

9 FAM 40.93

Aliens unlawfully present after previous immigration violation.

(TL:VISA-515; 01-29-2003)

See 22 CFR 40.93, and INA 212(a)(9)(C)

An alien described in INA 212(a)(9)(C) is permanently ineligible for a visa unless the Attorney General consents to the alien's application for re-admission not less than 10 years following the alien's last departure from the United States. Such application for readmission shall be made prior to the alien's re-embarkation at a place outside the United States.

9 FAM 40.93 Related Statutory Provisions

(TL:VISA-515; 01-29-2003)

(C) ALIENS UNLAWFULLY PRESENT AFTER PREVIOUS IMMIGRATION VIOLATIONS.

(i) IN GENERAL, Any alien who:

(I) Has been unlawfully present in the United States for an aggregate period of more than 1 year, or

(II) Has been ordered removed under section 235(b)(1), section 240, or any other provision of law, and who enters or attempts to re-enter the United States without being admitted is inadmissible.

(ii) EXCEPTION: Clause (i) shall not apply to an alien seeking admission more than 10 years after the date of the alien's last departure from the United States if, prior to the alien's re-embarkation at a place outside the United States or attempt to be readmitted from a foreign contiguous territory, the Attorney General has consented to the alien's reapplying for admission.