

The Who, What and How of the Visa Application Process

NAFSA Association of International Educators
Region III Conference
October 28, 2010

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Purpose of Today's Session

- General Overview of Visa Acquisition
- Role of Colleges and Universities
- Further Resources

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What is Status?

Departure Number
702897636 10

Immigration and Naturalization Service
I-94
Departure Record

U.S. IMMIGRATION SFR 3056
ADMITTED
FEB 02 2004

CLASS UNTIL J10/5

14. Family Name		16. Birth Date (Day/Mo/Yr)
15. First (Given) Name		07/08/78
17. Country of Citizenship	L A N D I	

See Other Side

STAPLE HERE

Permission to stay in United States for a set period of time.

Visa Application Process

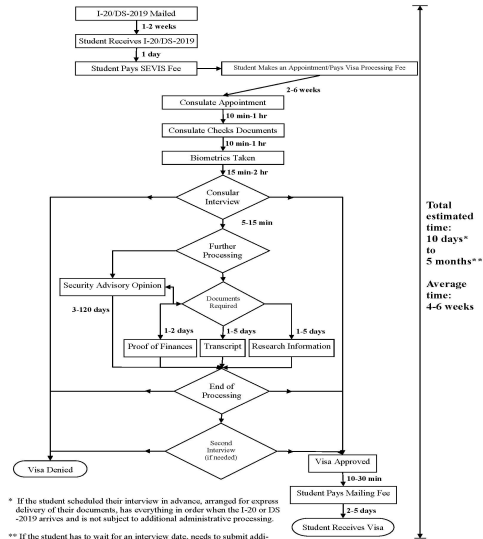


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Visa Issuance Timeline (see handout)

Timeline from Document Issuance to Receipt of Student Visa (F1, J1)
May 18, 2009



* If the student scheduled their interview in advance, arranged for express delivery of their documents, has everything in order when the I-20 or DS-2019 arrives, and is not subject to additional administrative processing.
** If the student has to wait for an interview date, needs to submit additional documents or is subject to a Security Advisory Opinion. Factors involved: wait times at Consulate/Embassy where they are applying; country of origin; field of study; additional documents needed to prove they are a bona-fide student; prior travel to countries on the State Sponsors of Terror list, etc.

When To Begin Visa Application

- ▶ Process can vary from consulate to consulate
- ▶ F-1 & M-1 students can apply up to 120 days before the “Report Date” listed on their Form I-20
- ▶ J-1 has no regulatory defined timeframe for application

How to Begin Visa Application Process

- ▶ Contact Nearest Consulate for an Appointment
 - All applicants must go to an in-person Interview
 - Students and Exchange Visitors should be receiving an expedited appointment which can be moved up further if there is an academic need
- ▶ Information about length of time to set up appointment and average time for visa issuance available online on the State Department's Visa Website.

http://travel.state.gov/visa/temp/wait/tempvisitors_wait.php

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Sample Visa Wait Times

The screenshot shows the 'TRAVEL.STATE.GOV' website, a service of the Bureau of Consular Affairs, U.S. Department of State. The page is titled 'Visa Wait Times Results Page' and features a search bar with 'Beijing' selected. The main content area displays wait times for a Nonimmigrant Visa Interview Appointment in Beijing:

- Visitors Visas: 14 Days
- Student/Exchange Visitors Visas: 3 Days
- All Other Nonimmigrant Visas: 14 Days
- Typical Wait Time (Workdays) for a Nonimmigrant Visa To Be Processed: 3 Days

Footnotes explain that calendar days refer to every day of the week (excluding embassy closures), work days refer to days when the embassy is open, and the wait time does not include administrative processing. A disclaimer states that the timing varies based on individual circumstances and that processing time also includes the time to return the passport to applicants.

Last updated on October 26, 2010

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YouTube Videos on the visa process

- ▶ Attending a visa interview in London:
 - <http://www.youtube.com/watch?v=uzZOvF1EEXE>
- ▶ Visa procedures in Kuwait (English & Arabic):
 - <http://www.youtube.com/watch?v=mPKDHAul1os>
- ▶ Applying for visas in South Africa:
 - <http://www.youtube.com/watch?v=9xV72zkz3ag>
- ▶ Taiwan waiting room video (Chinese):
 - http://www.youtube.com/watch?v=0SQcb_W-_R4

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Sample DS-160

[London DS-160 Video](#)

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DS-160 Biographical Information

U.S. DEPARTMENT OF STATE
CONSULAR ELECTRONIC APPLICATION CENTER

Nonimmigrant Visa Application

Personal, Address, Phone, and Passport Information

Note: You have completed data entry for your NIV application. Before submitting the application, please review your entries below. To navigate to the next section to be reviewed, click the "Next" button on the bottom of the page. If an entry is incorrect, click on the links on the right side of the page, which will direct you to the page where you entered the data. Once you have reviewed all sections, you will be directed to the Sign and Submit page to complete the application process.

Photo Provided:  [Upload New Photo](#)

Name Provided: SMITH, SUZANNE JANE [Edit Personal Information](#)

Full Name in Native Language: DOES NOT APPLY

Other Names Used: NO

Sex: FEMALE

Marital Status: MARRIED

Date of Birth: 27 JANUARY 1987

Place of Birth: KLADNO, CZECH REPUBLIC

Nationality: CZECH REPUBLIC

Other Nationalities: NO

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DS-160 Contact in the U.S.

U.S. DEPARTMENT OF STATE
CONSULAR ELECTRONIC APPLICATION CENTER

Nonimmigrant Visa Application

U.S. Contact Information

Contact Person Name in the U.S.: DO NOT KNOW [Edit U.S. Point of Contact Information](#)

Organization Name in the U.S.: TEXAS A&M UNIVERSITY

Relationship to You: SCHOOL OFFICIAL

U.S. Contact Address: TEXAS A&M UNIVERSITY
COLLEGE STATION, TEXAS 77843

Phone Number: (555)555-5555

Email Address: DOES NOT APPLY

[Back: Travel](#) [Save](#) [Next: Family](#)

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What Documents to Bring to Appointment

- ▶ Form I-20 (F/M), DS-2019 (J), or I-797 (H, ...)
 - PIMS issues for H-1B applicants
- ▶ Application Form(s)
 - DS-160 receipt: Check individual embassy sites
- ▶ Photo (if you did not upload one)
- ▶ Passport
- ▶ Visa Application Fees

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Visa Application Fees

- ▶ \$200 SEVIS Fee for F, M and \$180 for Js
- ▶ \$150 Application Fee (Machine Readable Visa Fee)
- ▶ If applicable, Visa Issuance (Reciprocity) Fee

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Visa Reciprocity – Fee Schedule & Validity

INTERNATIONAL TRAVEL | PASSPORTS | **VISAS** | CHILD ABDUCTION | LAW & POLICY | Search this Site **GO**

Visas

- Americans Traveling Abroad
- Find a U.S. Embassy
- A to Z Index
- Visas Questions? >
- Temporary Visitors to the U.S. >
- Immigrants to the U.S. >
- Visa Bulletin
- Forms
- Fees and Reciprocity Tables**
- Frequently Requested Visa Information >
- Visa Statistics >
- Laws, Regulations and Policy >

Country Reciprocity Schedule


Print

India Reciprocity Schedule

Select A Country

Jump to Country Documents

Visa Classification	Fee	Number of Applications	Validity Period
A-1	None	Multiple	60 Months [A]
A-2	None	Multiple	60 Months [A]
A-3 [1]	None	Multiple	24 Months
B-1	None	Multiple	120 Months [B]
B-2	None	Multiple	120 Months [B]
B-1/B-2	None	Multiple	120 Months [B]
C-1	None	Multiple	60 Months
C-1/D	None	Multiple	60 Months
C-2	None	Multiple	12 Months
C-3	None	Two	3 Months



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The Visa Interview



Arriving at the Consulate

- ▶ Check Consulate Website for special instructions about visiting
- ▶ Pre-Interview Processing
 - Data Entry
 - Fee Collection
 - Facial Recognition
 - CLASS Name Check
 - Consular Lookout & Support System
 - Fingerprint Check
 - SEVIS check
 - Some other pre-screening as necessary

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SEVIS: Consular View

Home		Consular Consolidated Database			
<i>Sensitive But Unclassified (SBU) - Information Protected under INA 222(f) and 9 FAM 40.4</i>					
SEVIS ID:	N00023038XX	SEVIS Status:	COMPLETED	Status Last Change:	19-JUL-06
Student					
Surname:	Intern	Given Name:	Internal	Suffix:	
COB (Country Code):	MX	DOB:	15-APR-86	Nationality (Country Code):	MX
		Gender:	M		
School					
Admission Number:	81901474511	School Name:	College	School Code:	333214F00240000
School Official Name:	INTERNAL INTERNAL	Official Title:	Internal SEVIS User	School Approval Date:	04-JAN-03
School Address:					
Campus Name					
College					
College Blvd					
Ste. 20					
College					
	CA	92333X			
Education					
Level:	03	Major:	50.0409	2nd Major:	
		Minor:			
Fee					
Record Type:	P	Amount:	100	Transaction Date:	03-OCT-06
				Receipt Number:	CCC0700388947
Technical Support: SupportdeskCA@state.gov					

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Student/Scholar Visa Qualifications

▶ Visa Requirements – INA 101a15

- Intent to Return (not just “ties”)*
- Financial ability
- Full course of study (for students)
- Language ability

- Are you a bona-fide student???

*Does not apply to some categories (e.g. A-1/2, G-1/2/3/4, H-1B)

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Consular Officers Must Consider:

▶ Presumption of Immigrant Intent

- 214(b) versus Intent to Return

▶ Each case on its own merits

▶ And if applicable:

- Cultural/Religious norms
- Economic and immigration trends
- Fraud trends

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The Decision



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Three Possible Outcomes

- ▶ Visa Approved
- ▶ Visa Denied
- ▶ Case Pending

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Let's look at 214(b) from both sides

Applicant	Consular Officer
Believes s/he was unfairly denied of visa (Consular Officer never looked at my documents)	<ul style="list-style-type: none">• Reviews documents prior to applicant's actual interview• Has concerns that are not document-based
Believes Consular Officer questioned his/her academic credentials	<ul style="list-style-type: none">• Does not question admissions decisions, but does have a unique opportunity to talk to individual known only to institution through documentation• Can assess whether person presenting fits documents
Believes will earn funds	Must have funds to support him/herself

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Third Case: Visa Pending

- ▶ Generally, under INA 221g for one of two reasons:
 - Clearance/review needed
 - Applicant must provide additional information, e.g.:
 - Form I-20, DS-2019
 - Financial information
 - Valid passport
- ▶ Valid for one year

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Third Case: Visa Pending

- ▶ Sample Statement:

“This office is unable to conclude processing in your nonimmigrant visa (NIV) application at this time, as we require additional information. **Further action in your case has been suspended** under 221(g) of the United States Immigration and Nationality Act (INA), pending the receipt and review of the information and documents below.”

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Special Clearances

- ▶ Country of Birth or Citizenship
 - Country-based requirements
- ▶ Personal Info/Characteristics of Applicant
 - Facial Recognition
 - IDENT
 - CLASS
- ▶ Fields of Study or Research
 - Mantis

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Security Advisory Opinions

- ▶ Most common student clearance (Mantis) averages two weeks
 - Extended validities for all clearances: Mantis 48 months for F most countries, 24 months for H and J
- ▶ If need be VO will expedite F/M/J as standard practice
- ▶ Follow up on SAOs pending longer than 90 days through post or Public Inquiries branch

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Hits and Clearances

- ▶ Visa Lookout Accountability: Officers **MUST** address hits before issuing
- ▶ Officers **CANNOT** issue a visa if they are waiting for a response on a case
- ▶ Some can be expedited: contact Consular, PD section or Visa Office

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College/University Roles in Application Process

Preparing the applicant
Contacting the Embassy

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Preparing the applicant

- ▶ Pre-Arrival information
- ▶ Importance of sincerity for student/scholar
- ▶ Documentation
 - Primary documents (i.e. I-20, DS-2019)
 - Support documents (financial letters)
 - Should other documents be provided?
 - Letters from advisors, deans,
 - Issues of institutional stance

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Advocacy – Why and When?

- ▶ **When to Contact the Department of State:**
 - To inquire about a case if security clearance is more than 90 days.
 - Parameters
 - Determine what you need to know prior to call/ email (Name, location of interview, date of interview and passport #)
 - Understand rules governing Consulate – what can they discuss about a case

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Advocacy – How?



**How to Contact the Consulate
to inquire about a specific visa application:**

- ▶ Student/Exchange Visitor Visa Center
fmjvisas@state.gov
- ▶ Visa Office Public Inquiries Unit
(202) 663-1225

To check the status of a security clearance, you can contact the above resources or pass information to the NAFSA Reg Ombuds through IssueNet.

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Resources

- ▶ Student/Exchange Visitor Visa Center
fmjvisas@state.gov
- ▶ Visa Office Public Inquiries Unit
(202) 663-1225
- ▶ Code of Federal Regulations (CFR) – Chapter 22
www.gpoaccess.gov/cfr/index.html
- ▶ U.S. Department of State Visa Website
www.travel.state.gov/visa
- ▶ Foreign Affairs Manual (FAM) – (esp. 9 FAM 41.0)
www.foia.state.gov/REGS/Search.asp

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Additional Resources

- ▶ U.S. Department of State Visa Website –
<http://travel.state.gov/visa>
 - Average wait times:
http://travel.state.gov/visa/temp/wait/tempvisitors_wait.php
 - Reciprocity Tables for each county :
<http://travel.state.gov/visa/reciprocity/index.htm>
 - Visa Policy Telegrams 2007:
http://travel.state.gov/visa/laws/telegrams/telegrams_4200.html
- ▶ SEVIS Fee Information
<http://www.ice.gov/sevis/i901/index.htm>
 - Given that all new F-1, M-1 and J-1 visitors to the United States must pay a SEVIS fee before a visa can be issued, it is important to understand the SEVIS Fee when discussing visas.

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Questions?