

9 FAM 42.64 PROCEDURAL NOTES

(CT:VISA-1730; 10-05-2011)
(Office of Origin: CA/VO/L/R)

9 FAM 42.64 PN1 NOTATION OF PASSPORT WAIVER ON IMMIGRANT VISA (IV) MACHINE READABLE VISA (MRV) FOIL

(CT:VISA-1071; 10-15-2008)

- a. If the passport requirement for an immigrant is waived under 22 CFR 42.2, you should annotate the IV MRV foil to indicate the waiver. This will help the carriers and the port of entry (POE) determine if an immigrant without a valid passport is properly documented. For example, if the passport is waived in the case of an immigrant who is the spouse of a U.S. citizen, the annotation should read:

"PASSPORT NOT REQUIRED PER 22 CFR 42.2(a)."

- b. If a passport is not required under an individual waiver, the annotation should contain a reference to 22 CFR 42.2(g) as well as to the date and number of the specific instruction from the Department. In such a case the notation on the visa should read:

**"PASSPORT WAIVED PER 22 CFR 42.2(g) BY DHS and STATE DEPT:
YY STATE [MRN NUMBER] DATED MM/DD/YY."**

- c. The IV MRV should be placed on Form DS-232, Unrecognized Passport or Waiver Cases (this form is used in lieu of a passport). If the immigrant has a travel document (expired or unrecognized passport, for example), you should attach it to the travel document as described in 9 FAM 41.113 PN2.2, which contains detailed instructions on using Form DS-232.

9 FAM 42.64 PN2 LIMITATION OF VISA VALIDITY TO MEET PASSPORT VALIDITY REQUIREMENT

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If an immigrant is required to present a valid passport, the consular officer *must* note whether the alien's passport is valid for at least 60 days beyond

the period of validity of the visa, as required in 22 CFR 42.64(b). Officers may limit the validity of the visa to less than six months if the passport is valid for 60 days plus a period sufficient to enable the alien travel to the United States. If the alien is excepted from the 60-day validity requirement under 22 CFR 42.64(b), officers may limit the validity of the visa to less than six months to coincide with the validity of the passport, provided the period of time will be sufficient for the alien to travel to the United States.