

9 FAM 41.122 REVOCATION OF VISAS

*(CT:VISA-1685; 09-08-2011)
(Office of Origin: CA/VO/L/R)*

9 FAM 41.122 RELATED STATUTORY PROVISIONS

(CT:VISA-1293; 09-10-2009)

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

INA 221 (i)

- i. After the issuance of a visa or other documentation to any alien, the consular officer or the Secretary of State may at any time, in his discretion, revoke such visa or other documentation. Notice of such revocation shall be communicated to the Attorney General, and such revocation shall invalidate the visa or other documentation from the date of issuance: Provided, That carriers or transportation companies, and masters, commanding officers, agents, owners, charterers, or consignees, shall not be penalized under section 273(b) for action taken in reliance on such visas or other documentation, unless they received due notice of such revocation prior to the alien's embarkation. There shall be no means of judicial review (including review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title) of a revocation under this subsection, except in the context of a removal proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B).

9 FAM 41.122 RELATED REGULATORY PROVISIONS

(CT:VISA-1685; 09-08-2011)

See 22 CFR 41.122

41.122 Revocation of Visas.

- (a) **Grounds for revocation by consular officers.** A consular officer, *the*

Secretary, or a Department official to whom the Secretary has delegated this authority is authorized to revoke a nonimmigrant visa at any time, in his or her discretion.

- (b) **Provisional revocation.** *A consular officer, the Secretary, or any Department official to whom the Secretary has delegated this authority may provisionally revoke a nonimmigrant visa while considering information related to whether a visa holder is eligible for the visa. Provisional revocation shall have the same force and effect as any other visa revocation under INA 221(i).*
- (c) **Notice of revocation.** *Unless otherwise instructed by the Department, a consular officer shall, if practicable, notify the alien to whom the visa was issued that the visa was revoked or provisionally revoked. Regardless of delivery of such notice, once the revocation has been entered into the Department's Consular Lookout and Support System (CLASS), the visa is no longer to be considered valid for travel to the United States. The date of the revocation shall be indicated in CLASS and on any notice sent to the alien to whom the visa was issued.*
- (d) **Procedure for physically canceling visas.** *A nonimmigrant visa that is revoked shall be canceled by writing or stamping the word "REVOKED" plainly across the face of the visa, if the visa is available to the consular officer. The failure or inability to physically cancel the visa does not affect the validity of the revocation.*
- (e) **Revocation of visa by immigration officer.** *An immigration officer is authorized to revoke a valid visa by physically canceling it in accordance with the procedure described in paragraph (d) of this section if:*
- (1) *The alien obtains an immigrant visa or an adjustment of status to that of permanent resident;*
 - (2) *The alien is ordered excluded from the United States under INA 236, as in effect prior to April 1, 1997, or removed from the United States pursuant to INA 235;*
 - (3) *The alien is notified pursuant to INA 235 by an immigration officer at a port of entry that the alien appears to be inadmissible to the United States, and the alien requests and is granted permission to withdraw the application for admission;*
 - (4) *A final order of deportation or removal or a final order granting voluntary departure with an alternate order of deportation or removal is entered against the alien;*
 - (5) *The alien has been permitted by DHS to depart voluntarily from the*

United States;

- (6) *DHS has revoked a waiver of inadmissibility granted pursuant to INA 212(d)(3)(A) in relation to the visa that was issued to the alien;*
- (7) *The visa is presented in connection with an application for admission to the United States by a person other than the alien to whom the visa was issued;*
- (8) *The visa has been physically removed from the passport in which it was issued; or*
- (9) *The visa has been issued in a combined Mexican or Canadian B-1/B-2 visa and border crossing identification card, and the immigration officer makes the determination specified in section 41.32(c) with respect to the alien's Mexican citizenship and/or residence or the determination specified in section 41.33(b) with respect to the alien's status as a permanent resident of Canada.*

[76 FR 23479, Apr. 27, 2011]