

Grounds of Inadmissibility for Special Immigrant Juveniles

SIJS Applicants Are Exempt From Certain Grounds of Inadmissibility

Info CALLOUT

Other Callout

Danger callout

INA 212(a)(4) Public charge

INA 212(a)(5)(A) Labor certification

INA 212(a)(6)(A) Aliens present without admission or parole

INA 212(a)(6)(C) Misrepresentation, including false claim to U.S. citizenship

INA 212(a)(6)(D) Stowaways

INA 212(a)(7)(A) Immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document

INA 212(a)(9)(B) Aliens unlawfully present

SIJS waiver provision:

(h) In applying this section to a special immigrant described in section 101(a)(27)(J) [8 USC § 1101(a)(27)(J)] . . . (2) in determining the alien's admissibility as an immigrant -- (A) paragraphs (4), (5)(A), (6)(A), (6)(C), (6)(D), (7)(A) and (9)(B) of section 212(a) shall not apply, and (B) the Attorney General may waive other paragraphs of section 212(a) (other than paragraphs (2)(A), (2)(B), (2)(C) (except for so much of such paragraph as related to a single offense of simple possession of 30 grams or less of marijuana), (3)(A), (3)(B), (3)(C), and (3)(E)) in the case of individual aliens for humanitarian purposes, family unity, or when it is otherwise in the public interest. The relationship between an alien and the alien's natural parents or prior adoptive parents shall not be considered a factor in making a waiver under paragraph (2)(B). . . . INA 245(h)(2)(A)-(B) (2009) (emphasis added).

What this means:

A. Grounds of Inadmissibility Inapplicable to Special Immigrant Juveniles

INA 212(a)(4) Public charge

INA 212(a)(5)(A) Labor certification

INA 212(a)(6)(A) Aliens present without admission or parole

INA 212(a)(6)(C) Misrepresentation, including false claim to U.S. citizenship

INA 212(a)(6)(D) Stowaways

INA 212(a)(7)(A) Immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document

INA 212(a)(9)(B) Aliens unlawfully present

Grounds of Inadmissibility Applicable to Special Immigrant Juveniles but Waivable

INA 212(a)(1) Health-related grounds

INA 212(a)(2)(D) Prostitution and commercialized vice

INA 212(a)(2)(E) Certain aliens involved in serious criminal activity who have asserted immunity from prosecution

INA 212(a)(2)(G) Foreign government officials who have committed particularly severe violations of religious freedom

INA 212(a)(2)(H) Significant traffickers in persons

INA 212(a)(2)(I) Money laundering

INA 212(a)(3)(D) Immigrant membership in a totalitarian party

INA 212(a)(3)(F) Association with terrorist organization

INA 212(a)(5)(B) Unqualified physicians

INA 212(a)(5)(C) Uncertified foreign health care workers
INA 212(a)(6)(B) Failure to attend removal proceedings
INA 212(a)(6)(E) Smugglers
INA 212(a)(6)(F) Subject of civil penalty
INA 212(a)(6)(G) Student visa abusers
INA 212(a)(7)(B) Nonimmigrants
INA 212(a)(8) Ineligible for citizenship
INA 212(a)(9)(A) Certain aliens previously removed
INA 212(a)(9)(C) Aliens unlawfully present after previous immigration violations
INA 212(a)(10) Miscellaneous grounds (polygamists, unlawful voters etc.)

Grounds of Inadmissibility Applicable to Special Immigrant Juveniles and Not Waivable

INA 212(a)(2)(A) Conviction of certain crimes
INA 212(a)(2)(B) Multiple criminal convictions
INA 212(a)(2)(C) Controlled substance traffickers (anyone who the Attorney General has “reason to believe” is a trafficker (i.e., does not require a “conviction” in adult court or a juvenile delinquency disposition))
INA 212(a)(3)(A) Entrance to engage solely, principally, or incidentally in unlawful activity, particularly espionage.
INA 212(a)(3)(B) Terrorist activities
INA 212(a)(3)(C) Serious adverse foreign policy consequences
INA 212(a)(3)(E) Participants in Nazi persecutions, genocide or the commission of any act of torture or extrajudicial killing

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