

## Department of State

## §41.12

which preclude the timely procurement of a passport or Canadian certificate of identity.

(g) *Authorization to individual consular office; visa and/or passport waiver.* An alien within the district of a consular office which has been authorized by the Department, because of unusual circumstances prevailing in that district, to join with immigration officers abroad in waivers of documentary requirements in specific categories of cases, and whose case falls within one of those categories.

[52 FR 42597, Nov. 5, 1987, as amended at 56 FR 30428, July 2, 1991; 60 FR 30188, June 8, 1995; 61 FR 1835, Jan. 24, 1996; 63 FR 48577, Sept. 11, 1998]

### Subpart B—Classification of Nonimmigrants

#### §41.11 Entitlement to nonimmigrant status.

(a) *Presumption of immigrant status and burden of proof.* An applicant for a nonimmigrant visa, other than an alien applying for a visa under INA 101(a)(15) (H)(i) or (L), shall be presumed to be an immigrant until the consular officer is satisfied that the alien is entitled to a nonimmigrant status described in INA 101(a)(15) or otherwise established by law or treaty. The burden of proof is upon the applicant to establish entitle-

ment for nonimmigrant status and the type of nonimmigrant visa for which application is made.

(b) *Aliens unable to establish non-immigrant status.* (1) A nonimmigrant visa shall not be issued to an alien who has failed to overcome the presumption of immigrant status established by INA 214(b).

(2) In a borderline case in which an alien appears to be otherwise entitled to receive a visa under INA 101(a)(15)(B) or (F) but the consular officer concludes that the maintenance of the alien's status or the departure of the alien from the United States as required is not fully assured, a visa may nevertheless be issued upon the posting of a bond with the Secretary of Homeland Security under terms and conditions prescribed by the consular officer.

[52 FR 42597, Nov. 5, 1987, as amended at 61 FR 1835, Jan. 24, 1996]

#### §41.12 Classification symbols.

A visa issued to a nonimmigrant alien within one of the classes described in this section shall bear an appropriate visa symbol to show the classification of the alien. The symbol shall be inserted in the space provided on the visa. The following visa symbols shall be used:

#### NONIMMIGRANTS

Symbol	Class	Section of law
A1 .....	Ambassador, Public Minister, Career Diplomat or Consular Officer, or Immediate Family.	101(a)(15)(A)(i).
A2 .....	Other Foreign Government Official or Employee, or Immediate Family.	101(a)(15)(A)(ii).
A3 .....	Attendant, Servant, or Personal Employee of A1 or A2, or Immediate Family.	101(a)(15)(A)(iii).
B1 .....	Temporary Visitor for Business .....	101(a)(15)(B).
B2 .....	Temporary Visitor for Pleasure .....	101(a)(15)(B).
B1/B2 .....	Temporary Visitor for Business & Pleasure .....	101(a)(15)(B).
C1 .....	Alien in Transit .....	101(a)(15)(C).
C1/D .....	Combined Transit and Crewmember Visa .....	101(a)(15)(C) and (D).
C2 .....	Alien in Transit to United Nations Headquarters District Under Sec. 11.(3), (4), or (5) of the Headquarters Agreement.	101(a)(15)(C).
C3 .....	Foreign Government Official, Immediate Family, Attendant, Servant or Personal Employee, in Transit.	212(d)(8).
CW1 .....	Commonwealth of Northern Mariana Islands Transitional Worker ....	Section 6(d) of Pub. L. 94-241, as added by sec. 702(a) of Pub. L. 110-229.
CW2 .....	Spouse or Child of CW1 .....	Section 6(d) of Pub. L. 94-241, as added by sec. 702(a) of Pub. L. 110-229.
D .....	Crewmember (Sea or Air) .....	101(a)(15)(D).
E1 .....	Treaty Trader, Spouse or Child .....	101(a)(15)(E)(i).
E2 .....	Treaty Investor, Spouse or Child .....	101(a)(15)(E)(ii).

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Symbol	Class	Section of law
E2C .....	Commonwealth of Northern Mariana Islands Investor, Spouse or Child.	Section 6(c) of Pub. L. 94–241, as added by sec. 702(a) of Pub. L. 110–229.
E3 .....	Australian Treaty Alien coming to the United States Solely to Perform Services in a Specialty Occupation.	101(a)(15)(E)(iii).
E3D .....	Spouse or Child of E3 .....	101(a)(15)(E)(iii).
E3R .....	Returning E3 .....	101(a)(15)(E)(iii).
F1 .....	Student in an academic or language training program .....	101(a)(15)(F)(i).
F2 .....	Spouse or Child of F1 .....	101(a)(15)(F)(ii).
F3 .....	Canadian or Mexican national commuter student in an academic or language training program.	101(a)(15)(F)(iii).
G1 .....	Principal Resident Representative of Recognized Foreign Government to International Organization, Staff, or Immediate Family.	101(a)(15)(G)(i).
G2 .....	Other Representative of Recognized Foreign Member Government to International Organization, or Immediate Family.	101(a)(15)(G)(ii).
G3 .....	Representative of Nonrecognized or Nonmember Foreign Government to International Organization, or Immediate Family.	101(a)(15)(G)(iii).
G4 .....	International Organization Officer or Employee, or Immediate Family.	101(a)(15)(G)(iv).
G5 .....	Attendant, Servant, or Personal Employee of G1 through G4, or Immediate Family.	101(a)(15)(G)(v).
H1B .....	Alien in a Specialty Occupation (Profession) .....	101(a)(15)(H)(i)(b).
H1B1 .....	Chilean or Singaporean National to Work in a Specialty Occupation	101(a)(15)(H)(i)(b1).
H1C .....	Nurse in health professional shortage area .....	101(a)(15)(H)(i)(c).
H2A .....	Temporary Worker Performing Agricultural Services Unavailable in the United States.	101(a)(15)(H)(ii)(a).
H2B .....	Temporary Worker Performing Other Services Unavailable in the United States.	101(a)(15)(H)(ii)(b).
H3 .....	Trainee .....	101(a)(15)(H)(iii).
H4 .....	Spouse or Child of Alien Classified H1B/B1/C, H2A/B, or H–3 .....	101(a)(15)(H)(iv).
I .....	Representative of Foreign Information Media, Spouse and Child .....	101(a)(15)(I).
J1 .....	Exchange Visitor .....	101(a)(15)(J).
J2 .....	Spouse or Child of J1 .....	101(a)(15)(J).
K1 .....	Fiance(e) of United States Citizen .....	101(a)(15)(K)(i).
K2 .....	Child of Fiance(e) of U.S. Citizen .....	101(a)(15)(K)(iii).
K3 .....	Spouse of U.S. citizen awaiting availability of immigrant visa .....	101(a)(15)(K)(ii).
K4 .....	Child of K3 .....	101(a)(15)(K)(iii).
L1 .....	Intracompany Transferee (Executive, Managerial, and Specialized Knowledge Personnel Continuing Employment with International Firm or Corporation).	101(a)(15)(L).
L2 .....	Spouse or Child of Intracompany Transferee .....	101(a)(15)(L).
M1 .....	Vocational Student or Other Nonacademic Student .....	101(a)(15)(M)(i).
M2 .....	Spouse or Child of M1 .....	101(a)(15)(M)(ii).
M3 .....	Canadian or Mexican national commuter student (Vocational student or other nonacademic student).	101(a)(15)(M)(iii).
N8 .....	Parent of an Alien Classified SK3 or SN3 .....	101(a)(15)(N)(i).
N9 .....	Child of N8 or of SK1, SK2, SK4, SN1, SN2 or SN4 .....	101(a)(15)(N)(ii).
NATO 1 .....	Principal Permanent Representative of Member State to NATO (including any of its Subsidiary Bodies) Resident in the U.S. and Resident Members of Official Staff; Secretary General, Assistant Secretaries General, and Executive Secretary of NATO; Other Permanent NATO Officials of Similar Rank, or Immediate Family.	Art. 12, 5 UST 1094; Art. 20, 5 UST 1098.
NATO 2 .....	Other Representative of member state to NATO (including any of its Subsidiary Bodies) including Representatives, Advisers, and Technical Experts of Delegations, or Immediate Family; Dependents of Member of a Force Entering in Accordance with the Provisions of the NATO Status-of-Forces Agreement or in Accordance with the provisions of the "Protocol on the Status of International Military Headquarters"; Members of Such a Force if Issued Visas.	Art. 13, 5 UST 1094; Art. 1, 4 UST 1794; Art. 3, 4 UST 1796.
NATO 3 .....	Official Clerical Staff Accompanying Representative of Member State to NATO (including any of its Subsidiary Bodies), or Immediate Family.	Art. 14, 5 UST 1096.
NATO 4 .....	Official of NATO (Other Than Those Classifiable as NATO1), or Immediate Family.	Art. 18, 5 UST 1098.
NATO 5 .....	Experts, Other Than NATO Officials Classifiable Under NATO4, Employed in Missions on Behalf of NATO, and their Dependents.	Art. 21, 5 UST 1100.

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NONIMMIGRANTS—Continued

Symbol	Class	Section of law
NATO 6 .....	Member of a Civilian Component Accompanying a Force Entering in Accordance with the Provisions of the NATO Status-of-Forces Agreement; Member of a Civilian Component Attached to or Employed by an Allied Headquarters Under the "Protocol on the Status of International Military Headquarters" Set Up Pursuant to the North Atlantic Treaty; and their Dependents.	Art. 1, 4 UST 1794; Art. 3, 5 UST 877.
NATO 7 .....	Attendant, Servant, or Personal Employee of NATO1, NATO2, NATO 3, NATO4, NATO5, and NATO6 Classes, or Immediate Family.	Arts. 12–20, 5 UST 1094–1098.
O1 .....	Alien with Extraordinary Ability in Sciences, Arts, Education, Business or Athletics.	101(a)(15)(O)(i).
O2 .....	Alien Accompanying and Assisting in the Artistic or Athletic Performance by O1.	101(a)(15)(O)(ii).
O3 .....	Spouse or Child of O1 or O2 .....	101(a)(15)(O)(iii).
P1 .....	Internationally Recognized Athlete or Member of Internationally Recognized Entertainment Group.	101(a)(15)(P)(i).
P2 .....	Artist or Entertainer in a Reciprocal Exchange Program .....	101(a)(15)(P)(ii).
P3 .....	Artist or Entertainer in a Culturally Unique Program .....	101(a)(15)(P)(iii).
P4 .....	Spouse or Child of P1, P2, or P3 .....	101(a)(15)(P)(iv).
Q1 .....	Participant in an International Cultural Exchange Program .....	101(a)(15)(Q)(i).
R1 .....	Alien in a Religious Occupation .....	101(a)(15)(R).
R2 .....	Spouse or Child of R1 .....	101(a)(15)(R).
S5 .....	Certain Aliens Supplying Critical Information Relating to a Criminal Organization or Enterprise.	101(a)(15)(S)(i).
S6 .....	Certain Aliens Supplying Critical Information Relating to Terrorism ..	101(a)(15)(S)(ii).
S7 .....	Qualified Family Member of S5 or S6 .....	101(a)(15)(S).
T1 .....	Victim of a severe form of trafficking in persons .....	101(a)(15)(T)(i).
T2 .....	Spouse of T1 .....	101(a)(15)(T)(ii).
T3 .....	Child of T1 .....	101(a)(15)(T)(ii).
T4 .....	Parent of T1 .....	101(a)(15)(T)(ii).
T5 .....	Unmarried Sibling under age 18 of T1 .....	101(a)(15)(T)(ii) as amended by sec. 201(a) of Pub. L. 110–457.
TN .....	NAFTA Professional .....	214(e)(2).
TD .....	Spouse or Child of NAFTA Professional .....	214(e)(2).
U1 .....	Victim of criminal activity .....	101(a)(15)(U)(i).
U2 .....	Spouse of U1 .....	101(a)(15)(U)(ii).
U3 .....	Child of U1 .....	101(a)(15)(U)(ii).
U4 .....	Parent of U1 under 21 years of age .....	101(a)(15)(U)(ii).
U5 .....	Unmarried Sibling under age 18 of U1 under 21 years of age .....	101(a)(15)(U)(ii).
V1 .....	Spouse of a Lawful Permanent Resident Alien Awaiting Availability of Immigrant Visa.	101(a)(15)(V)(i) or 101(a)(15)(V)(ii).
V2 .....	Child of a Lawful Permanent Resident Alien Awaiting Availability of Immigrant Visa.	101(a)(15)(V)(i) or 101(a)(15)(V)(ii).
V3 .....	Child of a V1 or V2 .....	203(d) & 101(a)(15)(V)(i) or 101(a)(15)(V)(ii).

[74 FR 61519, Nov. 25, 2009]

**Subpart C—Foreign Government Officials**

**§ 41.21 Foreign Officials—General.**

(a) *Definitions.* In addition to pertinent INA definitions, the following definitions are applicable:

(1) *Accredited*, as used in INA 101(a)(15)(A), 101(a)(15)(G), and 212(d)(8), means an alien holding an official position, other than an honorary official position, with a government or international organization and possessing a travel document or other evidence of intention to enter or transit the United

States to transact official business for that government or international organization.

(2) *Attendants*, as used in INA 101(a)(15)(A)(iii), 101(a)(15)(G)(v), and 212(d)(8), and in the definition of the NATO–7 visa symbol, means aliens paid from the public funds of a foreign government or from the funds of an international organization, accompanying or following to join the principal alien to whom a duty or service is owed.

(3) *Immediate family*, as used in INA 101(a)(15)(A), 101(a)(15)(G), and 212(d)(8), and in classification under the NATO–