

**Subpart E—Petitions**

- 42.41 Effect of approved petition.
- 42.42 Petitions for immediate relative or preference status.
- 42.43 Suspension or termination of action in petition cases.

**Subpart F—Numerical Controls and Priority Dates**

- 42.51 Department control of numerical limitations.
- 42.52 Post records of visa applications.
- 42.53 Priority date of individual applicants.
- 42.54 Order of consideration.
- 42.55 Reports on numbers and priority dates of applications on record.

**Subpart G—Application for Immigrant Visas**

- 42.61 Place of application.
- 42.62 Personal appearance and interview of applicant.
- 42.63 Application forms and other documentation.
- 42.64 Passport requirements.
- 42.65 Supporting documents.
- 42.66 Medical examination.
- 42.67 Execution of application, registration, and fingerprinting.
- 42.68 Informal evaluation of family members if principal applicant precedes them.

**Subpart H—Issuance of Immigrant Visas**

- 42.71 Authority to issue visas; visa fees.
- 42.72 Validity of visas.
- 42.73 Procedure in issuing visas.
- 42.74 Issuance of new or replacement visas.

**Subpart I—Refusal, Revocation, and Termination of Registration**

- 42.81 Procedure in refusing individual visas.
- 42.82 Revocation of visas.
- 42.83 Termination of registration.

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SOURCE: 52 FR 42613, Nov. 5, 1987, unless otherwise noted.

**Subpart A—Visa and Passport Not Required for Certain Immigrants****§ 42.1 Aliens not required to obtain immigrant visas.**

An immigrant within any of the following categories is not required to obtain an immigrant visa:

(a) *Aliens lawfully admitted for permanent residence.* An alien who has previously been lawfully admitted for permanent residence and who is not required under the regulations of INS to

present a valid immigrant visa upon returning to the United States.

(b) *Alien members of U.S. Armed Forces.* An alien member of the U.S. Armed Forces bearing military identification, who has previously been lawfully admitted for permanent residence and is coming to the United States under official orders or permit of those Armed Forces.

(c) *Aliens entering from Guam, Puerto Rico, or the Virgin Islands.* An alien who has previously been lawfully admitted for permanent residence who seeks to enter the continental United States or any other place under the jurisdiction of the United States directly from Guam, Puerto Rico, or the Virgin Islands of the United States.

(d) *Child born after issuance of visa to accompanying parent.* An alien child born after the issuance of an immigrant visa to an accompanying parent, who will arrive in the United States with the parent, and apply for admission during the period of validity of the visa issued to the parent.

(e) *Child born of a national or lawful permanent resident mother during her temporary visit abroad.* An alien child born during the temporary visit abroad of a mother who is a national or lawful permanent resident of the United States if applying for admission within 2 years of birth and accompanied by either parent applying and eligible for readmission as a permanent resident upon that parent's first return to the United States after the child's birth.

(f) *American Indians born in Canada.* An American Indian born in Canada and having at least 50 per centum of blood of the American Indian race.

**§ 42.2 Aliens not required to present passports.**

An immigrant within any of the following categories is not required to present a passport in applying for an immigrant visa:

(a) *Certain relatives of U.S. citizens.* An alien who is the spouse, unmarried son or daughter, or parent, of a U.S. citizen, unless the alien is applying for a visa in the country of which the applicant is a national and the possession of a passport is required for departure.

(b) *Returning aliens previously lawfully admitted for permanent residence.* An

Department of State

§ 42.11

alien previously lawfully admitted for permanent residence who is returning from a temporary visit abroad, unless the alien is applying for a visa in the country of which the applicant is a national and the possession of a passport is required for departure.

(c) *Certain relatives of aliens lawfully admitted for permanent residence.* An alien who is the spouse, unmarried son or daughter, or parent of an alien lawfully admitted for permanent residence, unless the alien is applying for a visa in the country of which the applicant is a national and the possession of a passport is required for departure.

(d) *Stateless persons.* An alien who is a stateless person, and accompanying spouse and unmarried son or daughter.

(e) *Nationals of Communist-controlled countries.* An alien who is a national of a Communist-controlled country and who is unable to obtain a passport from the government of that country, and accompanying spouse and unmarried son or daughter.

(f) *Alien members of U.S. Armed Forces.* An alien who is a member of the U.S. Armed Forces.

(g) *Beneficiaries of individual waivers.* (1) An alien who would be within one of the categories described in paragraphs

(a) through (d) of this section except that the alien is applying for a visa in a country of which the applicant is a national and possession of a passport is required for departure, in whose case the passport requirement has been waived by the Secretary of State, as evidence by a specific instruction from the Department.

(2) An alien unable to obtain a passport and not within any of the foregoing categories, in whose case the passport requirement imposed by § 42.64(b) or by INS regulations has been waived by the Attorney General and the Secretary of State as evidenced by a specific instruction from the Department.

[52 FR 42613, Nov. 5, 1987, as amended at 56 FR 49680, Oct. 1, 1991]

**Subpart B—Classification and Foreign State Chargeability**

**§ 42.11 Classification symbols.**

A visa issued to an immigrant alien within one of the classes described below shall bear an appropriate visa symbol to show the classification of the alien.

IMMIGRANTS

Symbol	Class	Section of law
<b>Immediate Relatives</b>		
IR1 .....	Spouse of U.S. Citizen .....	201(b).
IR2 .....	Child of U.S. Citizen .....	201(b).
IR3 .....	Orphan Adopted Abroad by U.S. Citizen .....	201(b).
IR4 .....	Orphan to be Adopted In the United States by U.S. Citizen .....	201(b).
IR5 .....	Parent of U.S. Citizen at Least 21 Years of Age .....	201(b).
CR1 .....	Spouse of U.S. Citizen (Conditional Status) .....	201(b) & 216(a)(1).
CR2 .....	Child of U.S. Citizen (Conditional Status) .....	201(b) & 216.
IW1 .....	Certain Spouses of Deceased U.S. Citizens .....	201(b).
IW2 .....	Child of IW1 .....	201(b).
IB1 .....	Self-petition Spouse of U.S. Citizen .....	204(a)(1)(A)(iii).
IB2 .....	Self-petition child of U.S. Citizen .....	204(a)(1)(A)(iv).
IB3 .....	Child of IB1 .....	204(a)(1)(A)(iii).
VI5 .....	Parent of U.S. Citizen Who Acquired Permanent Resident Status Under the Virgin Islands Nonimmigrant Alien Adjustment Act.	201(b) & sec. 2 of the Virgin Islands, Nonimmigrant Alien, Adjustment Act, (P.L. 97-271).
<b>Vietnam Amerasian Immigrants</b>		
AM1 .....	Vietnam Amerasian Principal .....	584(b)(1)(A).
AM2 .....	Spouse or Child of AM1 .....	584(b)(1)(B), and
AM3 .....	Natural Mother of Unmarried AM1 (and Spouse or Child of Such Mother), or Person Who has Acted in Effect as the Mother, Father, or Next-of-Kin of Unmarried AM1 (and Spouse or Child of Such Person).	584(b)(1)(C) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (As Contained in sec. 101(e) of P.L. 100-202) as amended.
<b>Special Immigrants</b>		
SB1 .....	Returning Resident .....	101(a)(27)(A).