

## **9 FAM 41.111 AUTHORITY TO ISSUE VISA**

*(CT:VISA-1286; 09-09-2009)  
(Office of Origin: CA/VO/L/R)*

### **9 FAM 41.111 RELATED STATUTORY PROVISIONS**

*(CT:VISA-1286; 09-09-2009)*

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

#### **INA 221(a)**

- (a) (1) Under the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations issued thereunder, a consular officer may issue (A) to an immigrant who has made proper application therefore, an immigrant visa which shall consist of the application provided for in section 222, visaed by such consular officer, and shall specify the foreign state, if any, to which the immigrant is charged, the immigrant's particular status under such foreign state, the preference, immediate relative, or special immigrant classification to which the alien is charged, the date on which the validity of the visa shall expire, and such additional information as may be required; and (B) to a nonimmigrant who has made proper application therefore, a nonimmigrant visa, which shall specify the classification under section 101(a)(15) of the nonimmigrant, the period during which the nonimmigrant visa shall be valid, and such additional information as may be required.
- (2) The Secretary of State shall provide to the Service an electronic version of the visa file of each alien who has been issued a visa to ensure that the data in that visa file is available to immigration inspectors at the United States ports of entry before the arrival of the alien at such a port of entry.

### **9 FAM 41.111 RELATED REGULATORY PROVISIONS**

*(CT:VISA-973; 06-12-2008)*

See 22 CFR 41.111

**41.111 Authority to Issue Visa.**

- (a) ***Issuance outside the United States.*** Any consular officer is authorized to issue regular and official visas. Diplomatic visas may be issued only by:
- (1) A consular officer attached to a U.S. diplomatic mission, if authorized to do so by the Chief of Mission; or
  - (2) A consular officer assigned to a consular office under the jurisdiction of a diplomatic mission, if so authorized by the Department or the Chief, Deputy Chief, or Counselor for Consular Affairs of that mission, or, if assigned to a consular post not under the jurisdiction of a diplomatic mission, by the principal officer of that post.
- (b) ***Issuance in the United States in certain cases.*** The Deputy Assistant Secretary for Visa Services and such officers of the Department as the former may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, to:
- (1) Qualified aliens who are currently maintaining status and are properly classifiable in the A, C-2, C-3, G or NATO category and intend to reenter the United States in that status after a temporary absence abroad and who also present evidence that:
    - (i) They have been lawfully admitted in that status or have, after admission, had their classification changed to that status; and
    - (ii) Their period of authorized stay in the United States in that status has not expired; and
  - (2) Other qualified aliens who:
    - (i) Are currently maintaining status in the E, H, I, L, O, or P nonimmigrant category;
    - (ii) Intend to reenter the United States in that status after a temporary absence abroad; and
    - (iii) Who also present evidence that:
      - (A) They were previously issued visas at a consular office abroad and admitted to the United States in the status which they are currently maintaining; and

(B) Their period of authorized admission in that status has not expired.

(52 FR 42597, Nov. 5, 1987, as amended at 66 FR 12738, Feb. 28, 2001.)