

## **9 FAM 42.64 NOTES**

*(CT:VISA-1730; 10-05-2011)  
(Office of Origin: CA/VO/L/R)*

### **9 FAM 42.64 N1 INTERPRETATION OF "COMPETENT AUTHORITY"**

*(TL:VISA-3; 08-30-1987)*

See 9 FAM 41.104 N1.

### **9 FAM 42.64 N2 EFFECT OF ISSUING AUTHORITY RESTRICTIONS ON USE OF PASSPORTS**

#### **9 FAM 42.64 N2.1 Application Made Within Country of Passport Issuance**

*(CT:VISA-1072; 10-15-2008)*

If an applicant for an immigrant visa (IV) presents a valid passport in the country where it was issued, and it is endorsed as not being valid for travel to the United States, or an endorsement is needed to authorize such travel and this endorsement is lacking, the consular officer shall not issue a visa until the restricting endorsement has been removed from, or approving endorsement has been placed on, the passport by the appropriate authorities or unless the passport requirement has been waived under 22 CFR 42.2. The reason for this is two-fold:

- (1) No useful purpose would be served in issuing a visa to an applicant who would, in effect, be forbidden to depart for the purpose of using that visa; and
- (2) Issuance of a visa in such circumstances could be regarded as an attempt to circumvent the laws or regulations of the country in which the post is located.

## **9 FAM 42.64 N2.2 Application Made Outside Country of Passport Issuance**

*(CT:VISA-1730; 10-05-2011)*

If an *alien with a passport containing a restriction on travel to the United States applies* for a visa in a country other than the one which issued *the* passport, *if* the passport is otherwise valid and the alien is otherwise eligible, a visa may be issued without regard to the restriction.

## **9 FAM 42.64 N3 WAIVER OF PASSPORT REQUIREMENT**

*(CT:VISA-1072; 10-15-2008)*

See 22 CFR 42.2 for the detailed listing of categories of immigrants not required to present a passport in applying for an immigrant visa (IV).