

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 9
Visas

9 FAM 40.7 BASIS FOR REFUSAL UNDER INA SECTION 214(B)

*(CT:VISA-1832; 05-15-2012)
(Office of Origin: CA/VO/L/R)*

9 FAM 40.7 RELATED STATUTORY PROVISIONS

(CT:VISA-1832; 05-15-2012)

See INA 214(b) (8 U.S.C. 1184(b)) and INA 101(a)(15) (8 U.S.C. 1101(15)).

INA 214(b) Presumption of Status; Written Waiver*

- b. Every alien (other than a nonimmigrant described in subparagraph (L) or (V) of section 101(a)(15), and other than a nonimmigrant described in any provision of section 101(a)(15)(H)(i) except subclause (b1) of such section) shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to a nonimmigrant status under section 101(a)(15). An alien who is an officer or employee of any foreign government or of any international organization entitled to enjoy privileges, exemptions, and immunities under the International Organizations Immunities Act [22 U.S.C. 288, note], or an alien who is the attendant, servant, employee, or member of the immediate family of any such alien shall not be entitled to apply for or receive an immigrant visa, or to enter the United States as an immigrant unless he executes a written waiver in the same form and substance as is prescribed by section 247(b).

**As amended by Section 205(b)(1) of the Immigration Act of 1990, Public Law No. 101-649, 104 Stat. 4978, effective Oct 1, 1991; Section 1(a)(2) ("Legal Immigration Family Unity Act" or LIFE Act"), Sec 1102(d)(I), Public Law No. 106-553, Act of Dec. 21, 2000, 114 Stat. 2762, to take effect on the date of the enactment of this Act [enacted Dec. 21, 2000] and [to] to an alien who is the beneficiary of the classification petition filed under section 204 of the Immigration and Nationality Act on or before the date of the enactment of this Act". As further amended by Sec. 404(1), United States-Chile Free Trade Agreement Implementation Act of Sept. 3, 2003, Public Law No. 108-77, 117 Stat. 909, which revised the parenthetical text in first sentence, to take effect [as provided by Sec. 107 of such act] on the date the United States-Chile Free Trade Agreement enters into force [entered into force on Jan. 1, 2004].*

9 FAM 40.7 RELATED REGULATORY PROVISIONS

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(CT:VISA-1303; 09-17-2009)

See 22 CFR 40.7 [Reserved].