

Generally, a passport (defined in section 101(a)(30) of the Act) must be valid for 6 months beyond the period of initial admission [See section 212(a)(7)(B) of the Act and 8 CFR 214.1(a)(3)]. There are a number of countries with which the Department of State has concluded agreements providing for return of the holder to his or her country of origin up to 6 months beyond the nominal expiration date of the passport. If a country is listed on this “6-month” list, his or her passport needs to be valid only until the date to which the alien is being admitted. The “6-month” list is contained in Appendix 15.2. General passport requirements and exceptions are discussed in 8 CFR 212.1 and 22 CFR 41.1.

In addition to determining the validity of each passport presented, you must inspect the document to determine if it has been altered through data eradication, photo substitution, page substitution, or counterfeiting. You also must compare the photograph to the person presenting the passport, to ensure it is not an imposter. The Service makes available various passport studies to assist you in this process. These should be available at Ports-of-Entry for your reference. Instances of passport fraud often occur in batches. [WITHHELD] Use local port intelligence for trends to assist you in focusing on documents with a high probability of fraud.

Ordinarily, Service officers may endorse the passport of a nonimmigrant applicant for admission only with the admission stamp and specifically authorized notations such as those specified in Chapter 15.3(d), or notations which cancel a visa, when INS officers are specifically empowered to do so. Additional unauthorized passport notations must be avoided.

During the primary inspection at Sea and Air POEs, the inspecting officer shall ensure that the passport number for each applicant for admission who presents a passport (with the exception of a returning resident alien in possession of an I-551 or temporary evidence of such, Re-Entry Permit or Refugee Travel Document) is queried in IBIS/APIS as part of the primary query.

In cases where no APIS record relating to the applicant has been transmitted, the primary IBIS query shall consist of the Applicant’s Last Name(s), First Name(s), Date of Birth, and passport number, or A-number (entered into the document # field). In cases where an APIS record relating to the applicant has been transmitted, but the record does not contain document number information, the APIS record must be modified to include the applicant’s correct passport number, or A-number (entered in the document # field after the record is selected for modification).

Regardless of whether an APIS record relating to the applicant has been transmitted, when either the biographical page of a machine readable passport or a machine readable nonimmigrant visa is scanned on primary, the system automatically incorporates the passport number into the primary query, and modifies the corresponding APIS record, if necessary. When an I-551 or temporary evidence of such, Re-Entry Permit or a Refugee Travel Document is scanned, the system automatically incorporates the A-number into the primary query, and modifies the corresponding APIS record, if necessary.

When manually entering the passport number on primary, if the passport has a perforated number, inspectors shall enter this number into the document # field on primary. If the document does not have a perforated number, the individual booklet number that is preprinted at time of production (as opposed to the number added at the time of issuance) shall be entered. If the document has neither a perforated number nor a pre-printed booklet number, the inspecting officer shall enter the number found in the passport/document number field on the biographical/photograph page of the passport. (Revised IN99-27)

### **15.3 Visas.**

(a) General. With certain exceptions, each arriving nonimmigrant must present a valid visa. The exceptions are specified in 8 CFR 212.1 and 22 CFR 41.1 and discussed below. As with passports, you must examine each visa for alteration, photo substitution, or page substitution. The Machine-Readable Visa (MRV) has replaced the previously issued red, green, and blue “Burroughs-style” visas. Visas issued by most consular posts indicate “bearer(s)” while those at high fraud posts will specify the name of the person to whom the visa was issued. DHS periodically releases document alerts to help

identify genuine visas as well as recently encountered counterfeit and altered visas. These should be readily available at ports-of-entry for reference. Appendix 15-6 includes a list of consular posts and the dates on which they converted to the MRV format.

(b) **Automatic revalidation.** Specific requirements and restrictions outlined in 8 CFR 214.1 and 22 CFR 41.112 provide for the automatic revalidation of expired nonimmigrant visas of aliens who have been out of the United States for 30 days or less in contiguous territory and have a Form I-94, Arrival-Departure Record, showing the DHS authorization of an unexpired period of admission. Such aliens may apply for readmission in the same classification or in a new classification authorized by DHS prior to their departure. In the latter case, the revalidation includes a conversion to the new classification. In the case of a qualified F-1 student or J-1 exchange visitor who has a remaining period of authorized stay, the absence may have been in either contiguous territory or adjacent islands other than Cuba. Automatic revalidation is applicable only in the case of a nonimmigrant alien who is (Revised by CBP 3-04):

- In possession of a Form I-94, Arrival-Departure Record, endorsed by DHS to show an unexpired period of initial admission or extension of stay; or,
  - A qualified F-1 student or the accompanying spouse or child of such an alien, in possession of a current SEVIS Form I-20AB, Certificate of Eligibility for Non-immigrant (F-1) Student Status – For Academic and Language Students, issued by a school authorized by DHS for attendance by foreign students, and endorsed by the issuing school official to indicate the period of initial admission or extension of stay authorized by the DHS; or,
  - A qualified J-1 exchange visitor or the accompanying spouse or child of such an alien in possession of a valid SEVIS-generated Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status issued by a Department of State designated program sponsor indicating the period of initial admission or extension of stay authorized by DHS.
- Is applying for readmission after an absence not exceeding 30 days solely in contiguous territory (Canada or Mexico), or, in the case of an F-1 student or J-1 exchange visitor or accompanying spouse or child meeting the stipulations above, after an absence not exceeding 30 days in contiguous territory or adjacent islands other than Cuba;

Note: An M-1 student must be applying for readmission after an absence solely in contiguous territory and must present their original Form I-94 and a properly endorsed SEVIS Form I-20MN, Certificate of Eligibility for Nonimmigrant (M-1) Student Status – For Vocational Students.

- Has maintained and intends to resume nonimmigrant status;
- Is applying for readmission within the authorized period of initial admission or extension of stay;
- Is in possession of a valid passport, unless exempt presentation of a passport;
- Does not require a discretionary waiver of inadmissibility under INA 212(d)(3);
- Has not applied for a new visa while abroad as annotated “Application Received at specific post on date” on the last page of the passport by the Consulate or Embassy abroad; and

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Automatic revalidation does not apply to the Visa Waiver Program. Readmission after departure to contiguous territory or adjacent islands for Visa Waiver Program applicants is covered under 8 CFR 217.3(b).