

Service. If the application is approved, the requested document shall be issued as provided in this part.

(f) *Issuance.* A reentry permit or refugee travel document may be sent in care of a United States Consulate or an overseas office of the Service if the applicant so requests at the time of filing. Issuance of a reentry permit or refugee travel document to a person in exclusion or deportation proceedings shall not affect those proceedings.

(g) *Appeal.* Denial of an application for a reentry permit or refugee travel document may be appealed to the Service's Administrative Appeals Unit.

**§ 223.3 Validity and effect on admissibility.**

(a) *Validity—(1) Reentry permit.* Except as provided in § 223.2(c)(2), a reentry permit issued to a permanent resident shall be valid for 2 years from the date of issuance. A reentry permit issued to a conditional permanent resident shall be valid for 2 years from the date of issuance, or to the date the conditional permanent resident must apply for removal of the conditions on his or her status, whichever comes first.

(2) *Refugee travel document.* A refugee travel document shall be valid for 1 year, or to the date the refugee or asylee status expires, whichever comes first.

(b) *Invalidation.* A document issued under this part is invalid if obtained through material false representation or concealment, or if the person is ordered excluded or deported. A refugee travel document is also invalid if the United Nations Convention of July 28, 1951, ceases to apply or does not apply to the person as provided in Article 1C, D, E, or F of the convention.

(c) *Extension.* A reentry permit or refugee travel document may not be extended.

(d) *Effect on admissibility—(1) Reentry permit.* A permanent resident or conditional permanent resident in possession of a valid reentry permit who is otherwise admissible shall not be deemed to have abandoned status based solely on the duration of an absence or absences while the permit is valid.

(2) *Refugee travel document—(i) General.* Every alien returning to the United

States who presents a valid unexpired refugee travel document shall be permitted to come physically within the territory of the United States to receive consideration of his or her application for admission in conformity with paragraphs (d)(2)(ii) and (d)(2)(iii) of this section.

(ii) *Inspection and immigration status.* Upon arrival, an alien who presents a valid unexpired refugee travel document shall be examined as to his or her admissibility under the Act. An alien shall be accorded the immigration status endorsed in his or her refugee travel document unless he or she is no longer eligible therefor, or he or she applies for and is found eligible for some other immigration status.

(iii) *Exclusion.* If an alien who presents a valid unexpired refugee travel document appears to the examining immigration officer to be excludable as provided in § 236.5(c) of this chapter, he or she shall be referred for proceedings under section 236 and 237 of the Act. Section 235(c) of the Act shall not be applicable.

**PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS**

Sec.

231.1 Arrival manifest for passengers.

231.2 Departure manifest for passengers.

231.3 Exemptions for private vessels and aircraft.

AUTHORITY: Secs. 101, 103, 212, 231, 238, 239, 66 Stat. 166, 173, 182, 195, 202, 203; 8 U.S.C. 1101, 1103, 1182, 1221, 1228, 1229.

**§ 231.1 Arrival manifest for passengers.**

(a) *Requirement for manifest.* The master, captain, or agent of every vessel or aircraft arriving in the United States from a foreign place or outlying possession of the United States shall present an arrival manifest to the immigration officer at the port of entry. The manifest must be in the form of a separate Arrival/Departure Record, Form I-94, prepared on board for each passenger except: United States citizens, lawful permanent resident aliens of the United States, and immigrants to the United States. In addition, a properly completed Aircraft/Vessel Report, Form I-

92, must be submitted for each arriving aircraft or vessel which is transporting passengers. Manifests are not required by vessels or aircraft arriving directly from Canada on a trip originating in that country or arriving in the Virgin Islands of the United States directly from a trip originating in the British Virgin Islands.

(b) *In-Transit Passengers.* An Arrival/Departure Record, Form I-94, is not required for an arriving, through-flight passenger at a United States port provided:

(1) The passenger will depart directly to a foreign place or outlying possession of the United States on the same flight;

(2) The number of through-flight passengers is noted on the Aircraft/Vessel Report, Form I-92, for the flight;

(3) The flight is inspected at a port of entry designated in paragraph 214.2(c) of this chapter;

(4) The carrier is signatory to an Immediate and Continuous Transit Agreement, Form I-426; and

(5) All through-flight passengers remain on board the aircraft or in a separate area under the direction and control of the Service during the ground time.

(c) *Progressive Clearance.* Inspection of arriving passengers may be deferred at the request of the carrier to an onward port of debarkation. Authorization for this progressive clearance may be granted by the Regional Commissioner when both the initial port of entry and the onward port are within the same regional jurisdiction, but when the initial port of entry and onward port are located within different regions, requests for progressive clearance must be authorized by the Assistant Commissioner for Inspections. When progressive clearance is requested, the carrier shall present Form I-92 in duplicate at the initial port of entry. The original Form I-92 will be processed at the initial port of entry, and the duplicate noted and returned to the carrier for presentation at the onward port of debarkation.

(d) *Preparation of Arrival/Departure Record, Form I-94.* Air and sea carriers shall be responsible to ensure that a properly completed Form I-94 is presented to the immigration inspector at

the port of entry for each arriving passenger except those passengers who do not require a Form I-94 under paragraph (a) of this section. The following classes of aliens are not required to complete the departure portion of the Form I-94 if they are entering the U.S. for business or pleasure under section 101(a)(15)(B) of the Act, and intend to remain in the United States for less than six months;

(1) Citizens of Canada or British dependent territories citizens, Bermuda, and

(2) Residents of Canada or Bermuda having common nationality with Canadian nationals or British dependent territories citizens, Bermuda.

[48 FR 21548, May 13, 1983, as amended at 48 FR 36093, Aug. 9, 1983; 48 FR 40209, Sept. 6, 1983]

#### **§231.2 Departure manifest for passengers.**

The master, captain, or agent of every vessel or aircraft departing from the United States for a foreign place or outlying possession of the United States shall present a departure manifest to the immigration officer at the port of departure. The manifest must be in the form of a properly completed departure portion of Form I-94, Arrival/Departure Record, for each person on board except for United States citizens, and lawful permanent resident aliens of the United States. No manifest is required for a vessel or aircraft departing on a trip directly for and terminating in Canada, or departing from the United States Virgin Islands directly to the British Virgin Islands on a trip terminating in the British Virgin Islands. Whenever possible, the departure Form I-94 used shall be the same form given the alien at the time of arrival in the United States. Carriers shall endorse the Form I-94 with the departure information on the reverse of the form. Additionally, a properly completed Aircraft/Vessel Report, Form I-92, must be completed for each departing aircraft and each departing vessel which is transporting passengers. Submission of Forms I-94 and I-92 to the immigration officer shall normally be accomplished within 48 hours of the departure, exclusive of Saturdays, Sundays, and legal holidays. Failure to submit departure

### § 231.3

manifests within this time period shall be regarded as failure to comply with section 231(d) of the Act, unless prior authorization for delayed delivery of the departure manifest is obtained from the district director. A non-immigrant alien departing on an aircraft proceeding directly to Canada on a flight terminating in that country should surrender any Form I-94 in his/her possession to the airline agent at the port of departure. Aircraft manifests should not include I-94 forms for in-transit passengers referred to in paragraph (b) of §231.1.

[48 FR 21548, May 13, 1983]

#### **§231.3 Exemptions for private vessels and aircraft.**

The provisions of this part relating to the presentation of arrival and departure manifests shall not apply to a private vessel or private aircraft not engaged directly or indirectly in the carriage of persons or cargo for hire.

[32 FR 9627, July 4, 1967]

### **PART 232—DETENTION FOR EXAMINATION TO DETERMINE MENTAL OR PHYSICAL DEFECTS**

AUTHORITY: 8 U.S.C. 1103 and 1222.

#### **§232.1 Detention.**

When a district director has reasonable grounds for believing that persons arriving in the United States should be detained for reasons specified in section 232 of the Act, he/she shall, after consultation with the United States Public Health Service at the port of entry, notify the master or agent of the arriving vessel or aircraft of his/her intention to effect such detention by serving on the master or agent the Form I-259C in accordance with §235.3(e) of this chapter.

[54 FR 101, Jan. 4, 1989]

### **PART 233—[RESERVED]**

### **PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS**

234.1 General.

### 8 CFR Ch. I (1–1–97 Edition)

234.2 Examination in the United States of alien applicants for benefits under the immigration laws and other aliens.

AUTHORITY: Secs. 103, 234, 66 Stat. 173, 198; (8 U.S.C. 1103, 1224).

#### **§234.1 General.**

The manner in which the physical and mental examination of aliens shall be conducted is set forth in 42 CFR part 34.

[38 FR 33061, Nov. 30, 1973, as amended at 38 FR 34315, Dec. 13, 1973]

#### **§234.2 Examination in the United States of alien applicants for benefits under the immigration laws and other aliens.**

(a) *General.* When a medical examination is required of an alien who files an application for status as a permanent resident under section 245 of the Act or part 245 of this chapter, it shall be made by a selected civil surgeon. Such examination shall be performed in accordance with 42 CFR part 34 and any additional instructions and guidelines as may be considered necessary by the U.S. Public Health Service. In any other case in which the Service requests a medical examination of an alien, the examination shall be made by a medical officer of the U.S. Public Health Service, or by a civil surgeon if a medical officer of the U.S. Public Health Service is not located within a reasonable distance or is otherwise not available.

(b) *Selection of civil surgeons.* When a civil surgeon is to perform the examination, he shall be selected by the district director having jurisdiction over the area of the alien's residence. The district director shall select as many civil surgeons, including clinics and local, county and state health departments employing qualified civil surgeons, as he determines to be necessary to serve the needs of the Service in a locality under his jurisdiction. Each civil surgeon selected shall be a licensed physician with no less than 4 years' professional experience. Under usual circumstances physicians will be required to meet the 4 year professional experience criteria. However, at the district director's discretion other physicians with less experience can be