

## **9 FAM 42.24 AMERASIANS ELIGIBLE UNDER PUBLIC LAW 100-202**

*(CT:VISA-978; 06-27-2008)  
(Office of Origin: CA/VO/L/R)*

### **9 FAM 42.24 RELATED STATUTORY PROVISIONS**

*(CT:VISA-978; 06-27-2008)*

See Sec. 584 of Pub. L. 100-202, as amended by Pub. L. 101-167, Pub. L. 101-513, Pub. L. 101-649, and Pub. L. 102-232.

#### **Sec. 584. AMERASIAN IMMIGRATION**

- (a)(1) Notwithstanding any numerical limitations specified in the Immigration and Nationality Act, the Attorney General may admit aliens described in subsection (b) to the United States as immigrants if--
  - (A) they are admissible (except as otherwise provided in paragraph (2)) as immigrants, and
  - (B) they are issued an immigrant visa and depart from Vietnam on or after March 22, 1988.
- (2) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not be applicable to any alien seeking admission to the United States under this section, and the Attorney General on the recommendation of a consular officer may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation by a consular officer.
- (3) Notwithstanding section 221(c) of the Immigration and Nationality Act, immigrant visas issued to aliens under this section shall be valid for a period of one year.
  - (b)(1) An alien described in this section is an alien who, as of the enactment of this Act, is residing in Vietnam and who

establishes to the satisfaction of a consular officer or an officer of the Immigration and Naturalization Service after a face-to-face interview, that the alien—

- (A)(i) was born in Vietnam after January 1, 1962, and before January 1, 1976, and (ii) was fathered by a citizen of the United States (such an alien in this section referred to as a "principal alien");
  - (B) is the spouse or child of a principal alien and is accompanying, or following to join, the principal alien; or
  - (C) subject to paragraph (2), either (i) is the principal alien's natural mother (or is the spouse or child of such mother), or (ii) has acted in effect as the principal alien's mother, father, or next-of-kin (or is the spouse or child of such an alien), and is accompanying, or following to join, the principal alien.
- (2) An immigrant visa may not be issued to an alien under paragraph (1) (C) unless the officer referred to in paragraph (1) has determined, in the officer's discretion, that (A) such an alien has a bona fide relationship with the principal alien similar to that which exists between close family members and (B) the admission of such an alien is necessary for humanitarian purposes or to assure family unity. If an alien described in paragraph (1)(C)(ii) is admitted to the United States, the natural mother of the principal alien involved shall not, thereafter, be accorded any right, privilege, or status under the Immigration and Nationality Act by virtue of such parentage.
- (3) For purposes of this section, the term "child" has the meaning given such term in section 101(b)(1) (A), (B), (C), (D), and (E) of the Immigration and Nationality Act.
- (c) Any alien admitted (or awaiting admission) to the United States under this section shall be eligible for benefits under chapter 2 of title IV of the Immigration and Nationality Act to the same extent as individuals admitted (or awaiting admission) to the United States under section 207 of such Act are eligible for benefits under such chapter.
  - (d) [A requirement to report on implementation, which applied for only the first three years after enactment.]
  - (e) Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section and nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to

immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.