

## **9 FAM 41.82 NOTES**

*(CT:VISA-1517; 09-14-2010)  
(Office of Origin: CA/VO/L/R)*

### **9 FAM 41.82 N1 CLASSIFICATION UNDER INA 101(A)(15)(N)**

*(CT:VISA-1029; 09-22-2008)*

INA 101(a)(15)(N) creates a nonimmigrant classification to minimize any family separations caused by ineligibility for special immigrant status of certain parents and children of persons accorded status under INA 101(a)(27)(I) or (L). Nonimmigrant "N" status may be accorded to the following aliens:

- (1) The parent of an alien accorded status as a special immigrant under INA 101(a)(27)(I) or (L), as long as such alien remains a "child" (i.e., unmarried and under 21); and
- (2) A child of such parent or of an alien accorded status as a special immigrant under INA 101(a)(27)(I) or (L).

### **9 FAM 41.82 N2 CRITERIA TO ESTABLISH ENTITLEMENT TO NONIMMIGRANT STATUS UNDER INA 101(A)(15)(N)**

*(CT:VISA-1445; 07-13-2010)*

The "N" classification involves the applicant's relationship to a person who obtained permanent resident status through INA 101(a)(27)(I) or (L). You must verify that a qualifying relationship exists, and that the relationship is with an alien who obtained permanent resident status through INA 101(a)(27)(I) or (L).

#### **9 FAM 41.82 N2.1 Verifying Relationship to "SK" or "SN" Special Immigrant**

(CT:VISA-1029; 09-22-2008)

The requisite relationship to the "SK" or "SN" special immigrant must be substantiated by the submission of verifiable civil documents (such as birth certificates) as appropriate.

## **9 FAM 41.82 N2.2 Verifying "SK" Status of Relative**

(CT:VISA-1517; 09-14-2010)

- a. If the relative in "SK" or "SN" status accompanies the "N" visa applicant to the visa interview, the relative's "SK" or "SN" status may be verified from his or her Form I-551, Permanent Resident Card, or passport bearing DHS endorsement reflecting lawful admission for permanent residence.
- b. If the relative in "SK" or "SN" status does not accompany the "N" visa applicant, the applicant shall provide the relative's name and date and place of birth and/or A-number. *The consular officer* must confirm that the relative was granted "SK" or "SN" status by requesting verification from the *Department of Homeland Security (DHS)* U.S. Citizenship and Immigration Services (USCIS) office in your region. The verification request should explain that the alien has requested processing for a returning resident visa, but lacks proof of LPR status. *DHS* USCIS will run a check through their Central Index System (CIS), Image Storage and Retrieval System (ISRS) (or its successor BSS), and TECS/IBIS systems to ensure that the subject does have "SK" or "SN" status.

## **9 FAM 41.82 N2.3 "N" Visa Applicant Deriving Status from an "N" Principal Alien**

(CT:VISA-1029; 09-22-2008)

If the "N" visa applicant derives status from an "N" principal alien, the principal alien's "N" status shall be verified through routine procedures; for example:

- (1) Issuance of the principal alien's "N" visa may be verified with the issuing post;
- (2) The principal "N" alien may accompany the applicant; or
- (3) The applicant may present a copy of the principal alien's passport and "N" visa.

## **9 FAM 41.82 N3 VALIDITY FOR "N" VISAS**

*(CT:VISA-1029; 09-22-2008)*

Validity for N-8 and N-9 visas shall be the same as the validity for G-4 visas specified in the appropriate reciprocity schedule. Relationship and age factors may limit the period of validity.

## **9 FAM 41.82 N4 SPECIAL REQUIREMENTS FOR ADMISSION, EXTENSION, AND MAINTENANCE OF STATUS**

*(CT:VISA-1029; 09-22-2008)*

A nonimmigrant granted "N" status may be admitted for a period not to exceed three years, with extensions in increments up to but not exceeding three years. "N" nonimmigrant status terminates on the date the child (either the special immigrant on whom the parent's "N" status is based or the child accorded "N" status on the basis of the parent's special immigrant status) no longer qualifies as a "child" as defined in INA 101(b)(1).

## **9 FAM 41.82 N5 EMPLOYMENT AUTHORIZATION FOR "N" NONIMMIGRANTS**

*(CT:VISA-1029; 09-22-2008)*

DHS regulations at 8 CFR 214.2(n)(4) state that a nonimmigrant admitted in or granted "N" status is authorized employment incident to "N" status without restrictions as to location or type of employment and need not request such authorization.