

(USSR), Czechoslovakia, and Cuba. These provisions do not apply to an alien who is residing in Estonia, Latvia, or Lithuania who is not a national, citizen, or subject of the Union of Soviet Socialist Republics. These provisions also do not apply to an alien who is residing in Cuba and can be classified as an immediate relative as defined in section 201(b) or a returning resident as defined in section 101(a)(27)(A). The sanctions imposed on residents of the Union of Soviet Socialist Republics, Czechoslovakia pursuant to section 243(g) may be waived in an individual case for the beneficiary of a petition accorded a status under section 201(b) or section 203(a) of the Act. The sanctions upon the USSR, Czechoslovakia may be waived upon an individual request by the Department of State in behalf of a visa applicant. Upon approval of a visa petition or upon an individual request by the Department of State in behalf of a visa applicant, the district director shall determine whether sanctions shall be waived. However, the regional commissioner or the Deputy Commissioner, may direct that any case or class of cases be referred to him or her for any such determination. The consular officer shall be notified of any determination made with respect to the waiver of sanctions if a visa petition is approved. If the sanctions are not waived, the notice informing the petitioner that the petition has been approved shall also notify him or her that the sanctions imposed by section 243(g) of the Act have not been waived.

[48 FR 39034, Aug. 29, 1983, as amended at 56 FR 48730, Sept. 26, 1991]

#### **PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE**

Sec.

244.1 Application.

244.2 Extension of time to depart.

AUTHORITY: 8 U.S.C. 1103, 1252, 1254; 8 CFR part 2.

##### **§244.1 Application.**

Notwithstanding any other provision of this chapter, an alien who is deportable because of a conviction on or after

November 18, 1988, for an aggravated felony as defined in section 101(a)(43) of the Act, shall not be eligible for voluntary departure as prescribed in part 242 of this chapter and section 244 of the Act. Pursuant to part 242 of this chapter and section 244 of the Act an immigration judge may authorize the suspension of an alien's deportation; or, if the alien establishes that he/she is willing and has the immediate means with which to depart promptly from the United States, an immigration judge may authorize the alien to depart voluntarily from the United States in lieu of deportation within such time as may be specified by the immigration judge when first authorizing voluntary departure, and under such conditions as the district director shall direct. An application for suspension of deportation shall be made on Form EOIR-40.

[46 FR 25598, May 8, 1981, as amended at 55 FR 24859, June 19, 1990; 60 FR 37328, July 20, 1995]

##### **§244.2 Extension of time to depart.**

Authority to reinstate or extend the time within which to depart voluntarily specified initially by an immigration judge or the Board is within the sole jurisdiction of the district director, except that an immigration judge or the Board may reinstate voluntary departure in a deportation proceeding that has been reopened for a purpose other than solely making an application for voluntary departure. A request by an alien for reinstatement or an extension of time within which to depart voluntarily shall be filed with the district director having jurisdiction over the alien's place of residence. Written notice of the district director's decision shall be served upon the alien and no appeal may be taken therefrom.

[52 FR 24982, July 2, 1987]

#### **PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE**

Sec.

245.1 Eligibility.

245.2 Application.

245.3 Adjustment of status under section 13 of the Act of September 11, 1957, as amended.