

# The Visa Application Process



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# Purpose of Today's Seminar



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

# Review: 'Visa' versus 'Status'





# What is Status?



Departure Number

702897636 10

Immigration and Naturalization Service

130

U.S. IMMIGRATION  
SFR 3056  
ADMITTED

I-94

Departure Record

FEB 02 2004

CLASS UNTIL J1 ~~10/15~~

14. Family Name	
15. First (Given) Name	16. Birth Date (Day/Mo/Yr) 07.08.78
17. Country of Citizenship LAND	

See Other Side

STAPLE HERE

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

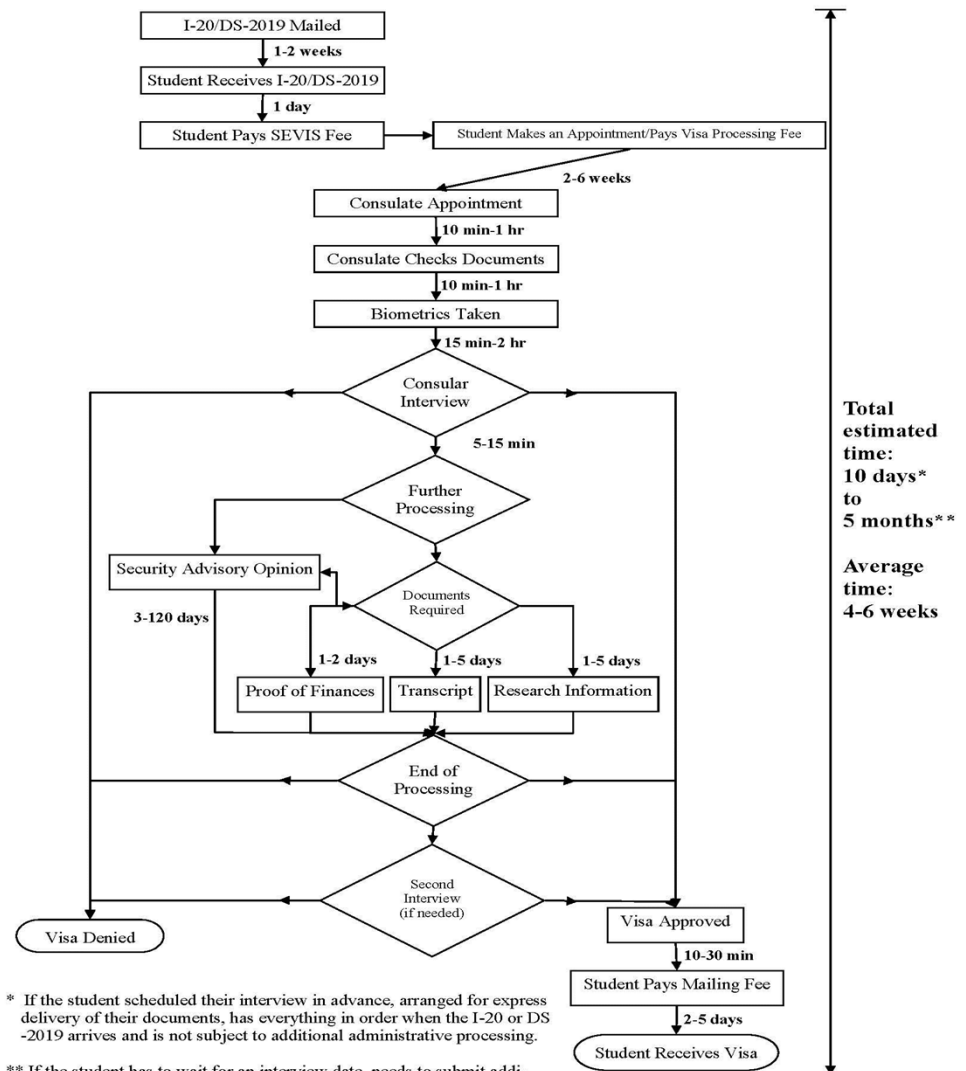


# Visa Application Process



# Visa Issuance Timeline (see handout)

## Timeline from Document Issuance to Receipt of Student Visa (F1, J1) May 13, 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

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- ▶ 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/wait\\_4638.html](http://travel.state.gov/visa/temp/wait/wait_4638.html)

# Sample Visa Wait Times

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- Visa Bulletin
- Forms
- Photograph Requirements ▶

## Visa Wait Times Results Page

[Print](#) [Email](#)

**Select a Location**

Visit the Embassy or Consulate website by selecting the appropriate city below

**GET WAIT TIMES**

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**Chennai ( Madras)**

**Typical Wait Time (Calendar Days\*) for a Nonimmigrant Visa Interview Appointment**

Visitors Visas: [7 Days](#)  
Student/Exchange Visitors Visas: [2 Days](#)  
All Other Nonimmigrant Visas\*\*\* (Excludes: A, G, K, and V): [7 Days](#)

**Typical Wait Time (Workdays\*\*) for a Nonimmigrant Visa To Be Processed\*\*\*\*: [2 Days](#)**



# YouTube Videos on the visa process



☞ Attending a visa interview in London:

☞ <http://www.youtube.com/watch?v=uzZOvF1EEXE>

☞ Applying for visas in South Africa:

☞ <http://www.youtube.com/watch?v=9xV72zkz3ag>

# Sample DS-160



London DS-160 Video

# DS-160 Contact in the U.S.

U.S. DEPARTMENT of STATE  
CONSULAR ELECTRONIC APPLICATION CENTER

Contact Us | Help

Select Tooltip Language English

COMPLETE PHOTO REVIEW SIGN

## Nonimmigrant Visa Application

### U.S. Contact Information

Print

Personal/Address/ Phone/Passport	
Travel	
<b>U.S. Contact</b>	
Family	
Work/Education/ Training	
Security and Background	
Student/Exchange Visa	
Location	

Contact Person Name in the U.S.:	DO NOT KNOW	<a href="#">Edit U.S. Point of Contact Information</a>
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 the student did not upload one)
- ❧ Passport
- ❧ Visa Application Fees

# Visa Application Fees



- œ \$200 SEVIS Fee for F, M and \$180 for J
- œ \$140 Application Fee (Machine Readable Visa Fee)
- œ If applicable, Visa Issuance (Reciprocity) Fee



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Visa Bulletin

Forms

Photograph Requirements ▶

**Fees and Reciprocity Tables**

Frequently Requested Visa Information ▶

Visa Statistics ▶

Laws, Regulations and Policy ▶

About Visa Services ▶

## Country Reciprocity Schedule


GO



### China Reciprocity Schedule

▶ Jump to Country Documents

Visa Classification	Fee	Number of Applications	Validity Period
A-1	None	Multiple	60 Months
A-2	None	Multiple	60 Months <sup>A</sup>
A-3 <sup>1</sup>	None	Multiple	12 Months
B-1	None	Multiple	12 Months
B-2	None	Multiple	12 Months
B-1/B-2	None	Multiple	12 Months
C-1	None	Multiple	24 Months <sup>A</sup>
C-1/D	None	Multiple	24 Months
C-2	None	Multiple	24 Months <sup>A</sup>
C-3	None	Multiple <sup>B</sup>	24 Months <sup>A</sup>
D	None	Multiple	24 Months
E-1 <sup>2</sup>	No Treaty	N/A	N/A
E-2 <sup>2</sup>	No Treaty	N/A	N/A
E-2C	None	Multiple	24 Months
F-1	None	Multiple	12 Months
F-2	None	Multiple	12 Months
G-1	None	Multiple	36 Months <sup>A C</sup>



# Visa Reciprocity Fee Schedule & Validity





# 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

# SEVIS: Consular View

Home

Consular Consolidated Database

*Sensitive But Unclassified (SBU) - Information Protected under INA 222(f) and 9 FAM 40.4*

**SEVIS ID:** N00023038XXX      **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:** XXX214F00240000      **School Approval Date:** 04-JAN-03  
**School Official Name:** INTERNAL INTERNAL      **Official Title:** Internal SEVIS User

### **School Address:**

#### **Campus Name**

College

College Blvd

Ste. 20

College

CA

92XXX

## Education

**Level:** 03      **Major:** 50.0409      **2nd Major:**      **Minor:**

## Fee

**Record Type:** P      **Amount:** 100      **Transaction Date:** 03-OCT-06      **Receipt Number:** CCC0700386947

Technical Support: [SupportdeskCA@state.gov](mailto:SupportdeskCA@state.gov)

# 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)

# 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

# The Decision



# Three Possible Outcomes



☞ Visa Approved

☞ Visa Denied

☞ Case Pending





# Second Case: Visa Denied



☞ Most common: INA 214b (Nonimmigrant Intent)

A denial under section 214(b) means that:

- ☞ **you were not able to demonstrate that your intended activities in the U.S. would be consistent with one of the nonimmigrant visa categories established under U.S. immigration law, or,**
- ☞ **more commonly, that you were unable to satisfy the requirements of the particular nonimmigrant visa category for which you have applied today."**

# 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"><li>• Reviews documents prior to applicant's actual interview</li><li>• Has concerns that are not document-based</li></ul>
Believes Consular Officer questioned his/her academic credentials	<ul style="list-style-type: none"><li>• Does not question admissions decisions, but does have a unique opportunity to talk to individual known only to institution through documentation</li><li>• Can assess whether person presenting fits documents</li></ul>
Believes will earn funds	Must have funds to support him/herself

# Third Case: Visa Pending



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

# 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.”

# 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

# Security Advisory Opinions



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

# Hits and Clearances



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

# College/University Roles in Application Process



Preparing the applicant  
Contacting the Embassy



# 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

# Advocacy – Why and When?

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- ❧ When to Contact the Department of State:
  - ❧ To inquire about a case if administrative processing 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

# Advocacy – How?



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

- ▶ Student/Exchange Visitor Visa Center [fmjvisas@state.gov](mailto: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.

# Resources



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

# 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](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](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.



Questions?