

9 FAM 41.24

INTERNATIONAL ORGANIZATION ALIENS

(CT:VISA-1329; 09-30-2009)
(Office of Origin: CA/VO/L/R)

9 FAM 41.24 RELATED STATUTORY PROVISIONS

(CT:VISA-1329; 09-30-2009)

See 22 U.S.C. 288; INA 101(a)(27)(I) [8 U.S.C. 1101(a)(27)(I)]; INA 101(a)(15)(A) [8 U.S.C. 1101(a)(15)(A)]; INA 101(a)(15)(G) [8 U.S.C. 1101(a)(15)(G)]; and Section 301 of Public Law 106-396.

22 U.S.C. 288

22 U.S.C. Section 288 : US Code - Section 288: "International organization" defined; authority of President

For the purposes of this subchapter, the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities provided in this subchapter. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this subchapter (including the amendments made by this subchapter) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities provided in this subchapter or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this subchapter.

INA 101(a)(27)(I)

(27) The term "special immigrant" means-

(I) (i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under t his subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for a visa or adjustment of status under this subparagraph no later than his twenty- fifth birthday or six months after the date of the enactment of the Immigration Technical Corrections Act of 1988, whichever is later;

(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who

(I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and

(II) files a petition for status under this subparagraph no later than six months after the date of such death or six months after the date of the enactment of the Immigration Technical Corrections Act of 1988, whichever is later;

(iii) an immigrant who is a retired officer or employee of such an international organization, and who

(I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and

(II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after the date of

enactment of the Immigration and Nationality Technical Corrections Act of 1994, whichever is later; or

(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family;

INA 101(a)(15)(A)

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens

(A) (i) an ambassador, public minister, or career diplomatic or consular officer who has been accredited by a foreign government recognized de jure by the United States and who is accepted by the President or by the Secretary of State, and the members of the alien's immediate family;

(ii) upon a basis of reciprocity, other officials and employees who have been accredited by a foreign government recognized de jure by the United States, who are accepted by the Secretary of State, and the members of their immediate families; and

(iii) upon a basis of reciprocity, attendants, servants, personal employees, and members of their immediate families, of the officials and employees who have a nonimmigrant status under (i) and (ii) above;

INA 101(a)(15)(G)

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens

(G)

(i) a designated principal resident representative of a foreign government recognized de jure by the United States, which foreign government is a member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669) 22 U.S.C. 288, note, accredited resident members of the staff of such representatives, and members of his or their immediate family;

(ii) other accredited representatives of such a foreign government to such international organizations, and the

- members of their immediate families;
- (iii) an alien able to qualify under (i) or (ii) above except for the fact that the government of which such alien is an accredited representative is not recognized de jure by the United States, or that the government of which he is an accredited representative is not a member of such international organization, and the members of his immediate family;
 - (iv) officers, or employees of such international organizations, and the members of their immediate families;
 - (v) attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees;

Section 301 of Public Law 106-396

MAINTENANCE OF NONIMMIGRANT AND SPECIAL IMMIGRANT STATUS NOTWITHSTANDING INTELSAT PRIVATIZATION.

(a) Officers and Employees.--

- (1) After privatization.--In the case of an alien who, during the 6-month period ending on the day before the date of privatization, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but only during the period in which the alien is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.
- (2) Precursory employment with successor before privatization completion.--In the case of an alien who commences service as an officer or employee of a successor or separated entity of INTELSAT before the date of privatization, but after the date of the enactment of the ORBIT Act (Public Law 106-180; 114 Stat. 48) and in anticipation of privatization, if the alien, during the 6-month period ending on the day before such commencement date, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section

101(a)(15)(G)(iv) of the Immigration and Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the alien is an officer or employee of any successor separated entity of INTELSAT.

(b) Immediate Family Members.—

(1) Aliens maintaining status.—

(A) After privatization.--An alien who, on the day the date of privatization, was a member of the immediate family of an alien described in subsection (a)(1), and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C.

1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but, only during the period in which the alien described in subsection (a)(1) is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

(B) After precursory employment.--An alien who, on the day before a commencement date described in subsection (a)(2), was a member of the immediate family of the commencing alien, and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the commencing alien is an officer or employee of any successor or separated entity of INTELSAT.

(2) Aliens changing status.--In the case of an alien who is a member of the immediate family of an alien described in paragraph (1) or (2) of subsection (a), the alien may be granted and may maintain status as a nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on the same terms as an alien described in subparagraph (A) or (B), respectively, of paragraph (1).

(c) Special Immigrants.--For purposes of section 101(a)(27)(I) (8 U.S.C. 1101(a)(27)(I)) of the Immigration and Nationality Act, the term "international organization" includes INTELSAT or any successor or separated entity of INTELSAT.

9 FAM 41.24 RELATED REGULATORY PROVISIONS

(CT:VISA-1202; 04-20-2009)

See 22 CFR 41.24.

41.24 International organization aliens.

(a) Definition of international organization. "International organization" means:

(1) Any public international organization which has been designated by the President by Executive Order as entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288); and

(2) For the purpose of special immigrant status under INA 101(a)(27)(I) , INTELSTAT or any successor or separated entity thereof.

(b) Aliens coming to international organizations.

(1) An alien is classifiable under INA 101(a)(15)(G) if the consular officer is satisfied that the alien is within one of the classes described in that section and seeks to enter or transit the United States in pursuance of official duties. If the purpose of the entry or transit is other than pursuance of official duties, the alien is not classifiable under INA 101(a)(15)(G).

(2) An alien applying for a visa under the provisions of INA 101(a)(15)(G) may not be refused solely on the grounds that the applicant is not a national of the country whose government the applicant represents.

(3) An alien seeking to enter the United States as a foreign government representative to an international organization, who is also proceeding to the United States on official business as a foreign government official within the meaning of INA 101(a)(15)(A) , shall be issued a visa under that section, if otherwise qualified.

(4) An alien not classifiable under INA 101(a)(15)(A) but entitled to classification under INA 101(a)(15)(G) shall be classified under the latter section, even if also eligible for another nonimmigrant classification.

(c) Officers and employees of privatized INTELSAT, their family members and domestic servants.

(1) Officers and employees of privatized INTELSAT who both were employed by INTELSAT, and held status under INA 101(a)(15)(G)(iv) for at least six months prior to privatization on July 17, 2001, will continue to be so classifiable for so long as they are officers or employees of INTELSAT or a successor or separated entity thereof.

(2) Aliens who had had G-4 status as officers and employees of INTELSAT but became officers or employees of a successor or separated entity of INTELSAT after at least six months of such employment, but prior to and in anticipation of privatization and subsequent to March 17, 2000, will also continue to be classifiable under INA 101(a)(15)(G)(iv) for so long as that employment continues.

(3) Family members of officers and employees described in paragraphs (c)(1) and (2) of this section who qualify as "immediate family" under § 41.21(a)(3) and who are accompanying or following to join the principal are also classifiable under INA 101(a)(15)(G)(iv) for so long as the principal is so classified.

(4) Attendants, servants, and personal employees of officers and employees described in paragraphs (c)(1) and (2) of this section are not eligible for classification under INA 101(a)(15)(G)(v) , given that the officers and employees described in paragraphs (c)(1) and (2) of this section are not officers or employees of an "international organization" for purposes of INA 101(a)(15)(G).

[52 FR 42597, Nov. 5, 1987, as amended at 67 FR 1414, Jan. 11, 2002; 67 FR 18822, Apr. 17, 2002]