

Terrorism Bar to Adjustment of Status

INA § 245(a) Status of Person Admitted for Permanent Residence on Application and Eligibility for Immigrant Status.

The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or may be adjudicated by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa *and is admissible to the United States for permanent residence*, and (3) an immigrant visa is immediately available to him at the time his application is filed.

INA § 245(c) Alien Crewman, Aliens Continuing or Accepting Unauthorized Employment, and Aliens Admitted in Transit Without Visa.

Other than an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), subsection (a) shall not be applicable to (1) an alien crewman; (2) subsection to subsection (k), an alien (other than an immediate relative as defined in section 201(b) or a special immigrant described in section 101(a)(27)(H), (I), (J), or (K)) who hereafter continues in or accepts unauthorized employment prior to filing an application for adjustment of status or who is in unlawful immigration status on the date of filing an application for adjustment of status or who has failed (other than through no fault of his own or for technical reasons) to maintain continuously a lawful status since entry into the United States; (3) any alien admitted in transit without visa under section 212(d)(4)(C); (4) an alien (other than an immediate relative as defined in section 201(b)) who was admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217; (5) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(S); (6) [an alien who is deportable under section 237\(a\)\(4\)\(B\)](#); (7) any alien who seeks adjustment of status to that of an immigrant under section 203(b) and is not in lawful nonimmigrant status; or (8) any alien who was employed while the alien was an unauthorized alien, as defined in section 274A(h)(3), or who has otherwise violated the terms of a nonimmigrant visa.

8 C.F.R. § 1245.11(g) Aliens deportable under section 237(a)(4)(B) of the Act are ineligible to adjust status.

[Section 237\(a\)\(4\)\(B\) of the Act](#) renders any alien who has engaged, is engaged, or at any time after admission engages in any terrorist activity as defined in section 212(a)(3)(B)(iii) of the Act, deportable. Under section 245(c)(6) of the Act, persons who are deportable under section 237(a)(4)(B) of the Act are ineligible to adjust status under section 245(a) of the Act. Any person who is deportable under section 237(a)(4)(B) of the Act is also ineligible to adjust status under section 245(i) of the Act.