



NEWS RELEASE

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INS Announces New Rule for the Adjustment of Status of Certain
Nationals from Vietnam, Cambodia and Laos
*INS Also Announces New Standards for the Waiver of Criminal Grounds
of Inadmissibility*

WASHINGTON, DC – The Immigration and Naturalization Service (INS) today announced a final rule that became effective December 26, 2002 that will provide for permanent resident status to as many as five thousand eligible individuals from Vietnam, Cambodia, and Laos. The Service notes that since this is a final rule, applications for adjustment of status will be accepted beginning January 27, 2003. Concurrently published with this final rule is a related interim final rule that provides new standards for adjudicating applications for a waiver of certain criminal grounds of inadmissibility. The public has 30 days to provide comments on the interim final rule.

The adjustment of status rule provides permanent immigration benefits to eligible individuals from three countries—Vietnam, Cambodia, and Laos. Following the Vietnam War, many individuals from Vietnam, Cambodia, and Laos were paroled into the United States and have remained in an indefinite immigration status since.

To qualify for the program, an alien must be a national of Vietnam, Cambodia or Laos who was paroled into the United States prior to October 1, 1997. In addition, the alien must have entered the United States from one of three programs: the Orderly Departure Program, a Refugee Camp in East Asia, or a Refugee Camp administered by the United Nations High Commissioner for Refugees in Thailand. Detailed eligibility and procedural requirements are explained in the final regulation.

When individuals apply for certain immigration benefits, they are required to demonstrate that they are admissible under immigration law. One factor that makes an individual ineligible to become a permanent resident is a criminal history. Certain grounds of inadmissibility can be waived at the discretion of the Attorney General. Recently, the Attorney General determined that favorable discretion should not be exercised for criminal waivers involving violent or dangerous individuals, except in extraordinary circumstances. The Attorney General defined “extraordinary circumstances” to mean situations where the individual has established exceptional and extremely unusual hardship, or situations where there are overriding national security or foreign policy considerations. Nevertheless, depending on the nature and severity of the underlying

offense, the extenuating circumstances presented by the applicant may still be insufficient. These standards have been, in turn, incorporated into the rule.

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