



NATIONAL ASSOCIATION OF
GRADUATE-PROFESSIONAL
STUDENTS

Domestic Renewal of Student Visas

Prepared by:
Jesse W. Kremenak
Former Director of Legislative Affairs

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Kristofferson Culmer

Ashley Ermer

Corbin Evans

Danielle Langdon

Matt McCune

Andrew Miskowicz

Laura Satkowski

Kaitlin Steen

Hallie Thompson

Relevant Contacts

Report Author:

Jesse W. Kremenak

Ph.D. Student in Physics at the University of Missouri

Former Director of Legislative Affairs, NAGPS

jesse.kremenak@nagps.org

National Association of Graduate-
Professional Students:

Hallie Thompson

Ph.D. Student in Plant Sciences at the University of Missouri

Director of Legislative Affairs, NAGPS

Legislative@nagps.org

Congressman Sam Graves Office
(MO-06):

Wes Shaw

Legislative Assistant

White House, Office of Science and
Technology Policy:

Kei Koizumi

Assistant Director for Federal R&D

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Background

Terms

Reissue, revalidate, and renew are synonymous and are used interchangeably in this document.

Discontinued Domestic Visa Reissuance Service

Prior to July 16, 2004 the State Department provided domestic visa reissuance services for certain nonimmigrant visas in the United States. The following classes of nonimmigrant visas were previously eligible for domestic visa reissuance and are now affected by the suspension of the program¹:

C – Transit

E – Treaty trader or investor

H – Temporary worker and Trainee

I – Representative of Foreign Information Media

L – Intracompany Transferee

O – Person with extraordinary ability in the Sciences, Arts, Education, Business, or Athletics

P – Athlete, Artist or Entertainer

Reissuance of qualifying diplomatic and official visas in Washington, DC continue for the following nonimmigrant classes, A-1, A-2, G-1, G-2, G-3, G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5 and NATO-6.

According to the public notice from the Department of State [69 FR 35121] the reason for discontinuing the domestic visa reissuance for visa classes C, E, H, I, L, O, and P, was because of increased visa requirements and the requirement that visas issued after October 26, 2004 include biometric identifiers.² And as of 2004, “it [was] not feasible for the Department [of State] to collect the biometric identifiers in the United States.”¹

¹ Public notice announcing the discontinuation of reissuance services for certain nonimmigrant visas in the United States. [69 FR 35121] <https://federalregister.gov/a/04-14245> and on page 24 of this report

² Requirement for biometric identifiers is from Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Pub. L. 107-173, 116 Stat. 543) <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:H.R.3525:>

Academic Student Visas

Nonimmigrant academic students are issued F-1 visas, and their spouses and dependents are issued F-2 visas. **A valid class F visa allows the student to enter the United States. The visa holder is legally permitted to stay in the United States on an expired F-1 visa as long as they maintain their student status. There is no limit on the length of stay as long as academic progress continues.**

Renewing Student Visas

Currently, most nonimmigrant visas,³ including class F visas, must be renewed at a U.S. Embassy or Consulate office abroad. The Department of State recommends that applicants apply for a visa in their home country. The University of Missouri International Center advises students to budget at least 30 days to renew their visas in their home country. However, some visa applications may require additional processing or clearance, commonly known as Administrative Processing, which “is usually resolved within 60 days of application, though some cases may take longer,” according to a Department of State webpage.⁴

Students may encounter lengthy delays when renewing their visas due to additional security clearances (Visa Mantis Check) related to the Technology Alert List (TAL). The purpose of the additional clearance is to prevent the export of “goods, technology, or sensitive information” through activities such as “graduate-level studies, teaching, conducting research, participating in exchange programs, receiving training or employment, or engaging in commercial transactions.”⁵

The fields on the TAL include:

- Conventional Munitions;
- Nuclear Technology, Physics, and Engineering;
- Rocket Systems and Unmanned Air Vehicle;
- Navigation, Avionics and Flight Control;
- Chemical, Biotechnology and Biomedical Engineering;
- Remote Sensing, Imaging and Reconnaissance;
- Advanced Computer/Microelectronic Technology;
- Materials Technology;

³ Only qualified diplomatic and official visas (A 1-2, G 1-4, and NATO) are allowed to renew their visas in Washington, DC

⁴ <http://travel.state.gov/content/visas/english/general/wait-times.html/>

⁵ <http://www.esf.edu/international/TAL.htm>

- Information Security;
- Laser and Directed Energy Systems Technology;
- Sensors and Sensor Technology;
- Marine Technology;
- Robotics; and
- Urban Planning.

Even fields with loose association to the critical fields on the TAL (e.g., physics) may result in additional security clearances and delayed visa processing.⁶

Many international students are likely to experience delays due to additional security clearances:

- 37% of all F-1 visa holders are studying in a STEM field⁷
- 50% of doctoral students with a F-1 visa study engineering, physical sciences, biological sciences, or biomedical sciences⁷
- Over 40% of advanced degrees in STEM graduating from U.S. universities are foreign-born⁸

The time required to renew student visas abroad is a significant interruption in international students' academic career. Not only is the time away from their academics and research in the United States detrimental to the student renewing their visa, but their extended absence also impacts other students, especially if they are teaching classes or doing research.

For answers to frequently asked questions about renewing F-1 visas and reentering the United States, visit the U.S. Immigration Customs and Enforcement website at <http://www.ice.gov/sevis/travel>.

⁶ <http://www.esf.edu/international/CriticalFieldsList.htm>

⁷ "The Geography of Foreign Students in U.S. Higher Education: Origins and Destinations." Neil G. Ruiz. <http://www.brookings.edu/research/interactives/2014/geography-of-foreign-students#/M10420>

⁸ "Help Wanted the Role of Foreign Workers in the Innovation Economy." A report from Information Technology Industry Council, Partnership for a New American Economy, and U.S. Chamber of Commerce. <http://www.renewoureconomy.org/wp-content/uploads/2013/07/stem-report.pdf>

Summary of Stories From Students at the University of Missouri

The Graduate Professional Council (GPC) has collected stories from international students at the University of Missouri on their experiences with the current visa renewal process. Their experiences are summarized below and the transcribed stories from an Open Forum held on February 4, 2015 can be found on pages 14-22.

- When the student visa renewal is delayed:
 - Costs students time and money (including additional expenses and lost wages)
 - There is an emotional toll on the student and also on their friends and family
 - Detrimental to the student's coursework and/or research
 - Detrimental to the students that are enrolled in the international student's class
 - Places additional burden on colleagues who teach their classes during their absences
 - Detrimental to the progress of the research group
- When the student visa is issued without unexpected delays:
 - Additional time beyond the intended visit home is required to renew their visas – a short trip is not feasible if the student visa must be renewed
 - Additional time and financial cost is required to renew their student visas in their home country after attending an international conference
- Students also forgo international travel due to 1) the additional burden of renewing their visa and 2) due to the potential risk of experiencing a visa renewal delay
 - Students are electing not to attend international conferences – the representation of U.S. research on the international stage is being stifled
 - Students are missing major family life events, such as weddings, funerals, and graduations
 - A former physics Ph.D. student at the University of Missouri missed his own wedding and resorted to getting married over Skype due to the risk of potential delays when renewing his student visa
- Some students decide to travel with their spouses and dependents due to the potential risk of experiencing a delay when renewing their student visas
- Some potential international students are deciding to pursue their education in other countries, rather than the United States, to avoid potential risks associated with U.S. visa renewals

Solution

Restore the domestic reissuance of visas program and expand the eligible visa classes to include academic student visas, class F.

To accomplish the solution there is a two-pronged approach through

- 1) regulatory (see page 9) and
- 2) legislative (see page 10) solutions.

Secure Borders and Open Doors Advisory Committee Recommendation

A 2008 Report of the Secure Borders and Open Doors Advisory Committee (SBODAC), Departments of Homeland Security and State issued a similar recommendation.⁹

“The Department of State should resume domestic reissuance of visas for business travelers in categories E, H, I, L, O, and P, and expand it to include student (F) and exchange visitor (J) visas, for those visa holders who have remained in status and applied for reissuance in the same visa classification within six months prior to their status expiring.”

An excerpt from the SBODAC report, containing the recommendation and supplemental information, is included on page 23 of this report and the full report can be downloaded using the URL in the footnote below.

Comments on the SBODAC recommendation:

- We find the six-month deadline prior to their status expiring requirement to be impractical and therefore do not include it in our solution.
- Senator Claire McCaskill’s staff has brought to our attention that class J visas have allegedly been used for human trafficking. And therefore including class J visas would be a non-starter. To avoid risking our efforts being anywhere associated with human trafficking we are omitting J visas from the list to reissue domestically.

⁹ Report by the Secure Borders and Open Doors Advisory Committee, Departments of Homeland Security and State. http://www.dhs.gov/xlibrary/assets/hsac_SBODACreport508-compliant_version2.pdf

Regulatory Solution

1. Restore the domestic reissuance of visas program that is currently under suspension¹ [69 FR 35121]. (The previous domestic renewal program was implemented as a mail-in service. In 2004 the program was suspended due to increased visa requirements, including in-person interviews, finger prints, and biometric identifiers².)
2. Include in-person interviews and all other necessary capabilities to process nonimmigrant visa applications, including finger printing and biometric identifiers, in the new domestic reissuance program.
3. Add class F visas to the list of eligible visas for domestic reissuance program. Amend 22 CFR Part 41.111(b) by adding “F” visas to those categories of visas that the Department of State can reissue in the United States. The eligible visas for domestic reissuance, under 22 CFR Part 41.111 will now include A, C, E, F, G, H, I, L, O, P, and NATO visa classifications. (The 2001 regulatory change¹⁰ [66 FR 12737] that added O and P visas classifications to the list of eligible visas for revalidation in the United States could be used as a template to add class F visas.)
 - 3.1. The revised 22 CFR Part 41.111(b)(2)(i) text would read as follows:

“(i) Are currently maintaining status in the E, F, H, I, L, O, or P nonimmigrant category;”

¹⁰ Public notice announcing the regulation change that added “O” and “P” visas that are eligible for revalidation in the United States. [66 FR 12737] <https://federalregister.gov/a/01-4769>

Legislative Solution

Bill Draft, March 23, 2015:

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.....
(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

To amend the Immigration and Nationality Act to provide for renewal of
certain nonimmigrant visas in the United States.

IN THE HOUSE OF REPRESENTATIVES

Mr. GRAVES of Missouri introduced the following bill; which was referred to
the Committee on _____

A BILL

To amend the Immigration and Nationality Act to provide
for renewal of certain nonimmigrant visas in the United
States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RENEWAL OF CERTAIN NONIMMIGRANT VISAS**

4 **IN THE UNITED STATES.**

5 Section 222(c) of the Immigration and Nationality
6 Act (8 U.S.C. 1202(c)) is amended—

7 (1) by inserting “(1)” before “Every alien”;

8 and

NOTE: The bill draft is currently being revised and will include only visas (A), (C), (E), (F), (G), (H), (I), (L), (O) and (P) that will be eligible for renewal in the United States.

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2

1 (2) by adding at the end the following:
2 “(2) The Secretary of State may, at the Secretary’s
3 discretion, renew in the United States the visa of an alien
4 admitted under subparagraph (A), (E), (F), (G), (H), (I),
5 (L), (N), (O), (P), or (R) of section 101(a)(15).”.

Domestic Renewal of Student Visas

We urge Congress to sponsor and pass legislation that would allow domestic renewal of Class F student visas.



NAGPS Legislative
Concerns Committee

Benefits of Domestic Renewal Include:

Positive Economic Impact

- According to NAFSA, in the 2013-2014 academic year, foreign students and their families supported 340,000 U.S. jobs and contributed nearly \$27 billion to the U.S. economy. [2]
- For every 2 international students enrolled, 1 U.S. job is created or supported. [1] [2]

Decreased Bureaucracy

- Providing F visa holders with the option of domestic renewal has the potential to drastically reduce the workload on U.S. consulates and to prevent unnecessary travel by these visa holders and their families.

Security

- Additional resources, available domestically, allow visas to be renewed more securely than when renewed in other countries.
- The experience and expertise of domestic State Department and **Department of Homeland Security officials provides for greater security** throughout the visa renewal process.

Saves Time and Money for International Students

- Allowing domestic renewal of F visas would circumvent the unnecessary time and financial burden currently required for students to renew their academic student visas.
- Spending time and money to travel back to their home country is an undue hardship which international students are currently enduring during their academic careers. [3]

Promotes the Progress of Federally Funded Research

- Currently international students funded by federal research dollars are hindered from representing high caliber US research on the international stage. [3]

Attract the World's Best and Brightest

- Between 2001 and 2014, the portion of international students studying in the U.S. has declined by 29%. [4]
- Talented foreign students are being enticed to studying in other countries with more attractive student visa policies. [5] [3]

**Nearly
1 million**
international students
and their dependents are
directly impacted [1] [2]

Foreign students and
their families accounted
for a net economic
contribution of nearly [2]

**\$27
billion**

Domestic resources
and experienced
officials provide
greater security
throughout the visa
renewal process.

Domestic Renewal of Student Visas



NAGPS Legislative
Concerns Committee

References

- [1] Open Doors Report on International Education Exchange 2014, Institute of International Education.
www.iie.org/opendoors
- [2] The Economic Benefit of International Students 2014, NAFSA
www.nafsa.org/_/File/_/eis2014/USA.pdf
- [3] Policy Implications of International Graduate Students and Postdoctoral Scholars in the United States, The National Academies.
www.nap.edu/catalog/11289.html
- [4] Atlas of Student Mobility, Institute of International Education.
www.iie.org/projectatlas
- [5] U.S. Immigration Policy, Council on Foreign Relations.
www.cfr.org/immigration/us-immigration-policy/p20030

Resources

International student economic impact per state and U.S. Congressional district visit:

www.nafsa.org/economicvalue

Report of the Secure Borders and Open Doors Advisory Committee, January 2008:

http://www.dhs.gov/xlibrary/assets/hsac_SBODACreport508-compliant_version2.pdf

Legislation

NAGPS Proposed Language: Domestic Revalidation of Student Visas:

<http://nagps.org/proposed-language-domestic-revalidation-of-student-visas/>

Stories From GPC Open Forum on Student Visa Renewal

The Graduate Professional Council (GPC) has collected stories from international students at the University of Missouri on their experiences with the current visa renewal process. Their transcribed stories from an Open Forum on February 4, 2015 are below and their experiences are summarized on page 7.

Tina Matin:

My name is Tina Rezaie Matin, a fourth year PhD student in Department of Physics and Astronomy [at the University of Missouri] studying single molecule biophysics. For those of you who might think, “what is that?”, I should say my research is focused on studying protein-lipid interactions. Understanding these interactions would provide basic biophysical knowledge in addition to advance pharmaceutical developments, many of which target membranes. We are providing a thick body of research to enhance the efficiency of the medicine in cellular and molecular level that is crucial to prevent, diagnose and treat different diseases.

I have left my country, Iran, four years ago to pursue my dream of helping the humanity to defeat cancer, to do my part, to pay my duty toward the world in a way I loved and knew, the science. And where better to peruse such a goal than America, the land of freedom, resources, opportunities and human rights.

I knew it is going to be hard, long hours of studying, spending days and nights in the laboratory trying to reveal and translate the nature’s secrets. I knew that doing a PhD in science is going to be stressful and hectic. But there was a great cause for me, personally; people were and still are dying from cancer.

I knew that I am going to be far away from home and miss my family and could not make to see my parents very so often due to financial difficulties of graduate students life but have underestimated the amount of psychological impact this one factor can put on my studies and state of mind in general.

So this past summer I decided to give my family a short visit after three full years of not being with them. I have talked to my advisor, Dr. King, booked the ticket and made the trip arrangements shooting for being away for 3 weeks at top. I have packed with such a hope that is going to be the greatest trip of all time. Well it didn’t really turn out that way. I had to apply for my student visa in US embassy in Dubai. The clearance of my visa itself took more than 2

months, leaving me and my family in tremendous amount of stress and taking away all the happiness of me being back home from us with my great fear of such a big gap in the course of my doctorate period. Finally I got the visa approval and managed to get back to USA after 80 days and this trip left me with a bill of \$8000 in hand due to unemployment, rental, cancelled flight tickets, traveling back and forth from Iran to Dubai and US and my living expenses during more than 80 days of leave. I should mention that the project I was carrying out in Dr. King's lab has been interrupted for the whole time of my leave and that is almost a season of scientific year. To be honest I don't dare to calculate how much financial burden it had left on our laboratory.

My story is one of the thousand stories; a lot of graduate students do not go home for their entire duration of studies in average 5 years for PhD students.

The point I want to make and the question I have to ask is, couldn't it be less difficult and harmful, scientifically, emotionally and financially for students, university and also the government to handle student visa renewal? Can't we come out with another approach for this problem to benefit everyone?

Grant Knotts:

Hi. My name is Grant Knotts. I am also a 4th year Ph.D. student in the Physics and Astronomy Department. I know that student visa renewal is largely an international student problem, but as a domestic student, it puts a burden on us as well. I had a friend who went home for the holidays, so he could visit his family and his wife in Russia. He ran into visa problems on his way home. He was delayed by three weeks, so he missed the first three weeks of courses. Being a teacher, somebody had to teach the courses he was supposed to be teaching. That burden fell on me and one of the other students in our department. I had to teach two courses a week for the first two or three weeks of the semester on top of my full course load and my full teaching load. I had to teach and grade. That added maybe 10 hours a week to my first three weeks of my semester, so I just wanted to lend a voice to the domestic student problems, as well, with this issue.

Kristofferson Culmer:

Good afternoon, everybody. My name is Kristofferson Culmer. I am a Ph.D. student in Computer Science soon to graduate in Computer Sciences. As Jesse mentioned, I was President of the Graduate Professional Council here at Mizzou, and I currently serve as the President of the National Association of Graduate-Professional Students, which is the governing body for Graduate Students in the country. Since we started this initiative here, we have been getting feedback from, not only students here, but across the country, because one of the things we are going to find out is, you know, is this a localized issue, how wide spread is it? Once we started asking questions, one of the things that we learned is a lot of international students are hesitant to really even speak about issues that are difficult for them, because as an international student, you don't want to disturb anything.

As we started beginning the conversation, asking other students at other universities, 'Have you seen these issues? What are the stories that you are hearing from international students?' There are many, many hundreds, hundreds even thousand of stories like Tina's. Some even a little more grave. There is a story of our friend Mohammad at Missouri S&T. He went home to visit his family [in Kuwait]. He has a wife and two children, so he took them with him. They were delayed for three months total with the same issue of having to travel back and forth of having to get a visa. Then having to deal with issues here [in the U.S.]. They have an apartment. They have bills that they have to pay. He has work in his lab that he had to take care of that he wasn't able to do. In his case, it was not as bad as it could have been, because his family was with him.

There is another story I got from a student in Oklahoma State. An international student went home to visit family, because there was an ill parent who was dying. He left his wife and children here. The wife was on an F-2 Visa. She can't work, so he was the only one to provide. He was delayed by months. He was not able to work and he was away from his family not knowing when he would be able to get back. If it wasn't for the kindness of classmates, lab mates, his wife and children would not have had means to take care of themselves. The community around him really helped out in that way. There are numerous, numerous stories. I know of international students that have been in the country for eight, almost ten, years for undergrad and master's degrees, Ph.D., who have not been home, because they are afraid to leave the country, because they don't know if or when they are going to be back. The interesting part about the visa renewal process is if you go to a consulate overseas and you begin the application process, when you get an interview you can be denied, you can be denied and not given a reason

why, for any reason. Can you imagine what that does to the student who has been in the United States for years, contributing to a University community like this working on important research and not done anything wrong and being told, 'I'm sorry we aren't going to allow you back in the country for some reason unannounced to them.'?

Like I said before, we've started this conversation and we have been expanding it across the country. As we continue the conversations, we hear more and more stories just like Tina's, of people who have had to leave their families, their children, of people that haven't been home in years. That is one of the reasons why we decided to do something about this. I'm an international student. I'm from the Bahamas. Luckily, I haven't had any of these issues, myself, but I have seen friends, good friends, of mine who this has affected. If something like that affects a person close to you then it affects you, as well. What we are trying to do here is to make the situation better for students, not just in this community, but across the country, because there is a better, more humane way we can handle this situation. Thank you.

Mahdieh Poostchi:

Hello, everyone. I am Mahdieh Poostchi. I am a Ph.D. student. I am from Iran and I am a Ph.D. student in computer science. It is my fifth year, so I join Mizzou in spring 2011 to pursue my education in the level of a doctoral degree. Since then I tried hard. I did a lot with my Ph.D. This is what I planned to do here, but in my first five years I missed some big things in my life, just because of my visa. The first things that I want to mention is that what is the ultimate goal of our research. Well we do work hard day and night to get some results from our work. Then if it happens to be something nice and official for an award for other people who want to present and make it public, and then we will start to write a paper and publish a paper. Then go on and present your work. This is your right, to get the credit of your work and to show what you did. So far, I have published four papers in different conferences, seminars. I couldn't go to any of them to present my work. What I did just to at least present it and make it public, I really tried hard to find someone else to present it on behalf of me. It happens in summer 2013 and also December 2013. I worked two years day and night. Then at the end of my work after two years I published two papers, but I could not go and present them. One of them was in China. It was ACCB conference in my major. The other one was the ICJB. Also I don't dare to submit my work to other conferences outside the United States, like in Europe, because I don't want to miss the chance of presenting my work.

So the other story that I want to mention is it was my only sisters wedding this Christmas. Again, I missed that one. It was really hard for me because she was my only sister. She was really in love and after lots of trouble it happens for her to get married. I did a lot. I helped her a lot to convince my parents that they should get married, because they really loved each other. Parents are always really worried about what's going on to their daughters. I said they really enjoy their life together. After all this, they get married and I am really happy for them. But again I couldn't go there. I could not be with her during her wedding time. She was really pissed off at me, she said that for you. I said, 'I am here in the United States and I am doing my Ph.D. hopefully in a year I will be graduated and then I will get what I wanted to do.' But still it is my sister's heart, my family. She was really important to me, but again I couldn't go. She told me that believe me, 'You should be there at that time.' It was really bad. All of the family members that I was not there for. Again, if I could in any case renew my visa here in the US without and more problems to get back to the US, I would definitely go and be there for her.

Shahrzad Karimi:

Hello. My name is Shahrzad Karimi. I am a third year graduate student in Physics and Astronomy. Actually my husband and I are both here and we are both in the Physics Department. We have been here for two and a half years. During this time, we have never been brave enough to get back to Iran, because of all the risks we have to take. We don't know even if we are allowed to go back [to the U.S.], and like Tina's case, if it takes more than 3 weeks it has a huge impact on our career and our performance and all this financial risk. We are not brave enough to take this risk. Another thing, my husband's father was dealing with a very important surgery. He was not able to be with him. We really regret it. If we could renew our visas without any trouble, that would be great. Thank you.

Yiyao Chen:

My name is Yiyao Chen. I am also from the Department of Physics and Astronomy. I want to share my story here a little bit. My home country is China. Actually, the visa policy between China and the US just changed recently, so then we can get at most five years visa. New Ph.D. students don't have to worry about these renewal visa issues. Before it changes, I had experienced getting stuck in China and postponed my whole schedule during 2012, before this whole policy changed. For our Chinese students studying in the US, before when the renewal was

a problem, this was also a problem, maybe not as severe as the students from Iran. Occasionally, our renewal visa process will be checked and that whole process will probably take three to four weeks up to several months. Normally, it will probably get done in three to four weeks. So even if we get checked we know we will get our visa at sometime. Of course, it will affect your travel plans, but we are sort of sure we can get back to the USA sometime.

For myself, while I went back to China in 2012, somehow [I] got checked. For us, normally the visa renewal process will take two to three weeks, if it goes well. For us, as graduate students, we just plan to take off three to four weeks and then we come back to continue all the research in our labs. Then I got the announcement that my visa has been checked. That will probably take three to four weeks. Then it will be out of my schedule of our lab. I was planning to perform some experiments back in our lab and then of course I have to write emails directed to my advisor saying that I got stuck. I cannot go back, so it makes that plan postponed. As international students, we buy cheap flight tickets that those ones cannot be rearranged. We have to repurchase tickets in order to come back. Luckily, the check process of my visa got passed just exactly as it says, three weeks. I planned for my trip in China to be four weeks and it got delayed about two or three extra weeks. In terms of the loss it was maybe not too much. I spent another \$1200 to rebuy the ticket flying back to the US. In terms of the research, well, basically, we have to delay our plan to do some experiments in our labs. Actually, I have to say that after that initial plan is gone, once I go back to the labs, our advisors probably got busy and some, of course you always have jobs to do so that the experiment planned just got delayed furthered. Well, I guess, this is just my story, so thank you.

Jiong Zhang:

Hi, everyone. My name is Jiong Zhang. I am also from the Department of Physics and Astronomy. I am from China. I will get this straight and give you some facts. Our group has a project of protein structure prediction, which is funded by the NIH [National Institutes of Health]. In this field there is a competition for testing the methods we build, every two years. It was held in 2010, 2012, and 2014. After this competition, there will be an international conference for us to attend and communicate with each other, present our work, present our methods and learn from others. In 2010 this conference was in California, so I could go. I met a lot of famous scientists there and learned a lot of things. I also presented my work. It went very well. I loved that conference. But in 2012, since this conference is really international, it has to be in different places every time. In 2012 it was held in Italy. Because my visa expired I could not go there.

Actually, at that time our group created our server and I ran our server during that presentation. Actually, our server worked very well that time. We were among the top five groups. Because my visa was expired I could not go there to present my work and meet other famous scientists. That is a big loss. It is not only a loss of me. It is also a loss of the group. Also, the loss of the science community in the United States. Which means the money paid by NIH, didn't get the real impact it should get. I think we should fix this problem and make sure the people who pay taxes in the US, all this money, take the most advantage of this money. Thanks.

Hemanta Kafley:

Hello, everybody. I just wanted to make sure it is not a problem of only Physics and Astronomy. I am Hemanta. I am from the Department of Fisheries and Wildlife. I am the GPC Rep from that department, as well. I wanted to share my potential story in the future, actually, so that has not happened, yet. My visa is expired. Before the visa expired in this December, my research project was in Nepal. I am from Nepal, so my research project is on tigers in Nepal. So what I did was, until I had an expired visa, I had to go to Nepal a couple times and collect my data. I did that. Now my visa has been expired and I have my research with me and I have been accepted for a conference in France in May and I have to go the Bhutan in July. The problem is that if I go to France in May, I will have to go all the way to Nepal to renew my visa again, which you know is not really sane. If I do go to Nepal, who is going to pay for that? My advisor is not paying for that. My research is not university funded or from anywhere else. I did that from my home region, because I loved it. Because I ended up being a Missouri Tiger.

The problem is that I have my family here. I have this kind of feeling on me of what if I go there and they will not grant me a visa? What will my family do here? The first thing is that they will be illegal, well, I could make them legal. I could get them back to my country. My wife is studying here as well and my daughter is going to school, so it is going to have a huge impact on them, if I will not be able to come back. Now, even if I am granted a visa and I am able to come back. I have to go to Bhutan. What I am planning to do, is it is summer, so I am planning to take my daughter with me. So that she can get in touch with her grandparents. They will have some contact. She can pick up some language, most parts she has forgotten after coming here. It has happened to several of my friends. They grant you a visa, sometimes your family members would be stuck, right there. In that case, I would have no choice abandoning my study and go back. Now, because I can't leave, they deported my family. I don't want to pick on all these 'maybe things' that have not happened, yet, but if that happens then we deal with those things.

These things will always come in mind for you far from here, but for me I am going for sure. I am definitely going. I am going to France, as well. I am going to Bhutan, as well. I am taking my daughter along with me, as well. If any problem happens, definitely I will bug you guys. Like tons of emails everyday. Hopefully, this situation does not come, but that is really a psychological problem an international student would have before they would think of departing from the United States, which I think should not happen to a valued student who has been pursuing, as their community do. This could be my future story. That is what I wanted to be told and it is not just Physics and Astronomy. It is in Fisheries and Wildlife, as well. Thank you so much.

Sulaiman Ali:

Hi everyone. I am Sulaiman Ali from Kurdistan north of Iraq. I actually didn't prepare anything for this presentation or something like that. Basically, I want to thank you all that are really concerned about this big problem that most of the students in the United States. I will talk about the two important things that I have seen in my life here. One of them is my friend. I was living in Fayetteville, Arkansas. The program that I will have HCD [Human Capacity Development] program is governed by the Kurdistan government. He went back to his home country last year to bring his wife and family here. Actually, he got stuck there for 12 months. One year. Then he just came back, maybe, last semester if I am not wrong. Yeah, just last semester he came back. He promised to never go back home until he got his Ph.D. and maybe a job here. It is actually a real big problem for international students.

The second thing I want to share with you is that the [HCD] program that we have in Kurdistan is right now almost three to four thousand students around the world studying Ph.D. and masters degrees just in part of Iraq, just Kurdistan. Mostly less than ten percent of these students, I can say five percent of these students, come here, because of two reasons why. One of them is very far away, but it is not a big issue for some other students. The main reason is for renewal of student visas. Like I said, this is just my friend I know him. He just went back there and he was there twelve months. He lost actually a lot of his work. He was a Ph.D. student, also. Actually, I want to thank you again for considering this about this problem. Thanks.

I came here in August 2012, and it's more than 30 months that I have not seen any of my family members. This country, US, is the best country in the world, and is very well known for the human rights. I think, to be able to visit the family members is a part of the human rights. It's not just about visiting the family, in some cases, something happens that a person wish to spend time with his family. Let me give you two examples:

1. Last year my brother, who is my best friend too, got married. I really wish I could go back and attend his wedding.
2. The other time, my dad got so sick, and it was really serious. The only thing that I could do in that time was wishing him all the best. I was so far away, and really wanted to go and visit him. Who knows?! Maybe, it was my last time ...

All in all, we are having lots of problems with our single-entry visa. If I go back, there is not any promise that I can come here again, and this is the main problem. I'm from Iran, and this situation is even harder for us. There is not any US embassy in Iran, so if I go back to my country, I need to go to one of the neighbor countries to apply for my visa. In the best situation, if everything goes well and my application is accepted after two months, I need to go there again to get my visa. If you just look at the time (at least 2 months) and the money that I lost, you will understand how much painful is this.

United States gave me lots of opportunities. I love this country with all of my heart. As a person who is living in this country, I'm trying my best to be a really useful and helpful person for this society, let me say our society. The only problem that is really bothering me is the problem with visa. I hope, someday, this problem will be solved.

Visa Service

The Department of State should resume domestic re-issuance of visas for business travelers in categories E, H, I, L, O, and P, and expand it to include student (F) and exchange visitor (J) visas, for those visa holders who have remained in status and applied for re-issuance in the same visa classification within six months prior to their status expiring.

In 2004, State suspended its long-time practice of re-issuing or revalidating visas in the United States for certain visa holders.³⁷ The State Domestic Revalidation division processed 64,115 applications in 2003 and 95,065 applications in 2004.³⁸ Since such individuals must now travel to a consular post abroad to re-file their visa applications, backlogs have swelled in some posts in Canada (because of its proximity to the United States), as have costs for employees and employers alike.

A convincing business and security case has not been made for the continued suspension of domestic reissuance for certain low-risk visa categories. State suspended the practice because it lacked the capacity to take fingerprints and conduct interviews domestically. But today numerous options exist for taking fingerprints domestically. Consideration should be given to establishing a dedicated visa reissuance unit, facilitating such processing at border posts, accepting applications including biometrics at the DHS Customer Service Centers, and/or using the kind of outsourced enrollment that CA is seeking to develop in Mexico.

Security issues need not be an obstacle. In addition to the biometric checks, there should be rules-based security screening of initial applications and any

applicants requiring post-issuance review. If there is no indicator of suspicion and the visa is clearly approvable – as a renewal in the same category previously vetted by the U.S. consulate abroad – the interview requirement should be waived. If there is a “hit” on a watch list or other indicator of suspicion, the matter should be reviewed by U.S. Immigration and Customs Enforcement and other appropriate agencies. In such cases, after consultation, the consular officer could either determine that the visa is not clearly approvable and direct the individual to apply overseas, or deny the visa outright.

Under this approach, most visa holders in business classifications likely would be reissued visas readily, as would those students in compliance with the Student Exchange Visitor Information System (SEVIS). For instance, the rejection rate for H-1B visa holders during the last year of active domestic reissuance was 7.6 percent;³⁹ the number of identified security risks among this group is likely to be tiny. With the introduction of an Internet portal for applications and possible outsourced enrollment capability, this small number of rejections should not constrain the work and lives of thousands of legitimate visa holders and their employers. There is the potential that an applicant of concern may prove not to be removable by law, but there is no indication that this risk is so great that it warrants depriving more than 100,000 business and student visa holders a year annually of a highly efficient process.⁴⁰

³⁷ This change affected employees of multinational corporations, treaty traders and investors, highly gifted individuals, and employees brought in by businesses with approval from DHS.

³⁸ Information provided by State.

³⁹ *Ibid.*

⁴⁰ More than 95,065 visa applicants revalidated their visas in 2004, according to State information. If more visa categories were added, revalidation would likely result in more than 100,000 applications.

DEPARTMENT OF STATE

[Public Notice 4747]

Discontinuation of Reissuance of Certain Nonimmigrant Visas in the United States

This public notice announces the discontinuation of our domestic visa reissuance service for certain nonimmigrant visas in the United States. Nonimmigrant visas issued under section 101(a)(15) C, E, H, I, L, O and P of the Immigration and Nationality Act will be affected by this suspension. We will accept no new applications from applicants seeking to renew C, E, H, I, L, O or P visas after July 16, 2004. To be processed, applications must be received by our application acceptance facility in St. Louis by July 16, 2004. Any application received after this date will be returned, using the sender's required self-addressed, stamped envelope or pre-paid courier airbill. Please note that we ceased processing applications for reissuance of A-3, G-5 and NATO-7 visas in the United States in September 2002. We will continue to receive applications for reissuance of qualifying diplomatic and official visas in Washington, DC in (classifications A-1, A-2, G-1, G-2, G-3, G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5 and NATO-6).

22 CFR 41.111(b) authorizes the Deputy Assistant Secretary for Visa Services or any other person he or she designates to reissue nonimmigrant visas, in their discretion. The original purpose of this authority was to provide nonimmigrant services to foreign government officials and to international organization employees. Over time, the authority was extended to include reissuances in the C, E, H, I, L, O and P visa classifications. We recognize that the domestic reissuance of business-related visas to applicants in the United States has been a convenience to the international business community. However, we are discontinuing the reissuance of visas in these categories because of increased interview requirements and the requirement of Section 303 of the Enhanced Border Security and Visa Entry Reform Act (Pub. L. 107-173, 116 Stat. 543) that U.S. visas issued after October 26, 2004, include biometric identifiers. It is not feasible for the Department to collect the biometric identifiers in the United States.

In order to mitigate the inconvenience to applicants, we will direct all visa adjudicating posts to accommodate on a priority basis applicants who would have benefited from our visa reissuance

services. Visa interview appointments may be made for some posts through Internet sites or by telephone. Additional information regarding posts and visa interview appointment systems may be found at <http://usembassy.state.gov>. We encourage all applicants to apply in their home countries. Our visa adjudicating posts in Mexico and Canada have some capacity to accept nonimmigrant visa applications from stateside applicants. In all cases, applicants should obtain an interview appointment before traveling.

Dated: June 10, 2004.

Maura Harty,

*Assistant Secretary for Consular Affairs,
Department of State.*

[FR Doc. 04-14245 Filed 6-22-04; 8:45 am]

BILLING CODE 4710-06-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS-308]

WTO Dispute Settlement Proceeding Regarding Mexico—Tax Measures on Soft Drinks and Other Beverages

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that on June 10, 2004, in accordance with the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement), the United States requested the establishment of a dispute settlement panel regarding Mexico's tax measures on soft drinks and other beverages as well as on syrups, concentrates, powders, essences or extracts that can be diluted to produce such products (hereinafter "beverages and syrups") that use any sweetener other than cane sugar.

USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before July 30, 2004 to be assured of timely consideration by USTR.

ADDRESSES: Comments should be submitted (i) electronically, to FR0420@ustr.gov, with "Mexico Soft Drinks (DS308)" in the subject line, or (ii) by fax, to Sandy McKinzy at (202) 395-3640, with a confirmation copy sent electronically to the electronic mail address above, in accordance with the

requirements for submission set out below.

FOR FURTHER INFORMATION CONTACT:

Amy Karpel, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC, (202) 395-5804.

SUPPLEMENTARY INFORMATION: Section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, USTR is providing notice that the United States requested establishment of a panel pursuant to the WTO Dispute Settlement Understanding (DSU). If a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

Major Issues Raised by the United States

On June 10, 2004, the United States requested the establishment of a panel regarding Mexico's tax measures on beverages and syrups that use any sweetener other than cane sugar. Those measures include:

(1) Law on the Special Tax on Production and Services (*Ley del Impuesto Especial sobre Producción y Servicios* or "IEPS") published on January 1, 2002 and its subsequent amendments published on December 30, 2002 and December 31, 2003; and

(2) any related or implementing measures, including the *Reglamento de la Ley del Impuesto Especial sobre Producción y Servicios* published on May 15, 1990, the *Resolucion Miscelanea Fiscal Para 2004* (Title 6) published on April 30, 2004, and the *Resolucion Miscelanea Fiscal Para 2003* (Title 6) published on March 31, 2003 which identify, inter alia, details on the scope, calculation, payment and bookkeeping and recording requirements of the IEPS.

Mexico's tax measures impose a 20 percent tax on beverages and syrups that use sweeteners other than cane sugar. Mexico's tax measures also impose a 20 percent tax on services related to the transfer of beverages and syrups, including the commissioning, mediation, agency, representation, brokerage, consignment and distribution of such products. Beverages and syrups sweetened only with cane sugar, and services related to their transfer, are not

State, local, or tribal governments in the aggregate, and therefore a summary statement or analysis under section 202(a) of the Unfunded Mandates Reform Act of 1995 is not required.

VI. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

VII. Paperwork Reduction Act of 1995

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects in 21 CFR Part 888

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 888 is amended as follows:

PART 888—ORTHOPEDIC DEVICES

1. The authority citation for 21 CFR part 888 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 888.3670 is added to subpart D to read as follows:

§ 888.3670 Shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis.

(a) *Identification.* A shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis is a device intended to be implanted to replace a shoulder joint. The device limits movement in one or more planes. It has no linkage across-the-joint. This generic type of device includes prostheses that have a humeral component made of alloys such as cobalt-chromium-molybdenum (Co-Cr-Mo) and titanium-aluminum-vanadium (Ti-6Al-4V) alloys, and a glenoid resurfacing component made of ultra-high molecular weight polyethylene, or a combination of an articulating ultra-high molecular weight

bearing surface fixed in a metal shell made of alloys such as Co-Cr-Mo and Ti-6Al-4V. The humeral component and glenoid backing have a porous coating made of, in the case of Co-Cr-Mo components, beads of the same alloy or commercially pure titanium powder, and in the case of Ti-6Al-4V components, beads or fibers of commercially pure titanium or Ti-6Al-4V alloy, or commercially pure titanium powder. The porous coating has a volume porosity between 30 and 70 percent, an average pore size between 100 and 1,000 microns, interconnecting porosity, and a porous coating thickness between 500 and 1,500 microns. This generic type of device is designed to achieve biological fixation to bone without the use of bone cement.

(b) *Classification.* Class II (special controls). The special control for this device is FDA's "Class II Special Controls Guidance: Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis."

Dated: February 4, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01-4846 Filed 2-27-01; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice 3568]

RIN 1400 AA-96

Bureau of Consular Affairs; Visas: Reissuance of O and P Nonimmigrant Visas

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Final rule.

SUMMARY: This rule amends the Department's regulation which allows designated officers in the Directorate for Visa Services to reissue certain categories of nonimmigrant visas for aliens who are maintaining status and intend to depart the United States and reenter in that status after a temporary absence abroad. This regulation will add "O" and "P" visas to those categories that can be "revalidated" in the United States. The Department is also taking this opportunity to make an editorial amendment substituting "Deputy Assistant Secretary for Visa Services" for "Director of the Visa Office." Some years ago, as part of an internal administrative reorganization, the title "Director of the Visa Office" was

replaced by the title "Deputy Assistant Secretary for Visa Services." The powers, duties and responsibilities of the position have not changed; only the title. There is, thus, no substantive significance to this substitution.

DATES: This rule takes effect on February 28, 2001.

FOR FURTHER INFORMATION CONTACT: H. Edward Odom, Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106, (202) 663-1204.

SUPPLEMENTARY INFORMATION:

What Is the Authority for Reissuing Visas?

The Department of State regulation at 22 CFR 41.111(b) authorizes the Director of the Visa Office and such officers of the Department of State as he or she may designate for such purpose to reissue nonimmigrant visas for aliens in certain nonimmigrant visa classifications who meet the requirements set forth in that section. The purpose of this authority, in part, is to provide a service to the international business community.

Why Is the Regulation Being Amended?

Section 207(a)(3) of the Immigration Act of 1990, (Pub. L. 191-649) amended INA 101(a)(15) by adding two new classes of nonimmigrant temporary workers, "O", aliens of extraordinary ability in the sciences, arts, education, business and athletics, and "P", internationally recognized athletes, and certain artists and entertainers. Since that time, the Department has been reissuing "O" and "P" visas. This rule codifies this long-established practice that complements our existing authority.

Final Rule

How Is the Department Amending Its Regulation?

The Department is amending 22 CFR 41.111(b) by adding the "O" and "P" visas to those categories of visas that the Department currently reissues.

Administrative Procedure Act

The Department's implementation of this regulation as a final rule is based upon the "good cause" exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). Since the Department is providing an administrative service by reissuing visas in the United States for the benefit of aliens who are currently maintaining status in a nonimmigrant category who wish to travel temporarily abroad by reissuing visas in the United States, the Department believes that solicitation of

public comments would serve no purpose.

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

The Department of State does not consider this rule, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 13132

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping

requirements. The information collection requirement (Form OF-156) contained by reference in this rule was previously approved for use by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passports and visas.

Accordingly, the Department amends 22 CFR part 41 as follows:

PART 41—[AMENDED]

1. The authority citation for Part 41 is revised to read as follows:

Authority: 8 U.S.C. 1104; 22 U.S.C. 2651a.

2. Revise § 41.111(b) introductory text and (b)(2) to read as follows:

§ 41.111 Authority to issue visa.

(b) *Issuance in the United States in certain cases.* The Deputy Assistant Secretary for Visa Services and such officers of the Department as the former may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, to:

* * * * *

(2) Other qualified aliens who:

(i) Are currently maintaining status in the E, H, I, L, O, or P nonimmigrant category;

(ii) Intend to reenter the United States in that status after a temporary absence abroad; and

(iii) Who also present evidence that:

(A) They were previously issued visas at a consular office abroad and admitted to the United States in the status which they are currently maintaining; and

(B) Their period of authorized admission in that status has not expired.

Dated: January 21, 2001.

Mary A. Ryan,

*Assistant Secretary for Consular Affairs,
Department of State.*

[FR Doc. 01-4769 Filed 2-27-01; 8:45 am]

BILLING CODE 4710-06-U

DEPARTMENT OF STATE

22 CFR Part 126

General Policies and Provisions

CFR Correction

In Title 22 of the Code of Federal Regulations, parts 1 to 299, revised as of Apr. 1, 2000, in part 126, beginning on page 469, the second § 126.5 is removed.

[FR Doc. 01-55502 Filed 2-27-01; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Parts 160 and 164

RIN 0991-AB08

Standards for Privacy of Individually Identifiable Health Information

AGENCY: Office for Civil Rights, HHS.

ACTION: Final rule; request for comments.

SUMMARY: This action provides for the submission of comments on a technical amendment to the final rule adopting standards for privacy of individually identifiable health information published on December 28, 2000, in the **Federal Register** (65 FR 82462), to convert it to a final rule with request for comments. The purpose of this action is to permit public comment on the final rule for a limited period before the rule becomes effective.

DATES: 1. Comments will be considered if received as provided below, no later than 5 p.m. on March 30, 2001.

2. The effective date of the final rule with request for comments published December 28, 2000 (65 FR 82462) was corrected to be April 14, 2001. See 66 FR 12434 (February 26, 2001).

ADDRESSES: Comments will be considered only if provided through any of the following means:

1. Mail written comments (1 original and, if possible, a floppy disk) to the following address: U.S. Department of Health and Human Services, Attention: Privacy I, Room 801, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

2. Deliver written comments (1 original and, if possible, a floppy disk) to Room 801, 200 Independence Avenue, SW., Washington, DC 20201.

3. Submit electronic comments at the following website: <http://aspe.hhs.gov/admsimp/>.

FOR FURTHER INFORMATION CONTACT: Kimberly Coleman, 1-866-OCR-PRIV (1-866-627-7748) or TTY 1-866-788-4989.

SUPPLEMENTARY INFORMATION:

Comment Procedures, Availability of Copies, and Electronic Access

Comment procedures: All comments should include the full name, address, and telephone number of the sender or a knowledgeable point of contact. Each specific comment should specify the section of the final rule to which the specific comment pertains. If possible, please send an electronic version of the

§41.111

in a position to refer applicants to a qualified laboratory for such tests.

Subpart K—Issuance of Nonimmigrant Visa

§41.111 Authority to issue visa.

(a) *Issuance outside the United States.* Any consular officer is authorized to issue regular and official visas. Diplomatic visas may be issued only by:

(1) A consular officer attached to a U.S. diplomatic mission, if authorized to do so by the Chief of Mission; or

(2) A consular officer assigned to a consular office under the jurisdiction of a diplomatic mission, if so authorized by the Department or the Chief, Deputy Chief, or Counselor for Consular Affairs of that mission, or, if assigned to a consular post not under the jurisdiction of a diplomatic mission, by the principal officer of that post.

(b) *Issuance in the United States in certain cases.* The Deputy Assistant Secretary for Visa Services and such officers of the Department as the former may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, to:

(1) Qualified aliens who are currently maintaining status and are properly classifiable in the A, C-2, C-3, G or NATO category and intend to reenter the United States in that status after a temporary absence abroad and who also present evidence that:

(i) They have been lawfully admitted in that status or have, after admission, had their classification changed to that status; and

(ii) Their period of authorized stay in the United States in that status has not expired; and

(2) Other qualified aliens who:

(i) Are currently maintaining status in the E, H, I, L, O, or P nonimmigrant category;

(ii) Intend to reenter the United States in that status after a temporary absence abroad; and

(iii) Who also present evidence that:

(A) They were previously issued visas at a consular office abroad and admitted to the United States in the status which they are currently maintaining; and

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(B) Their period of authorized admission in that status has not expired.

[52 FR 42597, Nov. 5, 1987, as amended at 66 FR 12738, Feb. 28, 2001]

§41.112 Validity of visa.

(a) *Significance of period of validity of visa.* The period of validity of a nonimmigrant visa is the period during which the alien may use it in making application for admission. The period of visa validity has no relation to the period of time the immigration authorities at a port of entry may authorize the alien to stay in the United States.

(b) *Validity of visa and number of applications for admission.* (1) Except as provided in paragraphs (c) and (d) of this section, a nonimmigrant visa shall have the validity prescribed in schedules provided to consular officers by the Department, reflecting insofar as practicable the reciprocal treatment accorded U.S. nationals, U.S. permanent residents, or aliens granted refugee status in the U.S. by the government of the country of which the alien is a national, permanent resident, refugee or stateless resident.

(2) Notwithstanding paragraph (b)(1) of this section, United States nonimmigrant visas shall have a maximum validity period of 10 years.

(3) An unexpired visa is valid for application for admission even if the passport in which the visa is stamped has expired, provided the alien is also in possession of a valid passport issued by the authorities of the country of which the alien is a national.

(c) *Limitation on validity.* If warranted in an individual case, a consular officer may issue a nonimmigrant visa for:

(1) A period of validity that is less than that prescribed on a basis of reciprocity,

(2) A number of applications for admission within the period of the validity of the visa that is less than that prescribed on a basis of reciprocity,

(3) Application for admission at a specified port or at specified ports of entry, or

(4) Use on and after a given date subsequent to the date of issuance.

(d) *Automatic extension of validity at ports of entry.* (1) Provided that the requirements set out in paragraph (d)(2)

Department of State

§41.113

of this section are fully met, the following provisions apply to nonimmigrant aliens seeking readmission at ports of entry:

(i) The validity of an expired nonimmigrant visa issued under INA 101(a)(15) may be considered to be automatically extended to the date of application for readmission; and

(ii) In cases where the original nonimmigrant classification of an alien has been changed by DHS to another nonimmigrant classification, the validity of an expired or unexpired nonimmigrant visa may be considered to be automatically extended to the date of application for readmission, and the visa may be converted as necessary to that changed classification.

(2) The provisions in paragraph (d)(1) of this section are applicable only in the case of a nonimmigrant alien who:

(i) Is in possession of a Form I-94, Arrival-Departure Record, endorsed by DHS to show an unexpired period of initial admission or extension of stay, or, in the case of a qualified F or J student or exchange visitor or the accompanying spouse or child of such an alien, is in possession of a current Form I-20, Certificate of Eligibility for Nonimmigrant Student Status, or Form IAP-66, Certificate of Eligibility for Exchange Visitor Status, issued by the school the student has been authorized to attend by DHS, or by the sponsor of the exchange program in which the alien has been authorized to participate by DHS, and endorsed by the issuing school official or program sponsor to indicate the period of initial admission or extension of stay authorized by DHS;

(ii) Is applying for readmission after an absence not exceeding 30 days solely in contiguous territory, or, in the case of a student or exchange visitor or accompanying spouse or child meeting the stipulations of paragraph (d)(2)(i) of this section, after an absence not exceeding 30 days in contiguous territory or adjacent islands other than Cuba;

(iii) Has maintained and intends to resume nonimmigrant status;

(iv) Is applying for readmission within the authorized period of initial admission or extension of stay;

(v) Is in possession of a valid passport;

(vi) Does not require authorization for admission under INA 212(d)(3); and

(vii) Has not applied for a new visa while abroad.

(3) The provisions in paragraphs (d)(1) and (d)(2) of this section shall not apply to the nationals of countries identified as supporting terrorism in the Department's annual report to Congress entitled Patterns of Global Terrorism.

[52 FR 42597, Nov. 5, 1987; 53 FR 9112, 9172, Mar. 21, 1988, as amended at 55 FR 36028, Oct. 31, 1990; 62 FR 24332, May 5, 1997; 66 FR 38543, July 25, 2001; 67 FR 10323, Mar. 7, 2002; 67 FR 66046, Oct. 30, 2002]

§ 41.113 Procedures in issuing visas.

(a) *Visa evidenced by stamp placed in passport.* Except as provided in paragraphs (b) of this section, a nonimmigrant visa shall be evidenced by a visa stamp placed in the alien's passport. The appropriate symbol as prescribed in 41.12, showing the classification of the alien, shall be entered on the visa.

(b) *Cases in which visa not placed in passport.* In the following cases the visa shall be placed on the prescribed Form DS-232. In issuing such a visa, a notation shall be made on the Form DS-232 on which the visa is placed specifying the pertinent subparagraph of this paragraph under which the action is taken.

(1) The alien's passport was issued by a government with which the United States does not have formal diplomatic relations, unless the Department has specifically authorized the placing of the visa in such passport;

(2) The alien's passport does not provide sufficient space for the visa;

(3) The passport requirement has been waived; or

(4) In other cases as authorized by the Department.

(c) *Visa stamp.* A machine-readable nonimmigrant visa foil, or other indicia as directed by the Department, shall constitute a visa "stamp," and shall be in a format designated by the Department, and contain, at a minimum, the following data:

(1) Full name of the applicant;

(2) Visa type/class;

(3) Location of the visa issuing office;

(4) Passport number;

- (5) Sex;
- (6) Date of birth;
- (7) Nationality;
- (8) Number of applications for admission or the letter “M” for multiple entries;
- (9) Date of issuance;
- (10) Date of expiration;
- (11) Visa control number.

(d) *Insertion of name; petition and derivative status notation.* (1) The surname and given name of the visa recipient shall be shown on the visa in the space provided.

(2) If the visa is being issued upon the basis of a petition approved by the Secretary of Homeland Security, the number of the petition, if any, the period for which the alien’s admission has been authorized, and the name of the petitioner shall be reflected in the annotation field on the visa.

(3) In the case of an alien who derives status from a principal alien, the name and position of the principal alien shall be reflected in the annotation field of the visa.

(e) *Period of validity.* If a nonimmigrant visa is issued for an unlimited number of applications for admission within the period of validity, the letter “M” shall be shown under the word “entries”. Otherwise the number of permitted applications for admission shall be identified numerically. The date of issuance and the date of expiration of the visa shall be shown at the appropriate places in the visa by day, month and year in that order. The standard three letter abbreviation for the month shall be used in all cases.

(f) *Restriction to specified port of entry.* If a nonimmigrant visa is valid for admission only at one or more specified ports of entry, the names of those ports shall be entered in the annotation field. In cases where there is insufficient room to list the ports of entry, they shall be listed by hand on a clean passport page. Reference shall be made in the visa’s annotation field citing the passport page upon which the ports are listed.

(g) *Delivery of visa.* In issuing a nonimmigrant visa, the consular officer should deliver the visaed passport, or the prescribed Form DS-232, which bears the visa, to the alien or to the alien’s authorized representative. Any

evidence furnished by the alien in accordance with 41.103(b) should be retained in the consular files, along with Form DS-156, if received.

(h) *Disposition of supporting documents.* Original supporting documents furnished by the alien should be returned for presentation, if necessary, to the immigration authorities at the port of entry. Duplicate copies may be retained in the consular files or scanned into the consular system.

(i) Nonimmigrant visa issuances must be reviewed, in accordance with guidance by the Secretary of State, by consular supervisors, or a designated alternate, to ensure compliance with applicable laws and procedures. Visa issuances must be reviewed without delay; that is, on the day of issuance or as soon as is administratively possible. If the reviewing officer disagrees with the decision and he or she has a consular commission and title, the reviewing officer may assume responsibility and readjudicate the case. If the reviewing officer does not have a consular commission and title, he or she must consult with the adjudicating officer, or with the Visa Office, to resolve any disagreement.

[52 FR 42597, Nov. 5, 1987, as amended at 56 FR 30428, July 2, 1991; 61 FR 1523, Jan. 22, 1996; 61 FR 1836, Jan. 24, 1996; 61 FR 53058, Oct. 10, 1996; 62 FR 24334, May 5, 1997; 66 FR 38543, July 25, 2001; 67 FR 66046, Oct. 30, 2002; 71 FR 34522, June 15, 2006; 71 FR 50338, Aug. 25, 2006; 73 FR 23069, Apr. 29, 2008]

Subpart L—Refusals and Revocations

§ 41.121 Refusal of individual visas.

(a) *Grounds for refusal.* Nonimmigrant visa refusals must be based on legal grounds, such as one or more provisions of INA 212(a), INA 212(e), INA 214(b), (f) or (1) (as added by Section 625 of Pub. L. 104–208), INA 221(g), or INA 222(g) or other applicable law. Certain classes of nonimmigrant aliens are exempted from specific provisions of INA 212(a) under INA 102 and, upon a basis of reciprocity, under INA 212(d)(8). When a visa application has been properly completed and executed in accordance with the provisions of INA and

tion 23(b) of Pub. L. 99-653, set out as an Effective Date of 1986 Amendment note under section 1201 of this title.

§ 1202. Application for visas

(a) Immigrant visas

Every alien applying for an immigrant visa and for alien registration shall make application therefor in such form and manner and at such place as shall be by regulations prescribed. In the application the alien shall state his full and true name, and any other name which he has used or by which he has been known; age and sex; the date and place of his birth; and such additional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed.

(b) Other documentary evidence for immigrant visa

Every alien applying for an immigrant visa shall present a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Secretary of State. The immigrant shall furnish to the consular officer with his application a copy of a certification by the appropriate police authorities stating what their records show concerning the immigrant; a certified copy of any existing prison record, military record, and record of his birth; and a certified copy of all other records or documents concerning him or his case which may be required by the consular officer. The copy of each document so furnished shall be permanently attached to the application and become a part thereof. In the event that the immigrant establishes to the satisfaction of the consular officer that any document or record required by this subsection is unobtainable, the consular officer may permit the immigrant to submit in lieu of such document or record other satisfactory evidence of the fact to which such document or record would, if obtainable, pertain. All immigrant visa applications shall be reviewed and adjudicated by a consular officer.

(c) Nonimmigrant visas; nonimmigrant registration; form, manner and contents of application

Every alien applying for a nonimmigrant visa and for alien registration shall make application therefor in such form and manner as shall be by regulations prescribed. In the application the alien shall state his full and true name, the date and place of birth, his nationality, the purpose and length of his intended stay in the United States; his marital status; and such additional information necessary to the identification of the applicant, the determination of his eligibility for a nonimmigrant visa, and the enforcement of the immigration and nationality laws as may be by regulations prescribed. The alien shall provide complete and accurate information in response to any request for information contained in the application. At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 1101(a)(15) of this title may vary according to the class of visa being requested.

(d) Other documentary evidence for non-immigrant visa

Every alien applying for a nonimmigrant visa and alien registration shall furnish to the consular officer, with his application, a certified copy of such documents pertaining to him as may be by regulations required. All non-immigrant visa applications shall be reviewed and adjudicated by a consular officer.

(e) Signing and verification of application

Except as may be otherwise prescribed by regulations, each application for an immigrant visa shall be signed by the applicant in the presence of the consular officer, and verified by the oath of the applicant administered by the consular officer. The application for an immigrant visa, when visaed by the consular officer, shall become the immigrant visa. The application for a nonimmigrant visa or other documentation as a nonimmigrant shall be disposed of as may be by regulations prescribed. The issuance of a non-immigrant visa shall, except as may be otherwise by regulations prescribed, be evidenced by a stamp, or other¹ placed in the alien's passport.

(f) Confidential nature of records

The records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States, except that—

(1) in the discretion of the Secretary of State certified copies of such records may be made available to a court which certifies that the information contained in such records is needed by the court in the interest of the ends of justice in a case pending before the court.²

(2) the Secretary of State, in the Secretary's discretion and on the basis of reciprocity, may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database—

(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

(B) with regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.

(g) Nonimmigrant visa void at conclusion of authorized period of stay

(1) In the case of an alien who has been admitted on the basis of a nonimmigrant visa and re-

¹ So in original.

² So in original. The period probably should be “; and”.

mained in the United States beyond the period of stay authorized by the Attorney General, such visa shall be void beginning after the conclusion of such period of stay.

(2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant, except—

(A) on the basis of a visa (other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or

(B) where extraordinary circumstances are found by the Secretary of State to exist.

(h) In person interview with consular officer

Notwithstanding any other provision of this chapter, the Secretary of State shall require every alien applying for a nonimmigrant visa—

(1) who is at least 14 years of age and not more than 79 years of age to submit to an in person interview with a consular officer unless the requirement for such interview is waived—

(A) by a consular official and such alien is—

(i) within that class of nonimmigrants enumerated in subparagraph (A) or (G) of section 1101(a)(15) of this title;

(ii) within the NATO visa category;

(iii) within that class of nonimmigrants enumerated in section 1101(a)(15)(C)(iii)³ of this title (referred to as the “C-3 visa” category); or

(iv) granted a diplomatic or official visa on a diplomatic or official passport or on the equivalent thereof;

(B) by a consular official and such alien is applying for a visa—

(i) not more than 12 months after the date on which such alien's prior visa expired;

(ii) for the visa classification for which such prior visa was issued;

(iii) from the consular post located in the country of such alien's usual residence, unless otherwise prescribed in regulations that require an applicant to apply for a visa in the country of which such applicant is a national; and

(iv) the consular officer has no indication that such alien has not complied with the immigration laws and regulations of the United States; or

(C) by the Secretary of State if the Secretary determines that such waiver is—

(i) in the national interest of the United States; or

(ii) necessary as a result of unusual or emergent circumstances; and

(2) notwithstanding paragraph (1), to submit to an in person interview with a consular officer if such alien—

(A) is not a national or resident of the country in which such alien is applying for a visa;

(B) was previously refused a visa, unless such refusal was overcome or a waiver of ineligibility has been obtained;

(C) is listed in the Consular Lookout and Support System (or successor system at the Department of State);

(D) is a national of a country officially designated by the Secretary of State as a state sponsor of terrorism, except such nationals who possess nationalities of countries that are not designated as state sponsors of terrorism;

(E) requires a security advisory opinion or other Department of State clearance, unless such alien is—

(i) within that class of nonimmigrants enumerated in subparagraph (A) or (G) of section 1101(a)(15) of this title;

(ii) within the NATO visa category;

(iii) within that class of nonimmigrants enumerated in section 1101(a)(15)(C)(iii)³ of this title (referred to as the “C-3 visa” category); or

(iv) an alien who qualifies for a diplomatic or official visa, or its equivalent; or

(F) is identified as a member of a group or sector that the Secretary of State determines—

(i) poses a substantial risk of submitting inaccurate information in order to obtain a visa;

(ii) has historically had visa applications denied at a rate that is higher than the average rate of such denials; or

(iii) poses a security threat to the United States.

(June 27, 1952, ch. 477, title II, ch. 3, § 222, 66 Stat. 193; Pub. L. 87-301, § 6, Sept. 26, 1961, 75 Stat. 653; Pub. L. 89-236, § 11(c), Oct. 3, 1965, 79 Stat. 918; Pub. L. 99-653, § 6, Nov. 14, 1986, 100 Stat. 3656; Pub. L. 100-525, §§ 8(e), 9(j), Oct. 24, 1988, 102 Stat. 2617, 2620; Pub. L. 103-416, title II, § 205(a), Oct. 25, 1994, 108 Stat. 4311; Pub. L. 104-208, div. C, title VI, §§ 632(a), 634, Sept. 30, 1996, 110 Stat. 3009-701; Pub. L. 107-56, title IV, § 413, Oct. 26, 2001, 115 Stat. 353; Pub. L. 108-458, title V, §§ 5301(a), 5302, title VII, § 7203(b), Dec. 17, 2004, 118 Stat. 3735, 3736, 3814.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (h), was in the original, “this Act”, meaning act June 27, 1952, ch. 477, 66 Stat. 163, known as the Immigration and Nationality Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-458, § 7203(b)(1), inserted at end “All immigrant visa applications shall be reviewed and adjudicated by a consular officer.”

Subsec. (c). Pub. L. 108-458, § 5302, inserted after second sentence “The alien shall provide complete and accurate information in response to any request for information contained in the application.”

Subsec. (d). Pub. L. 108-458, § 7203(b)(2), inserted at end “All nonimmigrant visa applications shall be reviewed and adjudicated by a consular officer.”

Subsec. (h). Pub. L. 108-458, § 5301(a), added subsec. (h).

2001—Subsec. (f). Pub. L. 107-56 inserted “—” after “except that” and “(1)” before “in the discretion”, and added par. (2).

1996—Subsec. (c). Pub. L. 104-208, § 634(a), struck out “personal description (including height, complexion,

³ So in original. Subpar. (C) of section 1101(a)(15) does not contain clauses.

color of hair and eyes, and marks of identification);” after “United States;”, substituted “applicant, the determination of his eligibility for a nonimmigrant visa,” for “applicant”, and inserted at end “At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 1101(a)(15) of this title may vary according to the class of visa being requested.”

Subsec. (e). Pub. L. 104-208, § 634(b), in first sentence, substituted “for an immigrant visa” for “required by this section”, and in fourth sentence, substituted “stamp, or other” for “stamp” and struck out “by the consular officer” before “in the alien’s passport”.

Subsec. (g). Pub. L. 104-208, § 632(a), added subsec. (g). 1994—Subsec. (a). Pub. L. 103-416, § 205(a), in second sentence substituted “the alien” for “the immigrant” after “In the application” and struck out “present address and places of previous residence; whether married or single, and the names and places of residence of spouse and children, if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); languages he can speak, read, or write; names and addresses of parents, and if neither parent living then the name and address of his next of kin in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, the name and complete address of such relative or friend; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to remain in the United States permanently; whether he was ever arrested, convicted or was ever in prison or almshouse; whether he has ever been the beneficiary of a pardon or an amnesty; whether he has ever been treated in an institution or hospital or other place for insanity or other mental disease; if he claims to be an immediate relative within the meaning of section 1151(b) of this title or a preference or special immigrant, the facts on which he bases such claim; whether or not he is a member of any class of individuals excluded from admission into the United States, or whether he claims to be exempt from exclusion under the immigration laws;” before “and such additional information”.

1988—Subsec. (a). Pub. L. 100-525, § 9(j), substituted “whether or not he intends” for “whether or not he intends”.

Subsecs. (b), (e). Pub. L. 100-525, § 8(e), made technical correction to Pub. L. 99-653, § 6. See 1986 Amendment note below.

1986—Subsec. (b). Pub. L. 99-653, § 6(a), as amended by Pub. L. 100-525, § 8(e)(1), substituted “a copy of” for “two copies of”, “immigrant; a certified copy of” for “immigrant; two certified copies of”, “and a certified copy of” for “and two certified copies of”, “The copy of each” for “One copy of each”, and “attached to the” for “attached to each copy of the”.

Subsec. (e). Pub. L. 99-653, § 6(b), as amended by Pub. L. 100-525, § 8(e)(2), substituted “each application” for “each copy of an application”, “The application for” for “One copy of the application for”, and “the immigrant visa” for “the immigrant visa, and the other copy shall be disposed of as may be by regulations prescribed”.

1965—Subsec. (a). Pub. L. 89-236 substituted “an immediate relative within the meaning of section 1151 (b) of this title or a preference or special immigrant”, for “preference quota or a nonquota immigrant”.

1961—Subsecs. (a), (c). Pub. L. 87-301 struck out requirement to state applicant’s race and ethnic classification.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-458, title V, § 5303, Dec. 17, 2004, 118 Stat. 3736, provided that: “Notwithstanding section 1086 [Pub. L. 108-458 does not contain a section 1086] or any other provision of this Act [see Tables for classification], sections 5301 and 5302 [amending this section]

shall take effect 90 days after the date of enactment of this Act [Dec. 17, 2004].”

Pub. L. 108-458, title VII, § 7219, Dec. 17, 2004, 118 Stat. 3835, provided that: “Notwithstanding any other provision of this Act [see Tables for classification], this subtitle [subtitle B (§§ 7201-7220) of title VII of Pub. L. 108-458, see Tables for classification] shall take effect on the date of enactment of this Act [Dec. 17, 2004].”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. C, title VI, § 632(b), Sept. 30, 1996, 110 Stat. 3009-701, provided that:

“(1) VISAS.—Section 222(g)(1) of the Immigration and Nationality Act [8 U.S.C. 1202(g)(1)], as added by subsection (a), shall apply to a visa issued before, on, or after the date of the enactment of this Act [Sept. 30, 1996].

“(2) ALIENS SEEKING READMISSION.—Section 222(g)(2) of the Immigration and Nationality Act, as added by subsection (a), shall apply to any alien applying for readmission to the United States after the date of the enactment of this Act, except an alien applying for readmission on the basis on a visa that—

“(A) was issued before such date; and

“(B) is not void through the application of section 222(g)(1) of the Immigration and Nationality Act, as added by subsection (a).”

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-416, title II, § 205(b), Oct. 25, 1994, 108 Stat. 4311, provided that: “The amendments made by subsection (a) [amending this section] shall apply to applications made on or after the date of the enactment of this Act [Oct. 25, 1994].”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 8(e) of Pub. L. 100-525 effective as if included in the enactment of the Immigration and Nationality Act Amendments of 1986, Pub. L. 99-653, see section 309(b)(15) of Pub. L. 102-232, set out as an Effective and Termination Dates of 1988 Amendments note under section 1101 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-653 applicable to applications for immigrant visas made, and visas issued, on or after Nov. 14, 1986, see section 23(b) of Pub. L. 99-653, set out as a note under section 1201 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

For effective date of amendment by Pub. L. 89-236, see section 20 of Pub. L. 89-236, set out as a note under section 1151 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

SHARING OF CERTAIN INFORMATION

Pub. L. 109-162, title VIII, § 834, Jan. 5, 2006, 119 Stat. 3077, provided that: “Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) shall not be construed to prevent the sharing of information regarding a United States petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)) for the limited purposes of fulfilling disclosure obligations imposed by the amendments made by section 832(a) [amending section 1184 of this title] or by section 833 [enacting section 1375a of this title], including reporting obligations of the Comptroller General of the United States under section 833(f).”

§ 1203. Reentry permit

(a) Application; contents

(1) Any alien lawfully admitted for permanent residence, or (2) any alien lawfully admitted to