

Interpreter Releases Report and analysis of immigration and nationality law
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***922 10. New *923 Form I-601 Issued; I-129F Instructions Corrected**

A revised Form I-601, Application for Waiver of Grounds of Inadmissibility, and a corrected set of instructions for Form I-129F, Petition for Alien Fiancé(e), have been released by U.S. Citizenship and Immigration Services (USCIS).

Form I-601

This latest version of Form I-601 is dated February 28, 2008, and contains an expiration date of February 28, 2009. Previous versions of the form, including the July 30, 2007 version, are still accepted by the agency.

The form itself continues to be six pages in length and features the technical enhancements found in other newly-released USCIS forms, including digital signature fields and tool tips. [FN28] Changes to the form's substance include:

- on page 1 and page 5, item 10 has been modified slightly such that "mental conditions" has been replaced with "medical conditions," "active or suspected tuberculosis" has been replaced with "a Class A Tuberculosis condition (per HHS [FN29] regulations)," HIV-infected applicants are now directed to complete page 4 rather than page 3 [FN30] of the form, and applicants with physical or mental disorders are specifically instructed to attach the information as requested in the instructions
- on page 2, the certification section has been divided into "Applicant's Signature and Certification," which contains a new certification paragraph for the applicant, a signature field for "Applicant or Qualified Relative/Legal Guardian," and a "Date" field, and "Preparer's Signature and Certification," which contains an updated certification paragraph, a signature field for the preparer, a field for the preparer's address, and two "Date" fields
- on page 3, "Applicants With Active Tuberculosis or Suspected Tuberculosis" has been changed to "Applicants With Class A Tuberculosis Condition (As Per HHS Regulations)" in the bold heading at the top
- a paragraph has been added to the bottom of page 3, which says "If you are approved for a waiver and after admission to the United States you fail to comply with the terms, conditions, and controls that were imposed, you may be subject to removal under Immigration and Nationality Act (INA) section 237(a)."
- on page 6, USCIS removed the statement, "This office will maintain only a folder relating to the applicant pursuant to A.M. 2712.01"

The instructions have increased in length from three pages to nine pages. Much of the additional information identifies the different types of applicants who are eligible to file Form I-601 and provides specific instructions for each regarding how to determine eligibility, how to complete the form, and what documents and/or evidence

CIS' website at <http://www.uscis.gov/files/form/I-601.pdf>.

Form I-129F

On March 19, 2008, USCIS re-released the instructions to Form I-129F to correct the revision date on page 5 to be July 30, 2007, rather than July 30, 2008. No other changes were made to the instructions, which are available on USCIS' website at <http://www.uscis.gov/files/form/I-129Finstr.pdf>.

[FN28]. For discussion of the technical enhancements to the I-918, see 85 Interpreter Releases 693 (Mar. 3, 2008).

[FN29]. HHS is the Department of Health and Human Services.

[FN30]. This was incorrect on the July 30, 2007 version of the form as page 3 was and still is for applicants with tuberculosis while page 4 was and still is for HIV-infected applicants.

[FN31]. TPS is temporary protected status.

[FN32]. Nicaraguan Adjustment and Central American Relief Act (NACARA), Title II of Pub. L. No. 105-100, 111 Stat. 2160, 2193 (Nov. 19, 1997) (as amended by the Technical Corrections to Nicaraguan Adjustment and Central American Relief Act, Pub. L. No. 105-139, 111 Stat. 2644 (Dec. 2, 1997)).

[FN33]. Haitian Refugee Immigrant Fairness Act (HRIFA), Pub. L. No. 105-277, Tit. IX, 112 Stat. 2681-538 (Oct. 21, 1998).

[FN34]. Violence Against Women Act (VAWA), Pub. L. No. 109-162, 119 Stat. 2960 (Jan. 5, 2006).

Appendix VI

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85 No. 13 Interpreter Releases 922

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