

9 FAM 41.3 NOTES

(CT:VISA-1851; 08-02-2012)
(Office of Origin: CA/VO/L/R)

9 FAM 41.3 N1 TRANSPORTING UNDOCUMENTED ALIENS TO UNITED STATES

(TL:VISA-47; 8-30-1991)

Posts must inform carriers inquiring about transporting an undocumented alien that they would be subject to a fine unless such alien is within one of the categories listed in 22 CFR 41.2 or 41.3.

9 FAM 41.3 N2 AREAS OF RESPONSIBILITY OF IMMIGRATION OFFICERS

(CT:VISA-1851; 08-02-2012)

Consular officers must address requests for concurrence in waivers of passport and visa requirements to the *Customs and Border Protection (CBP)* officer in charge, in care of the appropriate post as indicated in 9 FAM 41.3 N3.

9 FAM 41.3 N3 FURNISHING INFORMATION CONCERNING WAIVERS TO IMMIGRATION OFFICERS

(CT:VISA-1851; 08-02-2012)

a. Consular officers must furnish the following information to *CBP* officers when requesting concurrence in waivers of passport and visa requirements:

- (1) Alien's full name with all aliases;
- (2) Date and place of birth;
- (3) Nationality;
- (4) Date and port of expected arrival in the United States;
- (5) Nonimmigrant classification;
- (6) Documents to be waived;

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- (7) A brief summary of the emergent circumstances surrounding the case which must include information indicating that all of the requirements of the subparagraph of 22 CFR 41.3 under which the waiver is recommended have been met; and
 - (8) Name, address and telephone number of the person the alien intends to visit in the United States.
- b. In cases falling within 22 CFR 41.3(e), consular officers should also furnish the following information:
- (1) Name, nationality and type of carrier, if any (for example, battleship, training vessel, or aircraft);
 - (2) The purpose of entry;
 - (3) Date and port of expected arrival in the United States, other ports of call in the United States, if any, and period of anticipated stay in each port; and
 - (4) Number, rank, if any, and nationality of members of group.

9 FAM 41.3 N4 ISSUING DOCUMENTS TO WAIVER BENEFICIARIES

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In cases in which a waiver has been granted under 22 CFR 41.3, the consular officer must give the alien concerned, or the leader of a group, a signed letter stating that a waiver has been granted under the provisions of INA 212(d)(4)(A) and including the name, title and location of the *CBP* officer who joined in the waiver. In cases of waivers granted pursuant to 22 CFR 41.3(a), the letter must list all persons included in the waiver and show the date and place of birth and nationality of each alien and the function or position of each alien in the group. If the waiver covers more than one application for admission, the consular officer should provide a copy of the letter for each application. The consular officer should retain one copy of the letter in the consular files. If circumstances do not permit the issuance of a letter, the consular officer should make a memorandum for the consular files including the items listed in N3 above. The consular officer should request the immigration officer joining in a waiver under 22 CFR 41.3(d) to forward appropriate information to the immigration officer at the expected port of arrival in the United States.