

(h) The Secretary of Homeland Security may, in his discretion, waive the application of subparagraphs (A), (B), (D), (E) and (F) of subsection (a)(2) for an alien who has been rehabilitated and whose admission to the United States would not be contrary to the national welfare, safety, or security of the United States, and if –

(1) (A) in the case of any immigrant it is established to the satisfaction of the Secretary of Homeland Security that the alien is inadmissible only under subparagraph (D)(ii), (D)(iii) or (A)(i)(IV) of such subsection or the activities for which the alien is inadmissible occurred more than 10 years before the date of the alien's application for a visa, admission, or adjustment of status, or

(B) in the case of an immigrant, who is not inadmissible for a felony or a misdemeanor crime of violence, who is the spouse, parent, son, or daughter of a citizen of the United States or an alien lawfully admitted for permanent residence if it is established to the satisfaction of the Secretary of Homeland Security that the alien's denial of admission would result in hardship to the United States citizen or lawfully resident spouse, parent, son, or daughter of such alien;

(C) in the case of an immigrant not eligible for a waiver under subparagraph (B), who is the spouse, parent, son, or daughter of a citizen of the United States if it is established to the satisfaction of the Secretary of Homeland Security that the alien's denial of admission would result in extreme hardship to the United States citizen spouse, parent, son, or daughter of such alien; or

(D) the alien is a VAWA self-petitioner; and

(2) the Secretary of Homeland Security, in his discretion, and pursuant to such terms, conditions and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa, for admission to the United States, or adjustment of status.

No waiver shall be provided under this subsection in the case of an alien who has been convicted of (or who has admitted committing acts that constitute) murder or criminal acts involving torture, or an attempt or conspiracy to commit murder or a criminal act involving torture.