

SIJS Adjustment of Status Inadmissibility Chart

INA	Subject	Inapplicable	Waivable ¹	Not Waivable
212(a)(1)	Health		✓	
212(a)(2)(A)	CIMT		✓ ²	
212(a)(2)(B)	Multiple convictions		✓ ³	
212(a)(2)(C)	Controlled substance trafficker			✓
212(a)(2)(D)	Prostitution & commercialized vice		✓	
212(a)(2)(H)	Traffickers in persons		✓	
212(a)(2)(I)	Money laundering		✓	
212(a)(3)(A)	Security, espionage			✓
212(a)(3)(B)	Terrorist activities			✓
212(a)(3)(D)	Membership in totalitarian party		✓	
212(a)(4)	Public charge	✓		
212(a)(5)	Labor certification, etc.	✓		
212(a)(6)(A)(i)	Present without admission or parole	✓		
212(a)(6)(B)	Failure to attend removal proceeding		✓	
212(a)(6)(C)	Misrepresentation (incl. false claim to citizenship)	✓		
212(a)(6)(D)	Stowaways	✓		
212(a)(6)(E)	Smugglers		✓	

¹ For those inadmissibility grounds waived by INA § 245(h), an SIJS adjustment applicant needs to show that a waiver should be granted for “humanitarian purposes, family unity, or when it is otherwise in the public interest.” Any other grounds that are potentially waivable under INA § 212(h) require a showing of extreme hardship to a spouse, parent, or child.

² INA § 212(a)(2)(A) is divided into two types of crimes, INA § 212(a)(2)(A)(i)(I) is crimes involving moral turpitude (CIMT), INA § 212(a)(2)(A)(i)(II) is controlled substance offenses. If the offense is one count of simple possession of 30 grams or less of marijuana, it is waivable under INA § 245(h)(2)(B), otherwise a waiver under INA § 212(h) should be explored.

³ Potentially waivable under 212(h).

INA	Subject	Inapplicable	Waivable ¹	Not Waivable
212(a)(7)(A)	At border without proper papers	✓		
212(a)(9)(A)	Previously removed		✓	
212(a)(9)(B)	Unlawfully present	✓		
212(a)(9)(C)	Unlawfully present after previous immigration violation		✓	
212(a)(10)(A)	Practicing polygamist		✓	
212(a)(10)(C)	International child abduction		✓	
212(a)(10)(D)	Unlawful voters		✓	

