

## **9 FAM 42.74 NOTES**

*(CT:VISA-1721; 09-30-2011)  
(Office of Origin: CA/VO/L/R)*

### **9 FAM 42.74 N1 ISSUING REPLACEMENT VISA DURING VALIDITY OF ORIGINAL VISA**

*(CT:VISA-1721; 09-30-2011)*

If you are satisfied that an applicant will be unable to use an immigrant visa (IV) during its validity period because of reasons beyond the applicant's control and for which the applicant is not responsible, the provisions of INA 221(c) and the regulations at 22 CFR 42.74 do not preclude the issuance of a replacement visa within the same fiscal year even though the visa has not yet expired. You should recall and cancel the originally-issued visa and collect once again the appropriate IV application processing fee and IV security surcharge, unless the applicant was unable to use the visa as a result of action by the U.S. Government over which the alien had no control and for which the alien was not responsible.

**NOTE:** *You should not charge another processing fee for a DV applicant who applies for a replacement visa. This is a one-time fee charged for processing DV files at the National Visa Center (NVC).*

### **9 FAM 42.74 N2 RETURNING VISA NUMBERS FOR ISSUED UNUSED VISA**

#### **9 FAM 42.74 N2.1 Returning Unused Visa and Number to Department - Fee Nonrefundable**

*(CT:VISA-1721; 09-30-2011)*

If a visa recipient, for whatever reason, including death, does not use a visa, you should request the return of the visa. Post should cancel and return the visa to the sender and return the visa number to the Department for reallocation *to another beneficiary*. Unless the alien was unable to use the visa as a result of action by the U.S. Government over which the alien had

no control and for which the alien was not responsible, *you may not refund* the fee collected for an issued visa even though the unused visa is returned and the number returned for reallocation. (See 9 FAM 42.51, 22 CFR 42.71(b), and 9 FAM 42.72 PN2.)

## **9 FAM 42.74 N2.2 Replacement Immigrant Visa Allowed**

*(CT:VISA-1565; 10-01-2010)*

The guidance contained in 9 FAM 42.74 N2.1 is not intended to curtail or otherwise affect your authority under INA 221(c) to issue a replacement immigrant visa.

## **9 FAM 42.74 N3 ISSUING NEW OR REPLACEMENT VISA TO ALIEN PREVIOUSLY GRANTED INA 212(G) WAIVER**

*(CT:VISA-1565; 10-01-2010)*

See 9 FAM 40.11 N12.