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## STOWAWAY INADMISSIBILITY

INADMISSIBILITY GROUNDS, DEFINITION,  
AVAILABLE WAIVER, ELIGIBILITY FOR  
ADJUSTMENT OF STATUS, ALTERNATIVE PATH TO  
RESIDENCY

**A stowaway is inadmissible under INA §212(a)(6)(D)** if they are an arriving alien who meets the definition set forth in INA §101(a)(49).

**A stowaway is defined at INA §101(a)(49)**, as, “any alien who obtains transportation without the consent of the owner, charterer, master or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.”

**NOTE:** *The fact that a person may have been a stowaway in the past does not in itself make the person ineligible to receive a visa under INA §212(a)(6)(D). See 9 FAM 302.9-6(B) (2)(relevant portions attached).*

**There is no specific waiver for stowaways or this ground of inadmissibility though.** *If it does apply then the individual is not eligible to adjust status, but remain eligible to consular process. If inadmissible under INA §212(a)(6)(D) then the foreign national is not eligible for adjustment of status, and there is NO WAIVER for this ground of inadmissibility.*

Consular processing with an I-601A Waiver--The strategy would be to file an I-601A waiver, because at the consulate INA §212(a)(6)(D) will not apply, but since the client has unlawful presence they will need the waiver if they depart to go to the consulate. Essentially this client is in the same exact situation as someone who entered EWI. They have to consular process but they will have to waive unlawful presence first.

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