



March 25, 2014

PA-2014-004

Policy Alert

SUBJECT: Fraud and Willful Misrepresentation Grounds of Inadmissibility and Waiver

Purpose

USCIS is issuing guidance on the fraud and willful misrepresentation grounds of inadmissibility under INA 212(a)(6)(C)(i) and the corresponding waiver under INA 212(i).

Background

This guidance, contained in Volume 8 and Volume 9 of the Policy Manual, is intended to be comprehensive and controlling and replaces the fraud and willful misrepresentation grounds of inadmissibility and waiver guidance found in Chapter 40.6.2(c)(1) of the Adjudicator's Field Manual (AFM). All prior related policy memoranda are rescinded. The new guidance contained in the Policy Manual is controlling and supersedes any prior guidance.

Policy Highlights

- Summarizes the history and purpose of the fraud and willful misrepresentation grounds of inadmissibility and corresponding waiver.
- Explains the distinction between fraud and willful misrepresentation and the elements required to make a finding of each.
- Explains the evidence needed to support a finding of fraud or willful misrepresentation and the burden of proof.
- Outlines the waivers available to various categories of applicants inadmissible for fraud or willful misrepresentation.
- Details the eligibility requirements for the waiver available to immigrants, adjustment of status applicants, and K and V visa applicants, and the process of adjudicating the waiver.

Citation

[Volume 8: Admissibility, Part J, Fraud and Willful Misrepresentation](#); [Volume 9: Waivers, Part G, Fraud and Willful Misrepresentation](#).