

(c) *Immigrants having occupational status defined in section 101(a)(15) (A), (E), or (G) of the Act.* An immigrant visa, reentry permit, or Form I-551 shall be invalid when presented by an alien who has an occupational status under section 101(a)(15) (A), (E), or (G) of the Act, unless he has previously submitted, or submits at the time he applies for admission to the United States, the written waiver required by section 247(b) of the Act and part 247 of this chapter.

(d) *Returning temporary residents—(I-688).* (1) Form I-688 may be presented in lieu of an immigrant visa by an alien whose status has been adjusted to that of a temporary resident under the provisions of §210.1 of this chapter, such status not having changed, and who is returning to an unrelinquished residence within one year after a temporary absence abroad.

(2) Form I-688 may be presented in lieu of an immigrant visa by an alien whose status has been adjusted to that of a temporary resident under the provisions of §245a.2 of this chapter, such status not having changed, and who is returning to an unrelinquished residence within 30 days after a temporary absence abroad, provided that the aggregate of all such absences abroad during the temporary residence period has not exceeded 90 days.

[31 FR 13387, Oct. 15, 1966, as amended at 42 FR 19478, Apr. 14, 1977; 45 FR 30062, 30063, May 7, 1980; 45 FR 32657, May 19, 1980; 46 FR 25597, May 8, 1981; 46 FR 37240, July 20, 1981; 50 FR 49921, Dec. 6, 1985; 52 FR 16193, May 1, 1987; 53 FR 30017, Aug. 10, 1988; 54 FR 30369, July 20, 1989; 58 FR 48778, Sept. 20, 1993; 59 FR 26950, May 23, 1994]

§211.2 Passports.

A passport valid for the bearer's entry into a foreign country at least 60 days beyond the expiration date of this immigrant visa shall be presented by each immigrant except an immigrant who: (a) Is the parent, spouse, or unmarried son or daughter of a United States citizen or of an alien lawful permanent resident of the United States, or (b) is a child born during the temporary visit abroad of a mother who is a lawful permanent resident alien, or a national, of the United States, provided the child's application for admis-

sion to the United States is made within two years of his birth, the child is accompanied by his parent who is applying for readmission as a permanent resident upon the first return of the parent to the United States after the birth of the child, and the accompanying parent is found to be admissible to the United States, or (c) is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, or (d) is a stateless person or a person who because of his opposition to Communism is unwilling or unable to obtain a passport from the country of his nationality or is the accompanying spouse or unmarried son or daughter of such immigrant, or (e) is a third-preference immigrant, or (f) is a member of the Armed Forces of the United States, or (g) satisfies the district director in charge of the port of entry that there is good cause for failure to present the required document, in which case an application for waiver shall be made on Form I-193.

[29 FR 10578, July 30, 1964, as amended at 30 FR 14776, Nov. 30, 1965]

§211.3 Expiration of immigrant visas, reentry permits, refugee travel document, and form I-551.

An immigrant visa, reentry permit, refugee travel document, or Form I-551 shall be regarded as unexpired if the rightful holder embarked or enplaned before the expiration of his immigrant visa, reentry permit, or refugee travel document, or, with respect to Form I-551, before the first anniversary of the date on which he departed from the United States: *Provided*, That the vessel or aircraft on which he so embarked or enplaned arrives in the United States or foreign contiguous territory on a continuous voyage. The continuity of the voyage shall not be deemed to have been interrupted by scheduled or emergency stops of the vessel or aircraft en route to the United States or foreign contiguous territory, or by a layover in foreign contiguous territory necessitated solely for the purpose of effecting a transportation connection to the United States.

[29 FR 10578, July 30, 1964, as amended at 38 FR 8238, Mar. 30, 1973; 45 FR 32657, May 19, 1980; 58 FR 48778, Sept. 20, 1993]