

9 FAM 40.201 FAILURE OF APPLICATION TO COMPLY WITH INA

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

9 FAM 40.201 RELATED STATUTORY PROVISIONS

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

See INA 221(g) (8 U.S.C. 1201(g)).

INA 221(g)

- g. No visa or other documentation shall be issued to an alien if (1) it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law, (2) the application fails to comply with the provisions of this Act, or the regulations issued thereunder, or (3) the consular officer knows or has reason to believe that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law: Provided, That a visa or other documentation may be issued to an alien who is within the purview of section 212(a)(4) , if such alien is otherwise entitled to receive a visa or other documentation, upon receipt of notice by the consular officer from the Attorney General of the giving of a bond or undertaking providing indemnity as in the case of aliens admitted under section 213: Provided further, That a visa may be issued to an alien defined in section 101(a)(15) (B) or (F) , if such alien is otherwise entitled to receive a visa, upon receipt of a notice by the consular officer from the Attorney General of the giving of a bond with sufficient surety in such sum and containing such conditions as the consular officer shall prescribe, to insure that at the expiration of the time for which such alien has been admitted by the Attorney General, as provided in section 214(a) , or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 248 of the Act, such alien will depart from the United States.

9 FAM 40.201 RELATED REGULATORY PROVISIONS

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

See 22 CFR 40.201.

§ 40.201 Failure of application to comply with INA.

(a) *Refusal under INA 221(g)*. The consular officer shall refuse an alien's visa application under INA 221(g)(2) as failing to comply with the provisions of INA or the implementing regulations if:

- (1) The applicant fails to furnish information as required by law or regulations;
- (2) The application contains a false or incorrect statement other than one which would constitute a ground of ineligibility under INA 212(a)(6)(C);
- (3) The application is not supported by the documents required by law or regulations;
- (4) The applicant refuses to be fingerprinted as required by regulations;
- (5) The necessary fee is not paid for the issuance of the visa or, in the case of an immigrant visa, for the application therefor;
- (6) In the case of an immigrant visa application, the alien fails to swear to, or affirm, the application before the consular officer; or
- (7) The application otherwise fails to meet specific requirements of law or regulations for reasons for which the alien is responsible.

(b) *Reconsideration of refusals*. A refusal of a visa application under paragraph (a)(1) of this section does not bar reconsideration of the application upon compliance by the applicant with the requirements of INA and the implementing regulations or consideration of a subsequent application submitted by the same applicant.

[56 FR 30422, July 2, 1991, as amended at 61 FR 1835, Jan. 24, 1996. Redesignated at 61 FR 59184, Nov. 21, 1996]