you must submit proof of the person's U.S. citizenship. If he or she is not a U.S. citizen, you must provide:
 - A. Full name;
 - B. Date of birth;
 - C. Place of birth;
 - D. Place of admission to, or entry into, the United States;
 - E. Current immigration status;
 - F. Immigration Status at the time of entry; and
 - G. A-Number, if known.

3. **Inadmissible under INA section 212(a)(9)(C).** If you are inadmissible under INA section 212(a)(9)(C), submit evidence of:
 - A. Your removal from the United States;
 - B. The date you entered or attempted to reenter the United States without being admitted or paroled;
 - C. The date of your last departure from the United States; and
 - D. Evidence of your absence from the United States for 10 years since your last departure.

You should also submit evidence that relates to your departure and your absence from the United States for at least 10 consecutive years. Evidence may include:

- A. Copies of entry/exit stamps from foreign countries in your passport;
- B. Receipts for, or copies of, airplane tickets;
- C. Registration of your residence abroad;
- D. Utility bills in your name at the foreign address;
- E. Employment records from your foreign job; and
- F. Any other information that you believe will establish your departure and absences from the United States.

The agency adjudicating your consent to reapply application will consider any evidence.

4. **Additional Required Evidence When Seeking Permission to Reapply for Admission to the United States Through CBP at a U.S. Port-of-Entry.** In addition to the evidence listed above, you must submit the following documents:
 - A. **Proof of citizenship.**

NOTE: A driver's license is **not** considered proof of citizenship, but it may be used with another document to establish identity.
 - B. **Biographic Information.** You must submit a completed Form G-325A, Biographic Information, signed and dated by you.

C. Other Names Used. If you have ever used a name other than your full legal name as provided on the **application**, you must list any names ever used, including **your maiden name (if applicable)**. Evidence of legal name changes, such as marriage certificates, divorce decrees, **adoption decrees, and naturalization certificates**, should be **filed with your application**. Copies are acceptable.

D. Criminal Records. Each application should contain your official police record, or evidence that no police record exists, from **all countries of prior residence and from your country of citizenship or nationality**. **These records are valid for 15 months from the date the foreign law enforcement authority issued you the record. If your records are older than 15 months, you will need to obtain a new official record and submit it with your Form I-212.**

NOTE for Canadian Filers: You can obtain the above information from the Royal Canadian Mounted Police (RCMP) by submitting your fingerprints on Form C-216C. The returned Civil Product and any accompanying records must be dated and endorsed by the RCMP and submitted with your Form I-212 within 15 months of issuance. For instructions, addresses, and payment information, visit the RCMP Web site at www.rcmp-grc.ca/.

5. Additional Evidence to Support Your Application. **Approval of your Form I-212 is at the discretion of the agency with jurisdiction over your application. For information on which agency will process and adjudicate your application, visit the USCIS Web site at www.uscis.gov/I-212 and click on "Where To File."**

Approval of an application for consent to reapply is discretionary. This means the adjudicator will weigh the favorable and unfavorable factors presented in your case to determine whether to approve your application. We encourage you to submit as much evidence as possible to explain why you believe that your application should be approved. You should describe the favorable and unfavorable factors in your case and explain why you think the favorable factors should be given more weight.

Some favorable factors may include, but are not limited to:

- A. Close family ties in the United States;**
- B. Hardship to your relatives who are U.S. citizens or lawful permanent residents, or to yourself, or your employer in the United States;**
- C. Evidence of reformation and rehabilitation;**
- D. Length of lawful presence in the United States and your immigration status while you were lawfully present;**
- E. Evidence of respect for law and order, good moral character, and family responsibilities or intent to hold family responsibilities;**
- F. Absence of significant undesirable or negative factors;**
- G. Eligibility for a waiver of other inadmissibility grounds; and**
- H. Likelihood that you will become a lawful permanent resident in the near future.**

Some unfavorable factors may include, but are not limited to:

- A. Evidence of bad moral character, including criminal tendencies reflected by past convictions or an ongoing unlawful activity or continuing police record;**
- B. Repeated violations of the U.S. immigration laws and a willful disregard for other laws;**
- C. Likelihood of becoming a public charge;**
- D. Absence of close family ties or hardships;**
- E. Fraudulent marriage to a U.S. citizen for the purpose of gaining an immigration benefit;**
- F. Unauthorized employment in the United States;**
- G. Lack of the skills required for a position for which a labor certification could be issued; and**
- H. Serious violations of the U.S. immigration laws and no evidence of rehabilitation or reformation.**

Evidence submitted in support of your application may include:

- A. Affidavits from you or other individuals;

NOTE: Unsupported assertions (in an affidavit by you or others) are not sufficient to demonstrate why your application should be approved as a matter of discretion. All claims made in affidavits should be supported by evidence or you should explain in detail why you cannot obtain such evidence.

- B. Evidence of family ties in the United States;
- C. Police reports from countries where you lived;
- D. Complete court records regarding any arrests, charges, or convictions from any country;
- E. Evidence of rehabilitation, if applicable;
- F. Evidence that your admission to the United States would not be against national security or public safety;
- G. Medical reports;
- H. Employment records;
- I. Evidence of hardship to you, your relative(s), or other individuals that would result **if you were denied admission to the United States**;
- J. Documentation related to the impact of family separation;
- K. Documentation of the conditions in the country where your family would have to relocate if your Form I-212 was denied; and
- L. Any other evidence that can establish why you should be granted permission or consent to reapply for admission to the United States.

What Is the Filing Fee?

The filing fee for Form I-212 is **\$585**.

Biometric Services Fee. If you file this application with USCIS, you do not need to include a biometric services fee when you submit Form I-212. If you are later notified that you must submit biometrics, follow the instructions on the biometric services appointment notice for instructions on how to pay the biometric services fee. When you file this Form I-212 with an agency other than USCIS, check with the agency to determine where you have to submit additional fees for purposes of biometrics capture.

NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this application. **DO NOT mail cash.** You must submit all fees in the exact amount.

When applying with USCIS: Use the following guidelines when you prepare your check or money order for the Form I-212 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, 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 the EFT cannot be processed 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 up to two times.

When applying with CBP at a U.S. Port-of-Entry: Use the following guidelines when you prepare your check or money order for the Form I-212 fee:

- 1. You must make your check or money order payable to U.S. Customs and Border Protection.** Certain CBP-designated U.S. Ports-of-Entry and certain CBP-designated pre-clearance offices may accept payment in the form of cash or credit cards. We recommend that you contact the CBP pre-clearance office or CBP U.S. Port-of-Entry where you intend to be processed for payment instructions. To locate the CBP pre-clearance office or CBP U.S. Port-of-Entry, visit CBP's Web site at www.cbp.gov.
- 2. If you are a citizen of Palau, the Federal States of Micronesia, or the Marshall Islands, you may contact CBP at Guam Port-of-Entry or the nearest U.S. Embassy or U.S. Consulate to receive payment instructions.** To locate the U.S. Embassy or U.S. Consulate, visit the DOS' Web site at www.state.gov.
- 3. When applying for a nonimmigrant visa:** If you are applying for a nonimmigrant visa, you may contact the U.S. Consulate with jurisdiction over your nonimmigrant visa to receive payment instructions.

When applying with EOIR during removal proceedings: If you are in removal proceedings, you must submit the payment as instructed by the immigration court with jurisdiction over your case. For information about EOIR, visit EOIR's Web site at www.usdoj.gov/eoir.

How to Check If the Fees Are Correct

Form I-212 filing fee is current as of edition date 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, select "FORMS," and check the appropriate fee;**
- 2. Call the USCIS National Customer Service Center at 1-800-375-5283 and ask for the fee information. For TTY (deaf or hard of hearing) call: 1-800-767-1833; or**
- 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.**

Where To File?

Please see our Web site at www.uscis.gov/I-212 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

For information on filing a change of address with USCIS: You must inform USCIS if you change your address. For information on filing a change of address, go to the USCIS Web site at 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 USCIS Lockbox facilities because USCIS Lockbox facilities do not process change of address requests.

For information on filing a change of address with CBP: You must inform CBP if you change your address. For information on filing a change of address, go to the CBP Web site at www.cbp.gov (search for Form I-212).

For information on filing a change of address with EOIR: Download the appropriate Form EOIR-33 from the EOIR Web site at <http://www.justice.gov/eoir/formlist.htm> and proceed in accordance with the instructions given on that form.

Processing Information

Initial Processing. Once your application is accepted, it will be checked for completeness. If you do not completely fill out the application, your application may be denied.

Requests for More Information. The agency adjudicating your application may request more information or evidence to support your application. You may also be required to provide the originals of any copies you submit. The originals will be returned when they are no longer needed.

Requests for Interview at a USCIS ASC. 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, photographs, and/or signature to verify your identity and/or update background and security checks.

Decision. The decision on Form I-212 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. The agency adjudicating your Form I-212 will notify you of the decision in writing.

Approval of Application and Validity. If your application is approved, your permission to reapply for admission to the United States will be valid indefinitely, unless revoked by the agency that granted the approval. If you obtained consent to reapply for nonimmigrant purposes, the approval is also valid for future immigrant or nonimmigrant purposes. If you incur a new inadmissibility under INA section 212(a)(9)(A) or (C) after approval of this application, you will need to apply for a new consent to reapply for admission.

USCIS Forms and Information

To ensure you are using the latest version of this application, visit the USCIS Web site at 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 our toll-free number 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**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through the USCIS Internet-based system, **InfoPass**, at infopass.uscis.gov/. 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 your Form I-212, the agency adjudicating your Form I-212 may deny your Form I-212, 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 the Immigration and Nationality Act section 212(a)(9)(A) or (C).

PURPOSE: The primary purpose for providing the requested information on this application is to obtain consent from the Secretary to reapply for admission to the United States before you can lawfully return to the United States. DHS and DOJ will use the information you provide to grant or deny the benefit sought.

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

ROUTINE USES: DHS and DOJ may share the information you provide on this application 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]. DHS and DOJ may also make the information 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 2 hours per response, including the time for reviewing instructions and completing and submitting the application, and 1.17 hours associated with the collection of biometrics. 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. 1615-0018. **Do not mail your completed Form I-212 to this address.**

DRAFT

Not for
Production
07/09/14