

## **9 FAM 40.3 NOTES**

*(CT:VISA-1488; 09-01-2010)*  
*(Office of Origin: CA/VO/L/R)*

### **9 FAM 40.3 N1 AMERICAN SAMOA**

*(CT:VISA-1309; 09-18-2009)*

- a. According to administrative regulations of the Government of American Samoa (A.C.S.A. 41.0402 (American Code of Samoa)), aliens may disembark in American Samoa for visits of less than 30 days provided they have:
  - (1) A valid passport or other valid travel document issued by a competent authority authorizing return to the country of origin or to some other country;
  - (2) A round-trip ticket to travel to the alien's point of origin or to an onward destination; and
  - (3) Sufficient maintenance funds for the expected stay.
- b. Aliens desiring to remain for 30 days or longer must obtain advance permission to enter from the immigration authorities of American Samoa. Such applicants must also include in the documentation the sponsor's name or the purpose of the visit. Approval to remain in the territory is granted in 30-day increments only, and advance hotel reservations are required in the absence of a local sponsor.

### **9 FAM 40.3 N2 GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI)**

*(CT:VISA-1488; 09-01-2010)*

Since Guam is a part of the United States as defined in INA 101(a)(38) (*8 U.S.C. 1101(a)(38)*), aliens proceeding to Guam must possess a valid visa, unless they qualify under the Guam Visa Waiver program (8 CFR 212.1), *which also applies to aliens proceeding to the CNMI*. Navy clearance is not required for entry into the area. However, cases should be submitted to the Department for action for aliens who desire, but are ineligible under INA 212(a)(3) (*8 U.S.C. 1182(a)(3)*), to enter Guam and who request a waiver

under INA 212(d)(3)(A) (*8 U.S.C. 1182(d)(3)(A)*) or are recommended by a United States consular officer for such waiver. The Department may advise the Department of Defense, if appropriate.

## **9 FAM 40.3 N3 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI)**

*(CT:VISA-1309; 09-18-2009)*

Public Law 110-229 of May 2008 amended the INA to include the CNMI in the definition of the United States for immigration purposes. However, Section 6 of this act provides for a transition period ending on December 31, 2014 in order to provide time to implement this provision.

## **9 FAM 40.3 N4 WAKE ISLAND AND MIDWAY ISLAND**

*(CT:VISA-1309; 09-18-2009)*

**Wake Island** is generally not open to visitors and is used by the U.S. Federal Government only; they manage the island.

**Midway Island** is an unincorporated territory of the United States and is owned and is administered by the U.S. Fish & Wildlife Service (Executive Order 13022, signed in 1996). Visitors are common to the island now and there is a tourist presence there.