

9 FAM 41.32 NONRESIDENT ALIEN MEXICAN BORDER CROSSING IDENTIFICATION CARDS; COMBINED BORDER CROSSING IDENTIFICATION CARDS AND B-1/B-2 VISITOR VISA

*(CT:VISA-994; 08-14-2008)
(Office of Origin: CA/VO/L/R)*

9 FAM 41.32 RELATED STATUTORY PROVISIONS

(CT:VISA-994; 08-14-2008)

See INA 101(a)(6) (8 U.S.C. 1101(a)(6)), [Amended by sec. 104 of Public Law 104-208, Sep. 30, 1996.], INA 101(a)(15)(B) (8 U.S.C. 1101(a)(15)(B)), INA 212(d)(3)(A) (8 U.S.C. 1182(d)(3)(A)), and INA 222(g) (8 U.S.C. 1201(g)).

INA 101(a)(6)

- (6) The term "border crossing identification card" means a document of identity bearing that designation issued to an alien who is lawfully admitted for permanent residence, or to an alien who is a resident in foreign contiguous territory, by a consular officer or an immigration officer for the purpose of crossing over the borders between the United States and foreign contiguous territory in accordance with such conditions for its issuance and use as may be prescribed by regulations. Such regulations shall provide that (A) each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and (B) an alien presenting a border crossing identification is not permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.

INA 101(a)(15)(B)

- (15) The term “immigrant” means every alien except an alien who is within one of the following classes of nonimmigrant aliens
- (B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure;

INA 212(d)(3)(A)

d. Temporary admission of nonimmigrants

- (3) (A) Except as provided in this subsection, an alien
- (i) who is applying for a nonimmigrant visa and is known or believed by the consular officer to be ineligible for such visa under subsection (a) of this section (other than paragraphs (3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), and clauses (i) and (ii) of paragraph (3)(E) of such subsection), may, after approval by the Attorney General of a recommendation by the Secretary of State or by the consular officer that the alien be admitted temporarily despite his inadmissibility, be granted such a visa and may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General, or
- (ii) who is inadmissible under subsection (a) of this section (other than paragraphs (3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), and clauses (i) and (ii) of paragraph (3)(E) of such subsection), but who is in possession of appropriate documents or is granted a waiver thereof and is seeking admission, may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General. The Attorney General shall prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of inadmissible aliens applying for temporary admission under this paragraph.

INA 222(g)

g.

- (1) In the case of an alien who has been admitted on the basis of an nonimmigrant visa and remained in the United States beyond the period of stay authorized by the Attorney General, such visa shall be void beginning after the conclusion of such period of stay.
- (2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant, except-
 - (A) on the basis of a visa (other than the visa described in paragraph (1) issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or
 - (B) where extraordinary circumstances are found by the Secretary of State to exist.

9 FAM 41.32 RELATED REGULATORY PROVISIONS

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See 22 CFR 41.32.