

## Grounds of Inadmissibility to the U.S.

There are many! Some grounds for inadmissibility may be waived on a discretionary basis. Waivers are applied for on a form "I-601" after a US consular officer has advised that you are inadmissible. See:

<http://www.state.gov/documents/organization/86933.pdf> and  
[http://travel.state.gov/visa/frvi/ineligibilities/ineligibilities\\_1364.html](http://travel.state.gov/visa/frvi/ineligibilities/ineligibilities_1364.html)

### 3 year, 10 year and "Permanent" bars to U.S. entry because of prior unlawful presence in the U.S.

#### (Very Serious Issues!!)

The U.S. Immigration and Nationality Act (INA), Section 212(a)(9)(B)(I) of the Act - makes inadmissible:

- (I) For three years, an alien who was unlawfully present for more than 180 days but less than one (1) year, and who departed from the United States voluntarily prior to the initiation of removal proceedings.
- (II) For 10 years, an alien who was unlawfully present for one (1) year or more, and who seeks again admission within ten (10) years of the date of the alien's departure or removal from the United States.

Both of these bars may be waived in some cases pursuant to section 212(a)(9)(B)(v) of the Act. (Extreme hardship to US Citizen or Lawful Permanent Resident spouse or parent.)

Section 212(a)(9)(C)(i)(I) of the INA further provides: That an alien is **permanently** barred from the U.S. if he or she has been unlawfully present in the United States for an aggregate period of more than one (1) year, (since 1997) and who enters or attempts to reenter the United States (since 1997) without being admitted or inspected.

Only very limited waivers are available under this provision:

- A. After 10 years outside the U.S. alien may apply for discretionary permission to re-enter (assuming some type of visa might be available) (Section 212(a)(9)(C)(ii) of the INA and 8 CFR 212.2)
- B. For section 212(a)(9)(C)(ii) of the Act and 8 CFR 212.2. A waiver is also available for certain Violence Against Women Act (VAWA) self-petitioners (Section 212(a)(9)(C)(iii) of the INA)

**WARNING:** The basic "3" and "10" year bars do not count periods in the U.S. while a person was under 18. But, age is normally disregarded entirely for the "Permanent" Bar.