

9 FAM 42.68 NOTES

(CT:VISA-695; 02-09-2005)
(Office of Origin: CA/VO/L/R)

9 FAM 42.68 N1 STEPS IN PRELIMINARY DETERMINATION OF ELIGIBILITY OF FAMILY MEMBER

9 FAM 42.68 N1.1 Clearance and Background Check

(TL:VISA-3 08-30-87)

If an informal examination of a member of a family is arranged as provided for in 22 CFR 42.68, the consular officer should obtain clearances from other posts and any background checks necessary to determine visa eligibility.

9 FAM 42.68 N1.2 Statement by Principal Applicant Re Ineligibility of Family Member

(CT:VISA-695; 02-09-2005)

In the event any member of the family is found to be potentially ineligible to receive an immigrant visa, the principal applicant is to be so informed. A principal applicant wishing to pursue the application *MUST provide an acknowledgement of notification of the family member's potential ineligibility for an immigrant visa. (See 9 FAM 42.68 PN1.)*

9 FAM 42.68 N1.3 Principal Applicant Informed of Waiver Possibility

(CT:VISA-695; 02-09-2005)

If the potentially ineligible family member might benefit under the provisions of INA 212(g), (h), or (i), the principal applicant should be so informed and advised that the authority to invoke these sections is discretionary with *Department of Homeland Security (DHS)* and that no advance assurance can be given that the admission of the principal applicant's spouse or child will be authorized by *DHS*.