relating to any of these issues is deter-
mined during the course of the inter-
view, such information shall be for-
warded to the investigations unit for
appropriate action. If no unresolved de-
rogatory information is determined re-
lating to these issues, the petition
shall be approved and the conditional
basis of the alien’s permanent resident
status removed, regardless of any ac-
tion taken or contemplated regarding
other possible grounds for deportation.

(d) Decision—(1) Approval. If, after ini-
tial review or after the interview, the
director approves the petition, he or
she will remove the conditional basis
of the alien’s permanent resident sta-
tus as of the second anniversary of the
alien’s entry as a conditional perma-
ent resident. He or she shall provide
written notice of the decision to the
alien and shall require the alien to re-
port to the appropriate district office
for processing for a new Permanent
Resident Card, Form I–551, at which
time the alien shall surrender any Per-
manent Resident Card previously
issued.

(2) Denial. If, after initial review or
after the interview, the director denies
the petition, he or she shall provide
written notice to the alien of the deci-
sion and the reason(s) therefor, and
shall issue an order to show cause why
the alien should not be deported from
the United States. The alien’s lawful
permanent resident status and that of
his or her spouse and any children shall
be terminated as of the date of the di-
rector’s written decision. The alien
shall also be instructed to surrender any
Permanent Resident Card previously
issued. No appeal shall lie from this decision; how-
ever, the alien may seek review of the
decision in deportation proceedings. In
deportation proceedings, the burden
shall rest with the Service to establish
by a preponderance of the evidence
that the facts and information in the
alien’s petition for removal of condi-
tions are not true and that the petition
was properly denied.

§ 217.2 Eligibility.

(a) Definitions. As used in this part,
the term:
Carrier refers to the owner, charterer,
lessee, or authorized agent of any com-
mercial vessel or commercial aircraft
engaged in transporting passengers to
the United States from a foreign place.

Designated country refers to Andorra,
Australia, Austria, Belgium, Brunei,
Czech Republic, Denmark, Estonia,
Finland, France, Germany, Greece,
Hungary, Iceland, Ireland, Italy,
Japan, Latvia, Liechtenstein, Lith-
uania, Luxembourg, Malta, Monaco,
the Netherlands, New Zealand, Norway,
Portugal, Republic of Korea, San
Marino, Singapore, Slovak Republic,
Slovenia, Spain, Sweden, Switzerland,
Taiwan, and the United Kingdom. The
United Kingdom refers only to British
citizens who have the unrestricted
right of permanent abode in the United
Kingdom (England, Scotland, Wales,
Northern Ireland, the Channel Islands
and the Isle of Man); it does not refer
to British overseas citizens, British de-
pendent territories’ citizens, or citizens
of British Commonwealth countries.
After May 15, 2003, citizens of Belgium
must present a machine-readable pass-
port in order to be granted admission
under the Visa Waiver Program. Tai-
wan (designated consistent with the
Taiwan Relations Act of 1979, Pub. L. 96-8 and the United States’ one-China policy) refers only to individuals who have unrestricted right of permanent abode on Taiwan and are in possession of an electronic passport bearing a personal identification (household registration) number.

Round trip ticket means any return trip transportation ticket in the name of an arriving Visa Waiver Pilot Program applicant on a participating carrier valid for at least 1 year, electronic ticket record, airline employee passes indicating return passage, individual vouchers for return passage, group vouchers for return passage for charter flights, and military travel orders which include military dependents for return to duty stations outside the United States on U.S. military flights. A period of validity of 1 year need not be reflected on the ticket itself, provided that the carrier agrees that it will honor the return portion of the ticket at any time, as provided in Form I-775, Visa Waiver Pilot Program Agreement.

(b) Special program requirements—

(1) General. In addition to meeting all of the requirements for the Visa Waiver Pilot Program specified in section 217 of the Act, each applicant must possess a valid, unexpired passport issued by a designated country and present a completed, signed Form I-94W, Nonimmigrant Visa Waiver Arrival/Departure Form.

(2) Persons previously removed as deportable aliens. Aliens who have been deported or removed from the United States, after having been determined deportable, require the consent of the Attorney General to apply for admission to the United States pursuant to section 212(a)(9)(A)(iii) of the Act. Such persons may not be admitted to the United States under the provisions of this part notwithstanding the fact that the required consent of the Attorney General may have been secured. Such aliens must secure a visa in order to be admitted to the United States as nonimmigrants, unless otherwise exempt.

(c) Restrictions on manner of arrival—

(1) Applicants arriving by air and sea. Applicants must arrive on a carrier that is signatory to a Visa Waiver Pilot Program Agreement and at the time of arrival must have a round trip ticket that will transport the traveler out of the United States to any other foreign port or place as long as the trip does not terminate in contiguous territory or an adjacent island; except that the round trip ticket may transport the traveler to contiguous territory or an adjacent island, if the traveler is a resident of the country of destination.

(2) Applicants arriving at land border ports-of-entry. Any Visa Waiver Pilot Program applicant arriving at a land border port-of-entry must provide evidence to the immigration officer of financial solvency and a domicile abroad to which the applicant intends to return. An applicant arriving at a land border port-of-entry will be charged a fee as prescribed in §103.7(b)(1) of this chapter for issuance of Form I-94W, Nonimmigrant Visa Waiver Arrival/Departure Form. A round-trip transportation ticket is not required of applicants at land border ports-of-entry.

(d) Aliens in transit. An alien who is in transit through the United States is eligible to apply for admission under the Visa Waiver Pilot Program, provided the applicant meets all other program requirements.

§217.3 Maintenance of status.

(a) Satisfactory departure. If an emergency prevents an alien admitted under this part from departing from the United States within his or her period of authorized stay, the district director having jurisdiction over the place of the alien’s temporary stay may, in his or her discretion, grant a period of satisfactory departure not to exceed 30 days. If departure is accomplished during that period, the alien is to be regarded as having satisfactorily accomplished the visit without overstaying the allotted time.

(b) Readmission after departure to contiguous territory or adjacent island. An alien admitted to the United States under this part may be readmitted to the United States after a departure to