

9 FAM 40.203 NOTES

*(CT:VISA-996; 08-18-2008)
(Office of Origin: CA/VO/L/R)*

9 FAM 40.203 N1 IMMIGRANT VISA APPLICATION BY ALIEN CLASSIFIABLE UNDER INA 101(A)(15)(A), OR (G)

9 FAM 40.203 N1.1 Executing Waiver of Rights, Privileges, Exemptions, and Immunities

(CT:VISA-996; 08-18-2008)

In view of the provisions of INA 214(b) and INA 247(b), an applicant for an immigrant visa (IV) who would be eligible for a nonimmigrant classification under INA 101(a)(15)(A) or (G) because of occupational status is required to execute Form I-508, Waiver of Rights, Privileges, Exemptions and Immunities, prior to the issuance of an IV. An appropriate nonimmigrant visa (NIV) may be issued to an otherwise qualified applicant who refuses to sign Form I-508 or who is unable or unwilling to defer departure for the United States until final action can be taken on the IV application.

9 FAM 40.203 N1.2 Effect of Waiver

(TL:VISA-574; 08-11-2003)

In communications dated May 2, 1953 and January 5, 1954, the Attorney General expressed the opinion that the execution of Form I-508 does not waive any rights, privileges, exemptions, or immunities derived from treaties or other international agreements. The effect of the waiver is to insure that an immigrant alien employee of a foreign government or international organization may not assert or obtain any privilege which would not be available to a U.S. citizen in a similar situation. For example, the waiver removes the exemption from payment of Federal income tax but does not affect the statutory provision for immunity from suit and legal process relating to official acts performed by officers and employees of international organizations and does not apply to benefits accorded under double taxation treaties.