

9 FAM 41.26 DIPLOMATIC VISAS

(CT:VISA-978; 06-27-2008)
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9 FAM 41.26 RELATED REGULATORY AND STATUTORY PROVISIONS

(CT:VISA-978; 06-27-2008)

See 22 CFR 41.26

§ 41.26 Diplomatic visas.

- (a) Definitions.
- (1) *Diplomatic passport* means a national passport bearing that title and issued by a competent authority of a foreign government.
 - (2) *Diplomatic visa* means any nonimmigrant visa, regardless of classification, which bears that title and is issued in accordance with the regulations of this section.
 - (3) *Equivalent of a diplomatic passport* means a national passport, issued by a competent authority of a foreign government which does not issue diplomatic passports to its career diplomatic and consular officers, indicating the career diplomatic or consular status of the bearer.
- (b) *Place of application.* With the exception of certain aliens in the United States issued nonimmigrant visas by the Department under the provisions of §41.111(b), application for a diplomatic visa shall be made at a diplomatic mission or at a consular office authorized to issue diplomatic visas, regardless of the nationality or residence of the applicant.
- (c) Classes of aliens eligible to receive diplomatic visas.
- (1) A nonimmigrant alien who is in possession of a diplomatic passport or its equivalent shall, if otherwise qualified, be eligible to receive a diplomatic visa irrespective of the classification of the visa under §41.12 if within one of the following categories:

- (i) Heads of states and their alternates;
- (ii) Members of a reigning royal family;
- (iii) Governors-general, governors, high commissioners, and similar high administrative or executive officers of a territorial unit, and their alternates;
- (iv) Cabinet ministers and their assistants holding executive or administrative positions not inferior to that of the head of a departmental division, and their alternates;
- (v) Presiding officers of chambers of national legislative bodies;
- (vi) Justices of the highest national court of a foreign country;
- (vii) Ambassadors, public ministers, other officers of the diplomatic service and consular officers of career;
- (viii) Military officers holding a rank not inferior to that of a brigadier general in the United States Army or Air Force and Naval officers holding a rank not inferior to that of a rear admiral in the United States Navy;
- (ix) Military, naval, air and other attaché and assistant attaché assigned to a foreign diplomatic mission;
- (x) Officers of foreign-government delegations to international organizations so designated by Executive Order;
- (xi) Officers of foreign-government delegations to, and officers of, international bodies of an official nature, other than international organizations so designated by Executive Order;
- (xii) Officers of a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties;
- (xiii) Officers of foreign-government delegations proceeding to or from a specific international conference of an official nature;
- (xiv) Members of the immediate family of a principal alien who is within one of the classes described in paragraphs (c)(1)(i) to (c)(1)(xi) inclusive, of this section;
- (xv) Members of the immediate family accompanying or following to join the principal alien who is within one of the classes

described in paragraphs (c)(1)(xii) and (c)(1)(xiii) of this section;

- (xvi) Diplomatic couriers proceeding to or through the United States in the performance of their official duties.
- (2) Aliens Classifiable G-4, who are otherwise qualified, are eligible to receive a diplomatic visa if accompanying these officers:
- (i) The Secretary General of the United Nations;
 - (ii) An Under Secretary General of the United Nations;
 - (iii) An Assistant Secretary General of the United Nations;
 - (iv) The Administrator or the Deputy Administrator of the United Nations Development Program;
 - (v) An Assistant Administrator of the United Nations Development Program;
 - (vi) The Executive Director of the:
 - (A) United Nation's Children's Fund;
 - (B) United Nations Institute for Training and Research;
 - (C) United Nations Industrial Development Organization;
 - (vii) The Executive Secretary of the:
 - (A) United Nations Economic Commission for Africa;
 - (B) United Nations Economic Commission for Asia and the Far East;
 - (C) United Nations Economic Commission for Latin America;
 - (D) United Nations Economic Commission for Europe;
 - (viii) The Secretary General of the United Nations Conference on Trade and Development;
 - (ix) The Director General of the Latin American Institute for Economic and Social Planning;
 - (x) The United Nations High Commissioner for Refugees;

- (xi) The United Nations Commissioner for Technical Cooperation;
 - (xii) The Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
 - (xiii) The spouse or child of any nonimmigrant alien listed in paragraphs (c)(2)(i) through (c)(2)(xii) of this section.
- (3) Other individual aliens or classes of aliens are eligible to receive diplomatic visas upon authorization of the Department, the Chief of a U.S. Diplomatic Mission, the Deputy Chief of Mission, the Counselor for Consular Affairs or the principal officer of a consular post not under the jurisdiction of a diplomatic mission.

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