



December 14, 2016

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Policy Alert

SUBJECT: False Claim to U.S. Citizenship Ground of Inadmissibility

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing guidance in the [USCIS Policy Manual](#) to address the false claim to U.S. citizenship ground of inadmissibility under section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (INA).

Background

U.S. citizenship confers important rights and responsibilities. In recognition of these principles, Congress provided a specific ground of inadmissibility to address when a foreign national falsely claims to be a U.S. citizen for any purpose or benefit under the INA, or any other federal or state law, with the passage of the Illegal Immigration Reform and Immigrant Responsibility Act.¹ Previously, a foreign national who falsely claimed U.S. citizenship for such purposes was inadmissible based on fraud and willful misrepresentation.²

This new guidance contained in Volume 8 of the USCIS Policy Manual replaces the guidance on the false claim to U.S. citizenship inadmissibility ground in Adjudicator's Field Manual Chapter 40.6.2(c)(2) and any related policy memoranda. The new guidance contained in the Policy Manual is controlling and supersedes any prior guidance.

Policy Highlights

- Describes the difference between inadmissibility for a false claim to U.S. citizenship and inadmissibility for fraud and willful misrepresentation.
- Explains what constitutes a false claim to U.S. citizenship, including the type of evidence needed to support a finding of a false claim and the burden of proof.
- Explains how inadmissibility determinations are made for false claims to U.S. citizenship, including consideration of an affirmative defense for lack of capacity.
- Describes how a false claim to U.S. citizenship can affect admissibility and the exceptions and waivers that may apply.

Citation

Volume 8: Admissibility, Part K, False Claim to U.S. Citizenship [[8 USCIS-PM K](#)].

¹ See [Pub. L. 104-208](#) (September 30, 1996).

² See [INA 212\(a\)\(6\)\(C\)\(i\)](#). See Volume 8: Admissibility, Part J, Fraud and Willful Misrepresentation [[8 USCIS-PM J](#)].