



U.S. Citizenship and Immigration Services

Policy Manual for Comment



Policy for Review

USCIS seeks your input on the [USCIS Policy Manual](#) items listed below. Sections of the USCIS Policy Manual that contain new or revised policy guidance will be posted on the Feedback Opportunities page of [uscis.gov](#) with instructions on how to submit comments. These documents are interim guidance to USCIS Field Offices and Service Centers.

Type of Document for Comment	Title of Document	Related Documents	Opening/Closing Dates for Comment	Effective Date of Policy
USCIS Policy Manual	Volume 8, Part J and Volume 9, Part G : Fraud and Willful Misrepresentation Inadmissibility and Waiver	Summary of New and Updated Policies	03/25/2014 - 04/07/2014	03/25/2014

Comment Submission Process

Please email all comments to opefeedback@uscis.dhs.gov. Please include the following to make your comments clear:

- State the title of the relevant volume and section in the subject line of your message;
- Refer to a specific portion of the document;
- Explain the reason for any recommended change; and
- Include data, information, or authority that supports the recommendation.

You must submit your comments before the closing date noted in the table above. USCIS may distribute any comments received (including any personal information and contact information) on its public website or to those who request copies. By providing comments, you consent to their use and consideration by USCIS, and you acknowledge that your comments may become public.

Background and Additional Legal Information

In April 2010, USCIS embarked on an unprecedented and comprehensive initiative to examine the agency's adjudication and customer service guidance and policies. This [policy review](#) effort was completed with participation of the USCIS workforce, federal partners, our customers and stakeholders, and the general public.

USCIS has now published a new online [USCIS Policy Manual](#) which will serve as a centralized resource for all agency policy and operational guidance. The Policy Manual will be published in iterations, with content being added periodically. Sections of the USCIS Policy Manual that contain new or revised policy guidance will be posted on the Feedback Opportunities page of [uscis.gov](#) with instructions on how to submit comments. The Policy Manual will ultimately replace the Adjudicator's Field Manual (AFM), agency policy memoranda, and other guidance documents.

As part of the agency's commitment to achieving transparency and consistency in the implementation of policy, USCIS invites stakeholders to examine and provide feedback on new or updated policies in the Policy Manual.

Policy guidance documents are available for public review on USCIS's website (www.uscis.gov) as part of the USCIS Policy Manual. USCIS will post certain sections that contain new or revised policies for public comment. USCIS will not post sections containing information that is law enforcement sensitive, confidential or otherwise protected from disclosure under the Freedom of Information Act. USCIS is not required to solicit public comment on the draft or interim policy memos under the Administrative Procedure Act and therefore cannot guarantee that it will respond to any comments submitted. This informal comment process does not replace any statutory or other legal requirement for public comment on agency action.

Last Reviewed/Updated: 03/25/2014



Policy Manual

Volume 8, Part J and Volume 9, Part G: Fraud and Willful Misrepresentation Inadmissibility and Waiver

Summary of New and Updated Policies

U.S. Citizenship and Immigration Services (USCIS) is issuing updated and comprehensive policy guidance in the [USCIS Policy Manual](#) on the fraud and willful misrepresentation ground of inadmissibility and the corresponding waiver. This guidance, contained in [Volume 8, Part J](#) and [Volume 9, Part G](#) of the Policy Manual, 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), the AFM's related appendices, and policy memoranda.

The tables below identify new policies and clarifications on existing policies incorporated into specific parts of Volume 8 and Volume 9 of the USCIS Policy Manual.

Volume 8, Part J, Fraud and Willful Misrepresentation		
Chapter	Topic	Summary of Policy
Chapter 2: Overview of Fraud and Willful Misrepresentation	Elements Required to Make Inadmissibility Finding	Clarifies elements required to find someone inadmissible for fraud or willful misrepresentation. Contains a comparison of the findings with charts as a visual aid.

Volume 8, Part J, Fraud and Willful Misrepresentation		
Chapter	Topic	Summary of Policy
Chapter 3: Adjudicating Inadmissibility	Making the Inadmissibility Determination	Clarifies and updates policy for how to make the inadmissibility determination, including burden of proof and evidentiary requirements.

Volume 8, Part J, Fraud and Willful Misrepresentation

Chapter & Section	Topic	Summary of Policy
Chapter 3: Adjudicating Inadmissibility Section D: Willfulness	Misrepresentations by Minors (Under 18) or those who are Mentally Incompetent	A minor or mentally incompetent person may be able to demonstrate a lack of capacity. If the evidence shows clearly and beyond a doubt that a person lacks the capacity to form an intent to deceive, or to know the information was false, he or she may not be inadmissible.

Volume 9, Part G, Waivers for Fraud and Willful Misrepresentation

Chapter	Topic	Summary of Policy
Chapter 2: Adjudication of Fraud and Willful Misrepresentation Waivers	Eligibility and Waiver Adjudication	Clarifies policy on eligibility and adjudication steps for waivers of fraud and willful misrepresentation for adjustment of status applicants under INA 212(i). Explains that applicant must show extreme hardship to a qualifying relative and that the grant of the waiver is warranted as a matter of discretion.

Volume 9, Part G, Waivers for Fraud and Willful Misrepresentation

Chapter	Topic	Summary of Policy
Chapter 3: Effect of Granting a Waiver	Validity of Waiver and Conditional Waiver Grants	Clarifies and updates policy on waiver validity, and when conditional grants of a waiver to fiancé(e) nonimmigrants may become permanent.