

July 5, 2013

To: Airline Companies  
Immigration Authorities, Argentina

From: Immigrant Visa Unit – Consular Section  
US Embassy  
Buenos Aires, Argentina

**RE: Regulatory authority for boarding a child without an immigrant visa**

**Pursuant to 8 CFR (Code of Federal Regulations of the United States of America), Section 211.1(b)(1):**

(1) A waiver of the visa required in paragraph (a) of this section shall be granted without fee or application by the district director, upon presentation of the child's birth certificate, to a child born subsequent to the issuance of an immigrant visa to his or her accompanying parent who applies for admission during the validity of such a visa; or a child born during the temporary visit abroad of a mother who is a lawful permanent resident alien, or a national, of the United States, provided that the child's application for admission to the United States is made within 2 years of birth, the child is accompanied by the parent who is applying for readmission as a permanent resident upon the first return of the parent to the United States after the birth of the child, and the accompanying parent is found to be admissible to the United States.

**Pursuant to 9 FAM (Foreign Affairs Manual of the United States), Section 42.1 N1.1 “Child Born After Issuance of Visa to Parent”:**

The child born after the issuance of a visa to a parent is not required to have a visa if the child is:

- (1) Born subsequent to issuance of an immigrant visa to the accompanying parent within the validity of the parent's immigrant visa and the child is entitled to derivative status; or
- (2) Born during the permanent resident mother's temporary visit abroad provided that (see 9 FAM 42.1 N2):
  - (a) Admission is within two years of birth; and
  - (b) Either accompanying parent is applying for readmission upon first return after the birth of the child.