

## 212 (C) Waiver

### 1. What is a 212 (C) Waiver?

If you are a Lawful Permanent Resident who has been convicted of a crime, you may qualify for this form of relief, even if you have an Aggravated Felony.

### 2. Requirements to apply for a 212(C) Waiver:

- You are a Lawful Permanent Resident;
- Your conviction occurred before April 1, 1997;
- The conviction was the result of a plea bargain (you pled guilty);
- A qualifying LPR who is put into removal proceedings in 2018 may be able to apply for the former § 212(c) waiver to waive a deportable aggravated felony conviction—for example, for drug trafficking—from before April 24, 1996. In the Ninth Circuit, this is true whether the conviction was by plea or trial.
- You served less than 5 years in prison or jail (even if the actual sentence is less than 5 years);
- You have been in the US legally for at least 7 years;
- You were never granted 212(c) before; and
- All your good characteristics outweigh your convictions:



Positive Factors	Negative Factors
<ul style="list-style-type: none"> <li>• Lengthy residence in the US</li> <li>• Family ties in the US</li> <li>• Community contributions</li> <li>• Stable employment history</li> <li>• Rehabilitation</li> <li>• Regular tax filings</li> <li>• Military service</li> <li>• Property or business assets in the US</li> <li>• Education (vocational, language, etc.)</li> <li>• Medical problems</li> </ul>	<ul style="list-style-type: none"> <li>• Circumstances surrounding convictions</li> <li>• Serious immigration violations</li> <li>• Inability to rehabilitate</li> <li>• Lack of stable employment</li> <li>• Failure to comply with US laws (traffic, taxes, child support, etc.)</li> </ul>

### 3. Forms Needed to Apply:

- Form I-191, Application for Advance Permission to Return to Unrelinquished Domicile.
- See [USCIS.GOV](http://USCIS.GOV) for filing fee and/or fee waiver



#### **4. Other Useful Supporting Documents:**

- Proof of rehabilitation: letters or certificates of courses or programs completed before or after custody.
- Medical or psychological records for you or your immediate family.
- Letters regarding your community ties.
- Letters and newspaper articles regarding home country conditions.
- Copies of documents reflecting your family members' legal status in the US (US Passport, Naturalization Certificate, Birth Certificate, or Green Card).
- Letter of support from friends and/or family talking about your qualities such as: honesty, reliability, responsibility, non- violence, dedication to family, work ethic, etc.
- Documents related to your minor children's community ties: school records, extra-curricular activities, letters from teachers, counselors, friends, and friends' parents.
- Proof of stable employment such as taxes or paystubs.
- Letters or certificates regarding volunteer work or other help to the community.
- Proof of involvement in church activities.
- Letter from employer(s).
- Proof of Military service.
- Proof property or business assets in the US.
- Proof of your education (vocational, language, etc.)