

The Latest Designation of "Certain Other Aliens"

On July 23, 2019, the Acting Secretary exercised the full scope of his ER statutory authority, issuing a Designation that applies to aliens applying for admission to the United States who:

- Are not already subject to a previous designation;
- Are encountered anywhere in the United States;
- Have not been admitted or paroled into the United States;
- Are determined to be inadmissible under INA §§ 212(a)(6)(C) (fraud or material misrepresentation) or 212(a)(7) (lack of valid immigration documents); and
- Have not affirmatively established to the satisfaction of the immigration officer they have been physically present in the United States continuously for two years immediately prior to the date of the determination of inadmissibility.



The July 23, 2019 ER Designation does not impact prior ER designations. Also, by policy, ICE Immigration officers may only apply this designation prospectively, meaning that aliens who affirmatively establish to the satisfaction of an officer that they have been continuously physically present in the United States since before July 23, 2019 may not be processed under this designation, even if that period of presence is less than two years.