

## **9 FAM 42.73 NOTES**

*(CT:VISA-1856; 08-14-2012)*  
*(Office of Origin: CA/VO/L/R)*

### **9 FAM 42.73 N1 CANCELLING NONIMMIGRANT VISA WHEN IMMIGRANT VISA ISSUED**

*(CT:VISA-1094; 10-31-2008)*

If an applicant for an immigrant visa (IV) holds a valid nonimmigrant visa (NIV), the nonimmigrant visa is to be canceled when the immigrant visa is issued. No certificate of invalidation or other report is required. If an IV is issued to the bearer of a valid border crossing identification card, the card is to be canceled or destroyed. No record is to be made of such cancellation or destruction.

### **9 FAM 42.73 N2 ISSUING IMMIGRANT VISA TO LEGAL PERMANENT RESIDENT (LPR)**

*(CT:VISA-1856; 08-14-2012)*

The Department of Homeland Security (DHS) and the Department have agreed that a lawful permanent resident (LPR) alien is entitled to apply for and, if qualified, may be issued an immigrant visa in any other visa classification. For example, an immigrant who is admitted as a conditional immigrant may at some future date qualify for a visa in an employment-based category and thus be admitted in a non-conditional status. The consular officer *must* not require the alien to relinquish Form I-551, *Permanent Resident* Card, as a condition for issuance of another immigrant visa.

### **9 FAM 42.73 N3 FOREIGN AGENTS REGISTRATION ACT**

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

The Foreign Agents Registration Act (22 U.S.C. 611 through 613) requires persons within the United States acting as agents of a foreign principal to register with the Department of Justice. The purpose of this Act is "to protect the national defense, internal security, and foreign relations of the United States by requiring public disclosure by persons engaging in propaganda activities and other activities for or on behalf of foreign governments, foreign political parties, and other foreign

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principals so that the Government and the people of the United States may be informed of the identity of such persons and may appraise their statements and actions in the light of their associations and activities." Such registration places no restrictions on the lawful activities which may be engaged in by an agent of a foreign principal nor any stigma on anyone so registering. It may be assumed that registrants have nothing to fear from public disclosure of their activities. If statements obtained from an alien in connection with a visa application suggest that the applicant may be subject to the registration requirement of the Act, the consular officer should so inform the alien and advise that registration forms may be obtained, after arrival in the United States, from the Department of Justice, Washington, DC.