

## **9 FAM 41.112 Procedural Notes**

(TL:VISA-328; 10-25-2001)

### **9 FAM 41.112 PN1 Visa Reciprocity**

#### **9 FAM 41.112 PN1.1 Goal of Visa Reciprocity**

(TL:VISA-328; 10-25-2001)

*The goal of visa reciprocity is to promote the most liberal regimes possible as an encouragement to international travel that benefits not only U.S. travelers and business, but also citizens of the host country. Consular officers should strive to obtain the most liberal conditions possible to govern visa validity and fees. Posts are encouraged to contact CA/VO/F/P with questions or suggestions about how to make the visa schedules for the host country simpler and more practicable.*

#### **9 FAM 41.112 PN1.2 Role of the Consular Officer**

(TL:VISA-328; 10-25-2001)

*Consular officers have an important responsibility to ensure that the U.S. practices reciprocity as practicable as possible toward their host government. The consular officer should maintain good contacts with the host government's MFA, along with other ministries that have a stake in visa issues. The consular officer should encourage the host government to adopt a visa regime that is liberal and rational, and point out the advantages of imposing a more liberal visa regime. Many MFA's, and other officials of developing countries who are soliciting greater business investments from abroad, as well as increased tourism revenue, may prove receptive to liberalizing their visa regimes as the price to pay for economic development.*

##### **9 FAM 41.112 PN1.2-1 Dialogue With U.S. Travelers**

(TL:VISA-328; 10-25-2001)

*Informal discussions with U.S. travelers can shed light on how closely the host government follows its official reciprocity schedule. Many countries routinely ignore their official schedules, either over-charging for visas or issuing visas of more limited validity than specified. If a pattern of disregard for the posted schedule is detected, the consular officer should attempt to approach the host government regarding the inconsistency. If he and/or she is unable to work out the problem with the MFA, then the situation should be brought to the attention of CA/VO/F/P, suggesting that the reciprocity schedule for that country be changed to reflect actual practice.*

## **9 FAM 41.112 PN2 Formal Reciprocity Agreements Not Necessary**

(TL:VISA-328; 10-25-2001)

*a. It is not necessary for a formal reciprocity agreement to be in existence between the United States and the host country. U.S. reciprocity schedules are based on what the host government imposes on U.S. travelers in practice, regardless of whether we have an agreement with that country.*

*b. Occasionally, a host government may insist on an exchange of notes or letters to formalize a change to the existing reciprocity schedule. In such cases, posts should ensure that the notes or letters:*

*(1) Do not create any binding legal obligations;*

*(2) Specify that the U.S. may limit the validity of the visa to certain applicants where warranted; and*

*(3) Make clear that the U.S. will continue to collect the application (MRV) fee, except from those individuals who are exempt from this requirement. [See 22 CFR 41.107(c)].*

### **9 FAM 41.112 PN2.1 When Diplomatic Relations Have Been Severed**

(TL:VISA-328; 10-25-2001)

*In a case where the U.S. does not enjoy diplomatic relations with a particular country, our visa schedules should be established on the basis of reciprocity, and should match as nearly as practicable, the visa regimes that those countries apply to U.S. travelers.*

### **9 FAM 41.112 PN2.2 Department Approval Not Necessary for Reciprocity Change**

(TL:VISA-328; 10-25-2001)

*Department approval, prior to negotiating a reciprocity change, is not necessary. However, any negotiated changes, especially those involving the exchange of notes, must be cleared with the Department (L/C and CA/VO/F/P) before being finalized. Once the change to reciprocity has been concluded, post should inform CA/VO/F/P of the changes.*

## **9 FAM 41.112 PN2.2-1 Reports Required To Maintain Reciprocity Schedules**

*(TL:VISA-328; 10-25-2001)*

The Department must have current information on the visa requirements for U.S. nationals entering foreign countries in all nonimmigrant categories as a basis for maintaining 9 FAM PART IV Appendix C. A cable should be submitted promptly to CA/VO/F/P whenever any significant change occurs that would affect the period of validity of nonimmigrant visas, the number of applications for admission, or the fees charged. [See INA 221(c) and INA 28 in 9 FAM 41.112 Related Statutory Provisions.]

## **9 FAM 41.112 PN2.2-2 Format and Content of Report**

*(TL:VISA-328; 10-25-2001)*

a. The factors referred to in 9 FAM 41.112 N1.1 should be reported to the Department by means of a telegram in the following format:

SUBJECT: CVIS: OPERATIONS:  
RECIPROCITY: Name of country  
REFERENCE: 9 FAM 41.112 PN1  
ATTN: CA/VO/F/P

b. The report should clearly explain each fee, period of validity and number of applications. It should be prepared as follows:

Class	Visa Symbol	Fee	Period of Validity	Number of Applications
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Class refers to the type of visa issued by the foreign government, e.g., tourist, transit, student, business, etc.

Visa symbol refers to the U.S. visa symbol for the class indicated by the foreign government, e.g., B-2, C-1, F-1, B-1, etc.

## **9 FAM 41.112 PN3 Restrictions or Conditions Imposed on U.S. Government Officials**

*(TL:VISA-175; 01-15-1998)*

a. In accordance with INA 212(d)(8), upon the basis of reciprocity, accredited officials of foreign governments, their immediate families, attendants, servants, and personal employees may be admitted in immediate and continuous transit through the United States without regard to the provisions of INA 212(a), except paragraphs (3)(A), (B), (C) and (7)(B).

b. The Department assumes that the reciprocity required by INA 212(d)(8) exists with respect to C-3 visas unless a report is received to the contrary. Posts should submit such reports to CA/VO/F/P via telegram whenever a foreign government imposes restrictions or conditions on U.S. Government officials. These reports are in addition to those required by 9 FAM 41.112 PN1 .