

## 9 FAM 40.6 EXHIBIT I ABRIDGED LISTING OF GROUNDS OF INELIGIBILITY UNDER INA

*(CT:VISA-656; 09-17-2004)*  
*(Office of Origin: CA/VO/L/R)*

SECTION 212(a)	DESCRIPTION OF INELIGIBILITY	RELIEF AVAILABILITY	9 FAM CITE
(1)(A)(i)	Communicable Disease	NIV: 212(d)(3)(A) IV: 212(g)(1)	40.11
(1)(A)(ii)	Lacking Required Vaccinations	NIV: Not Applicable IV: 212(g)(2)	40.11
(1)(A)(iii)	Physical/Mental Disorder	NIV: 212(d)(3)(A) IV: 212(g)(3)	40.11
(1)(A)(iv)	Drug Abuser or Addict	NIV: 212(d)(3)(A) IV: No waiver	40.11
(2)(A)(i)(I)	Crimes Involving Moral Turpitude	NIV: 212(d)(3)(A) IV: 212(h)	40.21(a)
(2)(A)(i)(II)	Controlled Substance Violators	NIV: 212(d)(3)(A) IV: 212(h)	40.21(b)
(2)(B)	Multiple Criminal Convictions	NIV: 212(d)(3)(A) IV: 212(h)	40.22
(2)(C)	Controlled Substance Traffickers	NIV: 212(d)(3)(A) IV: No waiver	40.23
(2)(D)(i)	Prostitution	NIV: 212(d)(3)(A) IV: 212(h)	40.24
(2)(D)(ii)	Procuring	NIV: 212(d)(3)(A) IV: 212(h)	40.24
(2)(E)	Certain Aliens Involved in Criminal Activity Who Have Asserted Immunity from Prosecution	NIV: 212(d)(3)(A) IV: 212(h)	40.25
(2)(G)	Foreign Government Officials Engaging in Violations of Religious Freedom	NIV: 212(d)(3)(A) IV: No waiver	40.27
(2)(H)	<i>Significant Traffickers in Persons</i>	<i>NIV: 212(d)(3)(A)</i> <i>IV: No waiver</i>	<i>40.27</i>

(2)(I)	Money Laundering	NIV: 212(d)(3)(A) IV: No waiver	40.28
(3)(A)(i)	Espionage, Sabotage, Technology Transfer	No waiver	40.31
(3)(A)(ii)	Other Unlawful Activity	No waiver	40.31
(3)(A)(iii)	Acts to Overthrow USG	No waiver	40.31
(3)(B)	Terrorist Activities	NIV: 212(d)(3)(A) IV: No waiver	40.32
(3)(C)	Foreign Policy	No waiver	40.32
(3)(D)	Immigrant Membership in Totalitarian Party	NIV: Not applicable IV: 212(a)(3)(D)(ii)&(iii)	40.34
(3)(E)(i)	Participants in Nazi Persecutions	No waiver	40.35
(3)(E)(ii)	Participants in Genocide	No waiver	40.35
(4)	Public Charge	NIV:212(d)(3)(A), see INA 213/221(g) IV: No waiver	40.41
(5)(A)	Labor Certification	NIV: Not applicable IV: No waiver	40.51
(5)(B)	Unqualified Physician	NIV: Not applicable IV: No waiver	40.52
(5)(C)	Uncertified Healthcare Workers	NIV: 212(d)(3)(A) IV: No waiver	40.53
(6)(A)	Aliens Present Without Admission or Parole	DHS only	40.61
(6)(B)	Failure to Attend Removal Proceedings	NIV: 212(d)(3)(A) IV: No waiver	40.62
(6)(C)(i)	Misrepresentation	NIV: 212(d)(3)(A) IV: 212(i)	40.63
(6)(C)(ii)	Falsely Claiming Citizenship	NIV: 212(d)(3)(A) IV: No waiver	40.63
(6)(D)	Stowaways (Inapplicable at time of application)	DHS only	40.64
(6)(E)	Smugglers	NIV:212(d)(3)(A) IV: 212(d)(11)	40.65
(6)(F)	Subject of Civil	NIV:212(d)(3)(A)	40.66

	Penalty (under INA 274C)	IV: 212(d)(12)	
(6)(G)	Student Visa Abusers	NIV:212(d)(3)(A) IV: No waiver	40.67
(7)(A)	Immigrant Documentation Requirement	NIV: not applicable to visa applications IV: 212(k) (DHS only – applies only to applications for admission)	40.71
(7)(B)	Nonimmigrant Documentation Requirement	NIV: 212(d)(4)	40.72
(8)(A)	Immigrant Permanently Ineligible for Citizenship	IV: No waiver	40.81
(8)(B)	Draft Evaders	NIV: 212(d)(3)(A) IV: No waiver	40.82
(9)(A)(i) & (ii)	Ordered Removed Upon Arrival	NIV: 212(d)(3)(A) <i>or</i> 212(a)(9)(A)(iii) IV: 212(a)(9)(A)(iii)	40.91
(9)(B)	Unlawfully Present	NIV: 212(d)(3)(A) IV: 212(a)(9)(B)(iv)	40.92
(9)(C)	Unlawfully Present After Previous Immigration Violation	NIV: 212(d)(3)(A) IV: No waiver	40.93
(10)(A)	Practicing Polygamists	NIV: Not applicable IV: No waiver	40.101
(10)(B)	Guardian Required to Accompany Inadmissible Helpless Alien	<i>DHS</i> only	40.102
(10)(C)	International Child Abduction	NIV: 212(d)(3)(A) IV: No waiver	40.103
(10)(D)	Unlawful Voter	NIV: 212(d)(3)(A) IV: No waiver	40.104
(10)(E)	Former USC Who Renounced to Avoid Taxation	NIV: 212(d)(3)(A) IV: No waiver	40.105
OTHER GROUND			
212(e)	Certain Former	NIV: <i>DHS</i> permission	40.202

	Exchange Visitors	IV: <i>DHS</i> permission	
214(b)	Presumption of Immigrant Status	NIV: No waiver IV: Not applicable	40.203
203(c)(2)	Absence of High School Diploma or Equivalent or 5 Years Experience	NIV: Not applicable IV: No waiver	40.205
208(d)(6)	Alien who Knowingly Made a Frivolous Application for Asylum	No waiver	40.206
SS401 of Public Law 104-114	Aliens involved in Confiscation of Property of U.S. Nationals	SS401(c)	40.207
SS616 of Public Law 105-277	Aliens Involved in Political Killings	No waiver	40.208
212(f)	Alien Detrimental to U.S. Interests	No waiver	
222(g)	Alien in Illegal Status	NIV: 222(g)(2)(B) IV: Not applicable	40.68 & 41.101
SS801 of Public Law 106-113	Persons Engaged in Forced Abortions or Sterilization	See SS801(c)	40.211
SS3205 of Public Law 106-246	Persons credibly alleged to have aided and abetted Colombian insurgent and paramilitary groups	See SS3205(c)	40.212