

9 FAM 42.32(d)(6) NOTES
EMPLOYMENT-BASED FOURTH
PREFERENCE JUVENIL COURT DEPENDENTS

(TL:VISA-54; 2-28-92)

9 FAM 42.32(D)(6) N1 Eligibility

(TL:VISA-54; 2-28-92)

It is likely that most, if not all, juvenile court dependents classifiable under INA 203(b)(4) as aliens described in INA 101(a)(27)(J) will seek and be entitled to adjustment of status, rather than applying for visas abroad. Consular officers should note, however, that, while the Immigration Act of 1990 provided for the waiver of certain bases for deportation for such aliens, it did not waive the bars to adjustment in INA 245(c), nor to grounds of ineligibility under INA 212. It is therefore possible, absent other legislation, that some beneficiaries of this provision might have to apply for a visa abroad. Although it is likely that this oversight will be corrected in a Technical Amendment Act, consular officers should, in the meantime, familiarize themselves with this classification.