

9 FAM 42.72 NOTES

*(CT:VISA-1175; 04-02-2009)
(Office of Origin: CA/VO/L/R)*

9 FAM 42.72 N1 SPECIAL VALIDITY CONSIDERATIONS REGARDING CHILDREN

(CT:VISA-1175; 04-02-2009)

8 CFR 211.1(b)(1) provides for the entry, without a visa, of a child born subsequent to the issuance of a visa to the parent. (See 9 FAM 42.1 (d) Related Statutory Provisions.) It should not, therefore, be necessary to issue visas to such after-acquired children.

9 FAM 42.72 N2 INELIGIBILITY UNDER PUBLIC LAW 104-208

(CT:VISA-1175; 04-02-2009)

An alien applying for redetermination of admissibility must meet the additional grounds of ineligibility under Public Law 104-208.

9 FAM 42.72 N3 ARRIVAL IN UNITED STATES AFTER VISA EXPIRATION

(CT:VISA-1175; 04-02-2009)

DHS regulation, 8 CFR 211.3, provides that:

An immigrant visa, reentry permit, refugee travel document, or Form I-551, Permanent Resident Card, shall be regarded as unexpired if the rightful holder:

- (1) Embarked or enplaned before the expiration of the immigrant visa, reentry permit, or refugee travel document or, with respect to the Form I-551, before the first anniversary of the date of departure from the United States; and

- (2) The vessel or aircraft arrives in the United States or foreign contiguous territory on a continuous voyage.

9 FAM 42.72 N4 DEFINING "CONTINUOUS VOYAGE"

(CT:VISA-1175; 04-02-2009)

The continuity of the voyage shall not be deemed to have been interrupted if the alien:

- (1) Makes scheduled or emergency stops en route to the United States or foreign contiguous territory;
- (2) Lays over in foreign contiguous territory for the sole purpose of effecting a transportation connection to the United States; or
- (3) Transfers to another conveyance in foreign contiguous territory solely for the purpose of effecting a transportation connection to the United States.