

Trinidad, Martinique, and
ory or possessions in or

d person under twenty-one
nder the law of the child's
the father's residence or
elsewhere, and, except as
f title III, a child adopted in
ption takes place before the
the extent that the child is
f subsection (b)(1)), and the
ating or adopting parent or
doption.

her" include in the case of a
and mother.

support or of money or any
g any doctrine shall constitute
ng in this paragraph shall be
ocating.

f support or of money or any

1986, Pub. L. No. 99-653, 100 Stat.
Corrections Act of 1988, Pub. L. No.
he Immigration and Nationality Act
3655. The amendment was effective
1) was subsequently amended by Sec.
, 113 Stat. 1696, which added the

1 Technical Corrections Act of 1988,
had defined the terms "veteran" and
: III.

other thing of value for any purpose to any organization shall be presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation.

(3) Advocating the economic, international, and governmental doctrines of world communism means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement.

[INA § 101(f)]

(f) ⁹⁹ For the purposes of this Act—No person shall be regarded as, or found to be, a person of good moral character who, during the period for which good moral character is required to be established, is, or was

(1) a habitual drunkard;

(2) [Removed]¹⁰⁰

(3) ¹⁰¹ a member of one or more of the classes of persons, whether inadmissible or not, described in paragraphs (2)(D), (6)(E), and (10)(A) of section 212(a) of this Act; or subparagraphs (A) and (B) of section 212(a)(2) and subparagraph (C) thereof of such section (except as such paragraph relates to a single offense of simple possession of thirty grams or less of marihuana), if the offense described therein, for which such person was convicted or of which he admits the commission, was committed during such period;

(4) one whose income is derived principally from illegal gambling activities;

(5) one who has been convicted of two or more gambling offenses

⁹⁹ Sec. 2(c), Act of Dec. 29, 1981, Pub. L. No. 97-116, 95 Stat. 1161 amended this subsection by deleting par. (2), relating to persons who had committed adultery, and by revising par. (3) so that it would be inapplicable to a person convicted of a single offense of simple possession of marihuana.

¹⁰⁰ Removed by Sec. 2(c)(1), Act of Dec. 29, 1981, Pub. L. No. 97-116, 95 Stat. 1611. The paragraph referred to adulterers.

¹⁰¹ As amended by Sec. 603(a) of the Immigration Act of 1990, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978. Further amended by Sec. 822(c)(1), Violence Against Women & DOJ Reauth. Act of 2005, Pub. L. 109-162, Jan. 5, 2006, 119 Stat. 2960, to make a technical correction by substituting "(10)(A)" for "(9)(A)"; amendment effective as if included in Sec. 603(a)(1), Immigration Act of 1990 (P.L. 101-649, 104 Stat. 5082) [see Sec. 822(c)(2) of such Act of Jan. 5, 2006].

committed during such period;

(6) one who has given false testimony for the purpose of obtaining any benefits under this Act;

(7) one who during such period has been confined, as a result of conviction, to a penal institution for an aggregate period of one hundred and eighty days or more, regardless of whether the offense, or offenses, for which he has been confined were committed within or without such period;

(8) ¹⁰² one who at any time has been convicted of an aggravated felony (as defined in subsection (a)(43)); or

(9) ^{102.1} one who at any time has engaged in conduct described in section 212(a)(3)(E) (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 212(a)(2)(G) (relating to severe violations of religious freedom).

The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character. In the case of an alien¹⁰³ who makes a false statement or claim of citizenship, or who registers to vote or votes in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of such registration or voting to citizens, if each natural parent of the alien (or, in the case of

¹⁰² The words "an aggravated felony (as defined in subsection (a)(43))," were substituted for "the crime of murder" by Sec. 509 of the Immigration Act of 1990, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978. This amendment is effective as of the date of the enactment of the Immigration Act of 1990, (Nov. 29, 1990) and is applicable to convictions occurring on or after such date. An amendment to Sec. 509(b) of Pub. L. No. 101-649, by Sec. 306(a)(7) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Act of Dec. 12, 1991, Pub. L. No. 102-232, 105 Stat. 1733, makes a *murder* conviction a bar to good moral character, regardless of the date of the conviction.

^{102.1} Par. (9) added by Sec. 5504, Intelligence Reform and Terrorism Prevention Act of 2004, Act of Dec. 17, 2004, Pub. L. No. 108-458, 118 Stat. 3638.

¹⁰³ This sentence added by Sec. 201(a)(1), title II, Child Citizenship Act of 2000, Pub. L. No. 106-395, Act of Oct. 30, 2000, 114 Stat. 1631; *effective date*: under Sec. 201(a)(2) of such title II of such Act, "[t]he amendment made by [Sec. 201(a)(1)] shall be effective as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-546) and shall apply to individuals having an application for a benefit under the Immigration and Nationality Act pending on or after September 30, 1996."

an adopted alien, each adopted (whether by birth or naturalized United States prior to attainment) believed at the time of such statement was a citizen, no finding that character may be made based on

(g) For the purposes of this section (whether before or after the enactment of the Immigration and Nationality Act), an alien who was a citizen of the United States, shall be considered to have been a citizen of the United States, irrespective of the source of the funds that were defrayed or of the

(h) ¹⁰⁴ For purposes of section 101(a)(43)(B) "crime of violence" means—

(1) any felony;

(2) any crime of violence under the United States Code; or

(3) any crime of reckless conduct under the influence of alcohol that involves personal injury to

(i) ¹⁰⁵ With respect to each

¹⁰⁴ Subsec. (h) was added by Sec. 603(a) of the Immigration and Nationality Act Amendments of 1990, Act of Feb. 16, 1990, Pub. L. No. 101-649, 104 Stat. 4978. No effective date has been specified.

¹⁰⁵ Added by Sec. 107(e)(4), div. 2, No. 106-386 [Victims of Trafficking and Violence Protection Act of 2000, 114 Stat. 1464. *Statutory Note*: 106-386: Sec. 107(e)(5), Pub. L. No. 106-386. Nothing in this section, or in the amendments made by this Act, shall prohibit the Attorney General from the Immigration and Nationality Act from conducting an investigation of a nonimmigrant under section 101(a)(43)(B) if the alien's conduct committed after the alien's condition that was not disclosed to

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 statement, claim, or violation that he or she was a citizen, no finding that the alien is, or was, not of good moral character may be made based on it.

[INA § 101(g)]

(g) For the purposes of this Act any alien ordered deported or removed (whether before or after the enactment of this Act) who has left the United States, shall be considered to have been deported or removed in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which he departed.

[INA § 101(h)]

(h) ¹⁰⁴ For purposes of section 212(a)(2)(E), the term “serious criminal offense” means—

- (1) any felony;
- (2) any crime of violence, as defined in section 16 of title 18 of the United States Code; or
- (3) any crime of reckless driving or of driving while intoxicated or under the influence of alcohol or of prohibited substances if such crime involves personal injury to another.

[INA § 101(i)]

(i) ¹⁰⁵ With respect to each nonimmigrant alien described in subsection

¹⁰⁴ Subsec. (h) was added by Sec. 131(b), Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, Act of Feb. 16, 1990, Pub. L. No. 101-246, 104 Stat. 15, and amended by Sec. 603(a) of the Immigration Act of 1990, Act of Nov. 29, 1990, Pub. L. No. 101-649, 104 Stat. 4978. No effective date has been provided.

¹⁰⁵ Added by Sec. 107(e)(4), div. A [Trafficking Victims Protection 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. *Statutory construction of amendments by Sec. 107, Pub. L. No. 106-386*: Sec. 107(e)(5), Pub. L. No. 106-386, provided: “(5) Statutory Construction. Nothing in this section, or in the amendments made by this section, shall be construed as prohibiting the Attorney General from instituting removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) against an alien admitted as a nonimmigrant under section 101(a)(15)(T)(i) of that Act, as added by subsection (e), for conduct committed after the alien’s admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien’s admission as a