

## **9 FAM 41.71 Notes**

### **9 FAM 41.71 N1 Defining “Immediate”**

*(TL:VISA-2; 8-30-87)*

As used in INA 101(a)(15)(C), the term “immediate” contemplates a reasonably expeditious departure of the alien in the normal course of travel as the elements permit and assumes a prearranged itinerary without any unreasonable layover privileges. (Page 43, House Report No. 1365 accompanying H.R. 5678, 82<sup>nd</sup> Congress, 2d Session.) If the alien seeks layover privileges for purposes other than for transit through the United States, such as to visit friends or engage in sightseeing, the alien will have to qualify for the type of visa required for that purpose.

### **9 FAM 41.71 N2 Visa for Passenger on Vessel Making Entry at U.S. Port**

*(TL:VISA-47; 8-30-91)*

An alien passenger embarking at a foreign port on a vessel which is proceeding to a foreign destination other than the United States and who has no intention of landing in the United States is nevertheless required to be in possession of a transit or other nonimmigrant visa if, during the course of the journey, the vessel makes port in the United States, since this constitutes an entry by the alien as contemplated in INA 101(a)(13).

### **9 FAM 41.71 N3 G-4 Visas for Transit Purposes**

*(TL:VISA-47; 8-30-91)*

a. The Department and INS have agreed that officers and employees of designated international organizations who are assigned to the United States may be accorded G-4 classification if they desire to pass in immediate and continuous transit through the United States. Consular officers shall endorse G-4 visas issued to such aliens, who will generally be on or returning from home leave:

#### **VALID FOR IMMEDIATE AND CONTINUOUS TRANSIT ONLY**

b. See section 9 FAM 41.24 Exhibit I for list of designated international organizations.

## **9 FAM 41.71 N4 C-1 Visas for Crewmen Joining Vessel or Aircraft**

*(TL:VISA-47; 8-30-91)*

See section 9 FAM 41.41 N3.

### **9 FAM 41.71 N4.1 Coasting Officers**

*(TL:VISA-47; 8-30-91)*

See section 9 FAM 41.41 N4 for proper documentation of coasting officers.

### **9 FAM 41.71 N4.2 Transit Without Visa (TWOV) for Crewmen**

*(TL:VISA-47; 8-30-91)*

A crewman with a valid D visa may under certain circumstances transit without a C-1 visa to join a vessel or aircraft. [See section 9 FAM 41.41 N3.4 and section 9 FAM 41.2 N3.2 and 9 FAM 41.2 N3.4.]

## **9 FAM 41.71 N5 Exemptions and Travel Limitations for Holders of C-2 Visas**

### **9 FAM 41.71 N5.1 Admission to UN Headquarters District**

*(TL:VISA-47; 8-30-91)*

Because of the obligations undertaken by the United States pursuant to the United Nations Headquarters Agreement, applicants for C-2 visas are exempted from the grounds of ineligibility listed in INA 212(a) except those listed in paragraphs (3)(A), (3)(B), (3)(C), and (7)(B) thereof. [See section 9 FAM 41.21(d)(2) Regs/Statutes.] Therefore, INS regulations provide that holders of C-2 visas may be admitted only on the following conditions:

(1) The alien must proceed directly to New York City and remain continuously within the Headquarters District and its immediate vicinity, departing therefrom only to leave the United States; and

(2) The alien must be in possession of a document establishing the alien's ability to enter a foreign country following the alien's sojourn in the United Nations Headquarters District.

### **9 FAM 41.71 N5.2 Defining "UN Headquarters District" and Explaining Travel Restrictions**

*(TL:VISA-47; 8-30-91)*

Persons referred to in N5.1 above are restricted to “the United Nations Headquarters District and its immediate vicinity,” defined as the “area lying within a twenty-five mile radius of Columbus Circle, New York, N.Y.” Consular officers shall advise applicants for C-2 visas of these travel restrictions.

### **9 FAM 41.71 N5.3 Waiver of Ineligibility**

*(TL:VISA-47; 8-30-91)*

For discussions of waiver of ineligibility under INA 212(d)(3)(A) for C-2 visa applicants, see section 9 FAM 40.111 Notes and 9 FAM PART IV Appendix A.

### **9 FAM 41.71 N6 Certain Aliens Proceeding to United Nations**

*(TL:VISA-47; 8-30-91)*

An alien who is classified C-2 may, as an alternative, be issued a B-1 or I visa if the consular officer finds the alien otherwise qualified for such classification and the alien pays any required fee. If the alien is ineligible to receive a visa under any of the provisions of INA 212(a), the consular officer may recommend a waiver of ineligibility under INA 212(d)(3)(A) only if the circumstances in the alien’s case justify such a recommendation pursuant to the rules set out in section 9 FAM 40.111 Notes and 9 FAM PART IV Appendix A.

### **9 FAM 41.71 N7 Information Media Representatives Proceeding to United Nations**

*(TL:VISA-47; 8-30-91)*

In the case of an alien coming within the provisions of paragraph (3) of section 11 of the Headquarters Agreement with the United Nations, for example, representatives of the press, radio, film, or other information agencies, the consular officer may not issue a C-2 visa unless the alien presents evidence of accreditation by the United Nations. The consular officer shall refer an applicant for a C-2 visa inquiring about the procedure for obtaining such accreditation to the appropriate United Nations information center or to the Accreditation Office, Office of Public Information, United Nations, New York, N.Y. If the consular officer obtains a waiver of ineligibility under INA 212(d)(3)(A) in the alien’s behalf through the Department, the consular officer may presume that the Department has resolved the question of accreditation.

Filename: 0941071N.doc  
Directory: C:\WINNT\Profiles\sheldosm\Desktop  
Template: C:\Program Files\Microsoft Office\Templates\Normal.dot  
Title: 9 FAM 41.71 Transit Aliens - Notes  
Subject: Subchapter Covers: G-4 visas, C-1 visas for crewmen, exemptions and  
limitations of C-2 visas  
Author: USDOS  
Keywords:  
Comments:  
Creation Date: 03/29/99 8:31 AM  
Change Number: 2  
Last Saved On: 01/03/02 10:46 AM  
Last Saved By: USDOS  
Total Editing Time: 3 Minutes  
Last Printed On: 01/03/02 10:46 AM  
As of Last Complete Printing  
Number of Pages: 3  
Number of Words: 1,602 (approx.)  
Number of Characters: 9,135 (approx.)