

## **9 FAM 41.23 ACCREDITED OFFICIALS IN TRANSIT**

*(CT:VISA-1316; 09-23-2009)  
(Office of Origin: CA/VO/L/R)*

### **9 FAM 41.23 RELATED STATUTORY PROVISIONS**

*(CT:VISA-1316; 09-23-2009)*

*See INA 101(a)(15)(C) [8 U.S.C. 1101(a)(15)(C)] and INA 212(d)(8) [8 U.S.C. 1182(d)(8)].*

#### **INA 101(a)(15)(C)**

- (15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens
- (C) an alien in immediate and continuous transit through the United States, or an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District and foreign countries, under the provisions of paragraphs (3), (4), and (5) of section 11 of the Headquarters Agreement with the United Nations (61 Stat. 758);

#### **INA 212(d)(8)**

- d. Temporary admission of nonimmigrants.
- (8) Upon a basis of reciprocity accredited officials of foreign governments, their immediate families, attendants, servants, and personal employees may be admitted in immediate and continuous transit through the United States without regard to the provisions of this section except paragraphs (3)(A), (3)(B), (3)(C), and (7)(B) of subsection (a) of this section.

### **9 FAM 41.23 RELATED REGULATORY PROVISIONS**

*(CT:VISA-1201; 04-20-2009)*

See 22 CFR 41.23.

**41.23 Accredited officials in transit.**

An accredited official of a foreign government intending to proceed in immediate and continuous transit through the United States on official business for that government is entitled to the benefits of INA 212(d)(8) if that government grants similar privileges to officials of the United States, and is classifiable C-3 under the provisions of INA 101(a)(15)(C). Members of the immediate family, attendants, servants, or personal employees of such an official receive the same classification as the principal alien.