

9 FAM 40.27 Notes

(TL:VISA-310; 08-21-2001)

9 FAM 40.27 N1 Background

(TL:VISA-310; 08-21-2001)

Pub. L. 106-386 adds a new ground of inadmissibility, INA 212(a)(2)(H) for significant traffickers in persons.

9 FAM 40.27 N2 Inadmissibility Under INA 212(a)(2)(H)

(TL:VISA-310; 08-21-2001)

An alien shall be inadmissible under INA 212(a)(2)(H) if:

(1) The alien's name is included in a report submitted by the President to Congress that lists names of persons determined to be subject to sanctions as significant traffickers in persons "directly or indirectly in the United States"; or

(2) A consular or immigration officer knows or has reason to believe that the person is or has been a knowing aider, abettor, assister, conspirator, or colluder in severe forms of trafficking in persons with a trafficker on the President's list.

9 FAM 40.27 N3 Spouse, Son or Daughter

(TL:VISA-310; 08-21-2001)

The spouse, son or daughter of an alien inadmissible under INA 212(a)(2)(H) is also inadmissible if within the five years prior he or she

(1) Has obtained financial or other benefit resulting from the principal alien's trafficking activities; or

(2) The consular officer has established that he or she knew, or reasonably should have known, that the source of the benefit was the principal alien's illicit activities. The inadmissibility does not apply to a son or daughter who was a minor when the benefit was received.