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I'm a Canadian and was told I am ineligible to enter the United States because of a previous violation of law. Is there a way to set aside such an obstacle to my entry?

Question

How can a Canadian citizen apply for a waiver to enter the United States if they have been or are likely to be denied admission either because of their criminal history or because they overstayed a previous visit?

Answer

There are many reasons a person may be ineligible to enter the U.S. The [legal descriptions](#) are lengthy and complex, so to help you understand them, we are providing a general description of the most common ones. This list should not be taken as a complete list of reasons to be excluded from entry. In general, you might be denied entry if you have a communicable disease, if you have a criminal record for crimes of moral turpitude (18 or older), for possession of or trafficking in a controlled substance, if you have any involvement with terrorism or terrorist organizations (no waivers can be approved for this category), if you have trafficked in persons, been involved in money laundering, might become a public charge because of limited financial resources, have been previously removed (deported) or have overstayed a previous period of admission to the U.S. Again, this list is not comprehensive and you should use the above link to read the complete list.

The [list of crimes of moral turpitude](#) that are reasons for exclusion from the U.S. is also quite detailed. The most common types of crimes involving moral turpitude that would make you inadmissible are murder, manslaughter, rape, theft, bribery, forgery, aggravated battery, prostitution, and fraud. At this time, driving under the influence, breaking and entering, disorderly conduct and simple assault are not considered crimes that make a person inadmissible to the U.S.

Depending on the reason for your inadmissibility into the U.S., and if you are a class of nonimmigrant where a visa is not required, e.g., most citizens of Canada, you may be eligible to apply directly to Customs and Border Protection (CBP) for a waiver of inadmissibility. The waiver application process can be lengthy (up to a year) and there is a cost of US\$545.00 per application regardless of the decision on the application.

The waiver application, Form I-192, Application for Advance Permission to Enter as Nonimmigrant [Pursuant to Section 212(d)(3) of the INA], is on the U.S. Citizenship and Immigration Service web site, as well as instructions for filling it out.

You will need to apply for the waiver at either a major Port of Entry at the U.S. Border or a Preclearance office in Canada. Your application package must include the following:

1. Completed form [I-192](#) signed and submitted by you (no copies). If you retained an attorney to file this application, counsel must complete form [G-28](#).
2. U.S. Fingerprint chart FD-258. This fingerprint chart will be completed by a U.S. CBP Officer at a designated location when you come in person to submit the application, or - if you have mailed the application, instructions for obtaining it will be given to you after the rest of the application has been received.
3. A Form [G-325A](#), completed and signed by you. Please ensure that all copies of this form are legible.
4. RCMP-issued copy of criminal record or evidence of a lack thereof . Please contact your local RCMP office or police agency for fingerprint locations. Fingerprints will be taken and sent electronically to the RCMP to obtain a copy of your criminal record or evidence of a lack thereof. There is a fee in the amount of \$25.00 (Canadian). The RCMP will send you a letter that should then be submitted to CBP when you submit your waiver application. Do not submit the application until you have obtained the documents from the RCMP - incomplete packages will not be processed.
5. If you have a criminal file in any other country's court system, you must also obtain a copy of the applicable record.
6. Evidence of your Canadian Citizenship.
7. A statement regarding the purpose of your intended activities in the United States, e.g. vacation, business, etc.
8. A copy of the official court record from the actual court of conviction indicating plea indictment, conviction and disposition for each and every crime committed anywhere in the world.
9. If you are inadmissible to the United States because of a criminal conviction, you must submit a statement in your own words, signed by you, explaining the circumstances of each arrest, conviction, and sentence or fine imposed. Additionally you should submit any evidence or explanation of your reform or rehabilitation such as counseling or rehabilitation programs completed, current employment, marital status, community service etc. or any other information you wish to be considered and you believe strengthens your request.
10. If you have been found inadmissible under section 212(a)(9)(B) of the Immigration and Nationality Act (unlawfully present in U.S.) please

submit detailed information regarding:

- Current foreign employment.
- Previous U.S. employment.
- Family members presently living in the United States.
- Past and current U.S. and/or foreign business investments.
- Any and all ties you have to your present foreign country/residence.

Payment must be with a certified check in U.S. funds drawn on a U.S. bank for the \$545.00 application fee.

Not all [ports of entry](#) are able to process applications for waivers.

Filing at a Land Border Port of Entry:

For Ports of Entry from Buffalo New York east to Calais Maine - you may file in person at any land border port of entry. When you bring in your application you will be given a receipt for your application fee and the U.S. set of fingerprints will be taken.

For Ports of Entry from St. Ste Marie, Michigan east to Detroit, Michigan, you may send the application, the additional required documents and check to:

U.S. Customs and Border Protection
C/o I-192 Application Process
International Bridge Plaza
Sault Sainte Marie, MI 49783-1492

You will be sent fingerprinting instructions once they receive your paperwork.

For Ports of Entry from Port Roberts, Washington east to Grand Portage, Minnesota, you can mail your application, additional documents, and check to:

U.S. Customs and Border Protection
C/o I-192 Application Process
P.O. Box 789
Great Falls, MT 59403-0789

or, for courier and specialized mail delivery service,

U.S. Customs and Border Protection

C/o I-192 Application Process
21 Third Street North, Suite #210
Great Falls, Montana 59401.

You will be sent U.S. fingerprinting instructions once they receive your paperwork.

Alternatively, you may file in person at major ports of entry, at which point arrangements will be made for fingerprinting. It is recommended you call ahead to determine whether or not the port nearest you is able to process your application.

Filing at a Preclearance Office:

You may also file your application with a CBP [Preclearance office](#) in Canada. You must appear in person and the U.S. set of fingerprints will be taken at that time. There is no additional biometrics fee for fingerprinting.

It is highly recommended that you contact the Preclearance office where you plan to submit your application. You will be able to verify hours of operation and ask any questions that you may have. Contact numbers and address can be found at www.cbp.gov.

Landed Immigrants and certain Canadians who require a visa (e.g. for E, K, or V status applicants) to enter the U.S. but are ineligible for one of the reasons previously mentioned should contact a local United States Consulate to discuss their situation. Likewise, citizens of other countries may discuss waivers of ineligibility with a consular officer if they are likely to be denied entry for one of the previously mentioned reasons. Consular officers may recommend a waiver for certain ineligible visa applicants.

For review, legal language states that the Form I-192 and accompanying documents are filed in advance of travel and is limited to the class of aliens where a nonimmigrant visa is not required. In translation, this means that most citizens of Canada may use this form and submit their application at a major Port of Entry at the U.S. Border or a CBP Preclearance office in Canada. The application and required documents should be filed well in advance of travel.

CHECKING THE STATUS OF YOUR WAIVER REQUEST: Please allow at least 90 days for your request to be processed before inquiring about the status of your application. As stated earlier, a full review of your circumstances can take up to a year, and requests for status updates may add to that timeline. However, if for some reason you are concerned about the status of your request, and you filed at a CBP Preclearance location or at a land border port of entry after August 26, 2007 you may ask for an update by emailing inquiry.waiver.aro@dhs.gov. In the email, be sure to provide your full name,

DOB and your A number. If you filed at a land border port of entry prior to August 26, 2007, please contact them directly. Phone numbers are on our [web site](#).

Any applications that were filed at locations within the jurisdiction of the following field offices after the time frames listed below, are now being processed by the Admissibility Review Office.

- Boston Field Office ports of entry: May 2007
- Buffalo Field Office ports of entry: June 2007
- Detroit Field Office ports of entry: Mid-July 2007
- Seattle Field Office ports of entry: September 2007

Queries regarding the status of these applications may be made by submitting an electronic request, at least 90 days after submission of the application, to the following email addresses: Inquiries about the status of a pending waiver request: inquiry.waiver.aro@dhs.gov

Attorney inquiries: attorneyinquiry.waiver.aro@dhs.gov