



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.