

DOS/CA Visa Office Liaison Call
February 15, 2008, 2pm EST

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Questions related to PIMS

1. Consulates may no longer accept I-797's as a primary evidence of approval, but must verify the approval through the Petition Information Management Service (PIMs) in order to issue a visa. For cases not in PIMs, the consulates must request verification through the Kentucky Consular Center Fraud Prevention Unit which will "research approval of the petition and, if able to confirm its approval, make the details available through the CCD within two working days."

Some advisers have reported that it seems that the only cases in PIMs are those filed as consular notification. One adviser also reports that the data for "consular processed" H-1 petitions seems to be moving through the system effectively but not data for "H-1 extensions, change of status to H-1 or H-4 dependents". It appears to be taking just a few days for the consular processed H-1s to be cleared through PIMS but a few weeks for H-1 extensions, change of status to H-1 or H-4 dependents to be cleared (the adviser confirms that these were not due to security clearances).

- a. Question: Can DOS please confirm whether there is a different process for cases slated for consular processing versus extensions, change of status, etc?

DOS response: Our process is the same. Applicants may have to wait a few days for PIMS verification, and we continue to work to make the process of USCIS datashare more efficient.

- b. Beyond the memo sent to the consulate re: the process, can DOS provide any more information regarding the logistics of the process?

DOS response: Our Kentucky Consular Center receives approved petitions from USCIS which are data entered into PIMS. They also have access to CLAIMS to verify requests from post, which usually have a 24-hour turnaround. We continue to work with CIS to make sure we receive all of the relevant petition data.

NAFSA note: A direct feed from CLAIMS is anticipated in the future.

2. Does the PIMS report include all I-129 approvals for H, L, O, P, Q regardless of "basis of classification" (including extensions, change of employer, etc) selected by the employer in Part 2 Item 2 of Form I-129?

DOS response: Current CIS policy is to only provide approved I129s when consular notification was requested by the petitioner; [DOS is] working on changing that.

3. Can DOS confirm that the requirement for an H, L, O, P, Q approval to be in PIMS also applies to visas for dependents of H, L, O, P, Q beneficiaries (H-4, L-2, O-3, P-4)?

DOS response: Yes.

4. To confirm dependent eligibility through PIMS, does the Consular Officer just need to verify that the I-797 approval notice for the beneficiary's I-129 is in PIMS?

DOS response: Yes.

5. Another professional organization recommends that H applicants email their notices of approval to consulates in advance of their visa appointments so that the PIMS report may be obtained prior to the visa interview.

- a. Can DOS comment on this recommendation or suggest an alternative way of streamlining the process?

DOS response: Applicants should provide their petition confirmation number in advance whenever possible – for instance, on the visa application. The online form will require that.

NAFSA note: Alert the consulate in advance by including receipt # and/or copy of the I-797 approval notice for the primary beneficiary's I-129 with any visa application, online interview appointment application, or other correspondence. Many posts already allow this information to be provided during the appointment or payment process.

NAFSA note: If an individual has two petitions (e.g. H-1B with pending extension), include the receipt number for the petition with the latest date possible, but also reference the current petition.

6. NAFSA would like to highlight that if the information in PIMS is incorrect due to USCIS error, the Consulates cannot issue the visas. A significant number of USCIS approval notices, especially those for H-1Bs, contain errors, including date, spelling, and approval of extension of status when, in fact, the petition was for change of status. It takes time for USCIS to issue corrected notices, thereby updating the information in CLAIMS & PIMS. For example, USCIS entered the address of the institution instead of the name in the petitioner field; the Consulate told the scholar that a visa could not be issued because the consulate was unable to confirm from the system that the institution was the petitioner. USCIS did issue a corrected approval notice, but the scholar was delayed in his return to the US.

- a. Questions: Can DOS comment on how long it will take for any corrected information to be "pushed" through to PIMS?

DOS response: Most PIMS updates are within 24 hours.

- b. May the student/scholar apply for the visa without the physical copy of the corrected approval notice?

DOS response: Yes, if it is correct in PIMS/CLAIMS.

7. There is a certain amount of confusion related to PIMS because 221(g) suspended processing due to the underlying reason of either PIMS verification or SAO are both referred to as “administrative processing.” Given the recent change, many advisors might attribute a delay because of “administrative processing” to a problem with PIMS, while their clients are actually undergoing the SAO process, which would likely take longer than the expected two-day delay for PIMS verification. For example, one adviser reports that a scholar was told by the Consulate that her visa was delayed due to her case “being sent to Washington.” Based on this information, she believed a security advisory opinion was being done. However, when she was notified again to come and pick up her passport, she was informed that the delay was due to PIMS verification, not a security clearance issue.

- a. Question: In order to better inform applicants regarding the possible duration of a delay, would it be possible for DOS to modify the information coming from the Consulates about suspended processing due to 221(g) due to a problem with PIMS, e.g. by specifically referring to PIMS on a separate line?

DOS response: There are many reasons for “administrative processing,” all of which have to do with a need for Washington or Consulates to perform additional work. We cannot separate out each reason, because in some cases we do not want the applicant to know what we are doing.

NAFSA note: In general, posts are now able to provide reliable administrative processing time estimates to the applicants, which should help an applicant identify whether the delay is due to PIMS (2 days) or a security clearance (2 weeks+).

8. An adviser reports that an H-1B was approved for consular processing by USCIS and should have been in PIMS. The scholar applied for the H-1B visa in Paris, France, and the processing was suspended due to 221 (g). She went back to the consulate and was informed that the underlying reason for suspended processing was that her approval was not registered in PIMS, and that “only her employer can resolve this problem.” When the adviser at her University contacted USCIS Service Center’s Premium Processing Unit, the Service Center confirmed with the KCC that the case has been entered in PIMS.

- a. Questions: Should the consulates be referring the scholars back to their institutions?

DOS response: Yes, if CIS has no record of the petition approval. Consulates should be checking with KCC first.

NAFSA note: If the petition confirmation number is not in CLAIMS, the applicant may be asked to provide more detailed information.

- b. Can more information be provided to applicants regarding the process for PIMS verification at the time they are notified of suspended processing?

DOS response: As noted above, if we can’t verify it ourselves we will ask applicants for their assistance.

9. How Should practitioners advise H, L, O, P, Q petition beneficiaries and their dependents regarding “same-day” or “next-day” service advertised by some consulates?

DOS response: Applicants should NEVER expect same day service, due to the number of procedures that are required for all visa cases. Telling any applicants to expect same day service may only serve to raise expectations that cannot always be met.

Security Advisory Opinions

10. Some advisers report an increase in the number of Security Advisory Opinions (SAO's) requested before a visa may be issued for students and scholars at their institutions. NAFSA has received anecdotal reports for students/scholars in Chennai, India (which are starting to be resolved), Ankara, Taipei, Cairo, and Mumbai.

- a. Question: Has there been an increase in the number of SAOs requested, overall and/or for specific locations/areas of study?

DOS response: The number of SAOs has increased each year since 2001, in rough proportion to the overall increase in visa applications.

NAFSA note: The head of Legal Coordination in DOS/CA closely monitors the percentage of applications subject to SAO.

- b. Have there been any changes to SAO protocols that would explain any increase?

DOS response: No. The Visa Office maintains a dialogue with all Foreign Service posts on all visa processing issues, including SAOs. While there have been no SAO policy changes over the past couple of years that would affect students and scholars, there may be post-level variations as procedures are refined as a result of dialogue with the Visa Office.

NAFSA note: DOS recently removed one classification of SAO which reduced the total number of SAOs by 25%. While this does not directly affect students and scholars, the overall reduction may allow resources to be shifted to other types of pending SAOs.

11. In addition, some advisers report that there seems to be an increase in the length of time that it takes for SAOs to be processed. For example, an SAO for a Senegalese PhD electrical engineering student has been pending for 19 months. A Jordanian J-1 scholar with a bio-tech emphasis has been pending for 7 months. When one adviser called about a case, she was told by the DOS information officer that the case was not forward by the Shanghai consulate until 17 days after the interview. Another advisor reported that he was told by the DOS information officer that he should not be checking until 90 days had passed.

- a. Questions: Was there a change that happened with the process itself that makes it longer than it used to be across the board?

DOS response: No. In fact, processing times are declining or at least holding steady across the various SAO categories. There are always specific cases that face significant delays; if NAFSA provides the particulars on these and other long-pending cases [DOS] will look into them.

NAFSA note: DSO/RO may enquire about a specific visa case on the Public Enquiry Line: (202) 663-1225 or usvisa@state.gov. To enquire about an SAO for F/M/J, NAFSA Regulatory Ombudspersons are allowed to enquire through a special SAO Helpline. DSO/RO are advised to submit requests for Reg Ombuds to follow up on an SAO through Get Liason Help (www.nafsa.org/issunet). *Please note: this helpline was previously also available to DSO/RO; however, due to high demand, DOS has requested that the helpline be limited to Reg Ombuds. Thank you for your cooperation.*

- b. Can DOS provide parameters on the different type of security clearances (validity, average processing times, etc.)?

DOS response: Most SAOs are triggered by clear and objective circumstances, such as the applicant's nationality, place of birth, residence or visa name check results. In addition, in cases where reasonable grounds exist, regardless of the results of the name check, to suspect that an applicant may be ineligible, including the potential transfer of sensitive technology and cases that may be politically sensitive, consular officers in the field suspend processing and institute SAO procedures. Average processing times for most SAO categories are about two weeks. SAOs based on name check hits may take longer. For the past three summers, the Visa Office has taken a variety of steps to ensure that SAOs related to student and scholar visa applications are completed in time to permit timely entry to the U.S.

NAFSA note: These steps include putting students and scholars at the front of the line for SAO clearances every summer. DOS refers 300,000 cases for SAOs/year, with 20,000 SAOs pending at any given time.

DS-7002

12. NAFSA appreciates the clarification that was sent by DOS regarding the Form DS-7002 to all posts in December. It seems that most consulates, with the exception of Paris have stopped requesting the DS-7002. NAFSA will continue to monitor the situation and report any anomalies to DOS, e.g.
- a. Adviser reports that the Paris consulate requested a DS-7002 for a J-1 who was not a trainee/intern in mid-January.
 - b. The website of the U.S. Embassy in Paris only lists the trainee/interns category under the J-1 visa information, including the requirement for a DS-7002, which implies that the DS-7002 form is required for all J-1 categories.

DOS response: DOS already followed up with Paris – let [DOS] know if it is still unclear on their site.

NAFSA note: As of 3/12/08, the [Paris Web site](#) had not been revised. DOS will follow up with Paris.

- c. Question: Can DOS share a copy of the December cable with NAFSA, so that advisers may provide students with a copy if a DS-7002 is mistakenly requested from a consulate?

DOS response: Advisers should provide students with a copy of the regulations requiring the form for interns/trainees– see www.exchanges.state.gov or http://exchanges.state.gov/education/jexchanges/about/interim_0607.pdf. We prefer not to share most of our cables publicly, as they are internal communications.

NAFSA note: the DOS Web site on Exchange Visitor (J) Visas [http://travel.state.gov/visa/temp/types/types_1267.html#6] lists the required documentation for J-1 exchange visitors and specifically limits the DS-7002 to trainee or intern visa applicants: “A Training/Internship Placement Plan, Form DS-7002. All exchange visitor (J visa) *trainee or intern* visa applicants with DS-2019 forms dated on or after July 19, 2007 (based on Box 7 on form) must also present Training/Internship Placement Plan, Form DS-7002 when applying for your visa.”

Real ID Implementation

13. The DHS regulations at 6 CFR § 37.11(c)(1) to implement the Real ID Act require that an applicant must prove identity using one of the documents listed at § 37.11(c)(1). Of the documents listed, however, only two are typically held by nonimmigrants:
- An "unexpired employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688B," or
 - An "unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States."

The justification in requiring an unexpired visa is to assure that a significant amount of time has not passed such that the person's appearance has changed. Duration of a visa is generally based on reciprocity and can vary greatly; for example, an F-1 visa may be issued for only one month with a single entry for one country, while another may be issued for 5 years with multiple entries allowed. While the passage of a certain period of time is a valid justification, NAFSA believes that an expired visa issued within the last 10 years, within a valid unexpired foreign passport, would still be an adequate control on changes in appearance since this is the same period of validity of adult U.S. passports.

Question: Is DOS participating in any inter-agency discussion with DHS regarding the implementation of Real ID, particularly in relation to the use of DOS-issued documents?

DOS response: Yes, we are, but we understand that the requirement for a "valid [unexpired] visa" is still in the proposed rule, despite our comments.

NAFSA note: DOS provided comments to DHS that there are many individuals in lawful status who do not have a valid unexpired visa, including many students and scholars, as well as Canadians.

14. The DHS Real ID regulations at 6 CFR § 37.17(a) requires that the name on the face of the license or card must be the same as the name on the source document presented by the applicant to establish identity. If a nonimmigrant uses the combination of passport, visa and I-94 (as allowed under 6 CFR § 37.11(c)(1)- see previous question), there is a possibility that the name on the passport and visa might have discrepancies.
- a. Questions: Can DOS comment on the limitations in using the name listed on the foreign passport as the name on a U.S. visa, including limitations on characters/symbols (e.g. hyphens, umlaut, # of characters)?

DOS response: Our guidance to officers is to enter the name as written in the passport. However, in our system, dashes and periods are not allowed in the surname or given name field. Therefore, there could be slight discrepancies.

NAFSA note: NAFSA will follow up with DHS regarding which name should be used if the passport, visa, and I-94 are inconsistent.

NAFSA will also follow up with CBP re: the I-94 and request an update on the project to create electronic I-94s by scanning a machine readable visa with the goal of mitigating data entry problems at the POE.

- b. Can DOS share any official documentation of the guidance provided to visa officers regarding the use of the name listed on the foreign passport?

DOS response: Here is the link to our guidance on data entry.
<http://www.state.gov/documents/organization/87982.pdf>

Other

15. An adviser reports that a student was denied an F-1 visa because her I-20 was issued 10 days after her acceptance letter. However, Form I-20 is always issued after a student is accepted and has certified their financial obligations.
- Can DOS confirm that this is not a valid reason for denial, and offer guidance on how the student should proceed?

DOS response: Yes, there is no basis in regulations for a refusal for this reason, but without looking at the case, it's impossible to confirm that this was in fact the only reason for the refusal. As in all cases, [an applicant or DSO/RO/adviser] can contact the Public Inquiries branch (202-663-1225) which can look up the case.

16. A student was admitted for Fall Semester 2007 but experienced a delay due to security clearance and did not make it in time. The student was later re-admitted for Spring Semester 2008 and was issued a brand-new visa because the original SEVIS record auto-canceled before re-admission was confirmed by the Graduate School. Both I-20s list the exact same program information, but the SEVIS ID numbers are different.
- Question: If a student obtains a visa but doesn't arrive until the following session (resulting in issuance of another initial I-20 under a different SEVIS ID number), is the visa that the student secured with the original I-20 (which is later auto-canceled) still valid for entry as long as the student is attending the same institution?

DOS response: This is really a CBP question. But [DOS] regs currently don't require that the visa be annotated with the SEVIS ID, so as long as the student can explain the unusual circumstance at the POE, he/she should be able to travel.

9 FAM 41.61 N15 VISA ANNOTATIONS

9 FAM 41.61 N15.1 Name of School

(CT: VISA-879; 05-01-2007)

- An F-1 or M-1 visa must be annotated to show the name of the institution that the alien will initially attend. The consular officer must inform an applicant who has been accepted by more than one institution that the visa application will be considered only on the basis of the Form I-20-A-B, Certificate of Eligibility for Nonimmigrant (F-1) Students Status-For Academic and Language Students or Form I-20-M-N, Certificate of Eligibility for Nonimmigrant (M-1) Student Status-Form issued by the school which the applicant will attend. The consular officer must also warn the applicant that the immigration inspector at the port of entry (POE) can refuse admission if given a Form I-20-A-B or Form I-20-M-N from a school other than the one named on the visa, or if the student indicates an intention to attend a different institution.*

17. Does the Montréal consulate plan to resume accepting third country national applications?

DOS response: Montreal started to accept TCN applicants last fall. The change was accompanied by an update to the website as well as new, explicit instructions to the appointment contractor.

NAFSA note: The [Montreal Consulate Web site](#) states the following:

VISITORS TO CANADA: With rare exceptions, visa applicants should apply at the U.S. embassy or consulate in their country of residence. If you are not a resident of Canada, interviewing officers in Montreal may not have experience in evaluating the circumstances in your country of residence. You will, therefore, have greater difficulty establishing your eligibility for a U.S. visa in Montreal than you would experience in your home country. A substantial percentage of visitors to Canada are denied visas under these circumstances. Consequently, visitors to Canada are strongly urged to apply for U.S. visas in their country of residence.

18. Other Announcements on the call:
- a. The Beijing Consulate is testing video interviews.
 - b. In January 2008, guidance was sent to posts regarding future plans to set up a renewal process for individuals with expired/expiring visas. DOS is piloting a policy in Beijing and London where an additional visa interview would not be required if a visa applicant:
 - i. Is applying for the same classification of visa
 - ii. Within 12 months of the visa' expiration
 - iii. Has already submitted ten-prints AND
 - iv. Is not subject to an SAO

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19. A [DOS memo on Students and Immigrant Intent](#) (and 9 FAM 41.61) clearly state "All legitimate schools must be accorded the same weight under the law. There is no legal difference between community colleges, English language schools and four-year institutions. Applicants should be adjudicated on their bona fides as students regardless of institution of program of study." However, some institutions report that some English Language Program applicants from China, Vietnam, and most of the African countries are still facing difficulties. In particular, there seems to be a great variance among the embassies in what is needed to convince the interviewers that students will maintain their F1 status in the United States and will go home at the end of their studies.
- a. Question: How should ESL students prepare for their visa interviews, and what should they bring with them in order to demonstrate that they will return to their countries after studying?

[DOS response: They should prepare the same way as any other student. Students going to the US on short programs, especially in lower-income countries, may have a more difficult time establishing that the cost of such a short trip makes sense in the context of their future plans.](#)

[NAFSA note: Students should be prepared to explain how the program benefits their long-term professional or educational goals, e.g. need a certain TESOL score to apply for a graduate program, need English for career advancement in his/her home country.](#)

2. In addition, there seems to be a high level of unwillingness in some embassies to issue F1 visas to students who have acceptance documents for intensive English programs only. Some have even required that the student also submit a conditional acceptance from a degree-granting school. This restricts the opportunities of students who need to develop their English skills before applying to many universities, as not all schools will issue a conditional acceptance.

- a. Question: What steps can an applicant or institution take if a consular office mistakenly requires that the student also submit a conditional acceptance from a degree-granting school?

DOS response: Again, it would be useful to have concrete examples here so we can address directly with post.

NAFSA note: Please report these types of cases through IssueNet [www.nafsa.org/issuenet] and include the name of the post so that DOS can follow up with the post directly.

2. Several Consular offices (Amsterdam, Berlin, Stockholm, Malta, Paris, Budapest, Mexico City) have stated that a DS-7002 is required for any J-1 exchange visitor when the form is only required for J-1 who are in the Trainee/Intern category. Can DOS please elaborate on what steps have been taken to ensure the consular offices are aware that the DS-7002 is only required for the J-1 trainee and intern categories?

DOS response: DOS sent a cable out to all posts clarifying this in December.

3. While the processing times still seem to reflect lower average processing times than years past, we are starting to receive reports on individual cases taking upwards of 3-4 months. Understandably, the timeframe depends on the type of security clearance needed (CONDOR versus MANTIS). Can DOS touch on the different type of security clearances (validity, average processing times, etc.)?

DOS response: See #7 above.

5. Another professional organization posted a DOS cable on the implementation of the Petition Information Management Service (PIMS). The cable states that while posts may use approved I-129s and I-797s presented at post as sufficient proof to *schedule* an appointment, the electronic PIMS record will now be the primary source of evidence to be used in determining petition approval. If the approval is not reflected in PIMS, the consular officer can contact CIS and should receive verification within two days. There have been significant concerns with database compatibility in other spheres; for example, OPT approvals are not always transferred through from CIS CLAIMS to SEVIS (SEVIS sometimes will still say OPT is still pending).

- a. Question: Is an I-797 Approval Notice still sufficient evidence of approval of status for the consular officer, or does the approval have to also be noted in PIMS?

DOS response: It **MUST** be noted in PIMS.

- b. Question: If the approval is not noted in PIMS, can DOS confirm that it only takes CIS 2 days to verify the approval notice?

DOS response: Average turnaround is 24 hours for PIMS verification.

6. What information can consular officials now see in SEVIS related to a student's record? Advisors spend a lot of time adding notes to a SEVIS record explaining why certain actions were taken in SEVIS on behalf of a student. Can consular officials see these notes and explanations in SEVIS when a student applies for a visa stamp

DOS response: Yes, we can see the notes, but often only the most recent ones. If you have any doubt, send a letter along with the applicant.

NAFSA follow up question: The SEVIS fields viewed in the CCD seem to reflect current SEVIS Status (e.g. Active, Cancelled, Terminated) but not current Immigration Status (e.g. F-1, J-1, etc.), especially in the context of reflecting a Change of Status adjudicated by CIS in CLAIMS3. While the SEVIS fields include the most recent termination remarks, is there another way for a Consular Officer to confirm that a SEVIS termination was due to a change of status?

DOS response: Not unless it is in SEVIS. If there is a SEVIS field for "immigration status," we can add it to the consular officers' view.

7. Is it always necessary for former J-1s and their J-2 dependents, who have been waived of 212(e) and who have subsequently had their status changed to H-1B and H-4 respectively, carry an original approval notice for waiver of the 212(e) from USCIS when applying for H visa stamps, or would a photocopy of such approval notice be sufficient?

DOS response: [A photocopy] may be [sufficient], if the consular officer believes it is sufficient. There is no requirement for original documents, simply that the consular officer be satisfied that the waiver has been approved.