

tion, except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of a child born out of wedlock described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term "parent" does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.

(3) The term "person" means an individual or an organization.

(4) The term "immigration judge" means an attorney whom the Attorney General appoints as an administrative judge within the Executive Office for Immigration Review, qualified to conduct specified classes of proceedings, including a hearing under section 1229a of this title. An immigration judge shall be subject to such supervision and shall perform such duties as the Attorney General shall prescribe, but shall not be employed by the Immigration and Naturalization Service.

(5) The term "adjacent islands" includes Saint Pierre, Miquelon, Cuba, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique, and other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea.

(c) As used in subchapter III of this chapter—

(1) The term "child" means an unmarried person under twenty-one years of age and includes a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in the United States or elsewhere, and, except as otherwise provided in sections 1431 and 1432 of this title, a child adopted in the United States, if such legitimation or adoption takes place before the child reaches the age of 16 years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1) of this section), and the child is in the legal custody of the legitimating or adopting parent or parents at the time of such legitimation or adoption.

(2) The terms "parent", "father", and "mother" include in the case of a posthumous child a deceased parent, father, and mother.

(d) Repealed. Pub.L. 100-525, § 9(a)(3), Oct. 24, 1988, 102 Stat. 2619.

(e) For the purposes of this chapter—

(1) The giving, loaning, or promising of support or of money or any other thing of value to be used for advocating any doctrine shall constitute the advocating of such doctrine; but nothing in this paragraph shall be construed as an exclusive definition of advocating.

(2) The giving, loaning, or promising of support or of money or any 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.

(f) For the purposes of this chapter—

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) Repealed. Pub.L. 97-116, § 2(c)(1), Dec. 29, 1981, 95 Stat. 1611.

(3) 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 1182(a) of this title; or subparagraphs (A) and (B) of section 1182(a)(2) of this title and subparagraph (C) thereof of such section⁵ (except as such paragraph relates to a single offense of simple possession of 30 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 committed during such period;

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

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

(9) one who at any time has engaged in conduct described in section 1182(a)(3)(E) of this title (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 1182(a)(2)(G) of this title (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 alien 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 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.

(g) For the purposes of this chapter any alien ordered deported or removed (whether before or after the enactment of this chapter) 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.

(h) For purposes of section 1182(a)(2)(E) of this title, the term "serious criminal offense" means—

- (1) any felony;
- (2) any crime of violence, as defined in section 16 of Title 18; 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.

(i) With respect to each nonimmigrant alien described in subsection (a)(15)(T)(i) of this section—

(1) the Secretary of Homeland Security, the Attorney General, and other Government officials, where appropriate, shall provide the alien with a referral to a nongovernmental organization that would advise the alien regarding the alien's options while in the United States and the resources available to the alien; and

(2) the Secretary of Homeland Security shall, during the period the alien is in lawful temporary resident status under that subsection, grant the alien authorization to engage in employment in the United States and provide the alien with an "employment authorized" endorsement or other appropriate work permit.

(June 27, 1952, c. 477, Title I, § 101, 66 Stat. 166; Sept. 11, 1957, Pub.L. 85-316, §§ 1, 2, 71 Stat. 639; July 7, 1958, Pub.L. 85-508, § 22, 72 Stat. 351; Mar. 18, 1959, Pub.L. 86-3, § 20(a), 73 Stat. 13; Sept. 21, 1961, Pub.L. 87-256, § 109(a), (b), 75 Stat. 534; Sept. 26, 1961, Pub.L. 87-301, §§ 1, 2, 7, 75 Stat. 650, 653; Oct. 3, 1965, Pub.L. 89-236, §§ 8, 24, 79 Stat. 916, 922; Nov. 2, 1966, Pub.L. 89-710, 80

Stat. 1104; Apr. 7, 1970, Pub.L. 91-225, § 1, 84 Stat. 116; Dec. 16, 1975, Pub.L. 94-155, 89 Stat. 824; Oct. 12, 1976, Pub.L. 94-484, Title VI, § 601(b), (e), 90 Stat. 2301, 2302; Oct. 20, 1976, Pub.L. 94-571, § 7(a), 90 Stat. 2706; Oct. 12, 1976, Pub.L. 94-484, Title VI, § 602(c), as added Aug. 1, 1977, Pub.L. 95-83, Title III, § 307(q)(3), 91 Stat. 395; Aug. 17, 1977, Pub.L. 95-105, Title I, § 109(b)(3), 91 Stat. 847; 1977 Reorg. Plan No. 2, § 7(a)(8), 42 F.R. 62461, 91 Stat. 1637; Sept. 27, 1979, Pub.L. 96-70, Title III, § 3201(a), 93 Stat. 496; Mar. 17, 1980, Pub.L. 96-212, Title II, § 201(a), 94 Stat. 102; Dec. 29, 1981, Pub.L. 97-116, §§ 2, 5(d)(1), 18(a), 95 Stat. 1611, 1614, 1619; Oct. 30, 1984, Pub.L. 98-47, § 3, 98 Stat. 3435; Oct. 21, 1986, Pub.L. 99-505, § 1, 100 Stat. 1806; Oct. 22, 1986, Pub.L. 99-514, § 2, 100 Stat. 2095; Nov. 6, 1986, Pub.L. 99-603, Title III, §§ 301(a), 312, 315(a), 100 Stat. 3411, 3434, 3439; Nov. 14, 1986, Pub.L. 99-653, §§ 2, 3, 100 Stat. 3655; Oct. 1, 1988, Pub.L. 100-459, Title II, § 210(a), 102 Stat. 2203; Oct. 24, 1988, Pub.L. 100-525, §§ 200(1), 8(b), 9(a), 102 Stat. 2613, 2617, 2619; Nov. 18, 1988, Pub.L. 100-690, Title VII, § 7342, 102 Stat. 4469; Nov. 21, 1989, Pub.L. 101-162, Title VI, § 611(a), 103 Stat. 1038; Dec. 18, 1989, Pub.L. 101-238, § 3(a), 103 Stat. 2100; Feb. 16, 1990, Pub.L. 101-246, Title I, § 131(b), 104 Stat. 31; Nov. 29, 1990, Pub.L. 101-649, Title I, §§ 123, 151(a), 153(a), 162(f)(2)(A), Title II, §§ 203(c), 204(a), (c), 205(c)(1), (d), (e), 206(c), 207(a), 208, 209(a), Title IV, § 407(a)(2), Title V, §§ 501(a), 509(a), Title VI, § 603(a)(1), 104 Stat. 4995, 5004, 5005, 5012, 5018, 5019, 5020, 5022, 5023, 5024, 5026, 5027, 5040, 5048, 5051, 5082; Oct. 1, 1991, Pub.L. 102-110, § 2(a), 105 Stat. 555; Dec. 12, 1991, Pub.L. 102-232, Title II, §§ 203(a), 205(a) to (c), 206(b), (c)(1), (d), 207(b), Title III, §§ 302(e)(8)(A), 303(a)(5)(A), (7)(A), (14), 305(m)(1), 306(a)(1), 309(b)(1), (4), 105 Stat. 1737, 1740, 1741, 1746 to 1748, 1750, 1751, 1758; Apr. 30, 1994, Pub.L. 103-236, Title I, § 162(h)(1), 108 Stat. 407; Sept. 13, 1994, Pub.L. 103-322, Title XIII, § 130003(a), 108 Stat. 2024; Oct. 5, 1994, Pub.L. 103-337, Div. C, Title XXXVI, § 3605, 108 Stat. 3113; Oct. 25, 1994, Pub.L. 103-416, Title II, §§ 201, 202, 214, 219(a), 222(a), 108 Stat. 4310, 4311, 4314, 4316, 4320; Nov. 15, 1995, Pub.L. 104-51, § 1, 109 Stat. 467; Apr. 24, 1996, Pub.L. 104-132, Title IV, § 440(b), (e), 110 Stat. 1277; Sept. 30, 1996, Pub.L. 104-208, Div. C, Title I, § 104(a), Title III, §§ 301(a), 308(d)(3)(A), (4)(A), (e)(3), (f)(1)(A), (B), 321(a), (b), 322(a)(1), (2)(A), 361(a), 371(a), Title VI, § 601(a)(1), 625(a)(2), 671(a)(3)(B), (b)(5), (e)(2), 110 Stat. 3009-555, 3009-575, 3009-617, 3009-620, 3009-621, 3009-627, 3009-628, 3009-629, 3009-644, 3009-645, 3009-689, 3009-700, 3009-721 to 3009-723; Oct. 6, 1997, Pub.L. 105-54, § 1(a), 111 Stat. 1175; Nov. 26, 1997, Pub.L. 105-119, Title I, § 113, 111 Stat. 2460; Oct. 21, 1998, Pub.L. 105-277, Div. C, Title IV, § 421, Div. G, Title XXII, § 2222(e), 112 Stat. 2681-657, 2681-819; Oct. 30, 1998, Pub.L. 105-319, § 2(b)(1), (e)(2), 112 Stat. 3014, 3015, and amended Nov. 12, 1999, Pub.L. 106-95, § 2(a), (c), 113 Stat. 1312; Dec. 7, 1999, Pub.L. 106-139, § (1)(a), (b)(1), 113 Stat. 1696; Oct. 28, 2000, Pub.L. 106-386, Div. A, § 107(e)(1), (4), Div. B, Title V, §§ 1503(a), 1513(b), 114 Stat. 1477, 1479, 1518, 1534; Oct. 30, 2000, Pub.L. 106-395, Title II, § 201(a)(1), 114 Stat. 1633; Nov. 1, 2000, Pub.L. 106-409, § 2(a), 114 Stat. 1787; Nov. 22, 2000, Pub.L. 106-536, § 1(a), 114 Stat. 2560; Dec. 21, 2000, Pub.L. 106-553, § 1(a)(2) [Title XI, § 1102(a), 1103(a)], 114 Stat. 2762, 2762A-142, 2762A-143; Jan. 16, 2002, Pub.L. 107-125, § 2(b), 115 Stat. 2403; Oct. 30, 1998, Pub.L. 107-234, § 1(4), 116 Stat. 1481; Nov. 2, 2002, Pub.L. 107-274, § 2(a), (b), 116 Stat. 1923;