

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 80/2

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6. ADDITIONAL TABULATIONS AND QUESTIONNAIRES

Figure 6.1

TABULATIONS OF QUESTIONS NOT INCLUDED IN PREVIOUS TABLES

1. Airline and flight number?	JAL	39%
	Lufthansa	13%
	AirFrance	13%
	SAS	11%
	British Airways	9%
	Korean Airlines	7%
	KLM	5%
	Sabena	4%

2-6. See other tables

7. Are you traveling alone? Yes 54% No 46%

If no, number in group: average number= 12.4

Breakdown:	2-4 members	62%	Type of Group:	<u>51%</u> Business
	5-20 members	18%		<u>28%</u> Family/friends
	12-50 members	15%		<u>21%</u> Packaged tour
	50+ members	5%		

8. Why are you traveling? 61% Business  
14% Business & Pleasure  
Did you add days to your trip for  
pleasure activities? Yes 91% No 9%  
25% Vacation.

9-11. See other tables.

Figure 6.1 (continued)

12. How far in advance did you plan this trip?	<u>Days</u>	<u>Percentage Responding</u>
	1-7	17%
	8-14	11%
	15-30	26%
	31-90	24%
	91+	21%

13. How did you book/arrange this trip?

<u>66%</u> Travel agent or tour operator	<u>22%</u> Secretary or Office
<u>9%</u> Airline office	<u>3%</u> Other

14. Where do you live?				
51%	Japan	6%	Other European	
9%	British Isles	4%	North America	
8%	West Germany	3%	Australia/New Zealand	
6%	Scandinavia	1%	Other Orient	
5%	France	3%	Other	
4%	Belgium/Netherlands			

15. Which languages do you speak?			
<u>83%</u> English	<u>54%</u> Japanese		
<u>29%</u> French	<u>2%</u> Korean		
<u>32%</u> German	<u>3%</u> Other Asian		
<u>7%</u> Italian	<u>21%</u> Other European		

Figure 6.1 (continued)

16. What is your job or profession?

Professional/Technical	37%
Sales	13%
Manager/Administrative	13%
Clerical	10%
Housewife	7%
Student	6%
Skilled Worker	4%
Artist	3%
Teacher/Professor	3%
Other	4%

17. Please, how old are you?

10-20	4%
21-30	22%
31-45	45%
46-60	24%
61+	5%

ANCHORAGE STOPOVERS ONLY

18. How many times have you stopped over in Anchorage?

<u>1%</u> Spring	<u>1%</u> Summer
<u>1%</u> Fall	<u>2%</u> Winter

19. Why did you choose to stop over then?

Business	29%
Sightseeing	21%
Outdoor Activities	4%
Visit Friends	4%
Other	42%

Figure 6.1 (continued)

SURVEY CONTROL BLOCK

Male <u>73%</u>	Female <u>27%</u>	Racial Group	<u>47%</u> White
			<u>52%</u> Oriental
			<u>.1%</u> Indian
Where interviewed?	<u>79%</u> Seating Area		<u>.7%</u> Black
	<u>18%</u> Hallway		<u>.4%</u> Other
	<u>3%</u> Customs area		

<u>Day of the Week</u>	<u>% interviewed</u>	<u>Date</u>	<u>% interviewed</u>
Sunday	9%	1/28-1/31	26%
Monday	11%	2/16-2/18	22%
Tuesday	14%	3/8-3/13	18%
Wednesday	8%	4/1-4/4	14%
Thursday	9%	4/21-4/24	14%
Friday	39%	5/10-5/13	16%
Saturday	10%		

Table 6.2

# Stopover Questionnaire

ENGLISH VERSION

ALASKA PACIFIC UNIVERSITY

for

THE ANCHORAGE CONVENTION &  
VISITORS BUREAU

1. Airline and flight number? \_\_\_\_\_
2. How many times have you landed in Anchorage before? \_\_\_\_\_  
 If more than 3, how often in the last year? \_\_\_\_\_  
 Have you visited Anchorage on any of these trips?  
 Yes \_\_\_\_\_ No \_\_\_\_\_
3. Did you know airlines allow you to stop over here? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Could you have planned a stop, if you had wanted to? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If not, Why? \_\_\_\_\_  
 \_\_\_\_\_ Company Policy  
 \_\_\_\_\_ Traveling with a group  
 \_\_\_\_\_ No vacation time to use for such a stop  
 \_\_\_\_\_ Prior commitments/schedule too tight  
 \_\_\_\_\_ Other (please note) \_\_\_\_\_
5. Have you used stopover privileges on other routes? Yes \_\_\_\_\_ No \_\_\_\_\_
6. Have you visited the United States before? Yes \_\_\_\_\_ No \_\_\_\_\_
7. Are you traveling alone? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If no, number in group: \_\_\_\_\_ Type of Group:  
 \_\_\_\_\_ Business (corporate) group  
 \_\_\_\_\_ Family/friends  
 \_\_\_\_\_ Packaged tour group
8. Why are you traveling? \_\_\_\_\_ Business  
 \_\_\_\_\_ Business & Pleasure  
 Did you add days to your trip for  
 pleasure activities? Yes \_\_\_\_\_ No \_\_\_\_\_  
 \_\_\_\_\_ Vacation
9. How often do you vacation during the months September to May?  
 (not including June, July,  
 or August)  
 \_\_\_\_\_ Several times each year  
 \_\_\_\_\_ Once a year  
 \_\_\_\_\_ Every other year  
 \_\_\_\_\_ Once in five years  
 \_\_\_\_\_ Never
10. Do you like winter oriented vacations? Yes \_\_\_\_\_ No \_\_\_\_\_

11. If you had time, would you be interested in visiting Anchorage? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, which activities would interest you? Check all that apply:

- \_\_\_\_\_ City sightseeing  
 \_\_\_\_\_ Shopping  
 \_\_\_\_\_ Visit to a glacier/mountain  
 \_\_\_\_\_ Hot air ballooning  
 \_\_\_\_\_ Visit to a gold mine  
 \_\_\_\_\_ Concert, theatre, or ballet  
 \_\_\_\_\_ Museum visit  
 \_\_\_\_\_ Ice fishing  
 \_\_\_\_\_ Dog sled ride  
 \_\_\_\_\_ Snowmobiling  
 \_\_\_\_\_ Downhill skiing  
 \_\_\_\_\_ Cross country skiing

In deciding, how important would the following be?

	Importance	
	High	Low
Cost of Food & lodging	_____	_____
Chance to break up trip	_____	_____
Chance to stop in U.S.	_____	_____
Desirability of activities	_____	_____
Uniqueness of Alaska	_____	_____
Weather & temperature	_____	_____

For how long would you stop over? \_\_\_\_\_

12. How far in advance did you plan this trip? \_\_\_\_\_
13. How did you book/arrange this trip?  
 \_\_\_\_\_ Travel agent or tour operator  
 \_\_\_\_\_ A. Home office  
 \_\_\_\_\_ Secretary or Office  
 \_\_\_\_\_ Other
14. Where do you live? \_\_\_\_\_ (City) \_\_\_\_\_ (Country)
15. Which languages do you speak?  
 \_\_\_\_\_ English  
 \_\_\_\_\_ French  
 \_\_\_\_\_ German  
 \_\_\_\_\_ Italian  
 \_\_\_\_\_ Japanese  
 \_\_\_\_\_ Korean  
 \_\_\_\_\_ Other Asian  
 \_\_\_\_\_ Other European
16. What is your job or profession? \_\_\_\_\_
17. Please, how old are you? \_\_\_\_\_

FOLD



Table 6.3

ストップオーバー（一時滞在） 質問書

アンカレッジ観光局ではアンカレッジにてストップオーバーされる皆様に関する質問書を用意してお答えいただいております。皆様のご協力をお願い申し上げます。

1. ご利用の航空会社およびその便名： \_\_\_\_\_ 航空、 \_\_\_\_\_ 便。
2. 以前に、数時間のトランジット滞在も含めて、何回アンカレッジにて降機されましたか。 \_\_\_\_\_ 回。3回以上とお客の方、昨年は何回お来しになりましたか。 \_\_\_\_\_ 回、それらの旅行でアンカレッジに（一泊以上）滞在されましたか。  
はい \_\_\_\_\_ いいえ \_\_\_\_\_
3. 航空会社がここでのストップオーバー（一時滞在）を許しているのをご存知でしたか。  
はい \_\_\_\_\_ いいえ \_\_\_\_\_
4. もしあなた自身が希望されれば、ここに滞在できたとお考えになりますか。  
はい \_\_\_\_\_ いいえ \_\_\_\_\_  
なぜ（いいえ）なのでしょう。 \_\_\_\_\_ 会社の規則だから  
\_\_\_\_\_ グループで旅行中だから  
\_\_\_\_\_ 一時滞在中にあてるような休憩時間がないため  
\_\_\_\_\_ 事前に予定が確定/余裕のないスケジュール  
\_\_\_\_\_ その他 \_\_\_\_\_
5. 他のルート（航空路）でストップオーバーの特権・特典を使用されたことがありますか。  
はい \_\_\_\_\_ いいえ \_\_\_\_\_
6. 以前にアメリカ合衆国を訪問されたことがありますか。  
はい \_\_\_\_\_ いいえ \_\_\_\_\_
7. おひとりでご旅行中ですか。 はい \_\_\_\_\_ いいえ \_\_\_\_\_  
おひとりでなければ何名のグループですか。 \_\_\_\_\_ 名。  
グループの種類： \_\_\_\_\_ ビジネス（会社関係）のグループ  
\_\_\_\_\_ 家族・友人  
\_\_\_\_\_ パッケージツアー グループ
8. 旅行目的は何でしょうか。 \_\_\_\_\_ 商用  
\_\_\_\_\_ 商用兼観光、観光の為に特に時間をさきますか。  
はい \_\_\_\_\_ いいえ \_\_\_\_\_  
\_\_\_\_\_ 休憩/観光
9. 9月から翌年5月までの間で、どれ程休憩がとれますか。  
数回  
一回  
二年に一回  
五年に一回  
なし
10. 冬に組む休憩はお好きですか。 はい \_\_\_\_\_ いいえ \_\_\_\_\_





### Sponsors Assessing 1985 Outlook:

## Immigration Reform Bill Dies As Compromise Efforts Fail

For the third year in a row, a sweeping immigration reform measure died in Congress, the victim of swirling interest-group pressures and election-year political qualms.

The legislation (S 529) had been on its deathbed for two weeks. But supporters worked into the final days of the 98th Congress, hoping for agreement on a House-Senate conference report in time for approval by both chambers. The effort failed Oct. 11, two days after conferees deadlocked on a money issue. The dispute was over the amount of federal funds states should get to defray social-service costs anticipated from a proposal to grant amnesty to millions of illegal aliens. (*Weekly Report* p. 2473)

In 1982, an immigration bill passed the Senate but died on the House floor in the last days of a lame-duck session. Last year, S 529 passed the Senate but a companion bill was blocked in the House by Speaker Thomas P. O'Neill Jr., D-Mass. This year, that measure (HR 1510) passed June 20 by a 216-211 margin. (*1982 Almanac* p. 405; *1983 Almanac* p. 287)

### Try Again Next Year?

Sen. Alan K. Simpson, R-Wyo., and Rep. Romano L. Mazzoli, D-Ky., chief sponsors of the legislation, offered differing assessments about the prospects for action next year.

Simpson said he was ready to "crank up" a new bill early in 1985. Mazzoli said he was going back to Kentucky to think about the matter.

Several members, including Simpson and Mazzoli, said a great deal will depend on who is in the White House in 1985. They said that leadership from the president is critical to getting a bill through Congress.

President Reagan generally supported S 529, particularly a section that would penalize employers who knowingly hire illegal aliens. But he

did not make it a priority issue.

Democratic presidential nominee Walter F. Mondale has strongly opposed employer sanctions and has said that he would never support such a program. Hispanic lobbyists contended that the penalties would result in discrimination against anyone who looked or sounded foreign, and they pressed their cause at the Democratic National Convention this summer.

### Funding Snag

Conferees met 10 times over four weeks and resolved a number of thorny issues, including the sanctions provisions, the scope of the legalization program, and an expansion of an existing program that allows employers to bring in foreign workers temporarily for agricultural work.

That the cap on federal aid proved the bill's undoing surprised many conferees. On Sept. 20, members had agreed to an informal \$1 billion yearly cap over four years for the legalization program. The cap was to be part of a statement of managers to accompany the conference report.

Simpson had said that some kind of cap was required or Reagan would veto the bill. He believed that the Sept. 20 action would be satisfactory, but he subsequently reported to conferees that the administration would not accept the informal cap.

### Rescue Efforts Fail

During the week of Oct. 1, Rep. Charles E. Schumer, D-N.Y., who had not previously been a key player, tried to put together a compromise on the funding issue and another dispute involving anti-discrimination provisions designed to reduce bias that might result from the sanctions.

Schumer acted as mediator for Simpson and Rep. Barney Frank, D-Mass., the chief advocate of the anti-bias provision, and produced a compromise that commanded a majority of the conferees.

The compromise dropped House language barring discrimination based on "alienage." Simpson and others said this would subject employers to lawsuits if they chose a U.S. citizen over a legal alien. Conferees agreed to allow aliens who signed a document affirming their intent to become U.S. citizens to seek administrative remedies for employment discrimination.

Part of the deal, Schumer said, was making the \$1 billion cap part of the legislation, as the administration had wanted.

When conferees convened Oct. 9 to ratify the agreement, the anti-bias provision was accepted. But House conferees voted 13-15 to reject the \$1 billion yearly cap as part of the bill. Seven members who had voted for the cap in the statement of managers switched their votes and voted against the cap as part of the bill.

Conferees from states with large illegal alien populations contended that the \$1 billion would be insufficient to cover the anticipated costs of legalization, leaving the states with a heavy financial burden.

Judiciary Chairman Peter W. Rodino Jr., D-N.J., who ran the conference, recessed the meeting and said he would reconvene members only if some new agreement were reached.

Schumer started a new round of negotiations with Reps. Larry Smith, D-Fla., and Leon E. Panetta, D-Calif., who had voted against the cap. By the evening of Oct. 10, Schumer had worked out a new compromise with Simpson that drew Panetta's support. But Schumer was unable to convince any other House conferee to switch.

"We exhausted our potential for compromise," Mazzoli said Oct. 11. "Pretty soon you don't have any tools to split hairs any finer."

Even if time had not run out, the bill faced problems on a final vote. Sens. John Tower, R-Texas, and Alan Cranston, D-Calif., had threatened a filibuster, and 40 or so House members had pledged to try to block passage in that chamber.

Simpson conceded that opposition to S 529 was strong and well-organized. "They formed coalitions for 'immigration reform' and then lobbed bombs from the balcony," he said.

"Next year," he added, "we'll have more time to pull their molars." ■

—By Nadine Cohodus

this Act or who otherwise acquire such status after such date.

(2) The amendments made by subsection (b) apply to aliens without regard to the date the aliens enter the United States.

(3) The amendments made by subsection (c) apply to periods occurring on or after the date of the enactment of this Act and shall not have the effect of excluding (in the determination of a period of continuous physical presence in the United States) any period before the date of the enactment of this Act.

#### VISA WAIVER FOR CERTAIN VISITORS

Sec. 213. (a) Section 212 (8 U.S.C. 1182) is amended by adding at the end thereof the following new subsections:

"(1)(I) The Attorney General and the Secretary of State are authorized to establish a pilot program (hereinafter in this subsection referred to as the 'program') under which the requirement of paragraph (2)(B) of subsection (a) may be waived by the Attorney General and the Secretary of State, acting jointly and in accordance with this subsection, in the case of an alien who—

"(A) is applying for admission during the pilot program period (as defined in paragraph (3)) as a nonimmigrant visitor (described in section 101(a)(15)(B)) for a period not exceeding ninety days;

"(B) is a national of a country which—

"(i) extends or agrees to extend reciprocal privileges to citizens and nationals of the United States; and

"(ii) is designated as a pilot country under paragraph (3);

"(C) before such admission completes such immigration form as the Attorney General shall establish under paragraph (2)(C) and executes a waiver of review and appeal described in paragraph (2)(D);

"(D) has a round trip, nonrefundable, nontransferable, open-dated transportation ticket which—

"(i) is issued by a carrier which has entered into an agreement described in paragraph (4), and

"(ii) guarantees transport of the alien out of the United States at the end of the alien's visit; and

"(E) has been determined not to represent a threat to the welfare, safety, or security of the United States;

except that no such alien may be admitted without a visa pursuant to this subsection if the alien failed to comply with the conditions of any previous admission as a nonimmigrant.

"(2)(A) The program may not be put into operation until the end of the thirty-day period beginning on the date that the Attorney General submits to the Congress a certification that the screening and monitoring system described in subparagraph (B) is operational and that the form described in subparagraph (C) has been produced.

"(B) The Attorney General in cooperation with the Secretary of State shall develop and establish an automated data arrival and departure control system to screen and monitor the arrival and departure into the United States of nonimmigrant visitors receiving a visa waiver under the program.

"(C) The Attorney General shall develop a form for use under the program. Such form shall be consistent and compatible with the control system developed under subparagraph (B). Such form shall provide for, among other items—

"(i) a summary description of the conditions for excluding nonimmigrant visitors from the United States under subsection (a) and this subsection,

"(ii) a description of the conditions of entry with a waiver under this subsection, including the limitation of such entry to

ninety days and the consequences of failure to abide by such conditions; and

"(iii) questions for the alien to answer concerning any previous denial of the alien's application for a visa.

"(D) An alien may not be provided a waiver under this subsection unless the alien has waived any right (i) to review or appeal under the Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States or (ii) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(3)(A) The Attorney General and the Secretary of State acting jointly may designate up to eight countries as pilot countries for purposes of this subsection.

"(B) For the period beginning after the thirty-day period described in paragraph (2)(A) and ending on the last day of the first fiscal year which begins after such thirty-day period, a country may not be designated as a pilot country unless—

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

"(ii) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) For each fiscal year (within the pilot program period) after the period specified in subparagraph (B)—

"(i) in the case of a country which was a pilot country in the previous fiscal year, a country may not be designated as a pilot country unless the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor; and

"(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during previous fiscal year and who violated the terms of such admission,

was less than 2 per centum of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year; or

"(ii) in the case of another country, the country may not be designated as a pilot country unless—

"(I) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

"(II) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(4) The agreement referred to in paragraph (1)(D)(i) is an agreement between a carrier and the Attorney General under which the carrier agrees, in consideration of the waiver of the visa requirement with respect to a nonimmigrant visitor under this subsection—

"(A) to indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to the United States or remains in the United States unlawfully after the ninety-day period described in paragraph (1)(A)(i); and

"(B) to submit daily to immigration officers any immigration forms received with respect to nonimmigrant visitors provided a waiver under this subsection.

The Attorney General may terminate such an agreement with five days' notice to the carrier for the carrier's failure to meet the terms of such agreement.

"(5) For purposes of this subsection, the term 'pilot program period' means the period beginning at the end of the thirty-day period referred to in paragraph (2)(A) and ending on the last day of the third fiscal year which begins after such thirty-day period.

"(6) The Attorney General and the Secretary of State shall jointly monitor the program and shall report to the Congress not later than two years after the beginning of the pilot program, and shall include in such report recommendations respecting extension of the pilot program period and of the number of countries that may be designated under paragraph (3)(A).

"(m) The requirement of paragraph (2)(B) of subsection (a) may be waived by the Attorney General, the Secretary of State, and the Secretary of the Interior, acting jointly, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay on Guam for a period not to exceed fifteen days, if the Attorney General, the Secretary of State, and the Secretary of the Interior jointly determine that—

"(1) the territory of Guam has developed an adequate arrival and departure control system; and

"(2) such a waiver does not present a threat to the welfare, safety, or security of the United States."

(b) Section 214(a) (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to the United States without a visa pursuant to subsection (l) or (m) of section 212 may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding ninety days or fifteen days, respectively, from the date of admission."

(c) For amendment prohibiting nonimmigrant visitors entering under visa waivers from adjusting their status to immigrants, see section 212(b) of this Act.

(d) Section 248 (8 U.S.C. 1258) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and" and by adding at the end thereof the following new paragraph:

"(4) an alien classified as a nonimmigrant under section 101(a)(15)(O) or admitted as a nonimmigrant visitor without a visa under subsection (l) or (m) of section 212."

#### NONIMMIGRANT SEASONAL AGRICULTURAL PROGRAM

Sec. 214. (a) Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by sections 204(b) and 211(a)(2) of this Act, is further amended by striking out "or" at the end of subparagraph (N), by striking out the period at the end of subparagraph (O) and inserting in lieu thereof "; or", and by adding at the end the following new subparagraph:

"(P) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States for a period of not longer than 11 consecutive months to perform services or

from foreign contiguous territory the Attorney General to their applying or reapplying for admission;

aways;

seeks to procure, or has sought to procure, or other documentation, or seeks to enter the United States, or by willfully misrepresenting a material fact;

as specifically provided in this chapter, the time of application for admission is not an unexpired immigrant visa, reentry permit, admission card, or other valid entry document and a valid unexpired passport, or other document of identity and nationality, issued under the regulations issued by the Attorney General under section 1181(a) of this title;

as specifically provided in this chapter, any application for admission whose visa complies with the provisions of section

eligible to citizenship, except aliens seeking admission who are persons who have departed from or returned to the United States to avoid or evade military or naval service in time of war or a period of national emergency, except aliens who have departed from the United States as nonimmigrants;

has been convicted of a violation of, or a conspiracy to violate, any law or regulation relating to the illicit traffic in narcotic drugs or marihuana, or who has been convicted of, or a conspiracy to violate, any law or regulation relating to the taxing, manufacture, production, sale, exchange, dispensing, giving, or the possession for the purpose of sale, compounding, transportation, sale, exportation, importation, or exportation of marihuana, or any salt derivative or coca leaves, or isonipecaine or any addictive substance; or any person who the Attorney General knows or has reason to believe is an illicit trafficker in any of the aforementioned

aliens described in section 1101(a) (27) who seek admission from foreign contiguous

territory or adjacent islands, having arrived there on a vessel or aircraft of a nonsignatory line, or if signatory, a noncomplying transportation line under section 1228(a) of this title and who have not resided for at least two years subsequent to such arrival in such territory or adjacent islands;

(25) Aliens (other than aliens who have been lawfully admitted for permanent residence and who are returning from a temporary visit abroad) over sixteen years of age, physically capable of reading, who cannot read and understand some language or dialect;

(26) Any nonimmigrant who is not in possession of (A) a passport valid for a minimum period of six months from the date of the expiration of the initial period of his admission or contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period; and (B) at the time of application for admission a valid nonimmigrant visa or border crossing identification card;

(27) Aliens who the consular officer or the Attorney General knows or has reason to believe seek to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States;

(28) Aliens who are, or at any time have been, members of any of the following classes:

(A) Aliens who are anarchists;

(B) Aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government;

(C) Aliens who are members of or affiliated with (i) the Communist Party of the United States, (ii) any other totalitarian party of the United States, (iii) the Communist Political Association, (iv) the Communist or any other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state, (v) any section, subsidiary, branch, affiliate, or subdivision of any such association or party, or (vi) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt: *Provided*, That nothing in this paragraph, or in any other provision of this chapter, shall be construed as declaring that the Communist Party does not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means;

(D) Aliens not within any of the other provisions of this paragraph who advocate the economic, international, and gov-

## SUBCHAPTER E—VISAS

## PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

## Sec.

41.1 Definitions.

## DOCUMENTATION OF NATIONALS, CLAIMANT NATIONALS, AND FORMER NATIONALS

41.3 Nationals, claimant nationals, and former nationals of the United States.

## PASSPORTS AND VISAS NOT REQUIRED FOR CERTAIN NONIMMIGRANTS

41.5 Nonimmigrants exempted by law or treaty from the requirement of passports, visas, and border-crossing identification cards.

41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

41.7 Waiver of visa and/or passport requirements by joint action of consular and immigration officers.

## CLASSIFICATION OF NONIMMIGRANTS

41.10 Presumption of immigrant status and burden of proof.

41.12 Classification symbols.

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AUTHORITY: Sec. 104, 66 Stat. 174; 8 U.S.C. 1104, unless otherwise noted.

## § 41.1 Definitions.

In addition to the pertinent definitions contained in the Immigration and Nationality Act, the following definitions shall be applicable to this part:

**Accredited.** "Accredited", as used in sections 101(a)(15)(A), 101(a)(15)(G) and 212(d)(8) of the Act, refers to an alien who holds an official position, other than an honorary official position, with the government or interna-

tional organization he represents, and who is in possession of a travel document or other evidence showing that he seeks to enter, or pass in transit through, the United States for the purpose of transacting official business for that government or international organization.

**Act.** "Act" means the Immigration and Nationality Act, as amended.

**Attendants.** "Attendants" as used in sections 101(a)(15)(A)(ii), 101(a)(15)(G)(v), and 212(d)(8) of the Act, shall include an alien who is paid from the public funds of a foreign government or from the funds of an international organization and who is accompanying or following to join the principal alien to whom he owes a duty or service.

**Competent officer.** "Competent officer", as used in section 101(a)(26) of the Act, shall refer to a "consular officer" as defined in section 101(a)(9) of the Act and this section.

**Consular officer.** "Consular officer," as defined in section 101(a)(9) of the Act, shall include commissioned consular officers, the District Administrators of the Trust Territory of the Pacific Islands, the Director of the Visa Office of the Department and such other officers of the Department as he shall designate for the purpose of issuing nonimmigrant visas, but shall not include a consular agent, an attache, or an assistant attache. The assignment by the Department of any Foreign Service Officer or Foreign Service Reserve Officer to a diplomatic or consular office of the United States abroad in a position administratively designated as requiring, solely, principally, or partially, the performance of consular functions, and the initiation of a request for a consular commission, shall constitute designation of such officer as a "consular officer" within the meaning of section 101(a)(9) of the Act.

**Department.** "Department" means the Department of State of the United States of America.

**Diplomatic passport.** "Diplomatic passport" means a national passport bearing that title and issued by a competent authority of a foreign government. "Equivalent of a diplomatic passport" means a national passport, other than a specifically described diplomatic passport, which is issued by a

competent authority of a foreign government and which indicates the career diplomatic or consular status of the bearer, the issuing government being one which does not issue diplomatic passports to its career diplomatic and consular officers.

**Diplomatic visa.** "Diplomatic visa" means a nonimmigrant visa of any classification bearing that title and issued to an alien in accordance with the regulations contained in this part.

**Government vessel or aircraft.** "Government vessel or aircraft" means a vessel or aircraft operated directly by the Government of the United States with government personnel in connection with public business of a non-commercial and non-profit character, or a foreign-flag vessel or aircraft operated directly by a foreign government recognized de jure by the United States, with foreign government personnel in connection with public business of a non-commercial and non-profit character. The term "government vessel or aircraft" shall not include a vessel or aircraft which is merely controlled or subsidized by a government, or one which is engaged in what would ordinarily be regarded as commercial shipping or commercial transportation.

**Immediate family.** "Immediate family", as used in sections 101(a)(15)(A), 101(a)(15)(G), and 212(d)(8) of the Act and with reference to classification under the symbols NATO-1, NATO-2, NATO-3, NATO-4, and NATO-5, includes the spouse and unmarried sons and daughters, whether by blood or adoption, who are not members of some other household, and who will reside regularly in the household of the principal alien. "Immediate Family" also includes, upon individual authorization by the Department, other close relatives who are members of the immediate family by blood, marriage, or adoption, who are not members of some other household, who will reside regularly in the household of the principal alien, and who are recognized as dependents by the sending Government as demonstrated by their eligibility for all rights and benefits, such as the issuance of a diplomatic or official passport and travel and other allowances,

which would be granted to the spouse and children of the principal alien.

**International organization.** "International organization" means any public international organization which has been designated by the President by Executive Order as being entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act.

**Official visa.** "Official visa" means a nonimmigrant visa of any classification bearing that title and issued to an alien in accordance with the regulations contained in this part.

**Passport.** "Passport", as defined in section 101(a)(30) of the Act, shall not be considered as limited to a national passport and shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101(a)(30) of the Act: *Provided*, That permission to enter a foreign country must be issued by a competent authority and must be clearly valid for such purpose in order to meet the requirements of section 101(a)(30). A nonimmigrant unable to obtain a document issued by a competent authority which indicates his origin, identity, and nationality if any, may furnish the missing information to the best of his knowledge and belief, by presenting an affidavit which, when combined with the documentary evidence of admissibility into a foreign country, will suffice to meet the requirements of section 101(a)(30) of the Act.

**Port of entry.** "Port of entry" means a port or place designated by the Commissioner of Immigration and Naturalization at which an alien may apply for admission into the United States.

**Principal alien.** "Principal alien" means an alien from whom another alien derives a privilege or status under the law or regulations.

**Regular visa.** "Regular visa" means a nonimmigrant visa of any classification issued in accordance with the regulations contained in this part, which does not bear the title "Diplomatic" or "Official."

**Regulation.** "Regulation" means a rule established pursuant to the provi-

sions of section 104(a) of the Act which has been duly published in the FEDERAL REGISTER.

**Servants and personal employees.** "Servants" and "personal employees," as used in sections 101(a)(15)(A)(iii), 101(a)(15)(G)(v) and 212(d)(8) of the Act, include an alien who is employed in a domestic or personal capacity by a principal alien, who is paid from the private funds of such principal alien, and who seeks to enter the United States solely for the purpose of such employment.

**Western Hemisphere.** "Western Hemisphere" means North America (including Central America), South America and the Islands immediately adjacent thereto including the places named in section 101(b)(5) of the Act.

[Dept. Reg. 108411, 24 FR 6679, Aug. 18, 1959]

EDITORIAL NOTE: For Federal Register citations affecting § 41.1, see the List of CFR Sections Affected in the Finding Aids section of this volume.

#### DOCUMENTATION OF NATIONALS, CLAIMANT NATIONALS, AND FORMER NATIONALS

##### § 41.3 Nationals, claimant nationals, and former nationals of the United States.

(a) A national of the United States shall not be issued a visa or other documentation as an alien for entry into the United States.

(b) A person whose case fulfills the conditions of section 360(b) of the Act and who continues to claim that he is a national of the United States may apply for a certificate of identity as provided in section 360(b) of the Act.

(c) A former national of the United States who seeks to enter the United States shall be required to comply with the documentary requirements applicable to aliens under the Act.

[Dept. Reg. 108411, 24 FR 6680, Aug. 18, 1959]

#### PASSPORTS AND VISAS NOT REQUIRED FOR CERTAIN NONIMMIGRANTS

##### § 41.5 Nonimmigrants exempted by law or treaty from the requirement of passports, visas, and border-crossing identification cards.

The provisions of section 212(a)(1) of the Act relating to the requirement

of passports, visas, and border-crossing identification cards for nonimmigrants do not apply in the cases of aliens who fall within any of the following described categories:

(a) *Alien members of United States Armed Forces.* An alien member of the armed forces of the United States who (1) is in the uniform of, or who bears documents identifying him as a member of, such armed forces, (2) has not been lawfully admitted for permanent residence, and (3) is making application for admission to the United States under official orders or print of such armed forces. (Sec. 284, 66 Stat. 232; 8 U.S.C. 1354.)

(b) *American Indians born in Canada.* An American Indian born in Canada, having at least fifty per centum of blood of the American Indian race. (Sec. 289, 66 Stat. 234; 8 U.S.C. 1359.)

(c) *Aliens entering from Guam, Puerto Rico, or Virgin Islands.* An alien who shall leave Guam, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States or any other place under the jurisdiction of the United States. (Sec. 212, 66 Stat. 188; 8 U.S.C. 1182.)

(d) *Armed Services personnel entering under NATO Status of Forces Agreement.* Personnel belonging to the land, sea or air armed services of a government which is a Party to the North Atlantic Treaty and which has ratified the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on June 19, 1951, and entering the United States under the provisions of Article III of such Agreement pursuant to an individual or collective movement order issued by an appropriate agency of the sending State or of the North Atlantic Treaty Organization. (TIAS 2846; 4 U.S.T. 1792.)

(e) *Armed Services personnel attached to NATO Allied Headquarters in the United States.* Personnel attached to an Allied Headquarters in the United States set up pursuant to the North Atlantic Treaty signed in Washington, D.C., on April 4, 1949, who belong to the land, sea or air armed services of a government which

is a Party to the North Atlantic Treaty, and who are entering the United States in connection with their official duties under the provisions of the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty. (TIAS 2978; 5 U.S.T. 877.)

(f) *Aliens entering pursuant to International Boundary and Water Commission Treaty.* All personnel employed either directly or indirectly on the construction, operation, or maintenance of works in the United States undertaken in accordance with the treaty concluded on February 3, 1944, between the United States and Mexico regarding the functions of the International Boundary and Water Commission, and entering the United States temporarily in connection with such employment. (52 Stat. 1252; 18 994.)

(Dept. Reg. 108.411, 24 FR 6680, Aug. 18, 1959, as amended by Dept. Reg. 108.433, 25 FR 4577, May 25, 1960)

**§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.**

The provisions of section 212(a)(20) of the Act relating to the requirements of valid passports and visas for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212(d)(4) of the Act under the conditions specified for the following classes:

(a) *Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, Bahamian nationals or British subjects resident in The Bahamas, Cayman Islands, and Turks and Caicos Islands.* A visa shall not in any case be required of a Canadian national, and a passport shall not be required of such a national except after a visit outside of the Western Hemisphere. A visa shall not be required of an alien having a common nationality with Canadian nationals or with British subjects in Bermuda, who has his residence in Canada or Bermuda, and a passport shall not be required of such an alien except after a visit outside of the Western Hemisphere. A Ba-

hamian national or a British subject who has his residence in The Bahamas shall require a passport and a visa for admission to the United States except that a visa shall not be required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States Immigration officer at either Freeport or Nassau, The Bahamas that he is clearly and beyond a doubt entitled to admission in all other respects. A British subject who has his residence in the Bahamas shall require a passport and a visa for admission to the United States except that a visa shall not be required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States Immigration officer at Nassau, Bahamas, that he is clearly and beyond a doubt entitled to admission in all other respects. A visa shall not be required of a British subject who has his residence in, and arrives directly from, the Cayman Islands or the Turks and Caicos Islands and who presents a current certificate from the Clerk of Court of the Cayman Islands or the Turks and Caicos Islands indicating no criminal record.

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa shall not be required of a British, French, or Netherlands national, or of a national of Barbados, Grenada, Jamaica, or Trinidad and Tobago, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Barbados, Grenada, Jamaica, or Trinidad and Tobago, who:

(1) Is proceeding to the United States as an agricultural worker; or

(2) Is the beneficiary of a valid, unexpired indefinite certification granted by the Department of Labor for employment in the Virgin Islands of the United States and is proceeding to the Virgin Islands of the United States for such purpose, or is the spouse or child of such an alien accompanying or following to join him.

A visa shall not be required of a national of the British Virgin Islands who has his residence in the British Virgin Islands, and who is proceeding to the Virgin Islands of the United States.

(c) *Mexican nationals.* A visa and a passport shall not be required of a Mexican national who is in possession of a border crossing card on Form I-186 and is applying for admission as a temporary visitor for business or pleasure from contiguous territory or is entering solely for the purpose of applying for a Mexican passport or other official Mexican document at a Mexican consular office on the United States side of the border. A visa shall not be required of a Mexican national who is in possession of a border crossing card and is applying for admission to the United States as a temporary visitor for business or pleasure from other than contiguous territory nor of a Mexican national who is a crewman employed on an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States. A visa shall not be required of a Mexican national bearing a Mexican diplomatic or official passport who is a military or civilian official of the Federal Government of Mexico entering the United States for a stay of up to six months for any purpose other than on assignment as a permanent employee to an office of the Mexican Federal Government in the United States. A visa shall also not be required of the official's spouse or any of the official's dependent family members under 18 years of age, bearing diplomatic or official passports, who are in the actual company of such official at the time of entry into the United States. This waiver does not apply to the spouse or any of the official's family members classifiable under sections 101(a)(15)(F) or (M) of the Act.

(d) *Natives and residents of the Trust Territory of the Pacific Islands.* A visa and a passport shall not be required of a native and resident of the Trust Territory of the Pacific Islands who has proceeded in direct and continuous transit from the Trust Territory to the United States.

(e) *Aliens in immediate transit—(1) Aliens in bonded transit.* A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Immigration and Naturalization Service under the provisions of section 238(d) of the Act or Form I-426 to insure such immediate and continuous transit through and departure from the United States en route to a specifically designated foreign country. *Provided,* That such alien is in possession of a travel document or documents establishing his identity and nationality and ability to enter some country other than the United States. This waiver of visa and passport requirements is not available to an alien who is a citizen of Afghanistan, Cuba, Iran, or Iraq. This waiver of visa and passport requirements is not available to an alien who is a citizen of North Korea ("Democratic Peoples' Republic of Korea") or North Viet Nam ("Democratic Republic of Viet-Nam"), and is a resident of one of the said countries, and is on a basis of reciprocity, available to a national of Albania, Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Hungary, Latvia, Lithuania, Mongolian People's Republic, People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he is transiting the United States by aircraft of a transportation line signatory to an agreement with the Immigration and Naturalization Service on Form I-426 on a direct through flight which is en route directly to a foreign place of port of arrival.

(2) *Government officials in transit.* An alien is of the class described in section 212 (d)(8) of the Act only a valid unexpired visa and a travel document which is valid for entry into a foreign country for at least 30 days from the date of his application for admission into the United States shall be required.

(3) *Individual cases of unforeseen emergencies.* A visa and a passport shall not be required of a nonimmigrant who, either prior to his embar-

kation at a foreign port or place or at the time of arrival at a port of entry in the United States, satisfies the district director of the Immigration and Naturalization Service in charge of the port of entry, after consultation with and concurrence by the Director of the Visa Office of the Department, that, because of an unforeseen emergency, he was unable to obtain the required documents. Any waiver of the visa requirement heretofore or hereafter granted pursuant to section 212(d)(4)(A) of the Act in the case of a national or resident of Cuba who embarks for the United States on or after November 16, 1963, shall not be valid unless such national or resident proceeds directly from Cuba to the United States and has been inspected in Cuba by officials of the United States Immigration and Naturalization Service and of the United States Public Health Service immediately prior to his departure for the United States, irrespective of whether such national or resident had prior notice of these conditions.

(g) *Fiance or fiancée of a United States citizen.* Notwithstanding the provisions of paragraphs (a), (b), (c), and (d) of this section, a visa shall be required of an alien described in such paragraphs who is classified, or who seeks classification, under section 101(a)(15)(K) of the Act.

(Sec. 101, 84 Stat. 116, 8 U.S.C. 1101; 109(b), 91 Stat. 847; sec. 104, 60 Stat. 174; 8 U.S.C. 1104; sec. 109(b)(1), 91 Stat. 847)  
(Dept. Reg. 108.411, 24 FR 6680, Aug. 18, 1959)

EDITORIAL NOTE: For Federal Register citations affecting § 41.6, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 41.7 Waiver of visa and/or passport requirements by joint action of consular and immigration officers.

The provisions of sections 212(a)(26) of the Act prescribing the documentary requirements for nonimmigrants may be waived by joint action of consular officers abroad and immigration officers pursuant to the authority contained in section 212(d)(4) of the Act in individual cases of aliens who satisfy the consular officer serving the port or place of embarkation, after consultation with and concurrence by the ap-

propriate immigration officer, that their cases come within any of the following categories:

(A) An alien having his residence in foreign contiguous territory who does not qualify for the benefits of any waiver provided in § 41.6, and who is a member of a visiting group or excursion proceeding to the United States under circumstances which make the timely procurement of a passport and visa impracticable.

(b) *Passport waiver; aliens for whom passport extension facilities are unavailable.* An alien whose passport is not valid for the period prescribed in section 212(a)(26) of the Act and who is embarking for the United States at a port or place remote from any foreign diplomatic or consular establishment at which the passport could be revalidated.

(c) *Passport waiver; aliens precluded from obtaining passport extensions by foreign government restrictions.* An alien whose passport is not valid for the period prescribed in section 212(a)(26) of the Act and whose government as a matter of policy does not revalidate passports more than six months in advance of their expiration or until they actually expire.

(d) *Visa waiver; certain aliens proceeding to the United States under emergent circumstances.* An alien who is well and favorably known at the consular office, who has previously been issued a nonimmigrant visa which has since expired, and who is embarking on a direct journey to the United States under emergent circumstances which preclude the timely issuance of a visa.

(e) *Visa and passport waiver; members of armed forces of foreign countries making friendly visits to the United States.* An alien who is on active duty as a member of the armed forces of a foreign country and who is a member of a group of such force which is making a friendly call in the United States, whether courtesy or operational and whether in behalf of his own government or in behalf of the United Nations, under advance arrangements made with the military, naval, or air force authorities of the United States, other than an alien who is a citizen or resident of Albania.

## Chapter I—Department of State

§ 41.12

Bulgaria, Cuba, Czechoslovakia, Estonia, German Democratic Republic, Hungary, Latvia, Lithuania, Mongolian People's Republic, North Korea (Democratic Peoples' Republic of Korea), North Vietnam (Democratic Republic of Vietnam), People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics.

(f) *Passport waiver; landed immigrants in Canada.* An alien applying for a visa at a consular office in Canada (1) who is a landed immigrant in Canada, (2) whose port and date of expected arrival in the United States are known, and (3) who is proceeding to the United States under emergent circumstances which preclude the timely procurement of a passport or Canadian certificate of identity.

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

(Dept. Reg. 108.416, 24 FR 8548, Oct. 22, 1959, as amended by Dept. Reg. 108.422, 24 FR 11030, Dec. 31, 1959; Dept. Reg. 108.435,

25 FR 4578, May 25, 1960; Dept. Reg. 108.441, 25 FR 5918, July 23, 1960; Dept. Reg. 108.491, 28 FR 5258, May 28, 1963; Dept. Reg. 108.681, 30 FR 4576, Feb. 16, 1973)

## CLASSIFICATION OF NONIMMIGRANTS

## § 41.10 Presumption of immigrant status and burden of proof

An applicant for a nonimmigrant visa shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer that he is entitled to a nonimmigrant status described in section 101(a)(15) of the Act or otherwise established by law or treaty. The burden of proof is upon the applicant to establish that he is entitled to the nonimmigrant classification and type of nonimmigrant visa for which he is an applicant.

(Sec. 214, 291, 66 Stat. 189, 230 8 U.S.C. 118., 1361)

(Dept. Reg. 108.422, 24 FR 11080, Dec. 31, 1959)

## § 41.12 Classification symbols.

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

Class	Citation	Symbol to be entered in visa
Ambassador, public minister, career diplomatic or consular officer, and members of immediate family	101(a)(15)(A)(1) 66 Stat. 167	A-1
Other foreign government official or employee, and members of immediate family	101(a)(15)(A)(2) 66 Stat. 167	A-2
Attendant, servant, or personal employee and A-1 and A-2 classes, and members of immediate family	101(a)(15)(A)(3) 66 Stat. 167	A-3
Temporary visitor for business	101(a)(15)(B) 66 Stat. 167	B-1
Temporary visitor for pleasure	101(a)(15)(B) 66 Stat. 167	B-2
Temporary visitor for business and pleasure	101(a)(15)(B) 66 Stat. 167	B-1 and B-2
Alien in transit	101(a)(15)(C) 66 Stat. 167	C-1
Alien in transit to United Nations Headquarters District under § 1131, (4) or (5) of the Headquarters Agreement	101(a)(15)(C) 66 Stat. 167	C-2
Foreign government official, members of immediate family, attendant, servant, or personal employee in transit	212(d)(9) 66 Stat. 168	C-1 and D
Corruption (straw man or agent)	101(a)(15)(D) 66 Stat. 167	D
Treaty holder, spouse and children	101(a)(15)(E)(1) 66 Stat. 168	E-1
Treaty investor, spouse and children	101(a)(15)(E)(2) 66 Stat. 168	E-2
Student—Academic or Language Training Program	101(a)(15)(F) 66 Stat. 168, 75 Stat. 527	F-1
Spouse or child of student	101(a)(15)(F)(2) 75 Stat. 527	F-2
Principal resident representative or recognized foreign member government to international organization, its staff, and members of immediate family	101(a)(15)(G)(1) 66 Stat. 168	G-1
Other representative of recognized foreign member government to international organization, and members of immediate family	101(a)(15)(G)(2) 66 Stat. 168	G-2

Class	Citation	Symbol to be inserted in visa
Representative of nonrecognized or nonmember foreign government to international organization and members of immediate family	101(a)(15)(G)(i), 66 Stat 168	G-3
International organization officer or employee, and members of immediate family	101(a)(15)(G)(ii), 66 Stat 168	G-4
Attendant, servant, or personal employee of G-1, G-2, G-3, and G-4 classes, and members of immediate family	101(a)(15)(G)(iii), 66 Stat 168	G-5
Temporary worker of distinguished merit and ability	101(a)(15)(H)(i), 66 Stat 168	H-1
Trainee	101(a)(15)(H)(ii), 66 Stat 168, 84 Stat 116	H-3
Spouse or child of alien classed M-1, M-2, or M-3	101(a)(15)(J), 84 Stat 116	M-4
Representative of foreign information media, spouse, and children	101(a)(15)(K), 66 Stat 168	K
Exchange visitor	101(a)(15)(L), 66 Stat 167, 75 Stat 577	J-1
Spouse or child of exchange visitor	101(a)(15)(M), 75 Stat 577	J-2
Fiance or fiancée of U.S. citizen	101(a)(15)(N), 84 Stat 116	K-1
Minor child of fiance or fiancée of U.S. citizen	101(a)(15)(O), 84 Stat 116	K-2
Intergovernmental transferee (Executive, managerial, and specialized personnel continuing employment with international firm or corporation)	101(a)(15)(P), 84 Stat 116	L-1
Spouse or minor child of alien classed L-1	101(a)(15)(Q), 84 Stat 116	L-2
Volitional or other recognized nonimmigrant student	101(a)(15)(R), 95 Stat 1611	M-1
Spouse or minor child of alien classed M-1	95 Stat 1611	M-2
Principal permanent representative of Member State to NATO (including any of its subsidiary bodies) resident in the United States and resident members of his official staff, Secretary General, Deputy Secretary General, Assistant Secretaries General, and Executive Secretary of NATO, other permanent NATO officials of similar rank, and members of immediate family	Art. 12, 5 UST 1044, Art. 20, 5 UST 1098	NATO-1
Other representatives of Member States to NATO (including any of its subsidiary bodies) including representatives, advisers and technical experts of delegations, and members of 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 1798	NATO-2
Official clerical staff accompanying a representative of Member State to NATO (including any of its subsidiary bodies) and members of immediate family	Art. 14, 5 UST 1096	NATO-3
Officials of NATO (other than those classifiable under NATO-1) and members of immediate family	Art. 18, 5 UST 1098	NATO-4
Experts, other than NATO officials classifiable under the symbol NATO-4, employed on missions on behalf of NATO, and their dependents	Art. 21, 5 UST 1100	NATO-5
Members of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status of Forces Agreement, members of a civilian component attached to or employed by an Armed 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-6
Attendant, servant, or personal employee of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, and NATO-6 classes, and members of immediate families	Art. 12-20, 5 UST 1094-1098	NATO-7

(Sec. 212(e), 75 Stat. 535; 8 U.S.C. 1182; sec. 104, 66 Stat. 174 (8 U.S.C. 1104); sec. 100(b)(1), 91 Stat. 847)

[Dept. Reg. 108.471, 26 FR 9548, Oct. 10, 1961, as amended by Dept. Reg. 108.502, 28 FR 13934, Dec. 21, 1963; Dept. Reg. 108.618, 35 FR 6124, Apr. 15, 1970; Dept. Reg. 108.820, 47 FR 21770, May 20, 1982; 47 FR 24293, June 4, 1982]

#### § 41.11 More than one person included in nonimmigrant visa.

A single nonimmigrant visa may be issued to include more than one eligible alien if each alien to be included in the visa executes a separate application. When several members of a family are to be included in the same

visa, the name of each family member, in addition to the name of the principal applicant, shall be written in the space provided in the visa stamp. The visa fee to be collected shall be equal to the total of the fee prescribed by the Secretary of State in accordance with the provisions of section 281 of

the Act for each alien included in the visa, unless upon a basis of reciprocity a lesser fee is chargeable in such a case.

[Dept. Reg. 108.416, 24 FR 8548, Oct. 22, 1959]

#### § 41.11 Significance of visa in A. G. or NATO cases.

A visa issued pursuant to the provisions of section 101(a)(15)(A) or 101(a)(15)(G) of the Act or to an alien classifiable under the symbols NATO-1 through NATO-7 shall be prima facie evidence of the proper classification of the alien when presented to the immigration authorities at a port of entry.

[Dept. Reg. 108.422, 24 FR 11080, Dec. 31, 1959]

### FOREIGN GOVERNMENT OFFICIALS

#### § 41.20 Officials of foreign governments.

(a) *Criteria for classification of foreign government officials.* An alien shall be classifiable under section 101(a)(15)(A) (i) or (ii) of the Act if, in the case of the principal alien, (1) he has been accredited by a foreign government recognized de jure by the United States, (2) he intends to engage solely in official activities for said foreign government while in the United States, and (3) he has been accepted by the President, or by the Secretary of State, or by a consular officer acting on behalf of the Secretary of State. A member of the immediate family of a principal alien shall be classifiable under section 101(a)(15)(A) (i) or (ii) if the principal alien is classifiable under section 101(a)(15)(A) (i) or (ii).

(b) *Classification of status under section 101(a)(15)(A).* If an alien is entitled to classification under section 101(a)(15)(A) of the Act he shall be classified under this section even if he is eligible for another nonimmigrant classification.

(c) *Classification of attendants, servants, and personal employees.* An alien shall be classifiable as a nonimmigrant under the provisions of section 101(a)(15)(A)(iii) of the Act if he establishes to the satisfaction of the consular officer that he qualifies under that section of the Act.

(d) *Referral of certain cases to the Department.* In any case in which there is uncertainty about the applicability of these regulations to a principal alien applicant requesting nonimmigrant status, the matter shall immediately be referred to the Department for consideration as to whether acceptance of accreditation shall or shall not be granted.

(e) *Change of nonimmigrant status to that of a foreign government official.* In the case of an alien in the United States seeking a change of nonimmigrant classification pursuant to section 248 of the Act to a classification under section 101(a)(15)(A) (i) or (ii), the question of acceptance of accreditation shall be determined by the Department.

(f) *Termination of status.* The Department may, in its discretion, cease to recognize as entitled to nonimmigrant status under section 101(a)(15)(A) (i) or (ii) any alien who has such status.

(g) *Classification of foreign government officials for entry other than diplomatic.* A foreign government official or employee who seeks to enter the United States temporarily in a status other than that of a representative or employee of a foreign government shall not be classifiable under the provisions of section 101(a)(15)(A).

[Dept. Reg. 108.807, 46 FR 28637, May 28, 1981]

#### § 41.21 Officials or representatives of foreign governments not recognized by the United States.

An official of a foreign government, which is not recognized de jure by the United States, who is proceeding to or through the United States on an official mission for his government or to an international organization shall be classified as a nonimmigrant under the provisions of section 101(a)(15) (B), (C), or (D) of the Act.

[Dept. Reg. 108.411, 24 FR 6682, Aug. 18, 1959]

#### § 41.22 Couriers and acting couriers on official business.

(a) *Couriers of career.* An alien who is regularly and professionally employed as a courier by the government

of the country to which he owes allegiance shall be classified as a nonimmigrant under the provisions of section 101(a)(15)(A)(i) of the Act if he is proceeding to the United States on official business for his government.

(b) *Officials acting in capacity of courier.* An alien who is not regularly and professionally employed as a courier by the government of the country to which he owes allegiance shall be classified as a nonimmigrant under the provisions of section 101(a)(15)(A)(ii) of the Act if he holds an official position with that government and is proceeding to the United States as a courier on official business for his government.

(c) *Nonofficials serving in capacity of courier.* An alien who is serving in the capacity of courier but who is not regularly and professionally employed as such and who holds no official position with, or is not a national of, the country whose government he is so serving, shall be classified as a nonimmigrant under the provisions of section 101(a)(15)(B) of the Act.

(Dept. Reg. 108.411, 24 FR 6682, Aug. 18, 1959)

#### TEMPORARY VISITORS

§ 41.25 Temporary visitors for business or pleasure.

(a) An alien shall be classifiable as a nonimmigrant visitor for business or pleasure if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(B) of the Act and that: (1) He intends to depart from the United States before the expiration of his temporary stay (consular officers are authorized in borderline cases to require the posting of a bond with the Attorney General in a sufficient sum to insure that upon the conclusion of his temporary visit, or upon his failure to maintain temporary visitor status, or any status subsequently acquired under section 248 of the Act, the alien will depart from the United States); (2) he has permission to enter some foreign country upon the termination of his temporary stay; and (3) adequate financial arrangements have been made to enable him to carry out the purpose of his visit and to travel

to, sojourn in, and depart from the United States.

(b) The term "business", as used in section 101(a)(15)(B) of the Act, refers to legitimate activities of a commercial or professional character. It does not include purely local employment or labor for hire. An alien seeking to enter as a nonimmigrant for employment or labor pursuant to a contract or other prearrangement shall be required to qualify under the provisions of § 41.55. An alien of distinguished merit and ability seeking to enter the United States temporarily with the idea of performing temporary services of an exceptional nature, requiring such merit and ability, but having no contract or other prearranged employment, may be classified as a nonimmigrant temporary visitor for business.

(c) The term "pleasure", as used in section 101(a)(15)(B) of the Act, refers to legitimate activities of a recreational character, including tourism, amusement, visits with friends or relatives and rest; medical treatment, or activities of a fraternal, social, or service nature.

(Sec. 101, 66 Stat. 166, 79 Stat. 919; 8 U.S.C. 1101)

(Dept. Reg. 108.422, 24 FR 11080, Dec. 31, 1959, as amended by Dept. Reg. 108.502, 26 FR 13934, Dec. 21, 1963; Dept. Reg. 108.527, 30 FR 14782, Nov. 30, 1965)

#### TRANSIT ALIENS

§ 41.30 Transit aliens.

An alien shall be classifiable as a nonimmigrant transit alien under the provisions of section 101(a)(15)(C) of the Act if he establishes to the satisfaction of the consular officer that: (a) He is passing in immediate and continuous transit through the United States; (b) he is in possession of a ticket or other assurance of transportation to his destination; (c) he is in possession of sufficient funds to enable him to carry out the purpose of his transit journey, or has sufficient funds otherwise available for that purpose; and (d) he has permission to enter some country other than the United States following his transit journey through the United States unless the alien submits evidence that

such advance permission is not required.

(Sec. 101, 66 Stat. 166, 8 U.S.C. 1101)

(Dept. Reg. 108.411, 24 FR 6682, Aug. 18, 1959)

§ 41.31 Certain aliens in transit to United Nations.

An alien within the provisions of paragraph (3), (4), or (5) of section 11 of the Headquarters Agreement with the United Nations, to whom a visa is to be issued for the purpose of applying for admission solely in transit to the United Nations Headquarters District, may at his own request or at the direction of the Secretary of State be issued a nonimmigrant visa bearing the symbol C-2. If such a visa is issued, the recipient will be subject to such restrictions in his travel within the United States as may be provided in regulations prescribed by the Attorney General.

(Dept. Reg. 108.411, 24 FR 6682, Aug. 18, 1959)

§ 41.32 Accredited officials in transit through the United States.

An accredited official of a foreign government who intends to proceed in immediate and continuous transit through the United States on official business for his government shall be entitled to the benefits of section 212(d)(8) of the Act if his government grants similar privileges to officials of the United States, and shall be classified under the provisions of section 101(a)(15)(C) of the Act. Members of the immediate family, attendants, servants, or personal employees of such an official shall be accorded the same classification as the principal alien.

(Sec. 212(d)(8), 66 Stat. 168; 8 U.S.C. 1182)

(Dept. Reg. 108.411, 24 FR 6682, Aug. 18, 1959)

#### CREWMEN

§ 41.35 Crewmen.

(a) An alien shall be classifiable as a nonimmigrant crewman if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(D) of the Act and that he has permission to

enter some foreign country after a temporary landing in the United States.

(b) An alien employed on board a vessel or aircraft in a capacity not required for normal operation and service on the particular vessel or aircraft, or an alien employed or listed as a regular member of the crew in excess of the number normally required shall not be classified as a crewman.

(Sec. 101, 66 Stat. 166, 8 U.S.C. 1101)

(Dept. Reg. 108.411, 24 FR 6682, Aug. 18, 1959)

**CROSS REFERENCE:** For documentary requirements for crewmen see § 41.91(a)(26) and for instructions regarding the procedure to be followed in issuing crew list visas see § 41.127.

§ 41.36 Foreign government official crewmen.

Alien crewmen serving on board a foreign warship or other vessel of war, or military, naval or other aircraft of the armed forces of a foreign country, when making a friendly call at a United States port under advance arrangements made with the military authorities of the United States, or any other government vessel or aircraft shall not be subject to the provisions of § 41.91(a)(26) if the documentary requirements have been waived by the Secretary of State and the Attorney General pursuant to section 212(d)(4) of the Act.

(Dept. Reg. 108.433, 25 FR 4578, May 25, 1960)

#### TREATY TRADERS AND INVESTORS

§ 41.40 Treaty traders.

(a) An alien shall be classifiable as a nonimmigrant treaty trader if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(E)(i) of the Act and that: (1) He intends to depart from the United States upon the termination of his status; and (2) if he is employed by a foreign person or organization having the nationality of the treaty country which is engaged in substantial trade as contemplated by section 101(a)(15)(E)(i), he will be engaged in duties of a supervisory or executive

character, or, if he is or will be employed in a minor capacity, he has the specific qualifications that will make his services essential to the efficient operation of the employer's enterprise and will not be employed solely in an unskilled manual capacity. The employment must be by an individual employer having the nationality of the treaty country who is maintaining the status of a nonimmigrant treaty trader, or by an organization which is principally owned by a person or persons having the nationality of the treaty country and, if not residing abroad, maintaining nonimmigrant treaty trader status.

(b) The term "trade," as used in this section, means trade of a substantial nature which is international in scope, carried on by the alien in his own behalf or as an agent of a foreign person or organization engaged in trade, and is principally between the United States and the foreign state of which such alien is a national. Consideration shall be given to any conditions in the country of which the alien is a national which may affect the alien's ability to carry on substantial trade principally between the United States and such country.

(c) The nationality of a spouse or child of a treaty trader shall not be material to the classification of such spouse or child under the provisions of section 101(a)(15)(E)(i) of the Act.

(d) Representatives of foreign information media shall first be considered for possible classification as nonimmigrants under the provisions of section 101(a)(15)(I) of the Act and § 41.60, before consideration is given to their possible classification as nonimmigrants under the provisions of section 101(a)(15)(E) of the Act and of this section.

(Sec. 101, 66 Stat. 166, 8 U.S.C. 1101)

(Dept. Reg. 108.411, 24 FR 6683, Aug. 18, 1959, as amended by Dept. Reg. 108.507, 29 FR 4770, Apr. 3, 1964; Dept. Reg. 108.702, 39 FR 26154, July 17, 1974)

#### § 41.42 Treaty investors.

(a) An alien shall be classifiable as a nonimmigrant treaty investor if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section

101(a)(15)(E)(ii) of the Act and that: (1) He intends to depart from the United States upon the termination of his status; and (2) he is an alien who has invested or is investing capital in a bona fide enterprise and is not seeking to proceed to the United States in connection with the investment of a small amount of capital in a marginal enterprise solely for the purpose of earning a living; or that (3) he is employed by a treaty investor in a responsible capacity and the employer is a foreign person having the nationality of the treaty country who is maintaining the status of a nonimmigrant treaty investor, or an organization which is principally owned by a person or persons having the nationality of the treaty country and, if not residing abroad, maintaining nonimmigrant treaty investor status.

(b) The nationality of a spouse or child of a treaty investor shall not be material to the classification of such spouse or child under the provisions of section 101(a)(15)(E)(ii) of the Act.

(Sec. 101, 66 Stat. 166, 8 U.S.C. 1101)

(Dept. Reg. 108.411, 24 FR 6683, Aug. 18, 1959, as amended by Dept. Reg. 108.702, 39 FR 26154, July 17, 1974)

#### STUDENTS—ACADEMIC, LANGUAGE TRAINING PROGRAMS

§ 41.45 Students in colleges, universities, seminaries, conservatories, academic high schools, elementary schools, other academic institutions, and in language training programs.

(a) An alien shall be classifiable as a nonimmigrant student under section 101(a)(15)(F)(i) of the Act upon establishing to the satisfaction of the consular officer that the provisions of that section have been met and that the alien:

(1) Will attend, and has been accepted for attendance by, a college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States which has been approved by the Attorney General for the purposes of section 101(a)(15)(F)(i) of the Act, as evidenced by the presentation of Form I-20A-B (Certificate of Eligibil-

ity) properly and completely filled out and signed by the alien and by a designated school official (the Form I-20A, when properly executed and presented by an alien in support of an application for a student visa under this section, shall be accepted by the consular officer as prima facie evidence that the designated college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or institution providing language training has been approved by the Attorney General for the attendance of nonimmigrant students, and that the visa applicant has been accepted for attendance at such institution);

(2) Is in possession of sufficient funds to cover expenses while in the United States or other arrangements have been made to provide those expenses;

(3) Has sufficient scholastic preparation and knowledge of the English language (unless the alien is going to an institution exclusively to participate in an English language training program) to enable the undertaking of a full course of study given in the English language which the accepting institution is equipped to offer, or the institution (i) has accepted the alien expressly for a full course of study in a language with which the alien is sufficiently familiar, or

(ii) Will enroll the alien in a combination of academic courses and English instruction which will constitute a full course of study; and

(4) Intends in good faith and will be able to depart from the United States upon the termination of the student status (consular officers are authorized in borderline cases to require the posting of a bond with the Attorney General in a sufficient sum to insure that upon the alien's conclusion of studies, or upon the alien's failure to maintain student status, or any status subsequently acquired under section 218 of the Act, the alien will depart from the United States). If the alien is otherwise qualified for classification as a nonimmigrant student under this section, but intends to study the English language exclusively while in the United States, such alien may be classified as a nonimmigrant student

under the provisions of section 101(a)(15)(F)(ii) of the Act even though no credits are given by the institution for such study. The approved school must be equipped to offer a full course of study in the English language and must have accepted the applicant expressly for that course.

(b) An alien shall also be classifiable as a nonimmigrant under section 101(a)(15)(F)(ii) of the Act if it is established to the satisfaction of the consular officer that such alien qualifies under the provisions of that section and that the alien:

(1) Is in possession of sufficient funds to cover expenses while in the United States, or that other arrangements have been made to provide for such expenses; and

(2) Intends in good faith and will be able to depart from the United States upon the termination of the status of the principal alien.

(Sec. 104, 66 Stat. 174 (8 U.S.C. 1104), see 109(b)(1), 91 Stat. 847)

(Dept. Reg. 108.820, 47 FR 21777, May 20, 1982; 47 FR 24293, June 4, 1982)

#### INTERNATIONAL ORGANIZATION ALIENS

§ 41.50 Aliens coming to international organizations.

(a) An alien shall be classifiable under the provisions of section 101(a)(15)(G) of the Act if he establishes to the satisfaction of the consular officer that he is within one of the classes described in that section and that he seeks to enter, or pass in transit through, the United States in pursuance of his official duties. Such alien who seeks to enter, or pass in transit through, the United States other than in pursuance of his official duties shall not be classified under section 101(a)(15)(G) of the Act.

(b) An alien who applies for a visa as a nonimmigrant under the provisions of section 101(a)(15)(G) of the Act shall not be refused such visa solely on the grounds that he is not a national of the country whose government he represents.

(c) An alien who seeks to enter the United States as a foreign government representative to an international organization and who, at the same time,

is proceeding to the United States on official business as a foreign government official within the meaning of section 101(a)(15)(A) of the Act, shall, if otherwise qualified, be issued a visa as a non-immigrant under the provisions of section 101(a)(15)(A) of the Act.

(d) An alien not classifiable under section 101(a)(15)(A) of the Act who is entitled to classification under section 101(a)(15)(G) of the Act shall be classified under this section although he may also be eligible for another non-immigrant classification.

(Sec. 101, 66 Stat. 166, 8 U.S.C. 1101)  
(Dept. Reg. 108.411, 24 FR 6683, Aug. 18, 1959)

#### TEMPORARY WORKERS AND TRAINEES

##### § 41.55 Temporary workers and trainees.

(a) An alien shall be classifiable under the provisions of section 101(a)(15)(H) of the Act if—

(1) (i) He establishes to the satisfaction of the consular officer that he qualifies under the provision of that section; and (ii) the consular officer shall have received a petition approved by the Immigration and Naturalization Service to accord such classification to the alien, or official notification of the approval thereof; or (iii) the alien shall have presented to the consular officer official confirmation of the approval of the petition to accord him such classification or of the extension of his period of authorized stay in such classification; or

(2) He establishes to the satisfaction of the consular officer that he is the spouse or child of an alien so classified.

The period of validity of a visa issued on the basis of such an approved petition or official notification or confirmation shall not exceed the period of validity or of authorized stay set forth therein. The approval of such a petition shall not, of itself, establish that the alien is eligible to receive a non-immigrant visa.

(b) If a consular officer knows or has reason to believe that an alien applying for a visa under section 101(a)(15)(H) of the Act is not qualified to perform the services, or to un-

dertake the training, specified in the employer's petition approved by the Attorney General he shall suspend action on the alien's application and submit a report to the approving office of the Immigration and Naturalization Service for whatever action appears to be warranted.

(c) The term "Trainee", as used in section 101(a)(15)(H)(i) of the Act, means a nonimmigrant alien who seeks to enter the United States at the invitation of an individual, organization, firm, or other trainer for the purpose of receiving instruction in any field of endeavor, including agriculture, commerce, communication, finance, government, transportation, and the professions as well as in a purely industrial establishment. (For provisions relating to the ineligibility of former exchange visitors to receive visas under section 101(a)(15)(H) of the Act see § 41.91(d)).

(Sec. 101, 66 Stat. 166 8 U.S.C. 1101)  
(Dept. Reg. 108.411, 24 FR 6983, Aug. 18, 1959, 24 FR 6943, Aug. 27, 1959, as amended by Dept. Reg. 108.618, 35 FR 6124, Apr. 15, 1970; Dept. Reg. 108.641, 36 FR 19304, Oct. 2, 1971; 36 FR 19907, Oct. 13, 1971; Dept. Reg. 108.678, 37 FR 21637, Oct. 14, 1972)

CROSS REFERENCE: For provisions relating to the ineligibility of former exchange visitors to receive visas under section 101(a)(15)(H) of the Act, see § 41.91(d).

#### INFORMATION MEDIA REPRESENTATIVES

##### § 41.60 Representatives of foreign press, radio, film, or other information media.

(a) An alien shall be classifiable as a nonimmigrant information media representative if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(I) of the Act and that he is a bona fide representative of a foreign press, radio, film, or other information medium having its home office in a foreign country, the government of which grants upon a basis of reciprocity similar privileges to representatives of such a medium having home offices in the United States.

(b) An alien who will be engaged in the United States in newsgathering activities between the United States and the country of which he is a national

shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101(a)(15)(I) of the Act, notwithstanding the fact that such alien may also be classifiable as a nonimmigrant under the provisions of section 101(a)(15)(E) of the Act.

(Sec. 101, 66 Stat. 166, 8 U.S.C. 1101)  
(Dept. Reg. 108.411, 24 FR 6684, Aug. 18, 1959)

#### EXCHANGE VISITORS

##### § 41.65 Exchange visitors.

(a) *Classification.* An alien shall be classifiable as an exchange visitor if he qualifies under the provisions of section 101(a)(15)(J) of the Act and establishes to the satisfaction of the consular officer that:

(1) He has been accepted to participate, and intends to participate, in an exchange visitor program designated by the International Communication Agency as evidenced by the presentation of a properly executed Form IAP-66 (Certificate of Eligibility for Exchange Visitor (J-1) status);

(2) He has sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses;

(3) He has sufficient knowledge of the English language to enable him to undertake the program for which he has been selected, or, except for an alien coming to participate in a program under which he will receive graduate medical education or training, the organization sponsoring him is aware of his deficiency in this respect and has indicated its willingness to accept him regardless of that deficiency;

(4) He meets the requirement of section 212(j) of the Immigration and Nationality Act, as amended, if coming to participate in a program under which he will receive graduate medical education or training; or that,

(5) The alien is the spouse or minor child of such an exchange-visitor program participant.

(b) *Applicability of section 212(e) of the Act.* (1) An alien is subject to the 2-year foreign residence requirement of section 212(e) of the Act if—

(i) His participation in one or more exchange programs was wholly or par-

tially financed, directly or indirectly, by the Government of the United States or by the government of his country of nationality or last residence; or

(ii) At the time of the issuance to him of an exchange visitor visa and admission to the United States, or, if not required to obtain a nonimmigrant visa, at the time of his admission to the United States as an exchange visitor, or at the time of his acquisition of such status after admission, he is a national and resident, or if not a national he is a lawful permanent resident or has status equivalent thereto, of a country which the Director of the International Communication Agency had designated, through publication by public notice in the FEDERAL REGISTER, as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien will engage in his exchange visitor program; or

(iii) He acquires exchange visitor status in order to receive graduate medical education or training in the United States.

(2) For the purposes of this paragraph the terms "financed directly" and "financed indirectly" shall be defined as set forth in § 514.1 of Chapter V.

(3) The country in which 2 years' residence and physical presence will satisfy the requirements of sections 212(e) of the Act in the case of an alien determined to be subject to such requirements shall be the country of which the alien is, at the time of such determination, a national and resident, or, if not a national, a lawful permanent resident or has status equivalent thereto.

(4) If an alien is subject to the 2-year foreign residence requirement of section 212(e) of the Act, the spouse or child of such alien shall also be subject to such requirement if such spouse or child is admitted to the United States pursuant to section 101(a)(15)(J) of the Act, or acquires status pursuant to such section after admission, for the purpose of accompanying or following to join such alien.

(c) *Notification to alien.* The consular officer to whom an alien applies for

an exchange visitor visa shall, prior to the issuance of such visa, determine whether the alien will be subject to the 2-year foreign residence requirement of section 212(c) of the Act if admitted to the United States under section 101(a)(15)(J) of the Act and, if so, the country in which 2 years' residence and physical presence will satisfy such requirement with respect to the alien, and shall inform the alien of such determinations.

(Sec. 104, 66 Stat. 174 (8 U.S.C. 1104, 1182(e), 1258); Reorganization Plan No. 2 of 1973, E.O. 12048 of March 27, 1973)

(Dept. Reg. 108.657, 37 FR 7156, Apr. 11, 1972, as amended by Dept. Reg. 108.673, 37 FR 17471, Aug. 29, 1972; Dept. Reg. 108.691, 38 FR 20319, July 31, 1973; Dept. Reg. 108.766, 44 FR 17059, Mar. 23, 1979; 45 FR 81560, Dec. 11, 1980)

#### FIANCEE OR FIANCE

##### § 41.66 Fiancee or fiancé of a United States citizen.

(a) An alien shall be classifiable as a nonimmigrant fiancée or fiancé if he submits evidence that he qualifies under the provisions of section 101(a)(15)(K) of the Act and if the consular officer shall have received from the Immigration and Naturalization Service a petition filed by the alien's U.S. citizen fiancé or fiancée and approved in accordance with the provisions of section 214(d) of the Act.

(b) Upon receipt of such a petition, and upon submission by the alien of a sworn statement of ability and intent to conclude a valid marriage with the petitioner within 90 days of arrival in the United States, the consular officer shall grant the status accorded in the petition and shall determine the eligibility of the alien to receive a visa.

(c) Determination of the eligibility of an alien to receive a visa under section 101(a)(15)(K) of the Act shall be made, insofar as practicable, as if the alien were an applicant to receive an immigrant visa.

(d) If it is determined that the alien would be eligible in all respects to receive an immigrant visa, the consular officer may issue a nonimmigrant visa under the provisions of this section to the alien.

(Sec. 101, 84 Stat. 116; 8 U.S.C. 1101)

(Dept. Reg. 108.618, 35 FR 6124, Apr. 15, 1970, as amended by Dept. Reg. 108.670, 37 FR 14673, July 28, 1972)

#### EXECUTIVES, MANAGERS, AND SPECIALISTS

##### § 41.67 Executives, managers, and specialists (intra-company transferees).

(a) An alien shall be classifiable under the provisions of section 101(a)(15)(L) of the Act if—

(1) (i) He establishes to the satisfaction of the consular officer that he qualifies under the provisions of that section; and (ii) the consular officer shall have received a petition approved by the Immigration and Naturalization Service to accord such classification to the alien, or official notification of the approval thereof; or (iii) the alien shall have presented to the consular officer official confirmation of the approval of the petition to accord him such classification or of the extension of his period of authorized stay in such classification; or

(2) He establishes to the satisfaction of the consular officer that he is the spouse of child of an alien who is so classified. The period of validity of a visa issued on the basis of such an approved petition or official notification or confirmation shall not exceed the period of validity or of authorized stay set forth therein. The approval of such a petition shall not, of itself, establish that the alien is eligible to receive a nonimmigrant visa.

(b) If a consular officer knows or has reason to believe that an alien applying for a visa under section 101(a)(15)(L) of the Act has not been continuously employed for 1 year by the same employer or an affiliate or subsidiary thereof, or has not been employed in a managerial or executive capacity, or does not possess specialized knowledge, as specified in the employer's petition approved by the Attorney General, he shall suspend action on the alien's application and submit a report to the approving office of the Immigration and Naturalization Service for whatever action appears to be warranted.

(Sec. 101, 84 Stat. 116, 8 U.S.C. 1101)

(Dept. Reg. 108.618, 35 FR 6125, Apr. 15, 1970, as amended by Dept. Reg. 108.644, 36

FR 10304, Oct. 2, 1971; 36 FR 12907, Oct. 13, 1971; Dept. Reg. 108.670, 37 FR 21637, Oct. 14, 1972)

#### STUDENTS—VOCATIONAL

##### § 41.68 Students in established vocational or other recognized nonacademic institutions, other than in language training programs.

(a) An alien shall be classifiable as a nonimmigrant student under section 101(a)(15)(M)(i) of the Act upon establishing to the satisfaction of the consular officer that the provisions of that section have been met and that the alien:

(1) Will attend and has been accepted for attendance solely for the purpose of pursuing a full course of study (other than a language training program) by an established vocational or other recognized nonacademic institution in the United States which has been approved by the Attorney General for the purposes of section 101(a)(15)(M)(i) of the Act, as evidenced by the presentation of Form I-20M-N (Certificate of Eligibility) properly and completely filled out and signed by the alien and by a designated school official (the form I-20M, when properly executed and presented by an alien in support of an application for a student visa under this section, shall be accepted by the consular officer as prima facie evidence that the designated vocational or other recognized nonacademic institution which has issued the document has been approved by the Attorney General for the attendance of nonimmigrant students pursuant to section 101(a)(15)(M)(i) of the Act and that the visa applicant has been accepted for attendance at such institution);

(2) Is in possession of sufficient funds to cover expenses while in the United States or other arrangements have been made to provide for those expenses;

(3) Has sufficient knowledge of the English language to enable such an alien to undertake a full course of study in the accepting institution, or, if knowledge of the English language is inadequate to enable such alien to pursue a full course of study given in the English language, the accepting institution is equipped to offer, and (i)

has accepted the alien expressly for a full course of study in a language with which the alien is sufficiently familiar, or (ii) will enroll the alien in courses of instruction in English in vocational or principal instruction in vocational courses which, when taken together, will constitute a full course of study, and

(4) Intends in good faith and will be able to depart from the United States upon the termination of student status.

(b) An alien shall also be classifiable as a nonimmigrant student under section 101(a)(15)(M)(ii) of the Act if it is established to the satisfaction of the consular officer that such alien qualifies under the provisions of that section and that the alien: (1) is in possession of sufficient funds to cover expenses while in the United States, or that other arrangements have been made to provide for such expenses, and (2) intends in good faith and will be able to depart from the United States upon the termination of the status of the principal alien.

(Sec. 104, 66 Stat. 174 (8 U.S.C. 1104), sec. 109(b)(1), 91 Stat. 847)

(Dept. Reg. 108.620, 45 FR 21777, May 29, 1982; 47 FR 24293, June 4, 1982)

#### NATO ALIENS

##### § 41.70 NATO representatives, officials and employees.

(a) (1) An alien shall be classifiable under the symbol NATO 1, NATO 2, NATO 3, NATO 4, or NATO 5 (see 141.12 for classes of aliens entitled to classification under each symbol) if he establishes to the satisfaction of the consular officer that he is seeking admission to the United States under the applicable provision of the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff, or that he is a member of the immediate family of an alien classified under the symbol NATO 1, NATO 2, NATO 3, NATO 4, or NATO 5.

(2) Armed services personnel entering the United States 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 may enter the United States under the appropriate treaty waiver of documentary requirements contained in 141.8(d) or (e), but if issued visas shall be classifiable under the symbol NATO-2.

(3) Dependents of armed services personnel referred to in paragraph (a)(2) of this section shall be classifiable under the symbol NATO-2.

(b) An alien member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, and his dependents, or an alien 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 his dependents, shall be classified under the symbol NATO-6.

(c) An alien attendant, servant, or personal employee of an alien classified under the symbol NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6, and the members of the immediate family of such attendant, servant, or personal employee, shall be classifiable under the symbol NATO-7.

16 U.S.C. 877, 1094f

(Dept. Reg. 108.433, 25 FR 4579, May 25, 1960)

**Cross Reference.** 1. For exemption from certain grounds for refusal of visas to NATO aliens, see 141.91(e).

2. For exemption from passport validity requirement for certain NATO aliens, see 141.91(f).

#### INELIGIBLE CLASSES OF NONIMMIGRANTS

##### § 41.90 Basis for refusal.

A visa shall be refused only upon a ground specifically set out in the law or regulations issued thereunder. The term "reason to believe", as used in section 221(g) of the Act, shall be considered to require a determination based upon facts or circumstances which would lead a reasonable person to conclude that the applicant is ineligible to receive a nonimmigrant visa as provided in the Act and as implemented by the regulations contained in this part. Consideration shall be given to any evidence submitted indicating

that the ground for a prior refusal of a nonimmigrant visa may no longer exist. The burden of proof is upon the applicant to establish that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the Act, or any other provision of law and 141.91.

(Sec. 221, 66 Stat. 192; 8 U.S.C. 1201)

(Dept. Reg. 108.422, 24 FR 11081, Dec. 31, 1959)

##### § 41.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* Determinations relating to the ineligibility of aliens to receive nonimmigrant visas under section 212(a) of the Act shall be governed by the following provisions:

(1-6) *Medical grounds of ineligibility.* A finding of a medical examiner of the United States Public Health Service, a contract location physician, or of a panel physician designated by the Foreign Service establishment in whose jurisdiction the examination is performed, with respect to the applicability of section 212(a) (1) through (6) of the Act shall be binding on the consular officer, except that the consular officer may refer for review to the appropriate office of the United States Public Health Service the finding of a contract location or panel physician in an individual case. In such case he may hold in abeyance his decision on the visa application pending the receipt of the review finding of the Public Health Service.

(7) *Physical defect affecting alien's ability to earn a living.* An alien within the purview of section 212(a)(7) of the Act may be issued a nonimmigrant visa, if otherwise qualified therefor, upon receipt by the consular officer of notice from the Immigration and Naturalization Service of the giving of a bond or undertaking as provided in section 221 (g) of the Act. If the consular officer is satisfied that the giving of such bond or undertaking removes the likelihood that the alien might become a public charge within the meaning of section 212(a)(15) of the Act.

(8) *Paupers, professional beggars, or vagrants.* The provisions of section

212(a) (8) shall be applicable only in the case of an alien who is at the time of visa application a pauper, professional beggar, or vagrant.

##### (9) *Crime involving moral turpitude.*

(i) A determination that a crime involves moral turpitude shall be based upon the moral standards generally prevailing in the United States. Before a finding of ineligibility under section 212 (a)(9) of the Act may be made because of an admission of the commission of acts which constitute the essential elements of a crime involving moral turpitude, it must first be established that the acts constitute a crime under the criminal law of the jurisdiction where they occurred.

(ii) An alien who has been convicted of a crime involving moral turpitude or who admits the commission of acts which constitute the essential elements of such a crime and who has committed an additional crime involving moral turpitude is ineligible to receive a visa under the provisions of section 212(a)(9) of the Act although the crimes were committed while the alien was under the age of eighteen years.

(iii) An alien shall not be ineligible to receive a visa under section 212(a)(9) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of an offense involving moral turpitude provided the alien was under the age of eighteen years at the time the offense was committed. An alien convicted as an adult of a crime involving moral turpitude shall be subject to the provisions of section 212(a)(9) of the Act regardless of whether juvenile courts existed within the jurisdiction and regardless of whether he was under the age of eighteen years at the time the offense was committed.

(iv) A conviction in absence of a crime involving moral turpitude shall not constitute a conviction within the meaning of section 212(a)(9) of the Act.

(v) An alien shall not be considered ineligible to receive a visa under section 212(a) (9) of the Act by reason of a conviction of a crime involving moral turpitude for which a full and unconditional pardon has been granted by

the President of the United States, by the Governor of a State of the United States, by the former High Commissioner for Germany acting pursuant to Executive Order 10062, or by the United States Ambassador to the Federal Republic of Germany acting pursuant to Executive Order 10608. A legislative pardon or a pardon, amnesty, expungement of penal record of any other act of clemency granted by a foreign state shall not serve to remove a ground of ineligibility under section 212(a)(9) of the Act.

(vi) The term "purely political offense" as used in section 212(a)(9) of the Act shall include offenses which resulted in convictions obviously based on trumped-up charges or protracted upon repressive measures against racial, religious or political minorities.

(10) *Conviction of two or more offenses.* (i) An alien shall not be ineligible to receive a visa under section 212(a)(10) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of two or more offenses regardless of the period of confinement imposed by the sentence provided the alien was under the age of eighteen years at the time the offenses were committed. An alien convicted as an adult of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more shall be subject to the provisions of section 212(a)(10) of the Act regardless of whether juvenile courts existed within the jurisdiction at the time of conviction and regardless of whether he was under the age of eighteen years at the time the offenses were committed.

(ii) A conviction or convictions in absence of two or more offenses for which the aggregate sentences to confinement imposed were five years or more shall not constitute a conviction within the meaning of section 212(a)(10) of the Act.

(iii) An alien shall not be considered ineligible to receive a visa under section 212 (a)(10) of the Act by reason of having been convicted of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more if a full and unconditional pardon or pardons

for the offenses have been granted by the President of the United States, by the Governor of a State of the United States, by the former High Commissioner for Germany acting pursuant to Executive Order 10662, or by the United States Ambassador to the Federal Republic of Germany acting pursuant to Executive Order 10668. A legislative pardon or a pardon, amnesty, expungement of penal record or any other act of clemency granted by a foreign state shall not serve to remove a ground of ineligibility under section 212(a)(10) of the Act.

(b) The term "purely political offense" as used in section 212(a)(10) of the Act shall include offenses which resulted in convictions obviously based on repressive measures against racial, religious or political minorities.

(v) A sentence to confinement which has been suspended by a court of competent jurisdiction is not one which has been "actually imposed" within the meaning of section 212(a)(10) of the Act.

(11) *Polygamy.* (Section 212(a)(11) of the Act inapplicable. Section 212(d)(1)).

(12) *Prostitution, procuring and related activities.* (i) The term "prostitute" means a woman given to promiscuous sexual intercourse for hire. A finding that an alien has "engaged" in prostitution must be based on elements of continuity and regularity which would indicate a pattern of behavior or deliberate course of conduct entered into primarily for financial gain or for other considerations of material value as distinguished from the commission of casual or isolated acts.

(ii) The fact that an alien may have ceased to engage in prostitution shall not serve to remove the existing ground of ineligibility to receive a visa under the provisions of section 212(a)(12) of the Act.

(iii) A prostitute or a person who has engaged in prostitution shall be ineligible to receive a visa under section 212(a)(12) of the Act notwithstanding the fact that prostitution may not be prohibited under the laws of the foreign country where the acts occurred.

(13) *Immoral sexual act.* An alien shall not be ineligible to receive a visa under section 212(a)(13) of the Act

unless his primary purpose in coming to the United States is to engage in an immoral sexual act.

(14) *Aliens entering to perform skilled or unskilled labor.* (Section 212(a)(14) of the Act inapplicable).

(15) *Public charge.* (i) Any conclusion that an alien is ineligible to receive a nonimmigrant visa under the provisions of section 212(a)(15) of the Act shall be predicated upon circumstances which indicate that the alien will probably become a charge upon the public after entry into the United States.

(ii) An alien within the purview of section 212(a)(15) of the Act may be issued a nonimmigrant visa upon receipt of notice by the consular officer of the giving of a bond or undertaking, as provided in section 221(g) of the Act, if the consular officer is satisfied that the giving of such bond or undertaking removes the alien's ineligibility to receive a visa under this section of the law.

(16) *Aliens excluded and deported.* An alien who was excluded and deported from the United States within the meaning of section 212(a)(16) of the Act shall not be issued a visa within one year from the date of his deportation unless he has obtained permission from the Immigration and Naturalization Service to reapply for admission.

(17) *Aliens arrested and deported or removed from the United States.* An alien who was arrested and deported from the United States, or who was removed from the United States within the meaning of section 212(a)(17) of the Act shall be required to obtain permission from the Immigration and Naturalization Service to reapply for admission into the United States before a visa may be issued, regardless of the period of time which may have elapsed since his deportation or removal.

(18) *Stow ways.* (Section 212(a)(18) of the Act inapplicable at time of visa application.)

(19) *Fraud and misrepresentation.* (i) An alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation for entry into the United States by fraud or by willfully misrepresenting a mate-

rial fact, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, shall be ineligible to receive a visa under the provisions of section 212(a)(19) of the Act: *Provided*, That the provisions of this subdivision shall not be applicable if the fraud or misrepresentation was committed by an alien at the time he sought entry into a country other than the United States or obtained travel documents as a bona fide refugee and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case in connection with his application for a visa to enter the United States: *Provided further*, That the fraud or misrepresentation was not committed by such refugee for the purpose of evading the quota or numerical restrictions of the U.S. immigration laws, or investigation of the alien's record at the place of his former residence or elsewhere in connection with an application for a visa.

(ii) Subject to the conditions stated in paragraph (a)(19)(i) of this section, an alien who is found by the consular officer to have made a willful misrepresentation within the meaning of section 10 of the Displaced Persons Act of 1948, as amended, for the purpose of gaining admission into the United States as an eligible displaced person, or to have made a material misrepresentation within the meaning of section 11(e) of the Refugee Relief Act of 1953, as amended, for the purpose of gaining admission into the United States as an alien eligible thereunder, shall be considered ineligible to receive a visa under the provisions of section 212(a)(19) of the Act.

(iii) The commission of fraud or the willful misrepresentation of a material fact by seeking to enter the United States as distinguished from fraud or misrepresentation in connection with the procurement, or attempt to procure, documents for entry, shall not render an alien ineligible to receive a visa under the provisions of section 212(a)(19) of the Act, if L. & N. Dec. 149, approved by the Attorney General 9-13-54.)

(20) *Immigrant documentary requirements.* (Section 212(a)(20) of the Act inapplicable.)

(21) *Non-compliance with section 203 of the Act.* (Section 212(a)(21) of the Act inapplicable.)

(22) *Aliens ineligible to citizenship or who departed to avoid service in the Armed Forces.* An alien shall be refused a nonimmigrant visa under the provisions of section 212(a)(22) of the Act if, having other than nonimmigrant status, he departed from or remained outside of the United States on or after September 8, 1939 to avoid or evade training or service in the United States Armed Forces.

(23) *Narcotics traffickers.* An alien shall be ineligible to receive a nonimmigrant visa under the provisions of section 212(a)(23) of the Act, as amended, irrespective of whether the conviction for illegal possession of narcotic drugs or marijuana or for conspiracy to violate any law or regulation within the contemplation of the Narcotic Control Act of 1956 occurred before or after July 18, 1956.

(24) *Aliens arriving in foreign contiguous territory or adjacent islands on nonsignatory transportation lines.* The provisions of section 212(a)(24) of the Act shall not render an alien ineligible to receive a nonimmigrant visa inasmuch as the Attorney General upon the recommendation of the Secretary of State has waived this ground of ineligibility for nonimmigrants under the authority contained in section 212(d)(3)(A) of the Act.

(25) *Illiterates.* (Section 212(a)(25) of the Act inapplicable. Section 212(d)(1).)

(26) *Nonimmigrant documentary requirements.* (i) A passport which is valid indefinitely for the return of the bearer to the country whose government issued such passport shall be deemed to have the required minimum period of validity as specified in section 212(a)(26) of the Act.

(ii) A crew list visa issued in accordance with § 41.127 is considered to constitute a valid nonimmigrant visa within the meaning of section 212(a)(26)(B) of the Act.

Cross Reference: For waivers of and exemptions from documentary requirements see §§ 41.5, 41.6, and 41.91(f).

(27) *Prejudicial activities.* (Reserved)

(28) *Members or affiliates of proscribed organizations.* (i) The term "affiliate", as used in sections 212(a)(28)(C) and (i) of the Act, shall mean an organization which is related to, or identified with a proscribed association or party, including any section, subsidiary, branch, or subdivision thereof, in such close association as to evidence an adherence to or a furtherance of the purposes and objectives of such association or party, or as to indicate a working alliance to bring to fruition the purposes and objectives of the proscribed association or party. An organization which gives, loans, or promises support, money, or other things of value for any purpose to any proscribed association or party shall be presumed to be an "affiliate" of such association or party, but nothing contained in this subdivision shall be construed as an exclusive definition of the term "affiliate."

(ii) Service, whether voluntary or not, in the armed forces of any country shall not be regarded, of itself, as constituting or establishing an alien's membership in, or affiliation with, any proscribed party or organization, and shall not, of itself, constitute a ground of ineligibility to receive a visa.

(iii) Voluntary service in a political capacity shall constitute affiliation with the political party or organization in power at the time of such service.

(iv) If an alien continues or continued his membership in or affiliation with a proscribed organization on or after reaching sixteen years of age, only his activities after reaching that age shall be pertinent to a determination whether the continuation of his membership or affiliation is or was voluntary.

(v) The term "operation of law", as used in section 212(a)(28)(i) of the Act, shall include any case wherein the alien without his acquiescence automatically became a member of or affiliated with a proscribed party or organization by official act, proclamation, order, edict, or decree.

(vi) In accordance with the definition of "totalitarian party" contained in section 101(a)(37) of the Act, a former or present voluntary member of or an alien who was, or is, voluntar-

ily affiliated with a noncommunist party, organization, or group, or of any section, subsidiary, branch, affiliate or subdivision thereof, which during the time of its existence did not or does not advocate the establishment in the United States of a totalitarian dictatorship, shall not be considered ineligible under the provisions of section 212(a)(28)(C) of the Act to receive a visa, unless the alien is known or believed by the consular officer to advocate, or to have advocated, personally, the establishment in the United States of a totalitarian dictatorship, within the meaning of section 212(a)(28)(D) of the Act.

(vii) The words "actively opposed", as used in section 212(a)(28)(1)(ii) of the Act, shall be considered as embracing speeches, writings, and other overt or covert activities in opposition to the doctrine, program, principles, and ideology of the party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, of which the alien was formerly a voluntary member.

(viii) *Espionage, sabotage, or other subversive activities.* [Reserved]

(ix) *Alien accompanying excludable alien.* (Section 212(a)(30) of the Act inapplicable.)

(x) *Alien aiding illegal entrant.* [Reserved]

(xi) *Aliens unable to establish nonimmigrant status.* (i) A nonimmigrant visa shall not be issued to an alien who has failed to overcome the presumption of immigrant status established by section 214(b) of the Act. An alien shall be considered to have established bona fide nonimmigrant status only if the consular officer is satisfied that his case falls within one of the nonimmigrant categories described in section 101(a)(15) of the Act or otherwise established by law or treaty.

(2) Consular officers are authorized in borderline cases under sections 101(a)(15) (B) and (F) to require the posting of a bond with the Attorney General. (See §§ 41.25 (a)(1) and 41.45(a)(4).)

(c) *Failure of application to comply with Act.* (1) An alien's visa application shall be considered as failing to comply with the provisions of the act or the regulations issued thereunder

if: (i) The applicant fails to furnish the information to be included in such application as required by the Act or the regulations contained in this part;

(ii) The application contains a false or incorrect statement other than one which would constitute a ground of ineligibility under section 212(a)(9) or (19) of the Act;

(iii) The application is not supported by the documents required under the provisions of the Act or the regulations contained in this part;

(iv) The applicant refuses to be fingerprinted if required by the Act or the regulations contained in this part;

(v) The necessary fee is not paid for the issuance of a nonimmigrant visa;

or

(vi) The application otherwise fails to meet the specific requirements of the Act for reasons for which the applicant is responsible.

(2) The grounds of refusal described in paragraph (c)(1) of this section shall not constitute a bar to the reconsideration of the application upon compliance with statutory or regulatory requirements, or to the consideration of a subsequent application submitted by the same applicant.

(d) *Former exchange visitors.* An alien who was admitted into the United States as an exchange visitor or who acquired such status after admission, who is within the purview of section 212(e) of the Immigration and Nationality Act as amended by the Act of April 7, 1970 (84 Stat. 116), shall not be eligible to apply for and receive a nonimmigrant visa under section 101(a)(15) (H) or (L) of the Act, notwithstanding the approval of a petition as provided in section 214(e) of the Act, unless

(1) It has been established that the alien has resided and has been physically present abroad in the country of his nationality or last residence for an aggregate of at least 2 years following the termination of his exchange visitor status as required by section 212(e) of the Act, or

(2) The foreign residence requirement of section 212(e) of the Act has been waived by the Attorney General in his behalf.

(e) *Grounds for refusal of visas applicable to certain nonimmigrant*

classes. (1) No visa may be issued in the A-1 or A-2 category to an alien who is considered by the Department to be persona non grata.

(2) Only those provisions of section 212(a) of the Act which are stated specifically with reference to each class apply to the following classes of nonimmigrants: (i) Class A-1: Section 212(a)(27) upon the direction of the President and the issuance of appropriate rules and regulations; (ii) Class A-2: Section 212(a)(27) and (28); (iii) Class C-2: Section 212(a)(26)(A), (27), (28) and (29); (iv) Class C-3: Section 212(a)(26)(A), (27) and (29); (v) Class G-1: Section 212(a)(27); (vi) Classes G-2, G-3, and G-4: Section 212(a)(27) and (29); (vii) Class NATO-1: Section 212(a)(27); (viii) Classes NATO-2, NATO-3, NATO-4 and NATO-6: Section 212(a)(27) and (29).

(3) An alien within class A-3 or G-5 shall be subject to all grounds of refusal specified in section 212 of the Act which are applicable to nonimmigrants in general except paragraph (28) of subsection (a) of that section.

(f) *Exception from passport validity requirement for certain nonimmigrants.* A nonimmigrant alien in whose case the passport requirement of section 212(a)(26) has not been waived and

(1) Who is within one of the classes of nonimmigrants described in section 101(a)(15)(A) (i) and (ii) of the Act, or

(2) Who is within one of the classes of nonimmigrants described in section 101(a)(15) (G)(i), (ii), (iii), and (iv) of the Act, or

(3) Who is within a class of nonimmigrants classifiable under the visa symbol NATO-1, NATO-2, NATO-3, NATO-4, or NATO-6, shall present a passport which is valid for a sufficient period to enable the alien to apply for admission at a port of entry prior to its expiration.

(Sec. 17, 79 Stat. 919, 8 U.S.C. 1201)

(Dept. Reg. 108.411, 24 FR 6678, Aug. 18, 1959)

Editorial Note: For Federal Register citations affecting § 41.91, see the List of CFR Sections Affected in the Finding Aids section of this volume.

CROSS REFERENCE: For validity period of passport for alien classifiable under section 212(d)(8) of the Act, see § 41.612.

#### TEMPORARY ADMISSION OF INELIGIBLE ALIENS

#### § 41.95 Procedure in recommending temporary admission of ineligible aliens.

(a) Except as provided in paragraph (b) of this section, a consular officer may, upon his own initiative, and shall, upon the request of the Secretary of State or upon the request of the alien, submit a report to the Department for possible transmission to the Attorney General pursuant to the provisions of section 212(d)(3)(A) of the Act in the case of an alien who is classifiable as a nonimmigrant but who is known or believed by the consular officer to be ineligible to receive a nonimmigrant visa under the provisions of section 212(a) of the Act, other than paragraph (27) or (29).

(b) A consular officer may, in certain categories defined by the Secretary of State, recommend directly to designated immigration officers that an alien's temporary admission be authorized under the provisions of section 212(d)(3)(A) of the Act.

(c) When the Attorney General authorizes the temporary admission of an ineligible alien as a nonimmigrant and the consular officer is so informed, the consular officer may proceed with the issuance of a nonimmigrant visa to the alien, subject to the conditions imposed by the Attorney General.

(Sec. 212, 66 Stat. 182, 8 U.S.C. 1182)

(Dept. Reg. 108.46, 28 FR 274, Jan. 10, 1963)

#### TYPES OF NONIMMIGRANT VISAS

#### § 41.100 Regular, diplomatic and official visas.

A nonimmigrant visa of any classification shall be issued as a regular nonimmigrant visa unless the alien falls within one of the classes entitled to a diplomatic or official visa as described in §§ 41.102 and 41.104.

(Dept. Reg. 108.411, 24 FR 6687, Aug. 18, 1959)

#### § 41.102 Classes of aliens eligible to receive diplomatic visas.

(a) A nonimmigrant alien who is in possession of a diplomatic passport or its equivalent shall, if otherwise qualified, be eligible to receive a diplomatic visa irrespective of his classification under § 41.12 if he is within one of the following classes:

(1) Heads of States and their alternates;

(2) Members of a reigning royal family;

(3) Governors-general, governors, high commissioners, and similar high administrative or executive officers of a territorial unit, and their alternates;

(4) Cabinet ministers and their assistants holding executive or administrative positions not inferior to that of the head of a departmental division, and their alternates;

(5) Presiding officers of chambers of national legislative bodies;

(6) Justices of the highest national court of a foreign country;

(7) Ambassadors, public ministers, other officers of the diplomatic service and consular officers of career;

(8) Military officers holding a rank not inferior to that of a brigadier general in the U.S. Army or Air Force and Naval officers holding a rank not inferior to that of a rear admiral in the U.S. Navy;

(9) Military, naval, air and other attaches and assistant attaches assigned to a foreign diplomatic mission;

(10) Officers of foreign government delegations to international organizations so designated by executive order;

(11) Officers of foreign government delegations to, and officers of, international bodies of an official nature, other than international organizations so designated by executive order;

(12) Officers of a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties;

(13) Officers of foreign government delegations proceeding to or from a specific international conference of an official nature;

(14) Members of the immediate family of a principal alien who is within one of the classes described in

paragraphs (a) (1) to (11) inclusive, of this section;

(15) Members of the immediate family accompanying or following to join the principal alien who is within one of the classes described in paragraphs (a) (12) and (13) of this section;

(16) Diplomatic couriers proceeding to or through the United States in the performance of their official duties.

(b) A nonimmigrant alien who is classifiable under section 101(a)(15)(G)(iv) shall, if otherwise qualified, be eligible to receive a diplomatic visa if he is—

(1) The Secretary General of the United Nations;

(2) An Under Secretary General of the United Nations;

(3) An Assistant Secretary General of the United Nations;

(4) The Administrator or the Deputy Administrator of the United Nations Development Program;

(5) An Assistant Administrator of the United Nations Development Program;

(6) The Executive Director of the—

(i) United Nations Children's Fund;

(ii) United Nations Institute for Training and Research;

(iii) United Nations Industrial Development Organization.

(7) The Executive Secretary of the—

(i) United Nations Economic Commission for Africa;

(ii) United Nations Economic Commission for Asia and the Far East;

(iii) United Nations Economic Commission for Latin America;

(iv) United Nations Economic Commission for Europe.

(8) The Secretary General of the United Nations Conference on Trade and Development;

(9) The Director General of the Latin American Institute for Economic and Social Planning;

(10) The United Nations High Commissioner for Refugees;

(11) The United Nations Commissioner for Technical Co-operation;

(12) The Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

(13) The spouse or child of any nonimmigrant alien listed in paragraphs (b) (1) through (12) of this section.

(c) Any other individual alien or class of aliens shall, if otherwise qualified, be eligible to receive a diplomatic visa upon the authorization of the Department, the Chief of a United States Diplomatic Mission, the Deputy Chief of Mission, the Counselor for Consular Affairs or the principal officer of a consular post not under the jurisdiction of a diplomatic mission.

(Dept. Reg. 108.637, 36 FR 4697, Mar. 11, 1971, as amended by Dept. Reg. 108.651, 37 FR 2439, Feb. 1, 1972, 37 FR 3051, Feb. 11, 1972)

#### § 41.104 Classes of aliens eligible to receive official visas.

A nonimmigrant within one of the following categories shall, if otherwise qualified, be eligible to receive an official visa irrespective of his classification under § 41.12.

(a) An alien within one of the following classes who is not eligible to receive a diplomatic visa:

(1) Aliens within a class described in § 41.102(a) who are ineligible to receive a diplomatic visa because they are not in possession of a diplomatic passport or its equivalent;

(2) Aliens classifiable under section 101(a)(15)(A) of the Act.

(3) Aliens, other than those described in § 41.102(a), who are classifiable under section 101(a)(15)(G) of the Act, except those classifiable under section 101(a)(15)(G)(iv) of the Act unless the government of which the alien is an accredited representative is recognized de jure by the United States;

(4) Aliens classifiable under section 101(a)(15)(C) of the Act as nonimmigrants described in section 212(d)(8) of the Act;

(5) Members of members of national legislative bodies;

(6) Justices of the lesser national and the highest state courts of a foreign country;

(7) Officers and employees of national legislative bodies proceeding to or through the United States in the performance of their official duties;

(8) Clerical and custodial employees attached to foreign government delegations to, and employees of, international bodies of an official nature.

other than international organizations so designated by executive order, proceeding to or through the United States in the performance of their official duties.

(9) Clerical and custodial employees attached to a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties.

(10) Clerical and custodial employees attached to foreign government delegations proceeding to or from a specific international conference of an official nature.

(11) Officers and employees of foreign governments recognized de jure by the United States who are stationed in foreign contiguous territories or adjacent islands.

(12) Members of the immediate family, attendants, servants and personal employees of, when accompanying or following to join, a principal alien who is within one of the classes referred to or described in paragraphs (a) (1) to (11) inclusive of this section;

(13) Attendants, servants and personal employees accompanying or following to join a principal alien who is within one of the classes referred to or described in § 41.102(a) (1) to (13) inclusive;

(b) Any other individual alien or class of aliens for whom the acceptance of an application for an official visa has been authorized by the Department or by the Chief of a United States Diplomatic Mission, the Deputy Chief of Mission, the Counselor for Consular Affairs, or the principal officer at a consular post not under the jurisdiction of a diplomatic mission.

(Dept. Reg. 108.411, 24 FR 6687, Aug. 18, 1959, as amended by Dept. Reg. 108.433, 25 FR 4579, May 25, 1960; Dept. Reg. 108.033, 36 FR 4098, Mar. 11, 1971, 36 FR 5040, Mar. 17, 1971)

#### APPLICATION FOR NONIMMIGRANT VISAS

##### § 41.110 Place of application.

(a) *Applications for regular and official visas.* With the exception of certain aliens who are in the United States who may be issued nonimmigrant visas under the provisions of § 41.120, every alien applying for a regular or official visa shall make applica-

tion to the consular officer in the consular district in which he has his residence, except that a consular officer shall at the direction of the Department, or may in his discretion, accept an application for a nonimmigrant visa from an alien having no residence in the consular district if the alien is physically present therein.

(b) *Applications for diplomatic visas.* Application for a diplomatic visa shall be made at a diplomatic mission or at a consular office authorized to issue diplomatic visas, regardless of the nationality or residence of the applicant.

(Dept. Reg. 108.411, 24 FR 6687, Aug. 18, 1959, as amended by Dept. Reg. 108.422, 24 FR 11082, Dec. 31, 1959)

*CROSS REFERENCE.* For applications for crew list visas see § 41.127(b).

##### § 41.111 Supporting documents.

(a) *Authority to require documents and consideration accorded.* The consular officer shall have authority to require such documents as he may consider necessary to establish the alien's eligibility to receive a nonimmigrant visa. All such documents submitted by the alien shall be given consideration by the consular officer, including briefs submitted by attorneys or other representatives.

(b) *Unobtainable documents.* In the event an alien establishes to the satisfaction of the consular officer that any document or record required under the authority of this section is unobtainable, the consular officer may accept in lieu of such document or record, other satisfactory evidence of the fact to which the document or record would, if obtainable, pertain. A document or other record shall be considered "unobtainable" if it cannot be procured without causing the applicant or a member of his family actual hardship other than normal delay and inconvenience.

(c) *Photographs.* Except as otherwise provided in this paragraph, every alien shall furnish with his application identical photographs of himself in such number as may be required in the discretion of the consular officer. The photographs shall reflect a reasonable

likeness of the alien as of the time they are furnished, and shall be 1½ by 1½ inches in size, unmounted, without head covering, have a light background, and clearly show a full front view of the facial features of the alien. The reverse of each copy of the photograph shall be signed by the person executing the application (see § 41.115(a)) with the full name of the applicant. The photograph requirement may be waived, in the discretion of the consular officer, in the case of any alien who is (1) within a class of nonimmigrants described in sections 101(a)(15)(A), 101(a)(15)(G) or 212(d)(8) of the Act, (2) within a class of nonimmigrants classifiable under the visa symbol NATO-1 through NATO-7, (3) an applicant for a diplomatic visa, (4) an applicant for an official visa, or (5) under sixteen years of age. A notation of any such waiver shall be made in the space provided in the application form for the alien's photograph. A new photograph need not be required, in the discretion of the consular officer, if there is on file at the consular office a photograph which was submitted in connection with a prior nonimmigrant visa application and which still reflects a reasonable likeness of the applicant.

(d) *Police certificates.* (1) An alien shall be required to present a police certificate if the consular officer has reason to believe that he may have a police or criminal record, except that no police certificate shall be required in the case of an alien who is (i) within a class of nonimmigrants described in section 101(a)(15)(A) (i) or (ii), or section 101(a)(15)(G) (i), (ii), (iii), or (iv), or section 212(d)(8), of the Act, or (ii) within a class of nonimmigrants classifiable under the visa symbol NATO-1, NATO-2, NATO-3, NATO-4, or NATO-6.

(2) A police certificate is a certification by the police or other appropriate authorities stating what, if anything, their records show concerning the alien.

(Sec. 272, 66 Stat. 193, 8 U.S.C. 1202)

(Dept. Reg. 108.411, 24 FR 6687, Aug. 18, 1959, 24 FR 6944, Aug. 27, 1959, as amended by Dept. Reg. 108.433, 25 FR 4579, May 25, 1960; Dept. Reg. 108.405, 28 FR 5375, May 30, 1963)

##### § 41.112 Passports.

(a) *Passport requirement.* Except for certain persons in the A, C, G and NATO categories and persons for whom the passport requirement has been waived pursuant to the provisions of section 212(d)(4) of the Act, every applicant for a nonimmigrant visa shall present a passport as defined in section 101(a)(30) of the Act and § 41.1 which is valid for the period required by section 212(a)(26) of the Act.

(b) *Aliens included in a state passport.* The passport requirement referred to under paragraph (a) of this section may be met by the presentation of a passport including more than one person if such inclusion is authorized under the laws or regulations of the issuing authority and if a photograph of each person sixteen years of age or over to whom a visa is to be issued shall have been attached to the passport by the issuing authority.

(c) *Applicants for diplomatic visas.* Every applicant for a diplomatic visa shall be required to present a diplomatic passport, or the equivalent thereof, having the period of validity indicated in paragraph (a) of this section, unless such requirement has been waived pursuant to the authority contained in section 212(d)(4) of the Act or unless the case falls within the provisions of § 41.91(f).

(Dept. Reg. 108.422, 24 FR 11082, Dec. 31, 1959; Dept. Reg. 108.433, 25 FR 4579, May 25, 1960; Dept. Reg. 108.441, 25 FR 7910, July 23, 1960)

##### § 41.113 Medical examination

(a) An alien shall be required to be medically examined if (1) he is an applicant for a nonimmigrant visa as a fiancée or fiancé of a U.S. citizen, or as the child of such applicant, or (2) the consular officer has reason to believe that a medical examination is advisable or that it would disclose that the alien is medically ineligible to receive a visa.

(b) At consular offices where medical officers of the United States Public Health Service are on duty, the alien's examination shall be conducted by such officers. If a medical officer of the United States Public Health Service is not available, the required exam-

inaction shall be conducted by a contract location physician or by a physician selected by the alien from a panel of physicians approved by the consular officer.

(e) A consular officer shall not include the name of a physician on the panel of physicians referred to in paragraph (b) of this section unless such physician has facilities to perform required serological and X-ray tests or is in a position to refer applicants to a qualified laboratory for such tests.

(Sec. 221, 66 Stat. 191, 8 U.S.C. 1201; (Dept. Reg. 108,501, 29 FR 2783, Feb. 28, 1964, as amended by Dept. Reg. 108,670, 37 FR 14873, July 26, 1972; Dept. Reg. 108,684, 38 FR 4577, Feb. 16, 1973)

#### § 41.114 Personal appearance.

(a) Except as otherwise provided in this section, every alien seeking a nonimmigrant visa shall be required to apply in person before a consular officer. The requirement of personal appearance may be waived in the discretion of the consular officer in the case of any alien who is:

(1) A child under 14 years of age;

(2) Within a class of nonimmigrants classifiable under the visa symbols A-1, A-2, A-3, C-2, C-3, G-1, G-2, G-3, G-4, G-5, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or NATO-7;

(3) An applicant for a diplomatic or official visa;

(4) An applicant for a nonimmigrant visa under the provisions of section 101(a)(15)(D) of the Act;

(5) Within a class of nonimmigrants classifiable under the visa symbols C-1, H-1, or I;

(6) Within a class of nonimmigrants classifiable under the visa symbol J-1, who qualifies as a leader in a field of specialized knowledge or skill and who is the recipient of a U.S. Government grant, and the spouse and children of such an alien who qualify for J-2 classification;

(7) An airman applying for a nonimmigrant visa under the provisions of section 101(a)(15)(D) of the Act if the application is supported by a letter from the employing carrier certifying that the applicant is employed as an airman and the consular officer is sat-

isfied in the individual case that the personal appearance of the alien is not necessary to a determination of his eligibility to receive a visa, or;

(8) A nonimmigrant in any category in whose case the responsible consular officer determines that a waiver of personal appearance in the individual case is warranted in the national interest or because of unusual circumstances, including hardship to the visa applicant.

(b) In the categories described in paragraphs (a) (2) and (3) of this section the filing of a visa application by the applicant may be waived in the discretion of the consular officer. In cases in which personal appearance is waived pursuant to paragraph (a)(8) of this section the filing of a visa application by the applicant may be waived in the discretion of the consular officer in hardship, emergency or national interest cases. In any case in which personal appearance is waived pursuant to any other subparagraph of paragraph (a) of this section, application for a visa shall be made on Form OP-156 as determined to be appropriate by the consular officer.

(Dept. Reg. 108,501, 31 FR 13080, Oct. 8, 1960, as amended by Dept. Reg. 108,586, 33 FR 7669, May 24, 1968; Dept. Reg. 108,739, 42 FR 32535, June 27, 1977)

#### § 41.115 Application forms.

(a) *Aliens required to circulate applications.* Every alien applying for a nonimmigrant visa shall make application therefor on Form OP-156, unless personal appearance is waived and submission of the application form by the applicant is not required pursuant to 22 CFR 41.114(b) or unless there is a Form OP-156 available at the consular office which can be appropriately amended to bring the application up to date. In cases in which the filing of the visa application is waived, the consular officer shall prepare a Form OP-156 on behalf of the applicant from the data available in the passport or other documents submitted. In the case of an alien under 16 years of age, or one physically incapable of making an application, the application may be made by the alien's parent or guardian, or, if the alien has no parent

or guardian, by any person having legal custody of, or a legitimate interest in, the alien.

(b) *Additional information as part of application.* In any case in which the consular officer believes that the information provided in Form OP-156 is inadequate to determine the alien's eligibility to receive a nonimmigrant visa he may require the submission of such additional information as may be necessary or interrogate the alien on any matter which is deemed material. Any additional statements made by the alien shall become a part of the visa application. All documents required under the authority of § 41.111(a) shall be considered papers submitted with the alien's application within the meaning of section 221(g)(1) of the Act.

(Dept. Reg. 108,472, 26 FR 10051, Oct. 26, 1961, as amended by Dept. Reg. 108,540, 31 FR 13080, Oct. 8, 1966; Dept. Reg. 108,739, 42 FR 32535, June 27, 1977)

#### § 41.116 Registration and fingerprinting.

(a) *Registration.* Form OP-156, when properly completed, shall constitute the alien's registration record for the purposes of section 221(b) of the Act.

(b) *Fingerprinting.* (1) The provisions of section 221(b) of the Act which require the fingerprinting of aliens in connection with their applications for visas are waived in pursuance of the authority contained therein for the nonimmigrant classes specified in paragraph (b)(1)(i) of this section, and in pursuance of the authority contained in section 8 of the Act of September 11, 1957 (71 Stat. 641; U.S.C. 1201(a) for the nonimmigrant classes specified in paragraph (b)(1)(ii) of this section; (i) an alien who is within a class of nonimmigrants enumerated in section 101(a)(15)(A) and section 101(a)(15)(G) of the Act, or an alien who is granted a diplomatic visa on a diplomatic passport or on the equivalent thereof (see § 41.1); (ii) an alien who is a national of a country whose government does not require fingerprinting in connection with an application for, or the issuance of, a visa to a national of the United States who intends to proceed to such country for a similar purpose, and who is

classifiable as a nonimmigrant under the provisions of section 101(a)(15) (B), (C), (D), (E), (F), (H), (I), (J), (K), or (L) of the Act, including a nonimmigrant alien who is classifiable under the visa symbol NATO 1, NATO 2, NATO 3, NATO 4, NATO 5, NATO 6, or NATO 7.

(2) In the case of any nonimmigrant alien who is not exempted from the fingerprinting requirement under the provisions of this section the fingerprints of such alien shall be taken in connection with his application for a nonimmigrant visa on Form AR 4 (Alien Registration Fingerprint Card) or in such other manner as may be authorized by the Department.

(3) An alien may be required by the consular officer, when he makes preliminary or informal application for a visa, to have a set of his fingerprints taken on Form AR 4 in the event such procedure is considered necessary for the purpose of identification, or investigation. Consular officers may, where necessary, use the fingerprint card in order to ascertain from the appropriate local or any other authorities whether they have any pertinent information concerning the applicant's eligibility to receive a visa.

(Dept. Reg. 108,411, 24 FR 6688, Aug. 18, 1959, 24 FR 5943, Aug. 27, 1959 as amended by Dept. Reg. 108,488, 28 FR 775, Jan. 10, 1963; Dept. Reg. 108,618, 35 FR 6125, Apr. 4, 1970; Dept. Reg. 108,739, 42 FR 32536, June 27, 1977)

#### § 41.117 Signature.

When personal appearance is required, Form OP-156 shall be signed and verified by or on behalf of the applicant in the presence of the consular officer. If personal appearance is waived, and the submission of an application form by the alien is required, the form shall be signed by the applicant. If the filing of an application form is also waived, the consular officer shall so indicate on the Form OP-156 prepared on behalf of the applicant. The consular officer shall, in every instance, write his initials over or adjacent to his name and title stamp on the Form OP-156.

(Dept. Reg. 108.571, 32 FR 16098, Nov. 23, 1967, as amended by Dept. Reg. 108.539, 42 FR 32536, June 27, 1977)

#### ISSUANCE OF NONIMMIGRANT VISAS

##### § 41.120 Authority to issue visas.

(a) *Issuance outside the United States.* Any consular officer is authorized to issue regular and official visas. Diplomatic visas may be issued only by—

(1) A consular officer attached to a United States Diplomatic Mission, if he is authorized to do so by the Chief of the Mission, or

(2) A consular officer assigned to a consular office, if so authorized by the Department or by the Chief, the Deputy Chief, or the Counselor for Consular Affairs of the United States Diplomatic Mission in the country in which such consular office is located or, at a consular post not under the jurisdiction of a diplomatic mission, by the principal officer.

(b) *Issuance in the United States in certain cases.* The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to issue nonimmigrant visas to—

(1) Qualified aliens classifiable under the visa symbol C-2 or C-3;

(2) Other qualified aliens who—

(i) Are properly classifiable under subparagraph (A) or (G) of section 101(a)(15) of the Act or under the visa symbols NATO-1, NATO-2, NA-3, NATO-4, NATO-5, NATO-6, or NATO-7;

(ii) Present appropriate evidence that—

(a) They have been lawfully admitted to the United States in such status or have, after admission, had their status changed to such status;

(b) Their period of authorized stay in such status has not expired; and

(c) They are currently maintaining such status; and

(iii) Intend, after a temporary absence, to reenter the United States in such status.

(Dept. Reg. 108.638, 36 FR 12169, June 26, 1971, as amended by Dept. Reg. 108.695, 39 FR 2480, Jan. 22, 1974)

##### § 41.122 Visa fees.

(a) Unless on a basis of reciprocity no fee is chargeable, the fees for the issuance of visas, including official visas, to nonimmigrant nationals or stateless residents of each foreign country shall be collected in the amounts prescribed by the Secretary of State. If practicable, fees will correspond to the total of all visa, entry, residence, or other similar fees, taxes or charges assessed or levied against nationals of the United States by the foreign countries of which such nonimmigrants are nationals or stateless residents.

(b) *Aliens exempted from fees.* Upon a basis of reciprocity, or as provided in section 13(a) of the Headquarters Agreement with the United Nations (61 Stat. 716; 22 U.S.C. 287, Note), no fee shall be collected for the issuance of a nonimmigrant visa to an alien of any of the following classes: (1) Nonimmigrants described in section 101(a)(15)(A) of the Act; (2) nonimmigrants described in section 101(a)(15)(C) of the Act; (3) nonimmigrants described in section 212(d)(8) of the Act; (4) persons entitled to pass in transit to the United Nations Headquarters District under the provisions of paragraph (3), (4) or (5) of section 11 of the Headquarters Agreement and who are issued C-2 visas as nonimmigrants under the provisions of section 101(a)(15)(C) of the Act; (5) nonimmigrants who are classifiable under the visa symbol NATO-1, NATO-2, NATO-3, NATO-4, NA-5, NATO-6, and NATO-7; and (6) nonimmigrants who are issued diplomatic visas.

(c) *Refund of fees.* A fee collected for the issuance or revallation of a nonimmigrant visa is refundable only when the principal officer at a post or the officer in charge of a consular section determines that the visa was issued in error or could not be used as a result of action by the United States Government over which the alien had no control and for which he was not responsible.

(See 281, 66 Stat. 230; 8 U.S.C. 1351)

(Dept. Reg. 108.411, 24 FR 6689, Aug. 18, 1959; 24 FR 6943, Aug. 27, 1959, as amended by Dept. Reg. 108.492, 28 FR 3261, Apr. 4,

1963 Reg. 108.597, 33 FR 16445, Nov. 9, 1968)

*Cross Reciprocity.* For fee to be collected when more than one alien included in single visa see § 41.123.

For fee for revalidated or transferred visa see §§ 41.126(f) and 41.126(d).

For fee for crew list visa see § 41.127(e).

##### § 41.122 Validity, termination, and replacement of visas.

(a) *Validity of visa not related to period of stay in the United States.* The period of validity of a nonimmigrant visa shall have no relation to the period of time the alien may be authorized by the Immigration authorities to stay in the United States if, upon his arrival at a port of entry, he is admitted by those authorities.

(b) *Validity of visa pertains to period within which alien may apply for admission.* The period of validity of a nonimmigrant visa shall relate only to the period during which the alien to whom the visa was issued may use it in making application for admission into the United States.

(c) *Validity of visa and number of applications for admission.* Except as provided in paragraph (d) of this section a nonimmigrant visa shall have the validity prescribed in schedules made available to consular officers by the Department, which reflect, as nearly as practicable, the reciprocal treatment accorded U.S. nationals by the government of the country of which the alien is a national or stateless resident. Nonimmigrant visas issued pursuant to section 101(a)(15)(B) of the Immigration and Nationality Act may, in the discretion of the consular officer, be made valid indefinitely and for an unlimited number of applications for admission for aliens who: (1) Are nationals of countries which offer reciprocal treatment to U.S. citizens, as determined by the Department of State; (2) are in possession of a valid passport in which the visa may be stamped; and (3) have satisfied the consular officer that they are bona fide visitors and will continue to maintain that status for an indefinite period of time. An indefinite validity visa shall be valid for application for admission into the United States if the passport in which the visa is stamped has expired, provided the

alien is also in possession of a valid passport issued by the appropriate authorities of the country of which the alien is a national as required by section 212(a)(20) of the Act and § 41.119.

(d) *Limitation on validity.* If warranted in an individual case, a consular officer may issue a nonimmigrant visa for a period of validity which is less than that prescribed on a basis of reciprocity, (2) a number of applications for admission, within the period of the validity of the visa which is less than that prescribed on a basis of reciprocity, (3) application for admission at a specified port or specified ports of entry in the United States, or (4) for use on and after a given date subsequent to the date of issuance.

(e) *Termination of validity by consular or immigration officer.* Notwithstanding any period of validity specified on the face of a nonimmigrant visa issued to an alien, a consular or immigration officer is authorized to terminate the validity thereof by physically canceling such visa if—

(1) The alien obtains an immigrant visa or has his status adjusted to that of permanent resident,

(2) The alien is ordered excluded from the United States pursuant to section 235(c) or 236 of the Act;

(3) The alien is notified pursuant to section 235(b) of the Act by an immigration officer at a port of entry that he appears to be inadmissible to the United States and the alien requests and is granted permission to withdraw his application for admission;

(4) A final order of deportation or a final order granting voluntary departure with an alternate order of deportation is entered pursuant to 8 CFR Part 3, or 8 CFR Part 242;

(5) The alien has been permitted by the Immigration and Naturalization Service to depart voluntarily from the United States pursuant to 8 CFR 242.5;

(6) A waiver of ineligibility pursuant to section 212(d)(3)(A) of the Act on the basis of which the visa was issued to the alien is revoked by the Immigration and Naturalization Service;

(7) The visa is presented in connection with an application for admission to the United States by a person other

than the alien to whom it was issued; or

(8) The visa has been physically removed from the passport in which it was originally issued.

(9) *Termination of validity prior to alien's journey to the United States.*

(1) Notwithstanding any period of validity specified on the face thereof, the validity of a nonimmigrant visa issued to an alien shall terminate if, prior to the embarkation of the alien upon a continuous voyage to the United States, the visa has been physically removed from the passport in which it was originally issued, or a consular officer finds that the alien has, subsequent to the issuance of such visa, become ineligible under section 212(a) of the Act to receive such visa or has ceased to be entitled to the nonimmigrant classification under section 101(a)(15) of the Act specified in such visa. Before making such a finding in an individual case, the consular officer shall, if practicable notify the alien and give him an opportunity to rebut and overcome the information on the basis of which the consular officer proposes to find that he has become ineligible to receive a nonimmigrant visa.

(2) Upon learning that a visa has been physically removed from the passport in which it was originally issued or upon a finding of ineligibility pursuant to paragraph (f)(1) of this section, the consular officer shall, if possible, physically cancel such visa. If the consular officer is unable to physically cancel the visa he shall give notice of the termination of validity to the master, commanding officer, agent, owner, charterer, or consignee of the carrier or transportation line on which it is believed that the alien intends to travel to the United States and shall promptly submit to the Department a full report of the facts of any case in which a finding of ineligibility to receive a visa has been made pursuant to paragraph (f)(1) of this section.

(g) *Replacement of visa.* A nonimmigrant visa the validity of which has been terminated pursuant to paragraph (e) or (f) of this section may be replaced, without fee, by a consular officer if it is determined that the basis

for termination has been overcome and if the validity specified on the face thereof has not at that time expired.

(Sec. 221, 64 Stat. 191, 8 U.S.C. 1201; 8 U.S.C. 1104; sec. 104, 66 Stat. 174; 8 U.S.C. 1104; sec. 109(b)(1), 91 Stat. 817)

(Dept. Reg. 108.411, 24 FR 6689, Aug. 10, 1959)

EDITORIAL NOTE: For Federal Register citations affecting § 41.122, see the List of CFR Sections Affected in the Finding Aids section of this volume.

#### § 41.123 More than one alien included in visa.

If the spouse and unmarried minor children of a principal alien are included in one passport (see § 41.112(b)) a single nonimmigrant visa may be issued to include all eligible family members. Each alien must execute a separate application. The name of each family member shall be written in the space provided in the visa stamp. The visa fee to be collected shall be equal to the total of the fees prescribed by the Secretary of State, in accordance with the provisions of section 281 of the Act, for each alien included in the visa unless upon a basis of reciprocity a lesser fee is chargeable in such a case.

(Dept. Reg. 108.411, 24 FR 6689, Aug. 10, 1959)

#### § 41.124 Procedures in issuing visas.

(a) *Visa evidenced by a properly identifiable insert in the passport.* Except as provided in paragraph (b) of this section the issuance of a nonimmigrant visa shall be evidenced by a properly identifiable insert placed in the alien's passport. The appropriate symbol, as prescribed in § 41.12, showing the classification of the alien, shall be included in the visa insert.

(b) *Cases in which visa may not be placed in passport.* In the following cases the visa shall be placed on the prescribed Form OF-232, to which a photograph of the alien shall be attached under seal:

(1) The alien's passport was issued by a government with which the United States does not have formal diplomatic relations, unless the Department has specifically authorized

the placing of the visa insert in such passport;

(2) The alien's passport does not provide sufficient space for the visa insert;

(3) The passport requirement has been waived; or

(4) In other cases as authorized by the Department. In issuing a visa in such cases a notation shall be made on the Form OF-232 on which the visa is placed specifying the pertinent subparagraph of this paragraph under which the action is taken.

(c) *Indefinite Validity Visa.* In no instance may a visa issued pursuant to section 101(a)(15)(B) of the Act and having indefinite validity as provided in § 41.122(c) be placed in any document other than a valid passport.

(d) *Visa Insert.* (1) The nonimmigrant visa insert shall be in the format designated by the Department and contain the following data:

(i) The number of the visa;  
(ii) The location of the issuing office;  
(iii) The classification of the visa;  
(iv) The date of issuance;  
(v) The expiration date or, if an indefinite validity visa is issued on the basis of reciprocity, the word "indefinitely";

(vi) The number of applications for admission for which it is valid or, the word "multiple";

(vii) The name(s) of the person(s) to whom issued, unless the entry authorized by paragraph (e)(1) of this section is used;

(viii) The signature or facsimile signature of the issuing officer.

(2) The format of a diplomatic visa shall be the same as a regular nonimmigrant visa, except that it shall bear the title "DIPLOMATIC".

(3) The format of an official visa shall be the same as a regular nonimmigrant visa, except that it shall bear the title "OFFICIAL".

(4) All of the data required by paragraph (d)(1) shall be contained in a nonimmigrant visa issued pursuant to the Automated Nonimmigrant Visa Issuance System (ANVIS) except that the signature or facsimile signature of the issuing officer shall not be contained in such a visa. In addition, the ANVIS visa shall contain the date and

place of birth of the person to whom the visa is issued with the country of birth being indicated by a three digit numeric code. The location of the issuing office will also be shown by a three digit numeric code.

(e) *Insertion of name, position and derivative status notation.*

(1) Except as otherwise provided in this paragraph, the name or names of the alien or aliens to whom a nonimmigrant visa is issued shall be shown on the visa insert just after the word "to". Consular officers may, in their discretion, show the word "Bearer(s)" in lieu of the name of the alien and in lieu of the names of accompanying family members, if any, who are included in the alien's passport, in visas issued in passports or other travel documents meeting the requirements of section 101(a)(30) of the Immigration and Nationality Act, which have been designated by the Department as approved for this purpose. This procedure may not be applied in the case of aliens who are the beneficiaries of waivers granted under section 212(d)(3) of the Act.

(2) If the visa is being issued upon the basis of a petition approved by the Attorney General, the number of the petition, if any, the period for which the alien's admission has been authorized and the name of the petitioner shall be noted immediately below the visa insert.

(3) In the case of an alien who derived status from a principal alien, the name and position of the principal alien shall be written below the lower margin of the visa insert.

(4) *Period of validity.* If a nonimmigrant visa is issued for an unlimited number of applications for admission within the period of validity, the word "multiple" shall be appropriately placed in the visa insert. Otherwise the number of permitted applications for admission shall be shown in word form. The date of issuance and the date of expiration of the visa shall be shown in the appropriate places in the visa insert and shall indicate the day, month and year in that order. The standard three letter abbreviation for the month shall be used in all cases. In a visitor visa it to be made valid for an indefinite period the word "indefinite"

ly" shall be inserted in the space provided for the expiration date of the visa.

(g) *Restriction to specified port of entry.* If a nonimmigrant visa is to be valid for admission only at a specified port or ports of entry the name or names of such port or ports shall be entered immediately below the expiration date of the visa and shall be preceded by the word "at".

(h) *Signature.* Except in the case of a nonimmigrant visa issued pursuant to § 41.124(d)(4), the signature or facsimile signature of the consular officer issuing the visa shall appear in the visa insert.

(i) *Delivery of visa and disposition of Form OF-156.* In issuing a nonimmigrant visa the consular officer shall deliver the visaed passport, or the prescribed Form OF-232 which bears the visa, to the alien or, in any cases in which personal appearance has been waived, to the authorized representative. The executed Form OF-156 and any additional statements furnished by the alien in accordance with § 41.115(b) shall be retained in the consular files.

(j) *Disposition of supporting documents.* Original supporting documents furnished by the alien shall be returned to the alien for presentation, if necessary, to immigration authorities at the port of entry and a notation to that effect shall be made on the Form OF-156. Duplicates of the documents may be retained at the consular office in the discretion of the consular officer.

(k) *Replacement of erroneously issued visas.* A nonimmigrant visa, once issued and signed may not be amended or altered except as provided in § 41.126(c). A visa erroneously issued in relation to any item appearing in the visa insert shall be cancelled and replaced by a corrected visa. No fee shall be charged for a visa so replaced unless an incorrect fee was originally charged. The procedure prescribed by § 41.126(b) shall be followed except that the word "Corrected" shall be placed on the upper margin of the visa insert in place of the word "Transferred". The procedure described in this paragraph may not be used to include additional persons in

the visa. (For regulations regarding the revocation or invalidation of a visa see § 41.134.)

(l) *Olympic Games, Pan American Games or other Regional Games.* Notwithstanding the provisions of paragraph (c) of this section, in the case of an alien who:

(1) Is a participant in the Summer or Winter Olympic Games, the Pan American Games or other Regional Games under the auspices of the International Olympic Committee, held in the United States; and

(2) Is the holder of an official identity card which has been issued for participation in such Games under the Olympic Rules Bylaws, which includes the signature of a competent authority of the participating government and the assurance of that government's recognition of the card for reentry by the bearer for an additional period of six months beyond the expiration date of the card, and which otherwise meets the requirements of sections 101(a)(30) and 212(a)(26) of the Immigration and Nationality Act,

a stamp consisting of:

(1) The imprint of the issuing post's rubber stamp seal; and

(2) The signature of a consular officer affixed on the identity card

shall constitute a multiple entry B-1/B-2 visa valid for the duration of the card, or, in the case of a representative of foreign press, radio, film or other foreign information media, a multiple entry I visa valid for the duration of the card.

(Sec. 101, 84 Stat. 116; 8 U.S.C. 1101; sec. 104, 66 Stat. 174; 8 U.S.C. 1104; sec. 109(9)(1), 91 Stat. 847)

10 Dept. Reg. 108,411, 24 FR 6678, Aug. 18, 1959

EDITORIAL NOTE: For Federal Register citations affecting § 41.124, see the List of CFR Sections Affected in the Finding Aids section of this volume.

#### § 41.125 Revitalization of visas.

(a) *Conditions for revitalization.* A nonimmigrant visa may, in the discretion of the consular officer, be revitalized for the period or periods specified under paragraphs (c) and (d) of this section in the same classification at any visa-issuing office if (1) the

alien's nationality is the same, (2) the visa is about to expire or has expired, or has become invalid by reason of having been used for the number of applications for admission specified therein, (3) the application for revitalization is made within one year of the date of expiration of the original visa or any revitalization thereof, and (4) the consular officer is satisfied that the alien is a bona fide nonimmigrant and is otherwise eligible to receive a nonimmigrant visa.

(b) *Waiver of personal appearance.* Except as indicated in paragraph (d) of this section, the consular officer may, in his discretion, waive the personal appearance of an alien who is an applicant for revitalization of his visa.

(c) *Period for which visa may be revitalized.* A nonimmigrant visa issued under the provisions of any paragraph of section 101(a)(15) of the Act may, in the discretion of the consular officer, be revitalized any number of times for the period and number of applications for admission prescribed by the Secretary of State.

(d) *Revitalization of visas for crewmen—(1) Airmen.* If the requirements of paragraph (a) of this section are met, a nonimmigrant visa issued under the provisions of section 101(a)(15)(D) of the Act to an airman may be revitalized any number of times for the period and number of applications for admission prescribed by the Secretary of State provided that (i) the application for revitalization is supported by a letter from the employing carrier certifying that the applicant is employed as an airman, or (ii) if the applicant is not employed at the time of application for revitalization, he appears in person in connection with his application and presents satisfactory evidence that he continues to be a bona fide airman.

(2) *Seamen.* If the requirements of paragraph (a) of this section are met, a nonimmigrant visa issued under the provisions of section 101(a)(15)(D) of the Act to a seaman may be revitalized any number of times for the period and number of applications for admission prescribed by the Secretary of State provided that (i) the application for revitalization is supported by a letter from the employing carrier cer-

ifying that the applicant is employed as a seaman and that he is in possession of a valid alien crewman landing permit and identification card (Form I-184) issued by the Immigration and Naturalization Service, or (ii) if the applicant is not employed at the time of application for revitalization, he appears in person in connection with his application and submits satisfactory evidence that he continues to be a bona fide seaman.

(3) *Crewmen in transit.* A nonimmigrant visa issued under the provisions of section 101(a)(15)(C) of the Act to an airman or seaman who is being issued, or is in possession of, an individual D visa, may be revitalized any number of times for the period and number of applications for admission prescribed by the Secretary of State if the conditions set out in paragraph (a) of this section and in paragraphs (d) (1) and (2) of this section are met.

(e) *Procedure for revitalization.* In revitalizing a nonimmigrant visa, the consular officer shall follow the procedure prescribed in § 41.124. An alien seeking revitalization of a nonimmigrant visa shall make application therefor as prescribed in § 41.115. A photograph of the alien shall not be required unless it appears to the consular officer that the alien has not previously submitted a photograph in connection with an application for a visa and that the alien does not come within any of the excepted classes described in § 41.111(c). The visa stamp shall be placed in the alien's passport and all pertinent data contained in the original visa shall be transferred to the revitalized visa. The word "REVITALIZED" shall be inserted on the upper margin of the visa stamp.

(f) *Automatic revitalization of visas in certain cases.* (1) An expired nonimmigrant visa issued pursuant to the provisions of section 101(a)(15) (F) or (J) of the Act, or an expired or unexpired nonimmigrant visa issued pursuant to the provisions of another paragraph of section 101(a)(15) if the nonimmigrant status has been changed by the Immigration and Naturalization Service to that of a nonimmigrant as defined in paragraph (F) or (J), may be considered to be automatically revitalized to the date of application for

readmission to the United States and converted, if necessary, to classification under paragraph (F) or (J), in the case of a nonimmigrant alien who:

(i) Is applying for readmission to the United States after an absence not exceeding 30 days solely in contiguous territory or adjacent islands other than Cuba;

(ii) Has maintained and intends to resume his status under paragraph (F) or (J) in the United States;

(iii) Presents, or is the accompanying spouse or child of an alien who presents, a current Form I-20 (in the case of student) or Form DSP-66 (in the case of an exchange visitor) issued by the school the student has been authorized to attend by the Immigration and Naturalization Service, or by the sponsor of the exchange program in which he has been authorized to participate by the Immigration and Naturalization Service, and endorsed by the issuing school official or program sponsor to indicate the period of initial admission or extension of stay authorized by the Immigration and Naturalization Service;

(iv) Is applying for readmission within the authorized period of initial admission or extension of stay;

(v) Is in possession of a valid passport; and

(vi) Does not require the authorization of his temporary admission into the United States under section 212(d)(3) of the Act.

(2) An expired nonimmigrant visa issued pursuant to the provisions of any paragraph of section 101(a)(15) of the Act may be considered to be revalidated to the date of application for readmission to the United States and an expired or unexpired nonimmigrant visa issued pursuant to the provisions of any paragraph of section 101(a)(15) of the Act may, if the original nonimmigrant status has been changed by the Immigration and Naturalization Service to another nonimmigrant status, be considered to be revalidated to the date of application for readmission to the United States and converted to that changed status in the case of a nonimmigrant alien who:

(i) Has maintained nonimmigrant status in the United States and is in possession of an Arrival-Departure

Card (Form I-94) endorsed by the Immigration and Naturalization Service to show an unexpired period of initial admission or extension of stay;

(ii) Is applying for readmission to the United States after an absence not exceeding 30 days solely in contiguous territory;

(iii) Intends to resume nonimmigrant status in the United States;

(iv) Is applying for readmission within the authorized period of initial admission or extension of stay;

(v) Is in possession of a valid passport; and

(vi) Does not require the authorization of his temporary admission into the United States under section 212(d)(3) of the Act.

(c) *Revalidation in the United States in certain cases.* The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to revalidate nonimmigrant visas, including diplomatic visas, for—

(1) Qualified aliens classifiable under the visa symbol C-2 or C-3;

(2) Other qualified aliens who—

(i) Are properly classifiable under subparagraph (A), (E), (G), (H), (I), or (L) of section 101(a)(15) of the Act or under the visa symbols NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or NATO-7;

(ii) Present appropriate evidence that—

(a) Their period of authorized admission in such status has not expired; and

(b) They are currently maintaining such status; and

(iii) Intend, after a temporary absence, to reenter the United States in such status.

(d) *Fee for revalidation.* The fee for the revalidation of a nonimmigrant visa shall be that prescribed for the issuance of such a visa, if any: *Provided, however,* That

(1) When the visa was issued valid for a lesser number of applications for admission or for a period of validity less than the maximum permitted by reciprocity, it may be revalidated for the remaining number of applications for admission and validity permitted

without the payment of an additional fee, and

(2) No fee shall be charged in the case of a visa considered to be automatically revalidated pursuant to the provisions of paragraph (f) of this section.

(Dept. Reg. 108.468, 28 FR 275, Jan. 10, 1963)

EDITORIAL NOTE: For Federal Register citations affecting § 41.125, see the List of CFR Sections Affected in the Finding Aids section of this volume.

#### § 41.126 Transfer of visas.

(a) *Conditions for transfer.* Upon the request of the bearer a valid nonimmigrant visa shall be transferred from one travel document to a different travel document which is valid for the required period if he is found eligible to receive such a visa, except in a case in which the travel document containing the original visa has been lost or stolen. A visa may be transferred only if the new passport indicates that the alien has the same nationality he had when the visa was issued.

(b) *Procedure for transfer.* Application for the transfer of a nonimmigrant visa from one passport to another shall be made on an appropriate form. The consular officer may, in his discretion, waive the personal appearance of the alien. The issuance of a transferred visa shall be evidenced by placing the visa stamp with all of the original data in the alien's passport. The validity of the transferred visa shall be the same as that of the original visa. The transferred visa shall be valid for the number of applications for admission remaining as of the date of the transfer. The word "Transferred" shall be inserted on the upper margin of the visa stamp.

(c) *Cancellation of visa in old passport.* Upon transfer of a visa to a new travel document the visa issued in the original passport shall be canceled, unless the passport has been surrendered to the issuing authority, except that where the visa is being transferred for only one of several persons included in it, only the name of that person shall be stricken from the visa originally issued.

(d) *Fee for transfer.* No fee shall be charged for the transfer of a valid nonimmigrant visa.

(Dept. Reg. 108.411, 24 FR 6690, Aug. 18, 1959, as amended by Dept. Reg. 109.684, 38 FR 4577, Feb. 16, 1973)

#### § 41.127 Crew list visas.

(a) *Definition.* A crew list visa is a nonimmigrant visa issued on a manifest of crewmembers of a vessel or aircraft which includes all aliens listed in the manifest unless otherwise stated.

(b) *Application.* (1) A list of all alien crewmen who are serving on board a vessel or aircraft which is proceeding to the United States and who are not in possession of valid individual entry documents shall be submitted, in duplicate, to a consular officer on Immigration and Naturalization Service Form I-418 (Crew List) or such other forms as may be prescribed. In lieu of a manifest on Form I-418, the manifest of alien crewmen serving on board an aircraft may be submitted on the International Civil Aviation Organization (ICAO) manifest, or on Customs Form 7507 (General Declaration) whenever the number of crewmen does not exceed the number which can be listed on the form. In cases of alien seamen serving on vessels, the duplicate copy of Form I-418, shall contain in column (4) the date, city and country of birth of each alien seaman listed who does not have in his possession a valid individual visa or an Immigration and Naturalization Service Form I-551 and, in column (5), the place of issuance and the authority issuing the passport held by such alien seaman. The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) The submission of the crew list together with such other information as the consular officer may deem necessary to determine the eligibility of an individual crewman to be included in the crew list visa shall be considered the formal application for a crew list visa. No other application form shall be required.

(3) The manifest should list separately, in alphabetical order, those alien crewmen who are to be consid-

because of entry without inspection or lack of required documents.

(d) *Validity.* A nonresident alien Mexican border crossing identification card issued solely or in combination with a B-1/B-2 visitor visa pursuant to the provisions of this section shall be valid until invalidated under the same conditions as provided in § 41.122(e) for the termination of nonimmigrant visas or revoked under the same conditions and procedures as provided in § 41.134 for the revocation of nonimmigrant visas. A nonresident alien Mexican border crossing identification card previously issued by a consular officer in Mexico on Form I-186 or Form I-586 shall be valid until revoked or voided regardless of any expiration date on the card.

(e) *Invalidation or revocation.* A nonresident alien Mexican border crossing identification card issued solely or in combination with a B-1/B-2 visitor visa pursuant to the provisions of paragraph (a) or (b) of this section may be invalidated pursuant to the provisions of § 41.122(e) or revoked pursuant to the provisions of § 41.134. Upon invalidation or revocation of such a card, the consular or immigration officer shall cancel the card by writing or stamping the word "canceled" plainly across the face of the card and indicating the location of the consular or immigration office at which the card was invalidated or revoked.

(f) *Voidance of Mexican border crossing cards issued in Mexico on Form I-186 or Form I-586.* A consular officer in Mexico may declare void, without notice, a nonresident alien Mexican border crossing card previously issued in Mexico on Form I-186 or Form I-586, upon a finding that the holder is ineligible to receive a nonimmigrant visa. The card shall be surrendered immediately upon voidance.

(g) *Replacement.* When a nonresident alien Mexican border crossing identification card issued solely or in combination with a B-1/B-2 visitor visa under the provisions of this section has been lost, mutilated or destroyed, the person to whom such card was issued may apply for a new card under the applicable provisions of this section. A nonresident alien whose

border crossing identification card previously issued on Form I-186 or Form I-586 by a consular officer in Mexico has been lost, mutilated or destroyed, may apply for a combined border crossing identification card and B-1/B-2 visitor visa at any consular office in Mexico, provided the alien qualifies under the provisions of paragraph (b) of this section.

(Sec. 101, 66 Stat. 116, 8 U.S.C. 1101; sec. 109(b), 91 Stat. 847)

[Dept. Reg. 108.635, 48 FR 48660, Oct. 20, 1983]

**§ 41.129 Nonresident alien Canadian border crossing identification cards.**

(a) *Aliens eligible to apply.* Under the conditions prescribed in this section a consular officer assigned to a consular office in Canada may issue a nonresident alien border crossing identification card, as that term is defined in section 101(a)(6) of the Act, to a nonimmigrant alien who satisfactorily establishes that he:

(1) Has been admitted to Canada for permanent residence as a "Landed Immigrant";

(2) Seeks to enter the United States from Canada, or from Mexico if he has visited no countries other than Mexico and the United States since departing Canada, and only as a bona fide temporary visitor for business or pleasure as defined in section 101(a)(15)(B) of the Act for periods of stay not exceeding 6 months; and

(3) Is otherwise eligible to receive a temporary visitor visa or is the beneficiary of a waiver under section 212(d)(3)(A) of the Act of a ground of ineligibility which is valid for multiple applications for admission into the United States and for an indefinite period of time and which contains no restrictions as to extensions of temporary stay or itinerary.

(b) *Application for Canadian border crossing identification cards.* Application for a nonresident alien Canadian border crossing identification card shall be made on Form OF-156, accompanied by evidence of the applicant's "Landed Immigrant" status in Canada; a valid or expired passport or other travel document showing his

origin, identity, and nationality, if any, and containing a photograph of the bearer if over the age of 14, and a photograph 1½ inches square if the applicant is over the age of 14. Personal appearance of the applicant may be waived at the discretion of the consular officer.

(c) *Issuance and format of border crossing cards.* A nonresident alien Canadian border crossing identification card shall consist of a stamp placed in the alien's passport or other travel document by a consular officer in Canada. Such stamps shall be numbered serially by each consular office beginning with the number 1 on each July 1, shall be in the format prescribed by the Department, and shall contain the following data:

(1) The post symbol;

(2) The number of the card;

(3) The title and location of the issuing office;

(4) The date of issuance;

(5) The name(s) of the person(s) to whom issued; and

(6) The signature and title of the issuing officer.

(d) *Signature of border crossing identification cards.* The consular officer who issues a nonresident alien Canadian border crossing identification card shall affix his signature to, and indicate his title in, the border crossing card stamp.

(e) *Validity of border crossing identification cards.* A nonresident alien Canadian border crossing identification card issued pursuant to the provisions of this section shall be valid until canceled.

(f) *Cancellation of border crossing identification cards.* (1) A nonresident alien border crossing identification card shall be canceled by a consular officer if information is developed indicating that the holder of such a card is ineligible to receive a nonimmigrant visa or by a District Director of the Immigration and Naturalization Service if he finds that the alien has violated the conditions of his admission into the United States.

(2) In canceling such a card the consular officer shall write or stamp the word "Canceled" plainly across the face of the border crossing card stamp, shall show the location of the consular

office concerned and shall follow the procedures set forth in § 41.130.

(3) In canceling such a card the District Director shall write or stamp the word "Canceled" plainly across the face of the border crossing card stamp and shall show the location of the District Office of the Immigration and Naturalization Service concerned.

[Dept. Reg. 108.641, 48 FR 15245, Aug. 18, 1973, as amended by Dept. Reg. 108.710, 42 FR 32536, June 27, 1977]

**REFUSAL AND REVOCATION OF NONIMMIGRANT VISAS**

**§ 41.130 Procedure in refusing individual visas.**

(a) *Refusal procedure.* If a consular officer knows or has reason to believe that an alien is ineligible to receive a visa on grounds of ineligibility which cannot be overcome by the presentation of additional evidence, Form OF-156, if practicable, shall be executed before the refusal is recorded. If the alien fails to execute a visa application after being informed of a ground of ineligibility to receive a nonimmigrant visa, the visa shall be considered refused. The consular officer shall then insert the pertinent data on Form OF-156 with the reasons for the refusal and the form shall be filed in the consular office. In all cases the applicant shall be informed of the provision of law, or regulations issued thereunder, upon which the refusal is based. When refusing a nonimmigrant visa the consular officer may return the original of all supporting documents furnished by the alien with his application. The duplicate of each document upon which the refusal is based and the duplicate of each document which indicates a possible ground of ineligibility to receive a visa, whether or not related to the ground of refusal, shall be retained at the consular office with the memorandum of refusal. Duplicates of other documents may be returned to the alien in the consular officer's discretion.

(b) *Review of refusals at consular offices.* If the grounds of ineligibility upon which the visa was refused cannot be overcome by the presentation of additional evidence, the punch



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

HJR

23

To: Mike  
From: Roger

March 20, 1985

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HJR 23 The Speaker's Office has a new requirement to have a fiscal note with all resolutions. This is impossible for this resolution, since it is asking various federal representatives to deal with an issue over the U.S. Custom's Office, which is not a state agency. I called Jeannie in Rules and she said we clearly did not need a FN for this, and she would check on it and clear it for certain.

The other part of it is that I called Representative Martin's office on this issue and left a message asking for back up on March 15; and then I called them again on March 19 and left another message. Donna took a call back from Jeff Logan, Martin's aide, saying they didnt need to supply any backup to us and the bill was obvious and could be easily explained. So, if they don't want to supply any backup and consider it unimportant, I don't feel obligated to get it and do their work for them. They could have gotten information like 1) how many customs offices does the headquarters office control; 2) why the feds feel that Alaska, Washington and Oregon would move the office to Chicago, which doesnt even make sense; 4) how many customs inspectors there are now; 5) how many more are needed to ensure "expeditious movement,"; etc.

We have no idea at all why the feds are planning to do this, and no back up to support it. I think either Martin or his aide are being a little arrogant here. Typically, sponsors do not provide much backup on resolutions, and a lot of them provide minimal information on bills. I think it often ends up hurting their case, because I have discovered that often if there is no backup the legislators get nervous, no matter how good the bill or resolution is. The general policy of our Committee and many others is not to hear a bill without back-up; resolutions fall into a funny intermediate zone. It's your choice; Im obviously a little irritated with Martin's office on this and not very objective. They sort of acted like they run the Committee by telling us what we need or don't need for a hearing.



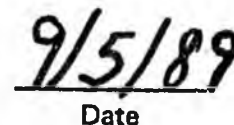


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Signature of Camera Operator

  
Date

HJR

65

HOUSE  
COMMITTEE REPORT

LABOR & COMMERCE

(9)

Date referred: 2/17/86

FURTHER REFERRALS: FINANCE

DATE: 3/25/86

The RESOURCES Committee has considered HJR 65

Relating to foreign marketing of Alaska pink salmon products.

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HJR 65 (Resources)  same title
- new title

and recommends DO PASS

further referral to the LABOR & COMMERCE Committee

- and attached:  letter of intent
- first fiscal note (zero)
- new fiscal note
- zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

HERRMANN

*Adelheid Herrmann*

SUND

*[Signature]*

CATO

*Bette Galt*

THOMPSON

*David W. Thompson*

WALLIS

*F. Kay Wallis*

SHULTZ

*Dick Shultz*

JENKINS

*Karen Jenkins*

FEARCE

*[Signature]*

CO- *Adelheid Herrmann*  
Chairman

# NEWS RELEASE

STATE OF ALASKA

DEPARTMENT OF COMMERCE &  
ECONOMIC DEVELOPMENT

LOREN H. LOUNSBURY  
COMMISSIONER



For Information Contact:

Information Officer  
Department of Commerce &  
Economic Development  
Pouch D  
Juneau, Alaska 99811

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FOR IMMEDIATE RELEASE

March 12, 1986

Start Date: March 14  
End Date: March 25

## PUBLIC SERVICE ANNOUNCEMENT

ATTENTION ALL PINK SALMON FISHERMEN! The Alaska Department of Commerce and Economic Development is requesting information from vessel owners or operators regarding 1986 market commitments for pink salmon. The department must determine whether there is adequate processing capacity to fully utilize pinks this year in the Kodiak and Chignik areas. If you are planning to fish for pink salmon this year in these areas and are having problems locating a buyer, please go immediately to the receptionist's desk at the Fish and Game Office Building in Kodiak and fill out a market survey questionnaire. This information will be used to assist the Governor in making a capacity and intent determination should foreign processing vessels apply to process pink salmon in the internal waters of the State.

Tuesday, March 25, is the deadline for turning in your comments.

---

Contact: Elizabeth Hastorf  
Office of Commercial Fisheries Development  
P.O. Box D  
Juneau, AK 99811  
(907) 465-2162

## KODIAK/CHIGNIK PINK SALMON MARKET SURVEY

The Alaska Department of Commerce and Economic Development is requesting information from vessel owners or operators regarding 1986 market commitments for pink salmon. The department must determine whether there is adequate processing capacity to fully utilize pinks this year in the Kodiak and Chignik areas. If you are planning to fish for pink salmon this year in these areas and are having problems locating a buyer, please fill this survey out by MARCH 25, at which time surveys will be forwarded to Juneau. This information will be reported in aggregate only, with no vessel or owner names listed. The responses will be used to assist the Governor in making a capacity and intent determination should foreign processing vessels apply to process pink salmon in the internal waters of the State. Where appropriate, please use round pound figures and be as complete as possible with your information. Thank you for your comments.

1. Name
2. Address
3. Telephone or contact number
4. Vessel name Permit #  
Gear type
5. Do you intend to fish pink salmon in 1986 in either Kodiak or Chignik?
6. What is your normal area of operation?
7. What attempts have you made to secure a market for pinks in the Kodiak or Chignik area this year?
8. Do you have a market for pinks in 1986? Please include processor name, area of plant or floater, whether you have a written or verbal pre-season commitment, and if there are catch limits or volumes placed on these commitments.

OVER



BRISTOL BAY NATIVE CONVENTION  
Resolution 86-03

Assistance For Foreign Markets For Bristol Bay and Chignik Pinks

WHEREAS: record levels of pink harvests in the State of Alaska for 1985 totaled 89 million fish, and

WHEREAS: Alaska's pink salmon harvest projections for 1986 totals 96 million fish, or 60% of all of Alaska's combined all-species catch, and

WHEREAS: because of the projected record level harvests, and the lack of incentive for most shore based canneries to purchase pinks, and

WHEREAS: the forecasted returns to the Bristol Bay and Chignik Bays are in excess of Four (4) million pinks, of which harvest may be lost, and

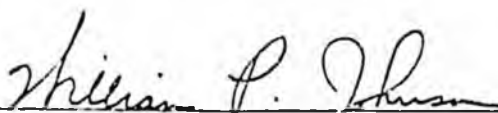
WHEREAS: since many Bristol Bay fishermen do not have a pink market which in years past has enhanced their economic efforts in light of high overcapitalization, often times providing for the only profit in the fishing season,

NOW THEREFORE BE IT RESOLVED that the Bristol Bay Native Convention and delegates assembled requests assistance from the Governor of the State of Alaska for fishing groups to secure foreign markets to purchase pinks from the Bristol Bay and Chignik Bays for the 1986 season.


CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of the resolution adopted by the delegates to the 1986 Bristol Bay Native Convention, February 23, 24, 25, & 26, Dillingham, Alaska, at which a quorum was present.

WITNESS My hand and seal this 26th day of February, 1986.

  
\_\_\_\_\_  
Chairman, Bristol Bay Native Convention

WITNESS:

  
\_\_\_\_\_  
Chairperson, Resolutions Committee

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

POUCH D  
JUNEAU, ALASKA 99811  
PHONE: 465-2500

OFFICE OF THE COMMISSIONER

DATE: January 6, 1986

TO: Standing Members  
Internal Waters Processing Permit  
Ad Hoc Advisory Committee

FROM: F. Gregory Baker, Deputy Commissioner  
Department of Commerce and Economic  
Development

SUBJECT: 1986 Pink Salmon Processing Capacity and Intent

Please find attached a series of correspondence from Senator Fred Zharoff, Commissioner Loren Lounsbury, Department of Commerce and Economic Development and Jeff Stephan, Manager, United Fishermen's Marketing Association, regarding a potential shortfall in pink salmon processing capacity in Senate District N. Also attached are the preliminary 1986 salmon run forecasts from the Department of Fish and Game.

The Department of Commerce and Economic Development will be conducting a detailed processing capacity and intent analysis for Senate District N and possibly other regions of the State. We will make every attempt to keep you informed of our progress and, at some point will, no doubt, request your active participation as Ad Hoc advisors to the Fisheries Mini-Cabinet.


Please call if you have questions or comments. Thank you in advance for your valuable assistance.

Distribution:


Rick Lauber, Pacific Seafood Processors Assn.  
Jack Cadigan, United Fishermen of Alaska  
Henry Mitchell, Bering Sea Fishermen's Assn.  
Larry Cotter, ILWU

FGB/0295g  
010386a  
Attachments

cc: Fisheries Mini-Cabinet  
Senator Fred Zharoff  
Molly McCammon, Office of the Governor  
Pete Spivey, Office of the Governor  
Jeff Stephan, IIFMA



# United Fishermen's Marketing Association, Inc.



P.O. Box 1035 Kodiak, Alaska 99615

Telephone 486-3453

December 23, 1985

Paul Peyton  
Director  
Office of Commercial Fisheries  
Development  
Alaska Dept. of Commerce and  
Economic Development  
Pouch D  
Juneau, Alaska 99811

DEC 27 1985

Dear Paul,

I understand from Senator Zharoff that he requested that your office conduct a survey of the salmon processing capacity likely to be available for Kodiak during the 1986 salmon season. I also understand from Greg Baker that you will be in charge of such a survey. I would like to make some observations and requests regarding this capacity survey.

I. As you know, UFMA represents salmon fishermen in the Kodiak area. We have had numerous requests from our fishermen to begin the process whereby foreign processing vessels would be permitted to enter the Kodiak area and process salmon during the 1986 salmon season. We have had discussions regarding the possibility with representatives of various fishing companies from two countries so far. UFMA has made a preliminary proposal to potential foreign processing entities. A number of observations have been surfaced by these foreign entities, and I'm sure you are aware of them. I want to reiterate them here for your consideration in the conduct of your survey, and for your consideration in any recommendations your office may desire to make regarding the subject.

A. Every foreign entity with whom I have discussed this matter has said that they need a guarantee of a minimum number of fish before they can commit vessels, people and capital to come to Alaska. I can understand their concern and need, and I'm sure you can too. I offer no opinion on this matter at this time however. It is a very important matter central to the issue of foreign processing for salmon in 1986. I am sure that you are aware of its importance. I wanted to bring it to your attention as an issue which UFMA must deal with as we go ahead with discussions with potential partners for the summer of 1986. Please keep us informed of any developments in this area in as timely a manner as is possible for you.

B. Potential foreign processing entities have also made known to UFMA their desire to have access to processing species other than pink salmon. They have told us that they need access to these other species so as to make it economically feasible for them to commit the vessels, people, and capital to come to Alaska.

Regarding this subject, I have been approached by a number of fishermen who feel that they will not have a market for their pink salmon, although they have a market for other species. I also have been approached by a number of fishermen who have no market at all, neither for pink salmon, nor for any other species. Fishermen with no market at all, and those with no pink market, both feel that if foreign processors are permitted to enter the Internal Waters of the state to buy their salmon in the Kodiak area, then they should have the opportunity to sell species other than pink salmon to these foreign processors.

Whether a fisherman has or has not a market for pink salmon, or for any species at all, the question of whether or not to allow the sale of species other than pink salmon to foreign processors becomes more acute when one considers that a seiner or setnetter in Kodiak frequently will harvest a mix of species in many areas during certain time periods. This problem will certainly be serious in Kodiak during the time period when we may most be in need of foreign processing capacity for pink salmon. During this time, one can expect to also harvest large numbers of red and chum salmon even though the fishing effort may be primarily directed at harvesting pink salmon. This is especially true in Kodiak in an even year.

I have briefly discussed this issue with a representative of the U.S. processing industry, and was told that the possibility of U.S. processors agreeing to foreign processing of species other than pink salmon is worse than remote. This is an understandable position from the U.S. processors' point of view. Again, I am sure that you are very aware of this problem; I raise it as a matter which UFMA must deal with, and as a matter which also is central to the issue of foreign processing for salmon in Alaska in 1986. I also request that you address this issue, and that you keep us informed of developments in this area in as timely a manner as is possible for you.

II. In recent meetings with salmon fishermen, the question of the scope of the capacity survey was raised. As a result of discussions with Kodiak salmon fishermen, I would like to strongly encourage that the capacity survey of the Kodiak area incorporate an in-depth investigation of the number of salmon fishermen from the Kodiak area who do not have a pink salmon market, and who do not have a salmon market at all.

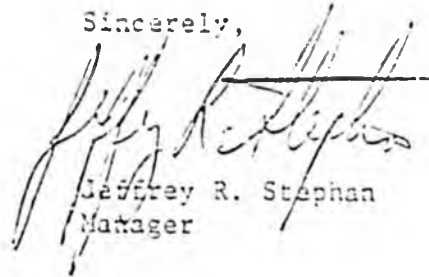
III. We are unsure as to all of the areas in Kodiak which are considered Internal Waters. Do you have a clear understanding of what Internal Waters are available in the Kodiak Salmon Management Area?

Thank you for your consideration of the items addressed in this letter. UFMA has many decisions to make in regard to the possibility of foreign processing of salmon in Kodiak in 1986. We are in the process of planning for fishing vessels, setnetters, tenders, contracts, etc. We plan to discuss this issue soon with potential foreign processors. As you know, time is of the essence.

Mr. Paul Peyton, page  
December 23, 1985

We hope that you recognize our need for a timely and accurate communication of the developments in regard to this issue. Your suggestions for achieving this communication are most welcome. Thank you for your assistance.

Sincerely,



Jeffrey R. Stephan  
Manager

cc: Senator Fred Zharoff  
Karl Ohls  
UFMA Directors

JRS/bb



SENATOR FRED F. ZHAROFF  
ALASKA STATE LEGISLATURE

P O BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

POUCH V. JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474 • 465-3844 (Labor and Commerce Comm

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISL

December 24, 1985

Mr. Loren Lounsbury  
Commissioner  
Department of Commerce and Economic Development  
Pouch D  
Juneau, Alaska 99811

Dear Commissioner Lounsbury:

It has been brought to my attention there are several other areas in Senate District N that may experience the same problems -- abundant pink salmon runs and reduced processing capacity -- as Kodiak Island during the 1986 salmon season.

I respectfully request your department to conduct a processing capacity survey for Sand Point, King Cove, and the Musnazak River in Bristol Bay, with the intention of determining whether foreign processors should be invited in to purchase excess pink salmon.

Thank you for your prompt attention to this matter.

Sincerely,

*Fred F. Zharoff*  
*for*

Fred F. Zharoff  
Alaska State Senate

cc: Representative Adelheid Herrmann

RECEIVED  
DEC 24 1985

OFFICE OF THE  
COMMISSIONER

December 15, 1985

Honorable Fred F. Zharoff  
Alaska State Senate  
P.O. Box 405  
Kodiak, AK 99515

Dear Senator Zharoff:

Thank you for your letter of December 9. I hope your meetings with Mr. Baker and Mr. Peyton in Anchorage answered your questions. We share your concerns about the upcoming salmon season in Kodiak. The Office of Commercial Fisheries Development (OCFD) is already working to evaluate the capacity and intent of U.S. processors. Generally, we are aware of those plants on Kodiak Island which have announced that they will not operate next season and will soon be contacting local processors. The more difficult job is to tie down the capacities and purchasing plans of plants in adjacent areas and the large fleet of U.S. floating processors.

As you know, this is a sensitive political issue and we have legal as well as practical obligations to do a comprehensive and fair analysis of the situation. Last year, the Bristol Bay herring joint venture permit was challenged in court by the processors. We prevailed because we had done a thorough job. We can expect opposition from the domestic processors on virtually any salmon permit, and it would serve no one if we had not done our homework.

The OCFD has requested specific harvest forecasts by district for Kodiak, Chignik, Cook Inlet, and Prince William Sound from the Department of Fish and Game. Expected run timing, past experience with tendering operations, and a contact list of U.S. floating processors with salmon freezing capacity is being developed.

If a serious discrepancy between expected harvest volumes and the intent of U.S. processors to purchase salmon continues to be evident, Governor Sheffield is likely to appoint an advisory committee. That group will review available information, seek further testimony from fishermen, processors and fisheries managers, and recommend a course of action to best remedy the situation. Obviously, the deliberations on foreign processors must be done in a timely manner if they are to be of any benefit.

Honorable Fred F. Zharoff

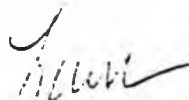
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December 16, 1935

Conversely, introduction of foreign processors would be a serious step and one which could influence purchase decisions by U.S. processors, price and labor negotiations, and sales of existing inventories. In any case, it will not be a panacea for the severe oversupply situation now facing both fishermen and processors.

This is indeed a priority issue with the department, and I will keep you informed about our progress.

Sincerely,

  
Loren H. Lounsbury  
Commissioner

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121685a

BC: FISH. MINI CAB      W/ EARLIER CORRESPONDENCE  
SEAF " "

# MEMORANDUM

State of Alaska

TO: Don Collinsworth, Commissioner  
Department of Fish and Game

DATE: December 12, 1955

FILE NO.

TELEPHONE NO.

FROM: Paul Peyton, Acting Director  
Office of Commercial Fisheries Development  
Department of Commerce and Economic  
Development

SUBJECT: Kodiak Salmon Processing  
Capacity

There is concern in Kodiak about the existence of adequate processing capacity to handle the large volume of pink salmon expected next season. The attached letter from Senator Zharoff will help explain our situation.

As you are aware, there are any number of implications related to this issue and a good evaluation of capacity and intent to purchase will take considerable time and effort.

This is to enlist the support of Fish and Game and ask that an individual be assigned to the project who can act as a coordinator for the department and participate in any advisory committee meetings that might be held.

The following information would be useful to start with:

- \* Preliminary forecasts for the Kodiak and Chignik areas that are specific by major districts.
- \* Estimates of run timing by day for sockeyes and pinks by major district (number of fish available for harvest by day).
- \* Any data or observations about fish that have in the past been tendered in or out of the Kodiak area for processing. Origin, destination?
- \* Names and addresses of all floaters that operated on salmon in the Kodiak/Chignik area in the past two years and those that operated anywhere in Alaska on salmon.
- \* We generally know about Kodiak and Chignik shore-based processors, but, if a list of names and plant capacities have been put together, it would be useful.
- \* Best guess of average pink salmon weight.

Dick Reynolds will be dealing with this issue for office of Commercial Fisheries Development.

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Attachment



SENATOR FRED F. ZHAROFF  
ALASKA STATE LEGISLATURE

P O BOX 405, KODIAK, ALASKA 99615 (907) 486-5250

DURING SESSION:

POUCH V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474 • 465-3444 (Labor and Commerce Comm

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK • LAKE ILIEMNA • PRIBILOF ISLANDS • SHUMAGIN ISL

December 9, 1985

Loren H. Lounsbury  
Commissioner  
Alaska Department of Commerce and Economic Development  
Pouch D  
Juneau, Alaska 99811

RECEIVED  
DEC 11 1985

OFFICE OF THE  
COMMISSIONER

Dear Commissioner Lounsbury:

Thank you for your letter of December 3 regarding the 1986 Kodiak Island salmon processing capacity. I am concerned, from the tone of your letter, that my request for an investigation into the processing capacity is something that is going to drag out through the winter, with no final determination made until the last minute in the spring. If we are to avoid chaos on the Kodiak fishing grounds, I need information compiled now on this subject.

Much information can be readily obtained. Columbia Wards has pulled its processing vessel, the Joy Cape, out of Kodiak city. I understand Columbia Wards also has put its Port Bailey facility up for sale. The Uganik cannery, owned by financially-troubled Kodiak Alaskan Seafoods, Inc., is unlikely to operate in 1986. The Larsen Bay plant also will not operate. A preliminary determination can easily be made that Kodiak Island will, in fact, have a reduced processing capacity. A final determination can be made as more information becomes available during the winter.

If this proves to be the case, we need to get moving now on the process for inviting foreign processors to buy excess pink salmon. Domestic processors will complain, but our fishermen must have markets. Delaying the work on this could result in panic and economic disruption. The salmon fishermen already are worried about what will happen to them this summer.

I respectfully request you to urge the Office of Commercial Fisheries Development to make this matter an immediate high priority, and to get started on its survey without delay.

Sincerely,

Fred F. Zharoff  
Alaska State Senate

## WEATHER

Rain tonight with a low near 35 and southeast winds to 20 mph. Rain showers tomorrow, high in the upper 30s. Record high for this date was set in 1935 at 53. Record low is 7, set in 1975. Sunset tonight at 5:17 p.m. Sunrise tomorrow at 8:32 a.m.

the  
**Kodiak**  
daily mirror



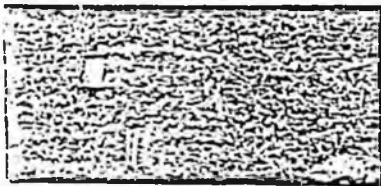
Sen. Fred Waroff  
Pouch V  
Juneau, AK 99811

V.J.L. 45 NO. 215

MONDAY, NOVEMBER 4, 1985

KODIAK, ALASKA

12 PAGES 35 CENTS



# 15.68 million catch of pinks forecast for '86

By CHRIS BLACKBURN  
Special Correspondent

Fish and Game anticipates a near-record Kodiak pink salmon harvest in 1986. According to the preliminary forecast, the 1986 pink salmon catch will be 15.68 million fish, the second highest catch on record, exceeded only by the 17.3 million pink catch in 1980.

The key to the expected 1986 pink salmon return is the mild winter of 1984-85 which allowed record numbers of pink salmon fry

to survive. The mild winter, however, was followed by a cold, late spring which is believed to have reduced the number of fry surviving their outmigration.

In 1986 Kitor Bay hatchery is expected to contribute about a million pink salmon to the fishery — because Kitor has limited rearing facilities, its production is affected by cold springs as are the wild runs.

In 1986 the Westside District is  
(Please turn to Page 2)

# salmon

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(Continued from Page 1)

expected to produce a harvest of 12.3 million pinks.

The Adak District is expected to produce a harvest of 800,000 pinks. The eggs laid early in the upper portion of Deadman River appeared to have been scouted out by flooding in August 1984.

The Adognak District harvest is expected to be 494,000 pink salmon. Freezing weather killed

salmon fry in Perenosa Creek and prevented Fish and Game from sampling Malina and Marka Creeks.

The General District is expected to produce a 990,000 pink salmon harvest. Fry survival was the highest on record, diminished only by the cold spring.

No streams were sampled in the Mainland District due to freezing spring weather. Fish and Game estimates the Mainland pink

salmon harvest will be around 123,000 fish.

The 1986 red salmon harvest in the Kodiak area is expected to be around 1.5 million fish, according to the preliminary Fish and Game forecast. The projected harvest would be second or third highest on record.

The chum salmon catch is projected to around a million fish in 1986, similar to recent catches in the Kodiak area.

The coho salmon catch is projected to be about 200,000 fish in 1986, similar to the catches in

recent years.

The king salmon catch is expected to be around 4,000 fish, similar to the 1984 and 1985 catches.

Whether 1986 will be a profitable salmon year for Kodiak fishermen depends on price and processing capacity. There is some concern among local fishermen that the recent loss of several salmon canneries in the Kodiak area has reduced processing capacity below that needed for the expected 1986 pink salmon run.

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# 1986

File

December 3, 1985

RECEIVED  
OFFICE OF COMMERCIAL FISHERIES

DEC 6 1985

DEPARTMENT OF COMMERCE  
& ECONOMIC DEVELOPMENT

Honorable Fred F. Zharoff  
Alaska State Senate  
P.O. Box 405  
Kodiak, AK 99615

Dear Senator Zharoff:

Thank you for your memorandum concerning the apparent lack of processing capacity to handle salmon harvested in the Kodiak area next season.

On the surface, there does appear to be a real problem. The Office of Commercial Fisheries Development will be contacting processors this winter to determine their intent to process. However, experience has shown that many operators do not make final decisions regarding their degree of aggressiveness in purchasing until shortly before the season when more is known about inventory levels and market conditions.

I will certainly keep you informed as this work progresses.

Sincerely,

Loren H. Lounsbury  
Commissioner

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SENATOR FRED F. ZHAROFF  
ALASKA STATE LEGISLATURE

P O BOX 405, KODIAK, ALASKA 99615 (907) 486-5252  
DURING SESSION  
POUCH V. JUNEAU ALASKA 99811 • (907) 465-3473 • 465-3474 • 465-3344 (L. Gov. and Commerce Comm.

DISTRICT II

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CHARLEY LAKE ILANNA • PRIBILOF ISLANDS • SHUMAGIN ISL.

MEMORANDUM

TO: Loran Lounsbury  
Commissioner of Commerce and Economic Development  
  
Don Collinsworth  
Commissioner of Fish and Game

FROM: Senator Fred F. Zharoff *by Karl Chis*

DATE: November 12, 1985

RE: Kodiak Island processing capacity

RECEIVED  
NOV 16 1985

OFFICE OF THE  
COMMISSIONER

According to recent news reports (see attachment), Kodiak Island will experience a near record pink salmon harvest next summer. With this forecast, concerns have been raised that Kodiak Island will not have the processing capacity to handle all these salmon. This is particularly true for the west side of Kodiak Island, bordering Shelikof Strait, where all the existing processing plants are expected to be shut down through next season.

I would like to find out from you how many processors actually will operate on Kodiak Island next summer, and how many fish can they handle? If you do not have this information, then please consider this memorandum a formal request for your departments to investigate the 1986 processing capacity situation on Kodiak Island, and to determine if additional processing capacity will be needed.

Thank you for your prompt attention to this matter. Please keep Mr. Karl Chis in my Juneau office informed of your progress.

6933

ALASKA DEPARTMENT OF FISH AND GAME  
DIVISION OF COMMERCIAL FISHERIES

PRELIMINARY FORECASTS AND PROJECTIONS FOR 1986  
ALASKA SALMON FISHERIES

PRELIMINARY TABLES AND FIGURES TO THE  
ALASKA BOARD OF FISHERIES

November, 1985  
ANCHORAGE, ALASKA

Table 1. Forecasted return, harvest, escapement goal, preliminary return, escapement, harvest, management error (ie difference between realized escapement and escapement goal), and return forecast error for major salmon fisheries where formal forecasts were made, 1970-1985. Projected and realized Alaska commercial salmon harvests with absolute and relative error, 1970-1984. Figures are in thousands of salmon.

Year	Only Major Fisheries Where Formal Forecasts Were Made										Projected Collective Harvest of all Alaska Salmon Fisheries				
	Forecasted		Escapement Goal (2)	Actual (Note that Figures Based on Preliminary Returns)			Management Error (4)-(2)	Forecast Error (1)-(3)	Projected Harvest (7)	Actual Harvest (8)	Relative Error (7)-(8)	Relative to Statewide Harvest (11)/(12)	Projected Harvest (13)	Relative to Statewide Harvest (14)	
	(1)	(2)		(3)	(4)	(5)									(6)
	Return	Harvest	Return	Escapement	Harvest	(thousands)	%	(thousands)	%	Harvest	Harvest	Error	Error	Harvest	
1970	114347	77080	37267	64653	17271	47392	19976	51%	49674	77%	95500	60500	27000	39%	81%
1971	41140	28110	13030	50789	10643	32137	-5613	-43%	-9640	-19%	41500	47500	-6000	-13%	60%
1972	52739	30470	22320	30995	13616	17379	8704	39%	21795	70%	46700	37000	14700	46%	65%
1973	30650	18820	19030	21650	10536	11014	9194	46%	17000	71%	30000	22300	7700	35%	63%
1974	27830	7500	20330	29150	19334	9816	976	5%	-1320	-5%	15600	21900	-6300	-27%	40%
1975	28740	8435	20305	45937	28926	17441	-8191	-40%	-17197	-37%	17300	26200	-6300	-24%	42%
1976	45202	25702	17500	48710	10060	30000	640	3%	-3730	-8%	37100	44400	-7300	-16%	67%
1977	43650	23740	19310	56495	21675	34000	-1785	-9%	-12845	-23%	34700	50800	-16100	-32%	60%
1978	70323	48737	21586	97910	36020	61920	-14434	-67%	-27617	-28%	62700	82300	-19400	-24%	77%
1979	84969	57210	27750	100323	37705	70338	-10235	-37%	-23363	-22%	72000	88000	-16000	-17%	79%
1980	124930	86360	38570	144096	62470	81606	-23320	-62%	-19166	-13%	102600	110000	-7400	-7%	84%
1981	78500	55420	23000	116093	28895	87200	-5815	-25%	-37595	-32%	74500	113300	-38800	-34%	74%
1982	136060	107940	26120	105503	27933	77520	-1063	-7%	30557	27%	135000	109100	25900	24%	81%
1983	97210	74330	22000	129363	28572	100691	-9792	-25%	-32153	-25%	94000	127200	-33200	-26%	79%
1984	112060	81671	37377	150034	47410	102624	-10013	-27%	-30966	-21%	103500	132500	-28745	-22%	77%
1985	122627	86091	35934	163952	43716	120036	-7902	-22%	-41323	-25%	108241	144610	-36367	-25%	86%
1970-19 Averages	76627	51276	25363	85244	20870	56374	-3507	-14%	-8617	-0.10%	67113	76338	-9226	-8%	71%
Averages without regard to sign							8440	32%	23490	32%			10638	26%	

# Obs. Return versus Fcst. Return

Major Fisheries with Formal Forecasts

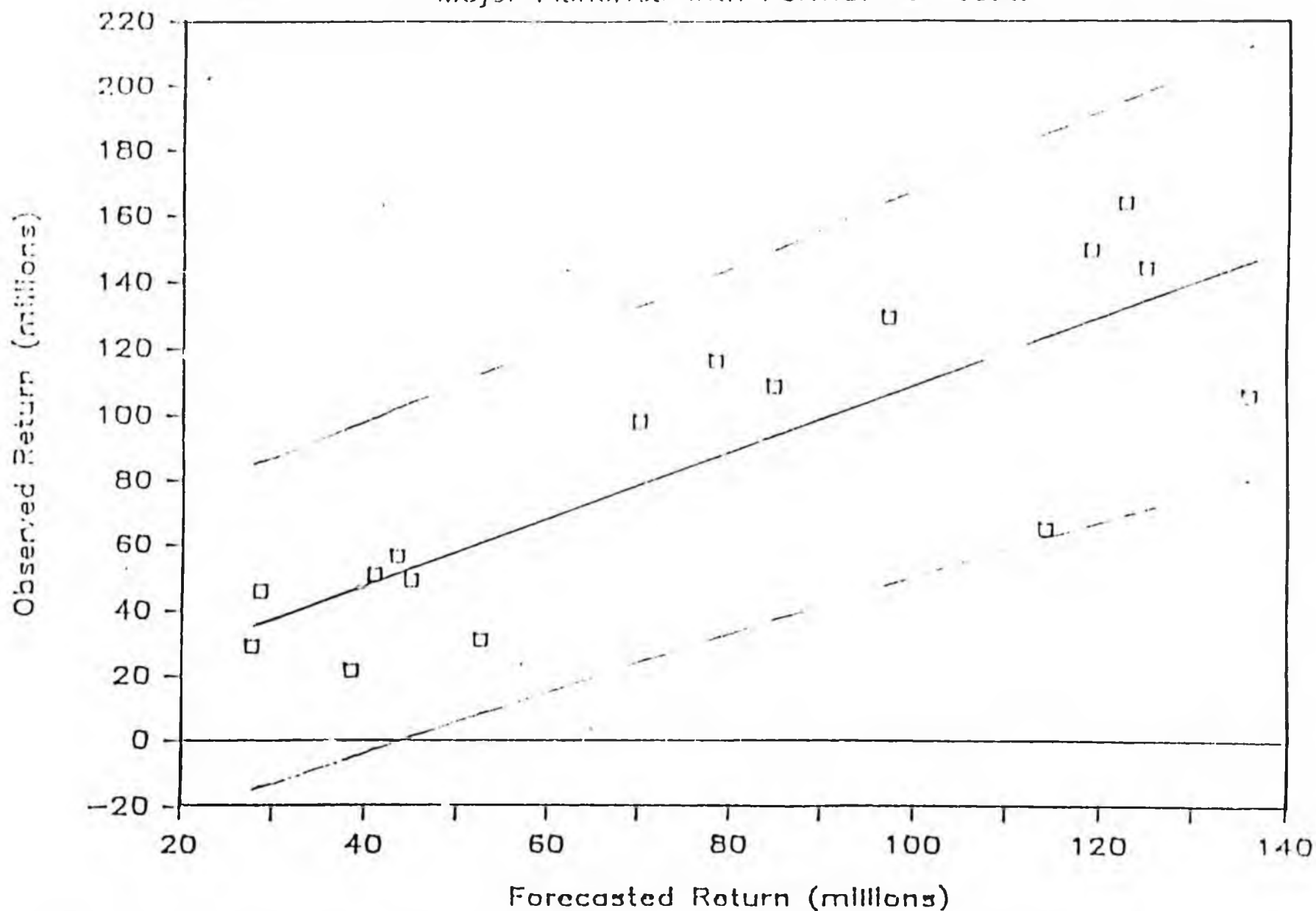


Figure 1. Relationship between observed return (millions) and forecasted return (millions) for major salmon fisheries with formal forecasts, 1970-1985. Also shown are the regression line,  $Y = 6.54 + 1.027 X$ ,  $R^2 = 0.690$ , together with 80 percent confidence intervals; where,  $Y =$  Observed Return and  $X =$  Forecasted Return.

Projected Statewide Harvest

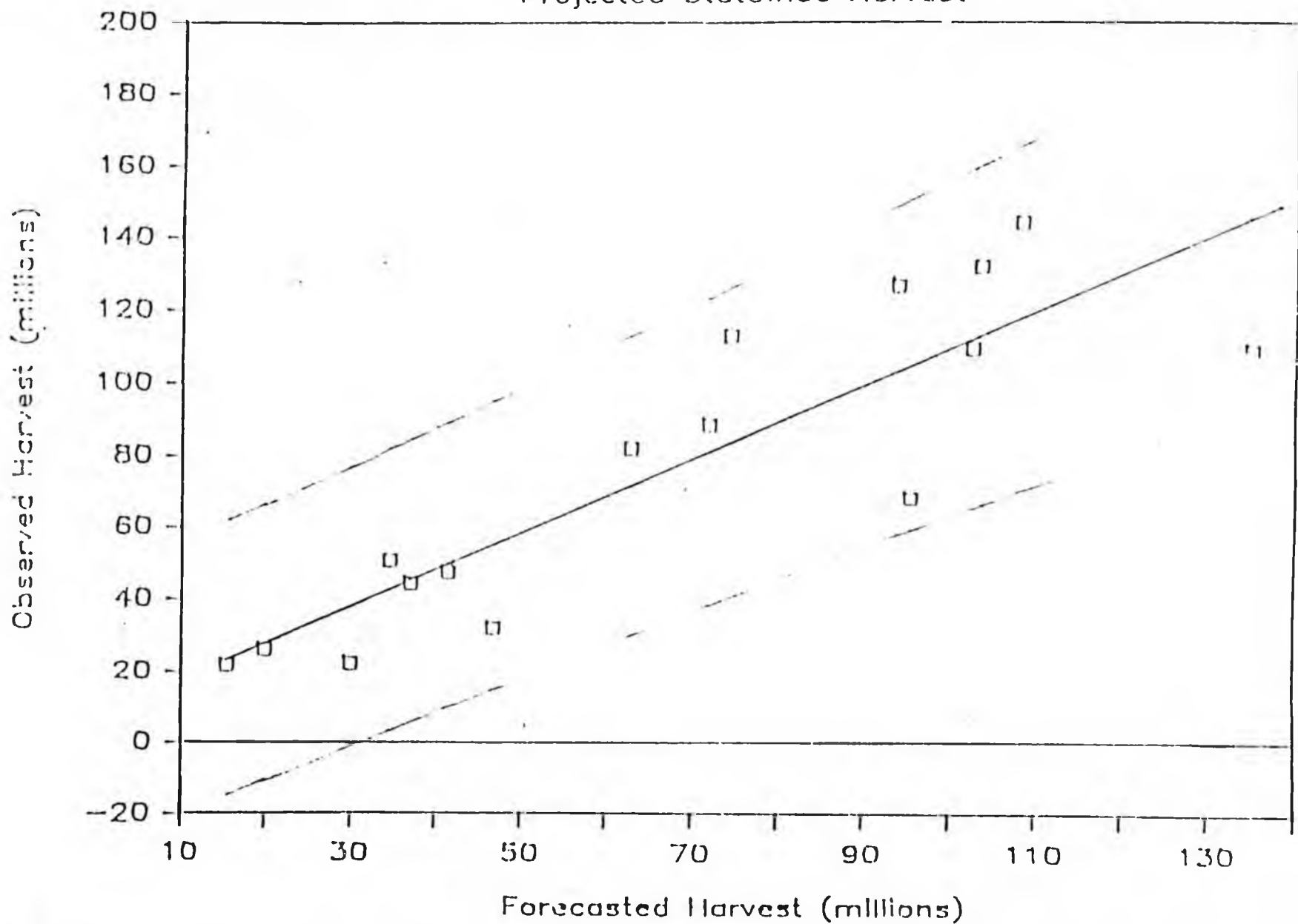


Figure 2. Relationship between observed harvest (millions) and projected harvest (millions) for Alaska commercial salmon fisheries, 1970-1985. Also shown are the fitted regression line,  $Y = 7.40 + 1.027 X$ ,  $R^2 = 0.771$ , together with 80 percent confidence intervals; where,  $Y =$  Observed Harvest and  $X =$  Forecasted Harvest.

# Alaska Commercial Salmon Harvest

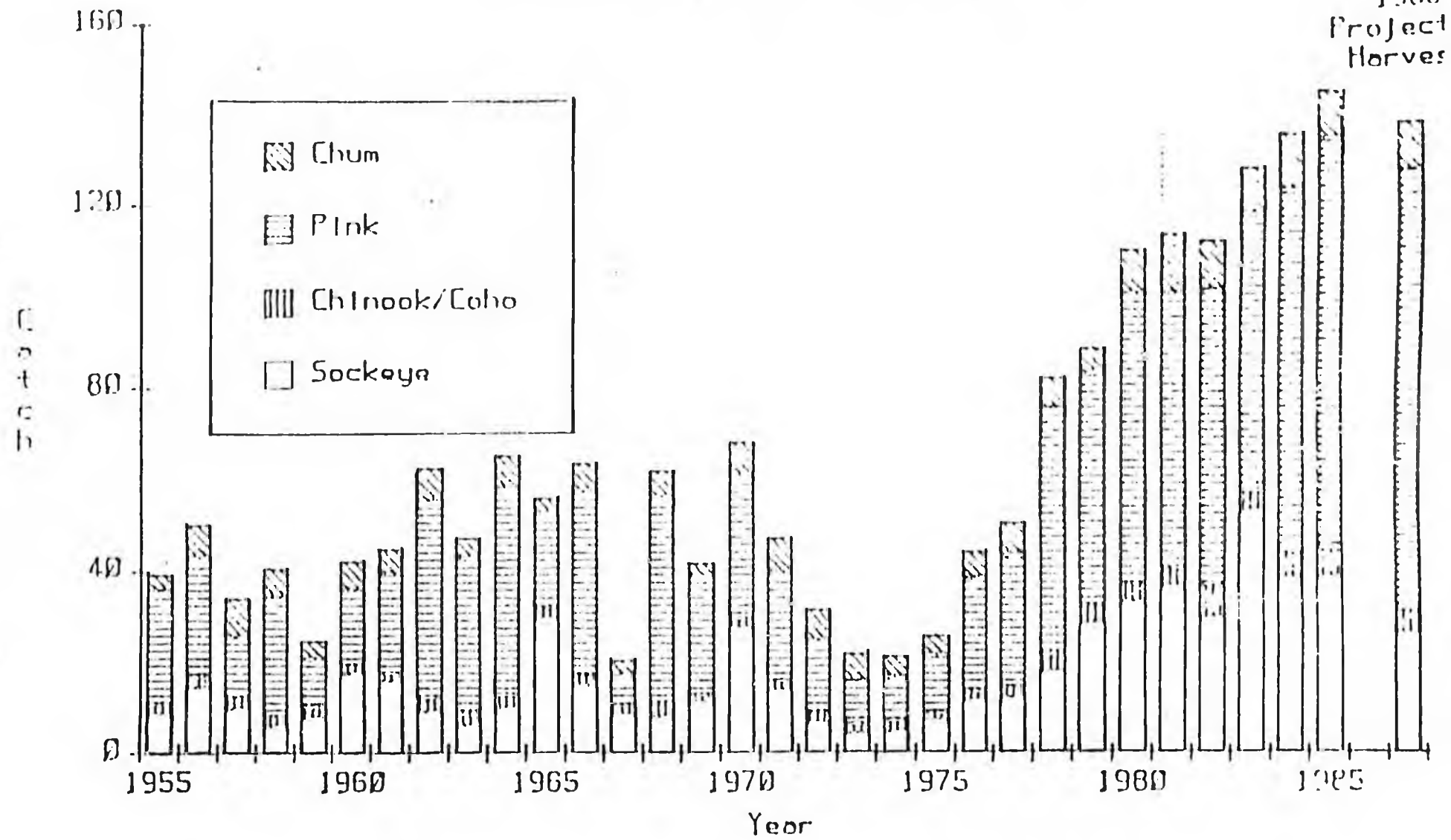


Figure 4. Alaska commercial salmon harvests by species, 1955 - 1985, and the 1986 projected harvest.

Table 2. Comparison of actual and forecast 1985 salmon returns, with errors and relative errors, for some major Alaska salmon fisheries.

Thousands of Fish							
Area	Species	(1) Harvest	(2) Escapement	(3) Return (1) + (2)	(4) Forecasted Return	(5) Error (4) - (3)	(6) Relative Error (5)/(3) x 100%
Southern Southeastern	pink	30473	12000	42473	30800	-11673	-27%
Northern Southeastern	pink	20516	8900	29416	11900	-17516	-59%
Southeastern Total	pink	50989	20900	70989	42700	-28289	-40%
Prince William Sound	pink	25057	2715	27771	21509	-6271	-23%
	chum	1200	191	1471	2109	638	43%
BWS Coghill District	rockeye	350	147	497	220	-277	-56%
Copper River	rockeye	928	611	1559	1780	221	14%
	chinook	46	4	50	45	-6	-11%
Lower Cook Inlet- Southern and Outer Districts	pink	1137	316	1453	1217	-236	-16%
Upper Cook Inlet	rockeye	3689	1362	5051	3400	-1651	-33%
Kodiak	pink	7340	2600	9940	6780	-3160	-32%
Chignik	rockeye	1110	717	1826	2490	664	36%
	pink	175	355	530	500	-30	-6%
South Peninsula	pink	4396	1600	5996	5000	-996	-17%
Bristol Bay	rockeye	23474	13154	36628	34700	-1928	-5%
Bristol Bay, Nunatak District	chinook	67	125	192	188	-4	-2%
<b>TOTAL</b>		<b>120037</b>	<b>43916</b>	<b>163952</b>	<b>122629</b>	<b>-41324</b>	<b>-25%</b>

Table 3. Preliminary 1985 Alaska commercial salmon harvest by species and fishing area.

Fishing Area	SPECIES					
	Chinook	Sockeye	Coho	Pink	Chum	Total
Southern Southeastern	76.7	1111.7	1198.4	30472.7	1300.6	34160.2
Northern Southeastern	178.6	737.4	1341.1	20515.5	1966.2	24738.8
Southeastern Statistical Region Total	255.3	1849.2	2539.4	50988.2	3266.8	58899.0
Cordova Area	41.5	1441.6	1033.5	25074.6	1294.2	28887.4
Cook Inlet Area	24.3	4130.8	629.4	1313.2	744.8	6842.6
Kodiak Area	5.0	1030.0	280.0	7335.0	431.0	9801.0
Chignik	1.9	943.8	203.7	175.0	26.1	1350.6
South Peninsula	6.0	2062.0	161.0	4396.0	1341.0	7966.0
Central Statistical Region Total	80.7	10408.2	2307.6	38293.8	3837.1	54927.5
Alutian Islands	0.0	1.0	0.0	0.0	14.0	15.0
North Peninsula	22.0	2518.0	170.0	4.0	698.0	3412.0
Bristol Bay Area	122.0	23472.0	161.0	0.0	864.0	24619.0
Kunukwim Area	74.1	121.2	382.1	0.0	224.7	802.1
Yukon Area	146.2	0.0	57.4	0.0	1030.8	1234.4
Norton Sound	19.5	0.2	22.1	3.6	134.7	180.1
Kotzebue Area	0.0	0.0	0.0	0.0	521.4	521.4
Western Statistical Region Total	383.8	26112.4	792.6	7.6	3487.6	30784.0
ALASKA TOTAL	719.8	38369.8	5639.7	89289.7	10591.5	144610.4

Table 4. Preliminary 1985 Southeastern Alaska commercial salmon harvest by species and management area.

Management Area	SPECIES					
	Chinook	sockeye	Coho	Pink	Chum	Total
<b>Southern Southeastern</b>						
Portland Canal gill net	2.8	167.0	46.9	649.7	218.2	1084.7
Annette Inland gill net	0.3	49.8	14.0	394.3	34.8	493.2
Annette Inland trap	0.4	10.9	3.5	497.8	1.5	514.0
Prince of Wales Is. gill net	1.7	265.3	91.1	584.9	69.6	1012.7
Stikine River gill net	.0	1.1	1.9	5.3	1.9	10.2
Southern hatcheries	2.0	0.1	45.8	9.7	288.0	345.6
Southern districts seine	15.0	616.3	326.3	28232.9	680.4	29870.9
Southern districts troll	54.6	1.3	668.9	98.0	6.2	829.0
<b>Southern Southeastern total</b>	<b>76.7</b>	<b>1111.7</b>	<b>1198.4</b>	<b>30472.7</b>	<b>1300.6</b>	<b>34160.2</b>
<b>Northern Southeastern</b>						
Taku-Snettinhm gill net	3.0	87.1	52.3	312.0	107.9	563.0
Lynn Canal gill net	3.4	337.2	109.1	260.3	803.6	1513.5
Yakutat gill net	1.0	233.4	193.5	16.1	12.3	456.3
Northern hatcheries	0.0	.0	6.2	462.1	342.8	811.1
Northern districts seine	7.5	73.3	60.3	18594.0	653.6	19388.7
Northern districts troll	163.7	6.4	919.7	870.2	46.0	2006.1
<b>Northern Southeastern total</b>	<b>178.6</b>	<b>737.4</b>	<b>1341.1</b>	<b>20515.5</b>	<b>1966.2</b>	<b>24730.8</b>
<b>SOUTHEASTERN REGION TOTAL</b>	<b>255.3</b>	<b>1849.2</b>	<b>2539.4</b>	<b>50988.2</b>	<b>3266.8</b>	<b>58899.0</b>

Table 5. Preliminary 1985 Central Region Alaska commercial salmon harvest by species and management area.

Management Area	SPECIES					Total
	Chinook	Sockeye	Coho	Pink	Chum	
<b>Cordova Area</b>						
Bering River	0.2	20.5	415.0	0.1	0.3	444.9
Copper River	42.2	977.0	590.0	17.0	5.0	1591.5
Prince William Sound Hatcheries				1274.0	3.0	1277.0
Coghill District	0.5	150.0	1.2	521.0	266.0	1130.7
Unakvik District	.0	26.9	.0	37.4	0.0	72.4
Ehomy District	.0	2.2	0.1	100.9	1.4	104.6
General purse seine	0.6	114.1	10.4	23123.5	1000.9	24257.5
<b>Prince William Sound total</b>	<b>1.1</b>	<b>493.1</b>	<b>19.7</b>	<b>25056.7</b>	<b>1200.1</b>	<b>26051.0</b>
<b>Cordova Area total</b>	<b>43.5</b>	<b>1441.6</b>	<b>1033.5</b>	<b>25074.6</b>	<b>1294.2</b>	<b>28007.4</b>
<b>Cook Inlet Area</b>						
Lower Cook Inlet						
Outer District	.0	92.0	3.2	610.2	11.0	725.3
Southern District	1.0	84.1	4.3	510.9	5.5	613.0
Kamlehak District	.0	70.3	2.0	0.2	0.1	80.6
Eastern District	.0	24.3	.0	92.4	5.1	121.9
<b>Lower Cook Inlet total</b>	<b>1.0</b>	<b>270.7</b>	<b>9.5</b>	<b>1229.7</b>	<b>30.6</b>	<b>1549.5</b>
Upper Cook Inlet						
Central District	21.4	3609.1	540.7	57.0	602.9	4991.2
Northern District	1.9	163.0	79.7	26.5	31.2	301.8
<b>Upper Cook Inlet total</b>	<b>23.3</b>	<b>3852.1</b>	<b>619.9</b>	<b>83.5</b>	<b>714.1</b>	<b>5293.0</b>
<b>Cook Inlet Area total</b>	<b>24.3</b>	<b>4130.0</b>	<b>629.4</b>	<b>1313.2</b>	<b>744.0</b>	<b>6042.6</b>
<b>Bristol Bay</b>						
Egegik District	4.0	7457.0	33.0	0.0	110.0	7604.0
Ugashik District	7.0	6346.0	61.0	0.0	119.0	6533.0
Naknek-Kvichak District	6.0	8136.0	8.0	0.0	176.0	8326.0
Nushagak District	60.0	1323.0	20.0	0.0	253.0	1666.0
Togiak District	37.0	210.0	39.0	0.0	206.0	492.0
<b>Bristol Bay total</b>	<b>122.0</b>	<b>23472.0</b>	<b>161.0</b>	<b>0.0</b>	<b>864.0</b>	<b>24619.0</b>
<b>CENTRAL REGION TOTAL</b>	<b>109.8</b>	<b>29044.4</b>	<b>1823.9</b>	<b>26307.8</b>	<b>2903.0</b>	<b>60349.0</b>

Table 6. Preliminary 1985 Westward Region Alaska commercial salmon harvest by species and management area.

Management Area	SPECIES					Total
	Chinook	Sockeye	Coho	Pink	Chum	
Eodiak Area	5.0	1000.0	200.0	7335.0	431.0	9001.0
Chignik Area	1.9	943.0	203.7	175.0	26.1	1350.6
Alaska Peninsula and Aleutians						
South Peninsula	6.0	2062.0	161.0	4396.0	1341.0	7966.0
North Peninsula	22.0	2510.0	170.0	4.0	698.0	3412.0
Aleutian Islands	0.0	1.0	0.0	0.0	14.0	15.0
Alaska Penin. Aleut. total	28.0	4581.0	331.0	4400.0	2053.0	11393.0
WESTWARD REGION TOTAL	34.9	7354.8	614.7	11910.0	2510.1	22624.5

Table 7. Preliminary 1985 Arctic-Yukon-Kuskokwim Region Alaska commercial salmon harvest by species and management area.

Management Area	SPECIES					Total
	Chinook	Sockeye	Coho	Pink	Chum	
<b>Kuskokwim Area</b>						
Kuskokwim Area						
Kuskokwim River	37.9	106.6	335.6	0.0	199.5	679.6
Kuskokwim Bay	36.2	14.6	46.5	0.0	25.2	122.5
<b>Kuskokwim Area total</b>	<b>74.1</b>	<b>121.2</b>	<b>382.1</b>	<b>0.0</b>	<b>224.7</b>	<b>802.1</b>
<b>Yukon River</b>						
Yukon River						
Lower Yukon River	141.0	0.0	45.0	0.0	613.0	799.0
Upper Yukon River	5.2	0.0	12.4	0.0	417.8	435.4
<b>Yukon River total</b>	<b>146.2</b>	<b>0.0</b>	<b>57.4</b>	<b>0.0</b>	<b>1030.8</b>	<b>1234.4</b>
<b>Norton Sound</b>						
Norton Sound	19.5	0.2	22.1	3.6	134.7	180.1
<b>Kotzebue Area</b>						
Kotzebue Area	0.0	0.0	0.0	0.0	521.4	521.4
<b>ARCTIC-YUKON-KUSKOKWIM REGION TOTAL</b>	<b>239.8</b>	<b>121.4</b>	<b>461.6</b>	<b>3.6</b>	<b>1911.6</b>	<b>2738.0</b>

Table B. Preliminary forecasts of salmon returns and commercial harvests for some major Alaska fisheries in 1986.

Thousands of Fish								
Area	Species	Forecast Return	Escapement Goal	Estimated Harvest	Forecasted Return Range		Estimated Harvest Range	
Southern Southeastern	pink	37900	6000	31900	10600 -	45100	24600 -	39300
Northern Southeastern	pink	11100	4600	6500	6900 -	15100	2100 -	10700
Southeastern Total	pink	49000	10600	38400	40600 -	57500	10000 -	46900
Prince William Sound	pink	27600	4200	23400	22070 -	31130	17070 -	20930
	chum	1266	303	802	971 -	1562	507 -	1170
IMS Coghlin District	rockeye	552	40	512	306 -	710	146 -	670
Copper River	rockeye	1559	704	854	1247 -	1070	605 -	1024
	chinook	45	15	30	36 -	54	25 -	35
Lower Cook Inlet- Southern and Outer Districts	pink	2269	270	1999	1121 -	3414	853 -	3144
Upper Cook Inlet	rockeye	5200	1000	4200	4200 -	6200	3200 -	5200
Kodiak	pink	19730	4050	15680	17640 -	21930	13590 -	17000
Chitquk	rockeye	2011	650	2161	2569 -	3053	1919 -	2403
	pink	2600	700	1900	1300 -	3960	600 -	3260
South Peninsula	pink	0400	2000	6400	5000 -	11000	3500 -	9100
Bristol Bay	rockeye	22000	10700	12100	0600 -	35400	2200 -	24700
Bristol Bay, Nunagak District	chinook	103	75	100	77 -	297	2 -	222
	pink	4100	1000	3100	1400 -	2300	400 -	6100
Bristol Bay, Toziak District	chinook	39	15	24	10 -	71	0 -	56
		147352	36403	111750	129797 -	165058	93194 -	120655

Table 9. Preliminary projections of 1986 Alaska commercial salmon harvests by statistical region and species.

STATISTICAL REGION	SPECIES					Total
	Chinook	Sockeye	Coho	Pink	Chum	
Southeastern	261	1500	2300	38400	3000	45461
Central	62	10536	1570	51729	4147	68044
Western	355	14118	795	5420	3455	24143
TOTAL ALASKA	678	26154	4665	95549	10602	137648

Table 10. Preliminary projections of 1986 Alaska commercial salmon harvests by management region and species.

Management Region	SPECIES					Total
	Chinook	Sockeye	Coho	Pink	Chum	
Southeastern	261	1500	2300	38400	3000	45461
Central	156	17834	1520	29849	2897	52256
Arctic-Yukon-Kuskokwim	223	80	145	220	1750	2418
Westward	38	6740	700	27080	2955	37513
<b>TOTAL ALASKA</b>	<b>678</b>	<b>26154</b>	<b>4665</b>	<b>95549</b>	<b>10602</b>	<b>137648</b>