



REPLY to:

ALEXANDER CHEN

Direct DIAL: 714-932-6659

ALEXC@INHOUSECO.COM

YARDHOUSE RESTAURANT BUILDING  
7700 IRVINE CENTER DR., SUITE 800  
IRVINE, CA 92618  
TEL: 949-250-1555 \* FAX: 714-882-7770

ALMADEN FINANCIAL PLAZA  
1 ALMADEN BLVD SUITE 810  
SAN JOSE, CA 95113  
TEL: 408-918-5393 \* Fax: 408-918-5373

## USCIS Updates Policy on False Claims of U.S. Citizenship

4/24/20 [uscis@public.govdelivery.com](mailto:uscis@public.govdelivery.com)

U.S. Citizenship and Immigration Services today announced it is updating its [Policy Manual](#) to align with the Department of Justice's Board of Immigration Appeals' (BIA) precedent decision in [Matter of Zhang](#). Decided in June 2019, the BIA held in this decision that false claims of U.S. citizenship do not need to be knowingly made to make an alien deportable under the Immigration and Nationality Act (INA). The [Policy Manual](#) also applies the BIA's decision to the false claim to U.S. citizenship ground of inadmissibility, as it is virtually identical to the ground of deportability.

美國公民及移民服務局今天宣布將更新其政策手冊，以與司法部的張移民事務局的先例決定相一致。BIA於2019年6月做出決定，裁定無需根據《移民與國籍法》(INA)故意提出虛假的美國公民身份要求才能將外國人驅逐出境。《政策手冊》還將BIA的決定適用於針對不可接納的美國公民身份的虛假主張，因為它實際上與可驅逐性的理由相同。

Under the law, an alien is inadmissible or deportable if the alien falsely represents him or herself to be a citizen of the United States for any purpose or benefit under immigration law or under other federal or state law. The only exception Congress provided to the false claim to U.S. citizenship ground of inadmissibility requires that each parent of the alien is or was a U.S. citizen, the alien permanently resided in the United States before the age of 16, and the alien reasonably believed he or she was a U.S. citizen when claiming to be one.

根據該法律，如果該外國人出於移民法或其他聯邦或州法律的任何目的或利益，以虛假方式陳述其本人為美國公民，則該外國人不可入境或驅逐出境。國會針對不可接納的對美國公民身份的虛假要求提供的唯一例外規定是，該外國人的每位父母都是美國公民或曾經是美國公民，該外國人在16歲之前永久居住在美國，並且

Aliens applying for refugee status and for adjustment of status based on refugee or asylee status, as well as legalization applicants, may be eligible to apply for a waiver of this ground of inadmissibility. This ground of inadmissibility does not apply to special immigrant juveniles seeking adjustment of status, or to registry applicants.

申請難民身份和根據難民或庇護者身份調整身份的外國人，以及合法化申請人，都有資格申請豁免這種不可接納的理由。這種不可受理的理由不適用於尋求調整身份的特殊移民少年或登記冊申請人。

*Matter of Zhang* clarified that it is not necessary for the government to show intent when it comes to false representations to U.S. citizenship. This guidance aligns with that decision and addresses inadmissibility for falsely claiming U.S. citizenship for any purpose or benefit under the INA or any other federal or state law, provided that the alien made the false claim on or after Sept. 30, 1996.

張的事情澄清說，在涉及對美國公民的虛假陳述時，政府沒有必要表現出意圖。本指南與該決定相符，並解決了因INA或任何其他聯邦或州法律為任何目的或利益而虛假主張美國公民身份的不可接納性，前提是該外國人於1996年9月30日或之後提出了虛假主張。