

9 FAM 40.68 EXHIBIT I SUMMARY CHART INA 222(g) SCENARIOS

*(CT:VISA-1439; 06-06-2010)
(Office of Origin: CA/VO/L/R)*

CATEGORY	Subject to INA 222(g)	Not Subject to INA 222(g)
Alien admitted until specified date; maintains status; departs by date specified.		Not Subject
Alien admitted until specified date; maintains status; departs after date specified.	Subject	
Alien admitted until specified date; violates status; departs by date specified.		Not Subject
Alien admitted until specified date; violates status; departs by date specified, but is found by U.S. Citizenship and Immigration Service (USCIS) or the Immigration Judge (IJ) to have violated status.	Subject	
Alien admitted until specified date; violates status; departs after date specified.	Subject	
Alien admitted until specified date; stays beyond specified date; but granted voluntary departure (V/D).	Subject	
Alien admitted until specified date, found by USCIS or IJ to have violated status but is granted V/D; departs prior to both date on Form I-94, Arrival-Departure Record and date specified in V/D order.	Subject	
Alien admitted for duration of status (D/S), maintains status and departs.		Not subject
Alien admitted for (D/S), violates status (not found in violation by USCIS or IJ).		Not subject

Alien admitted for (D/S), found by USCIS or IJ in violation of status.	Subject	
Alien admitted for (D/S), found by USCIS or IJ in violation of status, granted voluntary departure.	Subject	
Alien admitted until specified date; applies for extension or change of status within applicable time limit prior to expiration of Form I-94; remains in U.S. after date on Form I-94; and application is subsequently approved.		Not Subject
Alien admitted until specified date; applies in timely fashion for extension or change of status, remains in U.S. after date on I-94 and application is subsequently denied.	Subject	
Alien admitted for D/S; applies in timely fashion for extension or change of status; application is subsequently denied for reasons other than status violation.		Not Subject
Alien admitted until specified date; <i>submits a timely and non-frivolous application</i> for extension or change of status; departs U.S. after expiration of Form I-94, but before a decision on the Form I-94 extension/change of status application.		<i>Not Subject</i>
Alien admitted until specified date; files late application for change or extension of status; USCIS accepts late application because alien established that filing was for good cause and otherwise satisfies the requirements for retroactive application; and application is ultimately approved:		Not Subject
Alien entered on Visa Waiver Program (VWP), on parole, without inspection, or otherwise without nonimmigrant visa, (<i>NIV</i>) regardless of whether alien overstays or violates status.		Not Subject