



April 24, 2020

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## Policy Alert

SUBJECT: False Claim to U.S. Citizenship Ground of Inadmissibility and [Matter of Zhang](#)

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the [USCIS Policy Manual](#) regarding the false claim to U.S. citizenship ground of inadmissibility.

### Background

U.S. citizenship confers important rights and responsibilities. In recognition of this, Congress provided a specific ground of inadmissibility to address when an alien falsely claims to be a U.S. citizen for any purpose or benefit under the Immigration and Nationality Act (INA) or any other federal or state law.<sup>1</sup> This ground of inadmissibility applies to false claims to U.S. citizenship made on or after September 30, 1996.<sup>2</sup> If found inadmissible under this ground, the alien is permanently barred from admission and, in most cases, there is no immigrant waiver available. However, there may be a narrow exception available to certain aliens who permanently resided in the United States before turning 16 years of age.

On June 28, 2019, the U.S. Department of Justice's Board of Immigration Appeals (BIA) clarified in [Matter of Zhang](#) that an alien's false claim to U.S. citizenship does not need to be knowingly made to give rise to immigration consequences.<sup>3</sup> Accordingly, USCIS is incorporating this BIA decision into Volume 8 of the Policy Manual. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

### Policy Highlights

- Incorporates the BIA decision [Matter of Zhang](#) into the USCIS Policy Manual to clarify that it is not necessary to show intent in order to find an alien inadmissible for a false claim to U.S. citizenship under [INA 212\(a\)\(6\)\(C\)\(ii\)](#).

### Citation

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

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<sup>1</sup> See [INA 212\(a\)\(6\)\(C\)\(ii\)](#). See Section 344 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), [Pub. L. 104-208](#), 110 Stat. 3009-546, 3009-637 (September 30, 1996).

<sup>2</sup> See Section 344(c) of IIRIRA, [Pub. L. 104-208](#), 110 Stat. 3009-546, 3009-637 (September 30, 1996).

<sup>3</sup> See [Matter of Zhang](#), 27 I&N Dec 569 (BIA 2019).