

NAFSA/ Dept. of State Visa Office Liaison Call

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These notes were taken by NAFSA members during the liaison call. They reflect information provided by government officials in an informal setting. They are best used as general information concerning current agency processes and policies, and it is important to recognize that agency processes and policies are subject to change. NAFSA notes and liaison summaries do not constitute legal advice.

DOS agreed to follow up with NAFSA on several items, and NAFSA will amend these notes when provided additional information.

1. Increase for J visa applicants in questions related to export control issues

Members report that J visa applicants, particularly at posts in China and India, are being asked for additional information and documentation that may be related to export control issues. Two reports are illustrative:

I've just been contacted by a Research Scholar who went home to India for a visit. To his surprise at his visa interview he was given a pink notice saying processing of his visa is suspended under Section 221g. The notice requires him to provide 14 pieces of information including a technical, scientific description of his past, current and future research work, and interestingly whether it requires an "export controls license." Once he provides the long list of information he is advised he may wait 4-12 weeks!

A potential Research Scholar for a U.S. hospital applying for a J visa in Beijing received the following by email:

For your visa application, please provide a letter from the U.S. hospital confirming offer of visiting scholar research and a letter from inviting collaborator that that:

- 1. Explains the goals of you/the applicant's research work.*
- 2. Describes, if any, export-controlled technology and/or information that will be shared with, or be exposed to applicant.*
- 3. States sources and amounts of any U.S. government money or funding from U.S. corporations assisting the U.S. government to be used to support the work.*
- 4. States if applicant will participate in or have access to U.S. government projects, even on an extra-curricular basis.*
- 5. States explicitly whether such project or research to be performed is open to non-U.S. citizen*

Can you shed any light on the purpose of these additional requirements? How are consulates utilizing the information obtained (for example, if the applicant is working on research partially funded by a U.S. government agency, what will be the impact of this information on the visa application?). Can we expect to see them implemented at all embassies and consulates? Do you anticipate that they will be applied to visa applicants in other categories as well?

DOS was unable to provide much information about this but agreed to look into it further and provide additional information. DOS did state that the 4 - 12 week waiting time estimate is a standard statement and rather conservative. It is not the norm, and only a special case would take 12. The DOS goal is to process much more quickly, and at present administrative processing takes about 10 days on average. Students and EVs are always expedited (Note: it is unclear whether this means that visa appointments or administrative processing is expedited). DOS consular affairs policy is that interviews and administrative processing are to be expedited if DOS is aware of need for expedite. Applicants and advisors should notify the post through its email box when expedite is necessary. DOS stated that travelers should visit the embassy website prior to travel to be advised of the possibility that such documents and information might be required. When asked about the DOS cable on validity periods for SAOs, which seems to have been removed from the DOS website, DOS confirmed that it had been removed but could not confirm that the validity periods stated were no longer in effect.

2. Additional documentary requirements for H and L visa applicants at Hyderabad

Recently, the U.S. Consulate in Hyderabad, India added to the list of requirements for H and L visa applicants employer information (such as tax returns, state wage data and lists of all employees of the organization, their salaries and immigration status) beyond that required at other posts (http://hyderabad.usconsulate.gov/advance_doc_submission2.html).

Can you shed any light on the new requirements and their purpose? How are consulates utilizing the information obtained (for example, how would a university's financial statements affect the visa application?). Can we expect to see them implemented at all embassies and consulates?

NAFSA described the problems with requiring, for example, state wage data for all employees of a large university or an income tax return. DOS agreed to look into these requirements (the representative on the call handles the student and exchange visitor portfolios, and not the H-1B portfolio).

3. Naming conventions—agreement among agencies

In prior liaison calls, we have discussed the value of consistent naming conventions among agencies. Has there been any update to 9 FAM Appendix F, Section 500 (Guides on Proper Names and Name Citing)? Can you provide an update concerning the collaboration between DOS and SEVP on the naming conventions issue?

NAFSA clarified that a key concern is that removal of 9 FAM App F Sec 500 by DOS leaves advisors with no written guidance. DOS confirmed that it has been in communication with SEVP about SEVIS II and the issue of naming conventions and the need for consistency. DOS agreed to consider making available an extract from the 9 FAM Sec 500 that might address some common issues. DOS stated that, in general, its guidance is to enter the name as it appears on the passport.

4. PIMS Delays

Members have reported an increase in the number of PIMS-related delays recently. Have PIMS updates been taking longer at certain posts? We have recent reports concerning delays in Amsterdam, Singapore and Frankfurt.

DOS reiterated the interagency cooperation involved in PIMS. It is not aware of any posts experiencing consistent PIMS delays but agreed to look into this issue.

5. Visa applicants told to apply to another school

How can members best advocate for visa applicants who are told by a consular officer to apply to another school? For example, an applicant for an F visa recently reported:

“I had my visa interview today. The first question asked was to which all universities I had applied. I said that I applied to 3 universities in the US namely ERAU, FIT and MST. Next I was asked about my parents' professions and how I intend to do my funding. I was then asked why I didn't apply to the university in Virginia to which I replied that after searching on the internet I had gathered information that ERAU is the best for my desired course. It was said that I should have applied to Virginia as it is a better university and then my visa was rejected.”

NAFSA recognizes and appreciates the Department's efforts to discourage consular officers from discounting students' decisions concerning schools (for example, in the Student and Exchange Visitor Visa Update - April 2010 (Reference Document: STATE 047061, 05/10). May we provide reports concerning specific incidents to you for follow-up?

DOS confirmed that it is not acceptable for an applicant to be denied based on school choice. DOS reminded that sometimes a visa applicant may misunderstand the basis for a visa denial and acknowledged that the confidential nature of the visa interview make it difficult and frustrating for those advocating on behalf of an applicant. DOS clarified, though, that such a visa denial—if this report is accurate—is contrary to DOS policy and the guidance that consular officers receive regularly. DOS explained that case notes are reviewed daily by the consular manager, and the manager reviews with the officer the proper grounds for refusal as well as proper questions to ask in an interview. DOS confirmed that the next cable concerning student and exchange visitor visas will include guidance not to deny a visa application simply on the basis of the school chosen by the applicant. DOS noted that today's discussion on this issue was useful since the cable is in preparation and agreed to forward the cable to NAFSA when it is issued.

6. Expedited interviews in Nigeria

Members report that despite the instructions provided on the website of the U. S. Embassy in Nigeria (http://nigeria.usembassy.gov/pr_12032009.html), students requesting an expedited visa appointment have been repeatedly told that expedited appointments are not available. For example:

" On Mon, Dec 13, 2010 at 12:25 PM, Consular, Abuja ConsularAbuja@state.gov wrote: Thank you for your email. Unfortunately, we are unable to accommodate your request for an expedited visa appointment. Due to our case load here in Abuja, we are presently only able to accommodate emergency visa requests in cases of medical necessity or family emergency.

The U.S. Embassy appointment system allows visa applicants to schedule their interview appointments at their convenience; we do not schedule visa appointment for applicants. To give individual applicants equal opportunity to make an appointment and to guard against fraud, we have now contracted our appointment system to VFS Global. Dates are available every Monday thru Friday. We regularly add dates or re-open cancelled appointments, so we advise applicants to check the VFS website daily for new appointments as they open. Applicants typically know about events they would like to attend well in advance and can easily schedule an appointment by visiting our website at <http://nigeria.usembassy.gov> or www.usa-vfsglobal-ng.com

Best regards,

*Correspondence Unit
U.S. Embassy, Abuja*

This email is UNCLASSIFIED"

Are expedited appointments still available at the U. S. Embassy in Nigeria?

DOS noted that the website indicates a two-day wait and that expedites become available wait time exceeds 30 days, so DOS wondered if perhaps there was confusion about whether an expedite was necessary.

NAFSA asked whether DOS considered an online mechanism for reporting problems and feedback, something like DHS Trip. DOS noted that consulate managers are happy to have feedback and the Visa Office will accept such feedback through the ISS-RP Travel Subcommittee and make it known to the appropriate consulates.

DOS noted that 88-90% of F1 visa applicants are in fact successful. It confirmed that there is an expedite procedure in effect. It reminded that the SAO process is an interagency one, and that DOS is constantly working with its partners and innovating the process to shorten the wait time and make the process more efficient. DOS clarified that an effective and efficient SAO process is a key concern for it.