

9 FAM 42.32(d)(7) CERTAIN MEMBERS OF UNITED STATES ARMED FORCES RECRUITED ABROAD

(i) Entitlement to status.

(TL:VISA-54; 2-28-92)

An alien is classifiable under INA 203(b)(4) as a special immigrant described in INA 101(a)(27)(K) if the consular office has received a petition approved by the INS to accord such classification, or official notification of such an approval, and the consular officer is satisfied from the evidence presented that the alien is within the class described in INA 101(a)(27)(K).

(ii) Entitlement to derivative status.

(TL:VISA-117; 6-21-95)

Pursuant to INA 203(d), and whether or not named in the petition, the spouse or child of any alien classified under INA 203(b)(4) as a special immigrant qualified under this section, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, is entitled to a derivative status corresponding to the classification and priority date of the beneficiary of the petition.

[Added by 56 FR 55077; Oct. 24, 1991.]

9 FAM 42.32(d)(6) Related Statutory Provisions

INA 101(a)(27), in part

(TL:VISA-117; 6-21-95)

(27) The term "special immigrant" means--...

(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating-

(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years, and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant.

[Added by sec. 2(a)(3) of Pub. L. 102-110, Oct. 1, 1991, 105 Stat. 555.]

(TL:VISA-117; 6-21-95)

For the provisions of INA 203(b)(6), see SEC. 9 FAM 42.51 Related Statutory Provisions.