

9 FAM 40.105 NOTES

(CT:VISA-1847; 07-16-2012)
(Office of Origin: CA/VO/L/R)

9 FAM 40.105 N1 APPLICABILITY OF INA 212(A)(10)(E)

(CT:VISA-1847; 07-16-2012)

INA 212(a)(10)(E) applies to *any alien who is a former citizen of the United States and who is determined by the Attorney General to have officially renounced United State Citizenship for the purpose of avoiding taxation by the United States* that took place on or after September 30, 1996 *is inadmissible*.

9 FAM 40.105 N2 CONSULAR OFFICER'S ROLE IN DETERMINING INADMISSIBILITY

(CT:VISA-1736; 10-06-2011)

The role of the Department and the consular officer is very limited in implementing this ground of inadmissibility. Unless the applicant appears as a hit in the lookout system revealing a finding of inadmissibility under INA 212(a)(10)(E), you must assume the applicant is eligible.

9 FAM 40.105 N3 WAIVERS

(CT:VISA-1847; 07-16-2012)

There is no waiver available for immigrants found inadmissible under INA 212(a)(10)(E). *For those individuals seeking to visit the United States temporarily, however, this ground of inadmissibility can be waived.* You should recommend non-immigrants for an INA 212(d)(3)(A) waiver. *Waiver is discretionary and applications are evaluated on a case-by-case basis.* (See 9 FAM 40.301 Related Statutory/Regulatory Provisions and 9 FAM 40.301 Notes).