## “REASON TO BELIEVE” CHART

### Misrepresentation

<table>
<thead>
<tr>
<th>Summary</th>
<th>Material misrepresentation tends to cut off a line of inquiry that could reasonably lead to a finding of inadmissibility, OR would lead to a finding of admissibility on the false information and inadmissibility on the true information. Young children cannot meet the intent requirement for misrep.</th>
</tr>
</thead>
</table>
| No Reason | - Providing a false name or date of birth defensively when apprehended attempting to EWI\(^1\)  
- Providing a false country of citizenship defensively when apprehended attempting to EWI [unless claimed to be American or Canadian]  
- The alleged fraud occurred when the alien was under age 14 |
| Reason | - Providing a false name, date of birth or country of citizenship or other false information on an affirmatively-filed, written application for benefits  
- Claiming to be American or Canadian defensively when apprehended at the border  
- Presenting false documents at the border or when applying for a visa or other immigration benefits |

### Criminal Inadmissibility

<table>
<thead>
<tr>
<th>Summary</th>
<th>Generally, convictions make people inadmissible, but there are exceptions: (a) if there was no intent requirement in the law and it was not a drug offense, (b) if it was a juvenile offense, including drug offenses, and the juvenile was not tried as an adult for a violent offense, and (c) if there was only one conviction and the maximum possible sentence was a year or less and the actual sentence was a year or less and it was not a drug offense.</th>
</tr>
</thead>
</table>
| No Reason | - DUIs [though a DUI could be a medical ground of inadmissibility, see below]  
- Single conviction for one of the following six nonviolent offenses: shoplifting/theft, vandalism, disturbing the peace, disorderly conduct, procuring a prostitute, or trespassing where the sentence was less than six months in prison [probation is not prison]  
- Juvenile convictions where the person was not tried as an adult or where the records are sealed or proven not available  
- Bench warrant/ jail time for nonpayment of traffic fines |
| Reason | - Conviction other than juvenile where the sentence is over six months in prison, including suspended sentences  
- Juvenile tried as an adult, convicted and sentenced to more than six months in prison  
- Serious offenses such as murder, attempted murder, rape, arson, etc.  
- Prostitution (the prostitutes and their bosses are usually inadmissible, the customers are usually not)  
- Any drug offense, any sex offense, any violent offense such as assault or domestic violence  
- More than one petty offense, such as more than one shoplifting conviction |

### Medical Inadmissibility

<table>
<thead>
<tr>
<th>Summary</th>
<th>The I-601A adjudicator will be unaware of medical inadmissibility unless there has been an arrest. People with active drug/alcohol problems are inadmissible; assessment required by medical staff if there is an alcohol-related arrest in the past five years, two in the past ten, or drug-related arrest.</th>
</tr>
</thead>
</table>
| No Reason | - Single DUI or alcohol-related arrest more than five years ago.  
- Two DUIs or alcohol-related arrests, where neither is in the past five years and at least one is more than ten years ago. |
| Reason | - Even if not convicted, one DUI or alcohol-related arrest in the past five years, two in the past ten, or more than two  
- Drug-related arrest at any time, even if not convicted |

### 9C One

<table>
<thead>
<tr>
<th>Summary</th>
<th>A person is inadmissible under INA 212(a)(9)(C)(i)(I) – aka “9C One” – if the person was unlawfully present for more than a year in the aggregate after April 1, 1997, left and returned or attempted to return without inspection. Generally, a person is unlawfully present when he/she does not have a status and does not have an application for benefits pending other than an I-130/I-140. Someone in Duration of Status – usually on an F visa or Canadian Visitor – generally does not accumulate unlawful presence toward 9C.</th>
</tr>
</thead>
</table>
| No Reason | - Most recent entry is before April 1, 1997.  
- Unlawful presence was less than a year before the most recent EWI  
- Unlawful presence was more than a year before the most recent EWI, but less than one year of the unlawful presence was after April 1, 1997  
- The person entered with fraud\(^2\), parole, or CBP error after a period of unlawful presence and never EWIed after the unlawful presence  
- The person is Canadian and there is no evidence to suggest that the person evaded a point of inspection  
- Even though the person was out of status for more than a year, he/she was on an F1 visa or was a Canadian in visitor status during that time |
| Reason | - The person entered without inspection, was unlawfully present more than a year after April 1, 1997, never applied for any type of benefit, other than being the beneficiary of an I-130, left and came back without inspection  
- The person filed an application for extension/change of status AFTER the prior status expired, accumulated more than a year of unlawful presence after April 1, 1997, left and came back without inspection |

### 9C Two

<table>
<thead>
<tr>
<th>Summary</th>
<th>A person is inadmissible under INA 212(a)(9)(C)(i)(II) – aka “9C Two” – if the person was removed/deported, actually departed at any time and returned or attempted to return without inspection after April 1, 1997. For purposes of 9C, a Voluntary Return is not a removal/deportation and Voluntary Departure is not a removal/deportation if the person left in the allotted time.</th>
</tr>
</thead>
</table>
| No Reason | - Most recent EWI is before April 1, 1997  
- Before ever successfully entering the US, the person had one or more “Voluntary Returns” at the border, which are different from Expedited Removals, but eventually successfully entered without inspection  
- Left under an order for Voluntary Departure after accumulating less than one year unlawful presence, then came back EWI |
| Reason | - Came back EWI after April 1, 1997 following Expedited Removal, regular Removal/Deportation, even if more than five years elapsed from Removal  
- overstayed Voluntary Departure left and came back EWI after April 1, 1997 |

\(^1\) EWI = Enter Without Inspection, Entry Without Inspection. EWIed = Entered Without Inspection.  
\(^2\) But here the person would be denied for “Reason to Believe” that he/she is inadmissible for fraud unless the person was under age 14