

SEP 25 2012



U.S. Customs and
Border Protection

MEMORANDUM FOR: Directors, Field Operations
Director, Pre Clearance

FROM: Executive Director (b) (7)(E)
Admissibility and Passenger Programs

SUBJECT: Use of INA212(a)(6)(C)(i) charge

The purpose of this memorandum is to establish guidelines for charging alien applicants for admission under INA212(a)(6)(C), Fraud and Misrepresentation.

INA Sec. 212. [8 U.S.C. 1182]

(a) Classes of Aliens Ineligible for Visas or Admission.-Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:

(6) Illegal entrants and immigration violators.-(C) Misrepresentation.-

(i) In general.-Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

(ii) FALSELY CLAIMING CITIZENSHIP.- (I) IN GENERAL- Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any other Federal or State law is inadmissible.

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(b) (5), (b) (7)(E)

This is not to limit or restrict, in any way, CBP Officers from determining admissibility.

(b) (7)(E)

If you have any questions, please have a member of your staff contact (b) (6), (b) (7)(C), Deputy Executive Director, Admissibility and Passenger Programs, at (b) (6), (b) (7)(C).