

filed for a preference under paragraph (3) or (6) of section 203(a) of the Act, or for a child as defined in section 101(b) (1)(F) of the Act, and the consular office having jurisdiction over the visa application shall be notified of the revocation. [37 F.R. 11470, June 8, 1972]

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Sec.

- 211.1 Visas.
- 211.2 Passports.
- 211.3 Expiration of immigrant visas, reentry permits, refugee travel document, and Forms I-151.
- 211.4 Inapplicability of section 212(a) (24) to certain immigrants.
- 211.5 Recording the entry of certain immigrant children admitted without immigrant visas.

AUTHORITY: The provisions of this Part 211 issued under secs. 101, 103, 211, 212, 223, 235, 247, 66 Stat. 166, as amended, 173, 181, 182, as amended, 194, 198, 218; 8 U.S.C. 1101, 1103, 1181, 1182, 1203, 1225, 1257.

§ 211.1 Visas.

(a) *General.* A valid unexpired immigrant visa shall be presented by each arriving immigrant alien applying for admission to the United States for lawful permanent residence, except an immigrant alien who: (1) Is a child born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa; or (2) is a child born during the temporary visit abroad of a mother who is a lawful permanent resident alien, or a national, of the United States, provided the child's application for admission to the United States is made within 2 years of his birth, the child is accompanied by his parent who is applying for readmission as a permanent resident upon the first return of the parent to the United States after the birth of the child, and the accompanying parent is found to be admissible to the United States.

(b) *Alien returning to an unrelinquished lawful permanent residence—*

(1) *Form I-151, Alien Registration Receipt Card.* In lieu of an immigrant visa, an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year may present Form I-151, Alien Reg-

istration Receipt Card, duly issued to him: *Provided,* That during such absence he did not travel to, in, or through any of the following places: Cuba and Communist portions of Korea or Viet-Nam, and, except for children who have not attained the age of 16 at the time they apply for admission into the United States, Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, People's Republic of China, Poland, Romania, the Soviet Zone of Germany ("German Democratic Republic"), the Union of Soviet Socialist Republics, or Yugoslavia. The foregoing restrictions shall not apply when the alien has passed in direct and continuous transit through the Soviet Zone of Germany to Berlin from West Germany by automobile, rail, or plane and returned to West Germany; or when the alien has passed in direct and continuous transit through Yugoslavia to or from Austria, Greece, or Italy. An alien regularly serving as a crewman in any capacity required for normal operations and services aboard an aircraft or vessel of American registry who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may, in lieu of an immigrant visa, present Form I-151, duly issued to him, notwithstanding travel to, in, or through any of the restricted places named in this subparagraph pursuant to his employment as a crewman. An alien who proceeded abroad temporarily without a reentry permit and in whose case subsequent to his departure from the United States the Department of State has approved travel to, in, or through Cuba, or Communist portions of Korea or Viet-Nam, may, in lieu of an immigrant visa or reentry permit, present Form I-151 together with the letter from the Department of State approving his travel to, in, or through the place or places named in the letter, if he is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year. An alien who proceeded abroad temporarily without a reentry permit and in whose case subsequent to his departure from and prior to his return to the United States the Service has approved travel to, in, or through any of the other place or places named in this subparagraph for which Form I-151 is not valid may, in lieu of an immi-

grant visa or reentry permit, present Form I-151 together with a letter from an officer of the Service approving his travel to, in, or through the place or places named in the letter, if he is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year. When returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, a spouse or child of a member of the Armed Forces of the United States or of a civilian employee of the U.S. Government stationed foreign pursuant to official orders may, in lieu of an immigrant visa, present Form I-151, provided such spouse or child resided abroad while such member of the Armed Forces or such civilian employee was on overseas duty and is preceding or accompanying the member or employee, or is following to join the member or employee in the United States within 4 months of the member's or employee's return, and during the temporary absence did not travel to, in, or through any of the restricted places named in this subparagraph, except those named places concerning which the restrictions do not apply when an alien has passed in direct and continuous transit through such areas. When the Secretary of Labor determines and announces that a labor dispute involving a work stoppage or lay-off of employees is in progress at a named place of employment, Form I-151 shall be invalid when presented in lieu of an immigrant visa or reentry permit by an alien who has departed for and seeks reentry from any foreign place and who, prior to his departure or during his temporary absence abroad has in any manner entered into an arrangement to return to the United States for the primary purpose, or seeks reentry with the intention, of accepting employment at the place where the Secretary of Labor has determined that a labor dispute exists, or of continuing employment which commenced at such place subsequent to the date of the Secretary of Labor's determination.

(2) *Reentry permit* In lieu of an immigrant visa, an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad may present a valid, unexpired reentry permit duly issued to him. A lawful permanent resident alien who, prior to his

departure from the United States for a temporary absence abroad, intends to travel to, in, or through any restricted place or places named in subparagraph (1) of this paragraph shall apply for a reentry permit. A reentry permit shall be invalid when presented by an alien who, during his temporary absence abroad, traveled to, in, or through Cuba, or Communist portions of Korea or Viet-Nam, unless his permit bears an endorsement, or he presents a letter issued to him by the Department of State, stating that the restriction with regard to any such place or places has been waived. A waiver of the restriction will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places. A refugee travel document issued pursuant to Part 223a of this chapter to a lawful permanent resident shall be regarded as a reentry permit.

(3) *Waiver of visas.* An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad who satisfies the district director in charge of the port of entry that there is good cause for his failure to present an immigrant visa, Form I-151, or reentry permit may, upon application on Form I-193, be granted a waiver of that requirement. If the alien has traveled to, in, or through Cuba, or Communist portions of Korea or Viet-Nam, a waiver will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places.

(c) *Immigrants having occupational status defined in section 101(a)(15) (A), (E), or (G) of the Act.* An immigrant visa, reentry permit, or Form I-151 shall be invalid when presented by an alien who has an occupational status under section 101(a)(15) (A), (E), or (G) of the Act, unless he has previously submitted, or submits at the time he applies for admission to the United States, the written waiver required by section 202(b) of the Act and Part 247 of this chapter.

[31 F.R. 13387, Oct. 15, 1966, as amended at 32 F.R. 408, Jan. 14, 1967; 32 F.R. 8378, June 10, 1967; 32 F.R. 11516, Aug. 10, 1967; 33 F.R. 4561, Mar. 15, 1968; 33 F.R. 3008, Feb. 17, 1970; 36 F.R. 1247, Jan. 27, 1971; 36 F.R. 22145, Nov. 20, 1971; 36 F.R. 23865, Dec. 16, 1971; 38 F.R. 8238, Mar. 30, 1973]

§ 211.2 Passports.

A passport valid for the bearer's entry into a foreign country at least 60 days beyond the expiration date of his immigrant visa shall be presented by each immigrant except an immigrant who (a) is the parent, spouse, or unmarried son or daughter of a United States citizen or of an alien lawful permanent resident of the United States, or (b) is a child born during the temporary visit abroad of a mother who is a lawful permanent resident alien, or a national, of the United States, provided the child's application for admission to the United States is made within two years of his birth, the child is accompanied by his parent who is applying for readmission as a permanent resident upon the first return of the parent to the United States after the birth of the child, and the accompanying parent is found to be admissible to the United States, or (c) is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, or (d) is a stateless person or a person who because of his opposition to Communism is unwilling or unable to obtain a passport from the country of his nationality or is the accompanying spouse or unmarried son or daughter of such immigrant, or (e) is a third-preference quota immigrant, or (f) is a member of the Armed Forces of the United States, or (g) satisfies the district director in charge of the port of entry that there is good cause for failure to present the required document, in which case an application for waiver shall be made on Form I-193.

[29 FR 10678, July 30, 1964, as amended at 30 FR 14776, Nov. 30, 1965]

§ 211.3 Expiration of immigrant visa, reentry permits, refugee travel document, and Form I-151.

An immigrant visa, reentry permit, refugee travel document, or Form I-151 shall be regarded as unexpired if the rightful holder embarked or enplaned before the expiration of his immigrant visa, reentry permit, or refugee travel document, or, with respect to Form I-151, before the first anniversary of the date on which he departed from the United States: *Provided*, That the vessel or aircraft on which he so embarked or enplaned arrives in the United States or foreign contiguous territory on a continuous voyage. The continuity of the voyage shall not be deemed to have been

interrupted by scheduled or emergency stops of the vessel or aircraft en route to the United States or foreign contiguous territory, or by a layover in foreign contiguous territory necessitated solely for the purpose of effecting a transportation connection to the United States.

[29 FR 10578, July 30, 1964, as amended at 38 FR 6238, March 30, 1973]

§ 211.4 Inapplicability of section 212 (a) (24) to certain immigrants.

The provisions of section 212(a) (24) of the Act do not apply to an immigrant who is native of an adjacent island or of foreign contiguous territory and who is seeking admission from any adjacent island or foreign contiguous territory, or who proceeded from one adjacent island or foreign contiguous territory to another by means of a transportation line signatory to a contract pursuant to section 238 (a) or (b) of the Act and Part 238 of this chapter and who is seeking admission from the last island or territory, regardless of the method of entry into the first island or territory.

[29 FR 12583, Sept. 4, 1964]

§ 211.5 Recording the entry of certain immigrant children admitted without immigrant visas.

When an immigrant alien who: (a) is a child born subsequent to the issuance of an immigrant visa to his accompanying parent; or (b) is a child born during the temporary visit abroad of a mother who is a lawful permanent resident, or a national, of the United States, is admitted to the United States for lawful permanent residence without an immigrant visa, the admission shall be recorded on Form I-181.

[42 FR 9625, July 4, 1967]

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Sec.

- 212.1 Documentary requirements for non-immigrants.
 212.2 Consent to reapply for admission after deportation, removal or departure at Government expense.
 212.3 Application for the exercise of discretion under section 212(c).
 212.4 Applications for the exercise of discretion under section 212(d) (3).
 212.5 Parole of aliens into the United States.