

**§ 41.113 Procedures in issuing visas.**

(a) Visa evidenced by stamp placed in passport. Except as provided in paragraphs (b) of this section, a nonimmigrant visa shall be evidenced by a visa stamp placed in the alien's passport. The appropriate symbol as prescribed in 41.12, showing the classification of the alien, shall be entered on the visa.

(b) Cases in which visa not placed in passport. In the following cases the visa shall be placed on the prescribed Form OF-232. In issuing such a visa, 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.

(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 in such passport;

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

(3) The passport requirement has been waived; or

(4) In other cases as authorized by the Department.

(c) Visa stamp. A machine-readable nonimmigrant visa foil, or other indicia as directed by the Department, shall constitute a visa "stamp," and shall be in a format designated by the Department, and contain, at a minimum, the following data:

(1) Full name of the applicant;

(2) Visa type/class;

(3) Location of the visa issuing office;

(4) Passport number;

(5) Sex;

(6) Date of birth;

(7) Nationality;

(8) Number of applications for admission or the letter "M" for multiple entries;

(9) Date of issuance;

(10) Date of expiration;

(11) Visa control number.

(d) Insertion of name; petition and derivative status notation. (1) The surname and given name of the visa recipient shall be shown on the visa in the space provided.

(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 reflected in the annotation field on the visa.

(3) In the case of an alien who derives status from a principal alien, the name and position of the principal alien shall be reflected in the annotation field of the visa.

(e) Period of validity. If a nonimmigrant visa is issued for an unlimited number of applications for admission within the period of validity, the letter "M" shall be shown under the word "entries". Otherwise the number of permitted applications for admission shall be identified numerically. The date of issuance and the date of expiration of the visa shall be shown at the appropriate places in the visa by day, month and year in that order. The standard three letter abbreviation for the month shall be used in all cases.

(f) Restriction to specified port of entry. If a nonimmigrant visa is valid for admission only at one or more specified ports of entry, the names of those ports shall be entered in the annotation field. In cases where there is insufficient room to list the ports of entry, they shall be listed by hand on a clean passport page. Reference shall be made in the visa's annotation field citing the passport page upon which the ports are listed.

(g) 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, if personal appearance has been waived, to the authorized representative. The executed Form OF-156, Nonimmigrant Visa Application, and any additional evidence furnished by the alien in accordance with 41.103(b) shall be retained in the consular files.

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

Dated: April 22, 1997.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs.*

[FR Doc. 97-11519 Filed 5-2-97; 8:45 am]

BILLING CODE 4710-06-P

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**DEPARTMENT OF STATE**
**Bureau of Consular Affairs**
**22 CFR Part 41**

[Public Notice 2537]

**Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Visa Fees**

**AGENCY:** Bureau of Consular Affairs, DOS.

**ACTION:** Final rule.

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**SUMMARY:** This publication finalizes the Department's interim rule [59 FR 25325] published May 16, 1994 authorizing the Department to collect a processing fee for machine-readable nonimmigrant visas and machine-readable combined border crossing cards.

**EFFECTIVE DATE:** May 16, 1994.

**FOR FURTHER INFORMATION CONTACT:** Stephen K. Fischel, Chief, Legislation and Regulations Division, Visa Services, Washington, D.C., (202) 663-1203.

**SUPPLEMENTARY INFORMATION:** Section 140 of Pub. L. 103-236, the State Department Authorization Bill for Fiscal Years 1994 and 1995, signed by the President on April 30, 1994, authorized the Secretary of State to collect a processing fee for machine-readable nonimmigrant visas and machine-readable border crossing cards. The surcharge is independent of any reciprocity fees otherwise prescribed pursuant to section 281 of the Immigration and Nationality Act (INA).

**Final Rule**

The interim rule amended the Department's regulations at 22 CFR 41.107 to provide for a visa processing surcharge for costs associated with the production of machine-readable nonimmigrant visas and machine-readable border crossing cards, and invited interested persons to submit comments. As no comments were received, the interim rule is incorporated herein as a final rule.

**List of Subjects in 22 CFR Part 41**

Aliens, Nonimmigrants, Passport and Visas, Fees, Surcharge.

Accordingly, the interim rule amending 22 CFR part 41 which was published at 59 FR 25325 on May 16, 1994 is adopted as a final rule without change.

Dated: April 22, 1997.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs.*

[FR Doc. 97-11520 Filed 5-2-97; 8:45 am]

BILLING CODE 4710-06-P

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**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**
**24 CFR Parts 5 and 950**

[Docket No. FR-4080-F-02]

RIN 2577-AB66

**Optional Earned Income Exclusions**

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Final rule.

**SUMMARY:** This rule adopts as final the amendments to HUD's regulations for