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PA-2025-17

Policy Alert

SUBJECT: False Claim to U.S. Citizenship

Purpose

U.S. Citizenship and Immigration Services (USCIS) is revising policy guidance in the [USCIS Policy Manual](#) regarding the false claim to U.S. citizenship ground of inadmissibility.

Background

U.S. citizenship confers important rights and responsibilities. In recognition of this, Congress provided a specific ground of inadmissibility to address when an alien falsely claims to be a U.S. citizen for any purpose or benefit under the Immigration and Nationality Act (INA) or any other federal or state law.¹ This ground of inadmissibility applies to false claims to U.S. citizenship made on or after September 30, 1996.² If found inadmissible under this ground, the alien is permanently barred from adjustment of status and, in most cases, there is no immigrant waiver available. However, Congress provided a narrow exception for certain aliens who permanently resided in the United States before turning 16 years of age.

On June 28, 2019, the U.S. Department of Justice's Board of Immigration Appeals (BIA) clarified in *Matter of Zhang* that an alien's false claim to U.S. citizenship does not need to be knowingly made to give rise to immigration consequences.³ USCIS updated the USCIS Policy Manual on April 24, 2020, to incorporate the BIA decision and clarify that it is not necessary to show intent to find an alien inadmissible for a false claim to U.S. citizenship.⁴ This update provides clarification on the application of *Matter of Zhang* and specifies that the BIA decision supersedes all prior DHS policy and guidance on the false claim ground of inadmissibility.

This guidance, contained in Volume 8 of the Policy Manual, is effective immediately and applies to requests pending or filed on or after the publication date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

¹ See [INA 212\(a\)\(6\)\(C\)\(ii\)](#). See Section 344 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), [Pub. L. 104-208](#), 110 Stat. 3009-546, 3009-637 (September 30, 1996).

² See Section 344(c) of IIRIRA, [Pub. L. 104-208](#), 110 Stat. 3009-546, 3009-637 (September 30, 1996).

³ See [Matter of Zhang](#), 27 I&N Dec 569 (BIA 2019).

⁴ See [False Claim to U.S. Citizenship Ground of Inadmissibility and Matter of Zhang](#), PA-2020-09, issued April 24, 2020.

Policy Highlights

- Provides the steps an officer should follow to determine inadmissibility under the false claim to U.S. citizenship ground of inadmissibility.
- Explains the factors USCIS considers in determining whether an alien had a subjective intent to achieve a purpose or benefit under the INA or any other federal or state law.
- Explains the statutory exceptions to the false claim to U.S. citizenship ground of inadmissibility.

Summary of Changes

Affected Section: Volume 8 > Part K, False Claim to U.S. Citizenship

- Revises in its entirety Chapter 2, Determining False Claim to U.S. Citizenship.
- Retitles Chapter 4 from “Exceptions and Waivers” to “Exemptions, Exceptions, and Waivers” and revises the Chapter in its entirety.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 8: Admissibility, Part K, False Claim to U.S. Citizenship, Chapter 2, Determining False Claim to U.S. Citizenship [[8 USCIS PM K.2](#)] and Chapter 4, Exemptions, Exceptions, and Waivers [[8 USCIS-PM K.4](#)].