

remand the case to the district director for parole.

[42 FR 46045, Sept. 14, 1977. Redesignated at 43 FR 16445, Apr. 19, 1978, and amended at 52 FR 2939, Jan. 29, 1987]

**§ 236.6 Finality of order.**

The decision of the Immigration Judge shall become final in accordance with § 3.37 of this chapter.

[52 FR 2939, Jan. 29, 1987]

**§ 236.7 Appeals.**

Except as limited by section 236 of the Act, an appeal from a decision of an Immigration Judge under this part may be taken by either party pursuant to § 3.38 of this chapter.

[61 FR 18909, Apr. 29, 1996]

**§ 236.8 Fingerprinting of excluded aliens.**

Every alien 14 years of age or older who is excluded from admission to the United States by an immigration judge shall be fingerprinted, unless during the preceding year he has been fingerprinted at an American consular office.

[42 FR 46045, Sept. 14, 1977. Redesignated at 43 FR 16445, Apr. 19, 1978]

**§ 236.9 Visa Waiver Pilot Program.**

Pursuant to section 217(b)(4)(A) of the Act, an alien who applies for admission to the United States under the provisions of that section must waive any right to review or appeal an immigration officer's determination as to the admissibility of the alien at a port of entry, other than on the basis of an application for asylum. An alien applicant for admission under section 217 of the Act shall be removed from the United States upon a determination by an immigration officer (port director, officer-in-charge, or officer acting in either capacity) that the alien is inadmissible in accordance with procedures in § 217.4(b) of this chapter except that such an alien who applies for asylum in the United States shall be referred to an immigration judge for further inquiry as provided in section 235 of the Act and § 236.3 of this part.

[53 FR 24903, June 30, 1988]

**§ 236.10 Exclusion of alien seeking admission under section 101(a)(15)(S) of the Act.**

An alien who applies for admission under the provisions of section 101(a)(15)(S) of the Act who is determined by an immigration officer not to be eligible for admission under that section or to be excludable from the United States under one or more of the grounds of excludability listed in section 212 of the Act, which have not been previously waived by the Commissioner, will be taken into custody and will be subject to the exclusion procedures contained in 8 CFR part 236.

[60 FR 44268, Aug. 25, 1995]

**PART 237—DEPORTATION OF EXCLUDED ALIENS**

Sec.

- 237.1 Stay of deportation of excluded alien.
- 237.2 Notice to surrender for deportation.
- 237.3 Cost of maintenance not assessed.
- 237.4 [Reserved]
- 237.5 Notice to transportation line of alien's exclusion.
- 237.6 Deportation.

AUTHORITY: 8 U.S.C. 1103, 1227, and 1255.

**§ 237.1 Stay of deportation of excluded alien.**

The district director in charge of the port of arrival may stay the immediate deportation of an excluded alien pursuant to sections 237 (a) and (d) of the act under such conditions as he may prescribe.

[23 FR 5818, Aug. 1, 1958]

**§ 237.2 Notice to surrender for deportation.**

An alien who has been finally excluded pursuant to part 236 of this chapter may at any time surrender himself to the custody of the Service and shall surrender himself to such custody upon notice in writing of the time and place for his surrender. The Service may take the alien into custody at any time. An alien taken into custody either upon notice to surrender or by arrest shall not be deported less than 72 hours thereafter without his consent thereto filed in writing with the district director in charge of the place of his detention. An alien in