9 FAM 42.52 Procedural Notes

(TL:VISA-395;   04-15-2002)

9 FAM 42.52 PN1   Post Records of Immigrant Visa Applications

(TL:VISA-395;   04-15-2002)

All immigrant visa processing posts now utilize the modernized immigrant visa system. The Form OF 224, Immigrant Visa Control Card (Background Investigation) and Form OF 224B, Immigrant Visa Control Card are no longer authorized and should not be used. The IVACS system has also been replaced. Consular officers and staff must comply with all records keeping requirements of the automated system, detailed in User Reference Manuals.

9 FAM 42.52 PN2 Initial Case Creation

(TL:VISA-395;   04-15-2002)

Post should create a visa case as soon as practical after receipt of a petition filed at post. When case data is received electronically from NVC, KCC or another post, it should be loaded into posts automated system as soon as possible after receipt. Accurate data entry is vitally important for processing purposes, particularly name check and clearance procedures.

9 FAM 42.52 PN3 Subsequent Case Actions

9 FAM 42.52 PN3.1 Immigrant Visa System Contains Record of All Processing Steps

(TL:VISA-395;   04-15-2002)

All actions taken in processing the case must be entered into the automated immigrant visa processing system, preferably at the time the action occurs.

9 FAM 42.52 PN3.2 Alien Entitled to More Than One Classification

(TL:VISA-395;   04-15-2002)

If an applicant becomes entitled to more than one immigrant classification, a separate case should be created in the automated system for each classification. The two cases should be physically filed in the same folder.

9 FAM 42.52 PN3.3 When Qualifying Date is Reached

(TL:VISA-395;   04-15-2002)

When an alien's priority date is earlier than the qualifying date established by the Department [see 9 FAM 42.55 PN1.1], and if it is not necessary to have a labor certification revalidated, the automated system will generate a cover letter to be mailed to the applicant or his or her agent with the appropriate information sheets and forms for further processing. The date of this action is automatically entered into the automated system and it is important that posts actually mail the information package as soon as possible after printing. If the applicant is classifiable in more than one category, only the record for each classification in which the applicant's priority date is earlier than the qualifying date can be annotated in the automated system. Consular managers should ensure that the comments feature in any other cases is updated to reflect actions taken.

9 FAM 42.52 PN3.4 When Alien Has Required Documents

(TL:VISA-395;   04-15-2002)

When an applicant notifies the post that the applicant is prepared to present the required documents, post shall enter the date into the automated system to indicate that the applicant is documentarily qualified [See 9 FAM 42.55 PN1 for discussion of the concept of "documentarily qualified"].

9 FAM 42.52 PN3.5 Reporting Priority Date to Department

(TL:VISA-395;   04-15-2002)

Post shall include the priority dates of all applicants who have become documentarily qualified since the previous report in the post's monthly report of documentarily qualified demand. [See 9 FAM 42.55 N1.1.] This is automatically done when post generates Report 20, Monthly Report of Documentarily Qualified Immigrant Visa Demand, in the automated immigrant visa processing system.

9 FAM 42.52 PN3.6 When Visa Number Received

(TL:VISA-395;   04-15-2002)

When visa numbers are received, appointments are generally scheduled in the chronological order of the documentarily qualified applicants. Other considerations, such as possible mailing delays or travel time by applicants to post, may be taken into consideration in scheduling appointments. Posts should ensure that appointments are properly recorded in the automated immigrant visa processing system, which should be used to generate all appointment letters.

9 FAM 42.52 PN3.7 Appointment for Alien Not Subject to Numerical Limitations

(TL:VISA-395;   04-15-2002)

When an appointment date is scheduled for an alien not subject to numerical limitations, the post shall enter the appointment date into the automated immigrant visa processing system, which should be used to generate all appointment letters.

9 FAM 42.52 PN4   Inactive Cases

(TL:VISA-395;   04-15-2002)

Consular managers should periodically use the various reporting features available in the automated immigrant visa processing system to monitor the status of pending IV cases, including those considered inactive and undergoing termination processing, and long-pending 221(g) refusal cases.

9 FAM 42.52 PN5 Terminating Registration

(TL:VISA-395;   04-15-2002)

Cases should be terminated if the applicant has not applied or responded to follow-up mailings by post or NVC within one year, or fails to present evidence purporting to overcome the basis of an INA 221(g) refusal within one year. Consular officers should refer to section 9 FAM 42.83 Notes and Procedural Notes regarding termination of registration.

9 FAM 42.52 PN6 Transferring Case to Another Post

(TL:VISA-395;   04-15-2002)

When a case is transferred to another post, posts shall follow procedures for case transfer provided in the automated Immigrant Visa processing system. In no case may an IV case be physically transferred without following proper electronic transfer procedures.

9 FAM 42.52 PN7 Record Disposition in Immigrant Visa Cases

(TL:VISA-395;   04-15-2002)

The large size of many immigrant visa records makes it particularly important that posts adhere strictly to records disposition guidelines for these cases. Posts retain no paper record of immigrant visas issued. All records for issued cases are retained in the automated system. Documents retained in pending, inactive and refused cases should be pared to the minimum necessary under regulation and case files should be destroyed or otherwise disposed of as provided for in the Records Disposition Schedule.