

application for a reentry permit or refugee travel document shall not affect the application.

(e) *Processing.* Approval of an application is solely at the discretion of the 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.

[59 FR 1464, Jan. 11, 1994, as amended at 62 FR 10352, Mar. 6, 1997]

§ 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) *Inspection and immigration status.* Upon arrival in the United States, an alien who presents a valid unexpired refugee travel document, or who has been allowed to file an application for a refugee travel document and this application has been approved under the procedure set forth in § 223.2(b)(2)(ii), 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, or (in the case of an alien discussed in § 223.2(b)(2)(ii)) which will be endorsed in such document, unless he or she is no longer eligible for that status, or he or she applies for and is found eligible for some other immigration status.

(ii) *Inadmissibility.* If an alien who presents a valid unexpired refugee travel document appears to the examining immigration officer to be inadmissible, he or she shall be referred for proceedings under section 240 of the Act. Section 235(c) of the Act shall not be applicable.

[59 FR 1464, Jan. 11, 1994, as amended at 62 FR 10353, Mar. 6, 1997]

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPLEMENTARY 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