

## **9 FAM 41.57**

# **INTERNATIONAL CULTURAL EXCHANGE VISITORS**

*(CT:VISA-994; 08-14-2008)*  
*(Office of Origin: CA/VO/L/R)*

## **9 FAM 41.57 RELATED STATUTORY PROVISIONS**

*(CT:VISA-994; 08-14-2008)*

See INA 101(a)(15)(Q) (8 U.S.C. 1101(a)(15)(Q))

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

- (15) The term “immigrant” means every alien except an alien who is within one of the following classes of nonimmigrant aliens
- (Q) (i) an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Secretary of Homeland Security for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien’s nationality and who will be employed under the same wages and working conditions as domestic workers; or
  - (ii) (I) an alien citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months in Northern Ireland, or the counties of Louth, Monaghan, Cavan, Leitrim, Sligo, and Donegal within the Republic of Ireland, which the alien has no intention of abandoning who is coming temporarily (for a period not to exceed 24 months) to the United States as a participant in a cultural and training program approved by the Secretary of State and the Secretary of Homeland Security under section 2(a) of the Irish Peace Process Cultural and Training

Program Act of 1998 for the purpose of providing practical training, employment, and the experience of coexistence and conflict resolution in a diverse society, and

- (II) the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien

## **9 FAM 41.57 RELATED REGULATORY PROVISIONS**

*(CT:VISA-994; 08-14-2008)*

See 22 CFR 41.57.

### **§ 41.57 International cultural exchange visitors and visitors under the Irish Peace Process Cultural and Training Program Act (IPPCTPA).**

#### (a) International cultural exchange visitors —

- (1) Requirements for classification under INA section 101(a)(15)(Q)(i). A consular officer may classify an alien under the provisions of INA 101(a)(15)(Q)(i) if:
  - (i) The consular officer is satisfied that the alien qualifies under the provisions of that section, and
  - (ii) The consular officer has received official evidence of the approval by DHS of a petition or the extension by DHS of the period of authorized stay in such classification.
- (2) Approval of petition. DHS approval of a petition does not establish that the alien is eligible to receive a nonimmigrant visa.
- (3) Validity of visa. The period of validity of a visa issued on the basis of this paragraph (a) must not exceed the period indicated in the petition, notification, or confirmation required in paragraph (a)(2) of this section.
- (4) Alien not entitled to Q classification. The consular officer must suspend action on the alien's application and submit a report to the approving DHS office if the consular officer knows or has reason to believe that an alien does not qualify under INA section 101(a)(15)(Q)(i).

(b) Trainees under INA section 101(a)(15)(Q)(ii) —

(1) Requirements for classification under INA section 101(a)(15)(Q)(ii). A consular officer may classify an alien under the provisions of INA section 101(a)(15)(Q)(ii) if:

- (i) The consular officer is satisfied that the alien qualifies under the provisions of that section;
- (ii) The consular officer has received a certification letter prepared by a program administration charged by the Department of State in consultation with the Department of Justice with the operation of the Irish Peace Process Cultural and Training Program (IPPCTP) which establishes at a minimum:
  - (A) The name of the alien's employer in the United States, and, if applicable, in Ireland or Northern Ireland;
  - (B) If the alien is participating in the IPPCTP as an unemployed alien, that the employment in the United States is in an occupation designated by the employment and training administration of the alien's place of residence as being most beneficial to the local economy;
  - (C) That the program administrator has accepted the alien into the program;
  - (D) That the alien has been physically resident in Northern Ireland or in the counties of Louth, Monaghan, Cavan, Leitrim, Sligo, and Donegal in the Republic of Ireland and the length of time immediately prior to the issuance of the letter that the alien has claimed such place as his or her residence;
  - (E) The alien's date and place of birth;
  - (F) If the alien is participating in the IPPCTP as an already employed participant, the length of time immediately prior to the issuance of the letter that the alien has been employed by an employer in the alien's place of physical residence;
- (iii) If applicable, the consular officer is satisfied the alien is the spouse or child of an alien classified under INA section

101(a)(15)(Q)(ii), and is accompanying or following to join the principal alien.

- (2) Aliens not entitled to such classification. The consular officer must suspend action on the alien's application and notify the alien and the designated program administrator described in paragraph (b)(1)(ii) of this section if the consular officer knows or has reason to believe that an alien does not qualify under INA section 101(a)(15)(Q)(ii).

[65 FR 14770, Mar. 17, 2000, as amended at 66 FR 52502, Oct. 16, 2001.]