

# **9 FAM 42.60 APPLICATION FOR IMMIGRANT VISAS**

## **9 FAM 42.61 PLACE OF APPLICATION**

(TL:VISA-159; 12-20-96)

### **(a) Alien to apply in consular district of residence.**

(TL:VISA-154; 10-16-96)

Unless otherwise directed by the Department, an alien applying for an immigrant visa shall make application at the consular office having jurisdiction over the alien's place of residence; except that, unless otherwise directed by the department, an alien physically present in an area but having no residence therein may make application at the consular office having jurisdiction over that area if the alien can establish that he or she will be able to remain in the area for the period required to process the application. Finally, a consular office may, as a matter of discretion, or shall, at the direction of the Department, accept an immigrant visa application from an alien who is neither a resident of, nor physically present in the area designated for that office for such purpose. For the purposes of this section, an alien physically present in the United States shall be considered to be a resident of the area of his or her last residence prior to entry into the United States.

[59 FR 39952, Aug. 5, 1994]

### **(b) Transfer of immigrant visa cases.**

(TL:VISA-3; 8-30-87)

(1) All documents, papers, and other evidence relating to an applicant whose case is pending or has been refused at one post may be transferred to another post at the applicant's request and risk when there is reasonable justification for the transfer and the transferring post has no reason to believe that the alien will be unable to appear at the receiving post.

(2) Any approved petition granting immediate relative or preference status should be included among the documents when a case is transferred from one post to another.

(3) In no case may a visa number be transferred from one post to another. A visa number which cannot be used as a result of the transfer must be returned to the Department immediately.

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## **9 FAM 42.61 Related Statutory Provisions**

### **INA 202(a)**

(TL:VISA-159; 12-20-96)

***FOR THE PROVISIONS OF INA 202(a), see 9 FAM 42.51 Related Statutory Provisions.***

*[Added by sec. 633 of Pub. L. 104-208, Sept. 30, 1996.]*

### **INA 222(a), in part**

(TL:VISA-3; 8-30-87)

(a) Every alien applying for an immigrant visa and for alien registration shall make application therefor in such form and manner and at such place as shall be by regulations prescribed....