

PRINTABLE DOCUMENT CHECKLIST

Waiver document checklist: Form I-601A and Form I-601

A printable list of the documents the official USCIS instructions ask for with a provisional unlawful presence waiver (Form I-601A) and a waiver of grounds of inadmissibility (Form I-601): the visa case, the qualifying relative, the hardship evidence, court and criminal records, translations and the Form I-212 when there is a prior removal order.

Reviewed by [Carlos Maury](https://carlosmaury.law/about) (<https://carlosmaury.law/about>), former U.S. Immigration Judge. Last reviewed: October 6, 2026.

How to use this checklist

This is a printable checklist. Print it with your browser's Print command (Ctrl+P, or Command+P on a Mac) and tick each box by hand as you gather the papers. It lists only what the official USCIS instructions for [Form I-601A](https://www.uscis.gov/i-601a) (<https://www.uscis.gov/i-601a>) and [Form I-601](https://www.uscis.gov/i-601) (<https://www.uscis.gov/i-601>) ask for. Which items apply depends on your case: the I-601A covers only the unlawful-presence bars, while the I-601 covers other grounds of inadmissibility too. If you are not sure which waiver you need, see our [immigration waiver lawyer](https://carlosmaury.law/immigration-waiver-lawyer) (<https://carlosmaury.law/immigration-waiver-lawyer>) page before you start.

Part A: Form I-601A, provisional unlawful presence waiver

The [Form I-601A instructions](https://www.uscis.gov/sites/default/files/document/forms/i-601ainstr.pdf) (<https://www.uscis.gov/sites/default/files/document/forms/i-601ainstr.pdf>) ("What Evidence Must I Submit With Form I-601A?") ask for the following.

Your immigrant visa case

- ☐ **Approval notice (Form I-797) for your immigrant visa petition** — the Form I-130, I-140 or I-360 filed for you, your spouse or your parent, a copy if available. The instructions say a missing notice will not by itself cause a denial, but it may lead to the application being rejected.

- ☐ **DV Program selectees and derivatives: the printout from the DV Entrant Status Check page** of the State Department's Electronic Diversity Visa system, confirming the selection — Form I-601A instructions.
- ☐ **Copy of the State Department immigrant visa processing fee receipt** (or other evidence of payment) — evidence the instructions ask for from applicants with an approved I-130, I-140 or I-360, placed on top of the Form I-601A. DV selectees and derivatives do not need it.
- ☐ **If you are a derivative spouse or child: proof of your relationship** to the principal beneficiary or DV selectee — see the relationship list below.

Your qualifying relative

If the U.S.-citizen or permanent-resident spouse or parent who would suffer hardship is the same person who filed your family petition (Form I-130 or I-360), the instructions say you do not need to prove the relationship or their status again. You do need the items below if your case is employment-based, if you are a DV selectee or derivative, or if the hardship relative is not the petitioner.

- ☐ **Proof of U.S. citizenship of the relative** — a U.S. birth certificate issued by a civil authority, a naturalization certificate or certificate of citizenship, an unexpired U.S. passport, or Form FS-240 (Report of Birth Abroad) — Form I-601A instructions.
- ☐ **Or proof of permanent residence of the relative** — a copy of the front and back of the permanent resident card, or, if it has not arrived, the passport pages or other USCIS evidence showing the status — Form I-601A instructions.
- ☐ **Relationship to a spouse** — your marriage certificate and, if either of you was married before, proof that every prior marriage legally ended.
- ☐ **Relationship to a parent** — your birth certificate showing the parent's name, plus what the instructions list for your case: a name-change document for a mother, the parents' marriage certificate or legitimation evidence for a father, the step-parent marriage certificate, or the final adoption decree.

Extreme hardship

The instructions accept any evidence that your U.S.-citizen or permanent-resident spouse or parent would suffer extreme hardship, whether they stay in the United States without you or move abroad with you. The USCIS Policy Manual, Volume 9, Part B (<https://www.uscis.gov/policy-manual/volume-9-part-b>) groups the common factors as family ties and impact, social and cultural impact, economic impact, health conditions and care, and country conditions.

- ☐ **A signed statement explaining the hardship** — Form I-601A asks why you believe your qualifying relative would suffer extreme hardship.
- ☐ **Medical records or evaluations by medical professionals** supporting any medical hardship (treatment, duration, availability abroad) — Form I-601A instructions.
- ☐ **Financial records** — payroll records or tax statements showing work or business ties, proof of monthly expenses such as mortgage, rent and bills, and other records supporting a financial hardship.
- ☐ **Country condition reports** about the country where you would have to live.
- ☐ **Family-tie records** — birth, marriage or adoption certificates of the relatives affected, and records of community membership, volunteer service and cultural ties.
- ☐ **Affidavits or letters** from the qualifying relative or others with personal knowledge of the hardship, signed under penalty of perjury as permitted by 28 USC 1746, and opinions from qualified professionals — Form I-601A instructions.

Entry, court and criminal history

- ☐ **Form I-94 or your passport with the admission or parole stamp**, if you say you were inspected and admitted or paroled on your last entry — Form I-601A instructions.
- ☐ **The EOIR administrative closure order**, if you are in removal proceedings that were administratively closed, or **all documents of the proceedings, including the termination order**, if they were terminated.
- ☐ **The approval notice for an approved Form I-212**, if you are subject to a final removal order (see Part C below).
- ☐ **Court documents showing you withdrew or ended voluntary departure**, if that applies to you.

- ☐ **Certified court dispositions and copies of arrest reports and charging documents** for any charge, even if the record was expunged, sealed or diverted — Form I-601A instructions, criminal history items.

Part B: Form I-601, waiver of grounds of inadmissibility

The Form I-601 instructions (<https://www.uscis.gov/sites/default/files/document/forms/i-601instr.pdf>) ("Reasons for Inadmissibility" and "What Evidence Must You Submit?") ask you to show why you may qualify and why the waiver is warranted as a matter of discretion. They warn that mere assertions will not suffice.

The ground being waived

- ☐ **Your statement of every act, conviction or medical condition that makes you inadmissible**, with copies of documents that support it — Form I-601, Part 4.
- ☐ **Your Form I-485 receipt number or your consular case number**, depending on where your case is — Form I-601, Part 1.
- ☐ **A statement of why the waiver should be granted as a matter of discretion**, with the favorable factors outweighing the unfavorable — Form I-601, Part 6. A separate letter must be filed with the form.

Qualifying relative and hardship

- ☐ **Proof of the family relationship** (birth or marriage certificate) to the qualifying U.S.-citizen or permanent-resident relative. The qualifying relatives differ by waiver, so check the section for your ground — Form I-601 instructions.
- ☐ **A statement explaining the extreme hardship** to that relative — Form I-601, Part 5.
- ☐ **Hardship evidence** — the same kinds listed in Part A: affidavits, medical documentation, employment and tax records, monthly expenses, other financial records, community and family-tie records, country condition reports. Medical claims should be supported by a medical professional's statement.

Criminal grounds and the 212(h) waiver

- ☐ **Certified court records** about any conviction or charge, from any country. The instructions say an uncertified copy is not sufficient.
- ☐ **Police reports from any country you lived in** — Form I-601 instructions.
- ☐ **Evidence of rehabilitation**, if applicable — for example, for a 212(h) waiver based on 15 years having passed since the activity.
- ☐ **Evidence that your admission would not be against the national welfare, safety or security** — Form I-601 instructions.
- ☐ **Medical reports**, if you seek a health-related waiver — Form I-601 instructions.

Part C: if you have a prior removal order

A prior deportation or removal order usually needs a separate form: Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal (<https://www.uscis.gov/i-212>). The I-601A instructions say a person subject to a final order is not eligible for the provisional waiver unless USCIS has already approved an I-212. The I-601 asks whether you filed an I-212 before or are filing one with it.

- ☐ **Your I-212 approval notice or receipt number** — Form I-601A, Item Number 29.b, and Form I-601, Item Numbers 18-19.

Translations, copies and originals

- ☐ **A full English translation of every foreign-language document**, with the translator's signed certification that it is complete and accurate and that the translator is competent to translate, plus the translator's printed name, signature date and contact information — Form I-601A and I-601 instructions; 8 CFR 103.2(b)(3) (<https://www.ecfr.gov/current/title-8/section-103.2>).
- ☐ **In immigration court**: a foreign-language document must come with an English translation and the translator's certification of competence and accuracy — 8 CFR 1003.33 (<https://www.ecfr.gov/current/title-8/section-1003.33>).

- ☐ **Legible photocopies, not originals**, unless the instructions ask for an original. USCIS may ask for originals later, and originals sent without a request may be destroyed — Form I-601A and I-601 instructions, "Copies".
- ☐ **Certified copies of court records** — the one place the instructions require certification instead of a plain copy.

Before you file

Forms and instructions change. Before you file, open the official [Form I-601A](https://www.uscis.gov/i-601a) (<https://www.uscis.gov/i-601a>) or [Form I-601](https://www.uscis.gov/i-601) (<https://www.uscis.gov/i-601>) page and check that you have the current edition of the form and its instructions. A waiver turns on discretion and on how the hardship evidence fits together, so have an attorney review the whole packet before it is sent; see our [immigration waiver lawyer](https://carlosmaury.law/immigration-waiver-lawyer) (<https://carlosmaury.law/immigration-waiver-lawyer>) page.

Frequently asked questions

Which waiver form do I need, I-601A or I-601?

Form I-601A is only for the unlawful presence bars of INA 212(a)(9)(B) and is filed from inside the United States before the immigrant visa interview. Form I-601 covers other grounds too, such as certain crimes and fraud or misrepresentation, and the I-601 instructions say not to use it for a provisional unlawful presence waiver. A lawyer should confirm which one fits your history.

Do I need to prove my spouse is a U.S. citizen again for the I-601A?

Not if your spouse or parent who would suffer the hardship is the same person who filed your I-130 or I-360. The I-601A instructions say that evidence was already given with the petition. You do need it if your case is employment-based, if you are a DV selectee or derivative, or if the hardship relative is someone else.

What counts as evidence of extreme hardship?

The I-601A and I-601 instructions list affidavits, medical records and evaluations, employment and tax records, monthly expenses and other financial records, community and family-tie records, country condition reports and any other evidence that supports the hardship. The hardship must be to the qualifying relative, not to you.

Do I send original documents?

No, unless the instructions ask for an original. Both sets of instructions ask for legible photocopies, and USCIS may request originals later. Court records about convictions must be certified copies.

Do my documents in Spanish need a translation?

Yes. Every foreign-language document needs a full English translation with the translator's signed certification that it is complete and accurate and that the translator is competent to translate, under 8 CFR 103.2(b)(3) and the form instructions. In immigration court, 8 CFR 1003.33 requires a translation with a translator certification.

What if I was deported before?

A prior removal order usually requires Form I-212, permission to reapply for admission. The I-601A instructions say a person with a final removal order is not eligible for the provisional waiver unless USCIS has already approved an I-212. Have a lawyer review the order before you file anything.

Official sources

USCIS — Form I-601A, Application for Provisional Unlawful Presence Waiver (<https://www.uscis.gov/i-601a>)

USCIS — Instructions for Form I-601A (PDF) (<https://www.uscis.gov/sites/default/files/document/forms/i-601ainstr.pdf>)

USCIS — Form I-601, Application for Waiver of Grounds of Inadmissibility (<https://www.uscis.gov/i-601>)

USCIS — Instructions for Form I-601 (PDF) (<https://www.uscis.gov/sites/default/files/document/forms/i-601instr.pdf>)

USCIS — Form I-212, Permission to Reapply for Admission After Deportation or Removal (<https://www.uscis.gov/i-212>)

USCIS Policy Manual — Volume 9, Part B, Extreme Hardship (<https://www.uscis.gov/policy-manual/volume-9-part-b>)

8 CFR 103.2 — Submission and adjudication of benefit requests (eCFR) (<https://www.ecfr.gov/current/title-8-section-103.2>)

8 CFR 1003.33 — Translation of documents in immigration court (eCFR) (<https://www.ecfr.gov/current/title-8-section-1003.33>)

Responsible attorney: Carlos Maury (<https://carlosmaury.law/about>), former U.S. Immigration Judge. Carlos Maury is licensed in Florida (The Florida Bar No. 964239). Practice limited to federal immigration law; we represent clients in all 50 states. Carlos Maury is no longer on the bench and cannot influence any sitting judge or pending case. This page is general information, not legal advice for your case.