

LEXSTAT 1-4 Bender's Immigration and Nationality Act Service Section 237, 8
U.S.C. 1227

Bender's Immigration and Nationality Act Service
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The Immigration and Nationality Act 8 U.S.C.

TITLE II IMMIGRATION

Chapter 4 Inspection; Apprehension; Examination; Exclusion; and Removal

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.C. 1227

Section 237, 8 U.S.C. 1227 General Classes of Deportable Aliens 8.1

(a)--Classes of Deportable Aliens⁹

Any alien (including an alien crewman) in and admitted to the United States shall, upon the order of the Attorney General, be removed if the alien is within one or more of the following classes of deportable aliens:

(1)--Inadmissible at time of entry or of adjustment of status or violates status

(A)--Inadmissible aliens

Any alien who at the time of entry or adjustment of status was within one or more of the classes of aliens inadmissible by the law existing at such time is deportable.

(B)--Present in violation of law

Any alien who is present in the United States in violation of this Act or any other law of the United States is deportable.

(C)--Violated nonimmigrant status or condition of entry

(i)--Nonimmigrant status violators

Any alien who was admitted as a nonimmigrant and who has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under *section 248*, or to comply with the conditions of any such status, is deportable.

(ii)--Violators of conditions of entry

Any alien whom the Secretary of Health and Human Services certifies has failed to comply with terms, conditions, and controls that were imposed under

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.

section 212(g) is deportable.

(D)--Termination of conditional permanent residence

(i)--In general

Any alien with permanent resident status on a conditional basis under *section 216* (relating to conditional permanent resident status for certain alien spouses and sons and daughters) or under *section 216A* (relating to conditional permanent resident status for certain alien entrepreneurs, spouses, and children) who has had such status terminated under such respective section is deportable.

(ii)--Exception

Clause (i) shall not apply in the cases described in *section 216(c)(4)* (relating to certain hardship waivers).

(E)--Smugglingn10

(i)--In general

Any alien who (prior to the date of entry, at the time of any entry, or within five years of the date of any entry) knowingly has encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law is deportable.

(ii)--Special rule in the case of family reunification

Clause (i) shall not apply in the case of alien who is an eligible immigrant (as defined in section 301(b)(1) of the Immigration Act of 1990), was physically present in the United States on May 5, 1988, and is seeking admission as an immediate relative or under *section 203(a)(2)* (including under section 112 of the Immigration Act of 1990) or benefits under section 301(a) of the Immigration Act of 1990 if the alien, before May 5, 1988, has encouraged, induced, assisted, abetted, or aided only the alien's spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.

(iii)--Waiver authorized

The Attorney General may, in his discretion for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, waive application of clause (i) in the case of any alien lawfully admitted for permanent residence if the alien has encouraged, induced, assisted, abetted, or aided only an individual who at the time of the offense was alien's spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.

(F)--[Repealed]n11

(G)--Marriage fraud

An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of *section 212(a)(6)(C)(i)*) and to be in the United States in violation of this Act (within the meaning of

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.

subparagraph (B)) if--

(i)--

the alien obtains any admission into the United States with an immigrant visa or other documentation procured on the basis of a marriage entered into less than two years prior to such admission of the alien and which, within two years subsequent to any admission of the alien in the United States, shall be judicially annulled or terminated, unless the alien establishes to the satisfaction of the Attorney General that such marriage was not contracted for the purpose of evading any provisions of the immigration laws, or

(ii)--

it appears to the satisfaction of the Attorney General that the alien has failed or refused to fulfill the alien's marital agreement which in the opinion of the Attorney General was made for the purpose of procuring the alien's admission as an immigrant.

(H)--Waiver authorized for certain misrepresentationsn11.1

The provisions of this paragraph relating to the removal of aliens within the United States on the ground that they were inadmissible at the time of admission as aliens described in *section 212(a)(6)(C)(i)*, whether willful or innocent, may, in the discretion of the Attorney General, be waived for any alien (other than an alien described in paragraph (4)(D)) who--

(i)--

(I)--

is the spouse, parent, son, or daughter of a citizen of the United States or of an alien lawfully admitted to the United States for permanent residence; and

(II)--

was in possession of an immigrant visa or equivalent document and was otherwise admissible to the United States at the time of such admission except for those grounds of inadmissibility specified under paragraphs (5)(A) and (7)(A) of *section 212(a)* which were a direct result of that fraud or misrepresentation.

(ii)--

is an alien who qualifies for classification under clause (iii) or (iv) of *section 204(a)(1)(A)* or clause (ii) or (iii) of *section 204(a)(1)(B)*.

A waiver of deportation for fraud or misrepresentation granted under this subparagraph shall also operate to waive deportation based on the grounds of inadmissibility directly resulting from such fraud or misrepresentation.

(2)--Criminal offenses

(A)--General crimes

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.

(i)--Crimes of moral turpitude

Any alien who--

(I)--

is convicted of a crime involving moral turpitude committed within five years (or 10 years in the case of an alien provided lawful permanent resident status under section 245(j) of this title) after the date of admission, and

(II)--

is convicted of a crime for which a sentence of one year or longer may be imposed,

is deportable.

(ii)--Multiple criminal convictions

Any alien who at any time after admission is convicted of two or more crimes involving moral turpitude, not arising out of a single scheme of criminal misconduct, regardless of whether confined therefor and regardless of whether the convictions were in a single trial, is deportable.

(iii)--Aggravated felony

Any alien who is convicted of an aggravated felony at any time after admission is deportable.

(iv)--High speed flightn12

Any alien who is convicted of a violation of section 758 of title 18, United States Code (relating to high speed flight from an immigration checkpoint), is deportable.

(v)--Waiver authorized

Clauses (i), (ii), (iii), and (iv) shall not apply in the case of an alien with respect to a criminal conviction if the alien subsequent to the criminal conviction has been granted a full and unconditional pardon by the President of the United States or by the Governor of any of the several States.

(B)--Controlled substances

(i)--Conviction

Any alien who at any time after admission has been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), other than a single offense involving possession for one's own use of thirty grams or less of marijuana, is deportable.

(ii)--Drug abusers and addicts

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.

Any alien who is, or at any time after admission has been, a drug abuser or addict is deportable.

(C)--Certain firearm offenses

Any alien who at any time after admission is convicted under any law of purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is deportable.

(D)--Miscellaneous crimes

Any alien who at any time has been convicted (the judgment on such conviction becoming final) of, or has been so convicted of a conspiracy or attempt to violate--

(i)--

any offense under chapter 37 (relating to espionage), chapter 105 (relating to sabotage), or chapter 115 (relating to treason and sedition) of title 18, United States Code, for which a term of imprisonment of five or more years may be imposed;

(ii)--

any offense under section 871 or 960 of title 18, United States Code;

(iii)--

a violation of any provision of the Military Selective Service Act (50 U.S.C. App. 451 et seq.) or the Trading With the Enemy Act (50 U.S.C. App. 1 et seq.); or

(iv)--

a violation of section 215 or 278 of this Act, is deportable.

(E)--Crimes of domestic violence, stalking, or violation of protection order, crimes against children and [sic]n15

(i)--Domestic violence, stalking, and child abuse

Any alien who at any time after admission is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is deportable. For purposes of this clause, the term "crime of domestic violence" means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.

individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

(ii)--Violators of protection orders

Any alien who at any time after admission is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable. For purposes of this clause, the term "protection order" means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.

(3)--Failure to register and falsification of documents

(A)--Change of address

An alien who has failed to comply with the provisions of *section 265* is deportable, unless the alien establishes to the satisfaction of the Attorney General that such failure was reasonably excusable or was not willful.

(B)--Failure to register or falsification of documents

Any alien who at any time has been convicted--

(i)--

under section 266(c) of this Act or under section 36(c) of the Alien Registration Act, 1940,

(ii)--

of a violation of, or an attempt or a conspiracy to violate, any provision of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or

(iii)--

of a violation of, or an attempt or a conspiracy to violate, section 1546 of title 18, United States Code (relating to fraud and misuse of visas, permits, and other entry documents),

is deportable.

(C)--Document fraud¹⁷

(i)--In general

An alien who is the subject of a final order for violation of *section 274C* is deportable.

(ii)--Waiver authorized

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.

The Attorney General may waive clause (i) in the case of an alien lawfully admitted for permanent residence if no previous civil money penalty was imposed against the alien under *section 274C* and the offense was incurred solely to assist, aid, or support the alien's spouse or child (and no other individual). No court shall have jurisdiction to review a decision of the Attorney General to grant or deny a waiver under this clause.

(D)--Falsely claiming citizenshipn17.1

(i)-- In general

Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States for any purpose or benefit under this Act (including *section 274A*) or any Federal or State law is deportable.

(ii)-- Exception

In the case of an alien making a representation described in clause (i), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be considered to be deportable under any provision of this subsection based on such representation.

(4)--Security and related grounds

(A)--In general

Any alien who has engaged, is engaged, or at any time after admission engages in--

(i)--

any activity to violate any law of the United States relating to espionage or sabotage or to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information,

(ii)--

any other criminal activity which endangers public safety or national security, or

(iii)--

any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means,

is deportable.

(B)--Terrorist activitiesn17.1a

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.

Any alien who has engaged, is engaged, or at any time after admission engages in any terrorist activity (as defined in *section 212(a)(3)(B)(iv)*) is deportable.

(C)--Foreign policy

(i)--In general

An alien whose presence or activities in the United States the Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States is deportable.

(ii)--Exceptions

The exceptions described in clauses (ii) and (iii) of *section 212(a)(3)(C)* shall apply to deportability under clause (i) in the same manner as they apply to inadmissibility under *section 212(a)(3)(C)(i)*.

(D)--Assisted in Nazi persecution or engaged in genocide

Any alien described in clause (i) or (ii) of *section 212(a)(3)(E)* is deportable.

(5)--Public charge

Any alien who, within five years after the date of entry, has become a public charge from causes not affirmatively shown to have arisen since entry is deportable.

(6)--Unlawful votersn17.2

(A)-- In general

Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.

(B)-- Exception

In the case of an alien who voted in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation that he or she was a citizen, the alien shall not be considered to be deportable under any provision of this subsection based on such violation.

(7)-- Waiver for Victims of Domestic Violencen17.3

(A)--In general

The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.

violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship--

(i)--

upon a determination that--

(I)--

the alien was acting in self-defense;

(II)--

the alien was found to have violated a protection order intended to protect the alien; or

(III)--

the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime--

(aa)--

that did not result in serious bodily injury; and

(bb)--

where there was a connection between the crime and the alien's having been battered or subjected to extreme cruelty.

(B)--Credible evidence considered

In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.

[See Notes 1, 2, and 3 at the end of *INA* § 237.]

(b)--Deportation of Certain Nonimmigrants¹⁸

An alien, admitted as a nonimmigrant under the provisions of either *section 101(a)(15)(A)(i)* or *101(a)(15)(G)(i)*, and who fails to maintain a status under either of those provisions, shall not be required to depart from the United States without the approval of the Secretary of State, unless such alien is subject to deportation under subsection paragraph (4) of subsection (a).

[See Note 4 at the end of *INA* § 237.]

(c)--Waiver of Grounds for Deportation¹⁹

Paragraphs 1(A), 1(B), 1(C), 1(D), and 3(A) of subsection (a) (other than so much of paragraph (1) as relates to a ground of inadmissibility described in

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.

paragraph (2) or (3) of *section 212(a)*) shall not apply to a special immigrant described in *section 101(a)(27)(J)* based upon circumstances that existed before the date the alien was provided such special immigrant status.

(d)--[Repealed]n20

(e)--[Redesignated "'(b)'" by *Sec. 602(b)(2)(B)*, *Immigration Act of 1990*, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978.]

(f)-(g)--[Repealed by *Sec. 602(b)(1)*, *Immigration Act of 1990*, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978.]

(h)--[Redesignated "'(c)'" by *Sec. 307(k)(2)*, *Miscellaneous and Technical Immigration and Naturalization Amendments of 1991*, Act of Dec. 12, 1991, Pub. L. No. 102-232, 105 Stat. 1733.]

Note 1--

Sec. 544 of the *Immigration Act of 1990*, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978, by making minor amendments to *INA § 237(a)(19)* and (20), and by adding new Subpar. (21) (which adds activities involving document fraud as a ground for deportation), provided some basis to believe that subpars. (19) and (20) remained viable notwithstanding the overhaul and redesignation of the grounds for deportation created by Sec. 602 of the 1990 Act. However, according to Sec. 602, there are, as amended, five main grounds of deportation (each with subsections), which grounds *did not* include document fraud. The confusion relating to document fraud was clarified by the addition of subpar. (a)(3)(C) by the *Miscellaneous and Technical Immigration and Naturalization Amendments of 1991*.

Note 2--

Sec. 602(c) of the *Immigration Act of 1990*, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978, contains a savings provision regarding the numerous amendments made by Sec. 602. The provision states:

(c) Savings Provision.--Notwithstanding the amendments made by this section, any alien who was deportable because of a conviction (before the date of the enactment of this Act) of an offense referred to in paragraph (15), (16), (17), or (18) of *section 241(a)* of the *Immigration and Nationality Act*, as in effect before the date of the enactment of this Act, shall be considered to remain so deportable. Except as otherwise specifically provided in such section and subsection (d), the provisions of such section, as amended by this section, shall apply to all aliens described in subsection (a) thereof notwithstanding that (1) any such alien entered the United States before the date of the enactment of this Act, or (2) the facts, by reason of which an alien is described in such subsection, occurred before the date of the enactment of this Act.

Note 3--

Sec. 301 of the *Immigration Act of 1990*, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978, as further amended by Sec. 603(a)(23) of the same such *Immigration Act of 1990*, provided for a temporary stay of deportation and work

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.

authorization for certain family members of legalized aliens to promote family unity. The provision is reproduced in Note 1A at the end of *INA* § 245A.

Note 4--

Sec. 505 of the Immigration Act of 1990, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978, amended subpar. (b), by among other things, eliminating judicial recommendations against deportation, effective on the date of enactment, Nov. 29, 1990, and applicable to convictions entered before, on or after such date. However, the conforming amendments made by Sec. 602 of the 1990 Act, repealed existing subpar. (b), and redesignated former subpar. (e) as new subpar. (b), thus creating an inconsistency. Former subpar. (b), as amended by Sec. 505 would read as follows:

(b) The provisions of subsection (a)(4) respecting the deportation of an alien convicted of a crime or crimes shall not apply in the case of any alien who has subsequent to such conviction been granted a full and unconditional pardon by the President of the United States or by the Governor of any of the several States. The provisions of this subsection shall not apply in the case of any alien who is charged with being deportable from the United States under subsection (a)(11) of this chapter or who has been convicted of an aggravated felony.

FOOTNOTES:

[n1] Footnote 9. Subsec. (a) reorganized and amended by Sec. 602 of the Immigration Act of 1990, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978. The Immigration Act of 1990 does not provide a specific effective date for the amended grounds for deportation. Sec. 602(c) (Savings Provision), however, contains a list of former grounds for deportation that, notwithstanding the amendments made by Sec. 602, render the alien deportable. In addition, Sec. 602 of the Immigration Act of 1990 states that the provisions of *INA* § 241(a) 'as amended by this section, shall apply to all aliens described in subsection (a) thereof notwithstanding that (1) any such alien entered the United States before the date of the enactment of this Act, or (2) the facts, by reason of which an alien is described in such subsection, occurred before the date of the enactment of this Act.' Finally, Sec. 602(d) of the 1990 Act states that the amendments made 'by this section [and by section 603(b)] shall not apply to deportation proceedings for which notice has been provided to the alien before March 1, 1991.' Further amended by Sec. 307(h) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Act of Dec. 12, 1991, Pub. L. No. 102-232, 105 Stat. 1733, effective as if included in the Immigration Act of 1990 [see Sec. 310 of such Pub. L. No. 102-232].

[n2] Footnote 10. Subpar. (ii) added by Sec. 307(h)(4) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Act of Dec. 12, 1991, Pub. L. No. 102-232, 105 Stat. 1733, which section also redesignated original subpar. (ii) as subpar. (iii).

[n3] Footnote 11. Subparagraph (F) struck out by Sec. 671(d), Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), Pub. L. No. 104-208, 110 Stat. 3009.

[n4] Footnote 11.1. As amended by Sec. 1505(c)(2), title V [Battered Immigrant Women Protection Act of 2000], div. B [Violence Against Women Act of

1-4 Bender's Immigration and Nationality Act Service Section 237, 8 U.S.

2000], Pub. L. No. 106-386 [Victims of Trafficking and Violence Protection Act of 2000], Act of Oct. 28, 2000, 114 Stat. 1464.

[n5] Footnote 12. Added by Sec. 108, Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), Pub. L. No. 104-208, 110 Stat. 3009.

[n6] Footnote 15. Added by Sec. 350, Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), Pub. L. No. 104-208, 110 Stat. 3009, effective for ''convictions, or violations of court orders, occurring after the date of the enactment of [IIRAIRA; enacted Sept. 30, 1996].'' In this par. (E), as so added by IIRAIRA sec. 350, the word ''admission'' in subpars. (i) and (ii) was originally ''entry''; the word was changed to ''admission'' pursuant to IIRAIRA sec. 308(f)(1)(N).

[n7] Footnote 17. Subparagraph (C) added by Section 307(h)(8) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Act of Dec. 12, 1991, Pub. L. No. 102-232, 105 Stat. 1733. Amended by Sec. 345(b), Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), Pub. L. No. 104-208, 110 Stat. 3009.

[n8] Footnote 17.1. Amended by Sec. 201(c)(2), title II, Child Citizenship Act of 2000, Pub. L. No. 106-395, Act of Oct. 30, 2000, 114 Stat. 1631; *effective date*: Sec. 201(c)(3) of such title II of such Act provided in pertinent part that ''The amendment made by [Sec. 201(c)(2)] shall be effective as if included in the enactment of section 344 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-637) and shall apply to representations made on or after September 30, 1996. Such amendment[] shall apply to individuals in proceedings under the Immigration and Nationality Act on or after September 30, 1996.''

[n9] Footnote 17.1a. Subpar. (B) amended by Sec. 411(b)(1), USA PATRIOT ACT, Pub. L. No. 107-56, Act of Oct. 26, 2001, 115 Stat. 272. Retroactive application of amendments made by Sec. 411 of USA PATRIOT ACT, see Note 4 following INA § 212.

[n10] Footnote 17.2. Amended by Sec. 201(c)(1), title II, Child Citizenship Act of 2000, Pub. L. No. 106-395, Act of Oct. 30, 2000, 114 Stat. 1361; *effective date*: Sec. 201(c)(3) of such title II of such Act provided in pertinent part that ''The amendment made by [Sec. 201(c)(1)] shall be effective as if included in the enactment of section 347 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-638) and shall apply to voting occurring before, on, or after September 30, 1996. ... Such amendment[] shall apply to individuals in proceedings under the Immigration and Nationality Act on or after September 30, 1996.''

[n11] Footnote 17.3. Added by Sec. 1505(b)(1), title V [Battered Immigrant Women Protection Act of 2000], div. B [Violence Against Women Act of 2000], Pub. L. No. 106-386 [Victims of Trafficking and Violence Protection Act of 2000], Act of Oct. 28, 2000, 114 Stat. 1464.

[n12] Footnote 17.4. *Sic*. The word ''is'', which probably should read ''in'', so appears in text of this subsection 237(a)(7) as enacted by Sec. 1505(b)(1), title V [Battered Immigrant Women Protection Act of 2000], div. B [Violence Against Women Act of 2000], Pub. L. No. 106-386 [Victims of Trafficking and

Violence Protection Act of 2000], Act of Oct. 28, 2000, 114 Stat. 1464.

[n13] Footnote 18. As amended and redesignated as subpar. (b) by Sec. 602, Immigration Act of 1990, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978. This subpar. was previously subpar. (e), the original subpars. (b) and (c) having been repealed by the 1990 Act, as were subpars. (f) and (g).

[n14] Footnote 19. Enacted [originally as '(h)'] by Sec. 153(b) of the Immigration Act of 1990, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978. Redesignated as '(c)' by Section 307(k)(2) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Act of Dec. 12, 1991, Pub. L. No. 102-232, 105 Stat. 1733. The prior '(c)' was repealed by Sec. 602(b)(1) of such Immigration Act of 1990. Previously designated '(h)' [as already noted], this subsection, as originally enacted, contained references to former paragraphs of § 241; effective March 1, 1991, it was amended to reflect the new subparagraph references, by Sec. 153(b)(2) of Pub. L. No. 101-649. The former references were to 'Paragraphs (1), (2), (5), (9), or (12) of subsection 241(a) (other than so much of paragraph (1) as it relates to a ground of exclusion described in paragraph (2) or (3) of *section 212(a)*)... .'

[n15] Footnote 20. Repealed by Sec. 308(d)(2)(D), Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), Pub. L. No. 104-208, 110 Stat. 3009.

8.1. Formerly designated as *INA § 241*, redesignated as *INA § 237* by Sec. 305(a)(2), Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), Pub. L. No. 104-208, 110 Stat. 3009, the former *INA § 237* having been struck out by Sec. 305(a)(1) of IIRAIRA.