

## **9 FAM 40.82 ALIEN WHO DEPARTED THE UNITED STATES TO AVOID SERVICE IN THE ARMED FORCES**

*(CT:VISA-978; 06-27-2008)  
(Office of Origin: CA/VO/L/R)*

### **9 FAM 40.82 RELATED STATUTORY PROVISIONS**

*(CT:VISA-978; 06-27-2008)*

See INA 212(a)(8)(B) (8 U.S.C. 1182(a)(8)(B)).

#### **INA 212(a)(8)(B)**

(8) Ineligible for citizenship.-

- (B) Draft evaders.-Any person who has departed from or who has remained outside the United States to avoid or evade training or service in the armed forces in time of war or a period declared by the President to be a national emergency is inadmissible, except that this subparagraph shall not apply to an alien who at the time of such departure was a nonimmigrant and who is seeking to reenter the United States as a nonimmigrant.

### **9 FAM 40.82 RELATED REGULATORY PROVISIONS**

*(CT:VISA-978; 06-27-2008)*

See 22 CFR 40.82

#### **§ 40.82 Alien who departed the United States to avoid service in the armed forces.**

- (a) *Applicability to immigrants.* INA 212(a)(8)(A) applies to immigrant visa applicants who have departed from or remained outside the United States

between September 8, 1939 and September 24, 1978, to avoid or evade training or service in the United States Armed Forces.

- (b) *Applicability to nonimmigrants.* INA 212(a)(8)(B) applies to nonimmigrant visa applicants who have departed from or remained outside the United States between September 8, 1939 and September 24, 1978 to avoid or evade training or service in the U.S. Armed Forces except an alien who held nonimmigrant status at the time of such departure.