

9 FAM 41.101 Procedural Notes

(TL:VISA-185; 02-26-1999)

9 FAM 41.101 PN1 Facilitation of Nonimmigrant Visa Processing

(TL:VISA-2; 8-30-87)

All necessary administrative steps to facilitate the processing of nonimmigrant visa applications should be taken to encourage foreign travel to the United States. Consular officers should ensure that nonimmigrant visa procedures are kept simple and consistent with effective administration of existing laws and regulations. Posts should review their procedures at intervals and revise workflow to adapt to changing conditions. Every applicant is to be given prompt and courteous service.

9 FAM 41.101 PN2 Redesignating Consular Posts

(TL:VISA-185; 02-26-1999)

The Deputy Assistant Secretary for Visa Services may designate the geographical areas over which consular posts have jurisdiction to process nonimmigrant visas. This, however, does not affect an alien's ability to apply for a nonimmigrant visa at any issuing consular post within the country of the alien's residence. Department approval, however, is necessary before countries with multiple visa-issuing posts can make changes to NIV application policy. A cable, captioned for CA/VO/F/P, requesting approval of such authority and outlining the country-wide plan should be made by the supervisory consular officer in the country.

9 FAM 41.101 PN3 Aliens Subject to INA 222(g)

(TL:VISA-185; 02-26-1999)

If a consular officer determines that an alien is subject to the provisions of INA 222(g), the consular officer shall:

- (1) Inform the alien in writing that he or she is ineligible for visa processing and must apply for a visa in the country of his or her nationality;*
- (2) Enter the applicant's name in CLASS under code "G" with the annotation "visa overstay" in the free field; and,*
- (3) Retain the MRV fee.*

9 FAM 41.101 PN3.1 “Extraordinary Circumstances” Annotation

(TL:VISA-185; 02-26-1999)

Nonimmigrant visas issued to aliens subject to INA 222(g), but who are exempt from the “home country requirement”, should be annotated as follows:

“INA 222(g) overcome under extraordinary circumstances.”

9 FAM 41.101 PN4 Clearances to be sent to Visa Issuing Office

(TL:VISA-185; 02-26-1999)

Consular officers are urged to accept and process *visa* applications made by residents of their districts, even though *the office accepting the visa application is aware that the alien may depart that district prior to the issuance of the visa*. In such cases, a clearance for the district *accepting the visa application*, together with clearances obtained from *any other district*, if pertinent, should be sent to the consular office which will take final action *on the visa application*.

9 FAM 41.101 PN5 Transfer of Visa Files

9 FAM 41.101 PN5.1 Applicant in Travel Status

(TL:VISA-185; 02-26-1999)

A visa file may be transferred from one consular office to another without a specific request from the receiving post, if the sending post believes there is justification for the transfer and the alien will personally appear at the receiving office to apply for a visa. Special priority *should* be given to the cases of applicants who, because of their profession, *must travel frequently*.

9 FAM 41.101 PN5.2 Registered Pouch or Registered Mail

(TL:VISA-185; 02-26-1999)

All visa files should be transferred from one post to another by registered pouch using Form OF-120, Diplomatic Pouch Mail Registration [see INFOFORMS], or by *open* registered mail.

9 FAM 41.101 PN5.3 Prior Refusal of Visa

(TL:VISA-185; 02-26-1999)

When considering the application of an alien previously refused a visa by another post, the consular officer should request *that the alien's file be transferred from the post which refused his or her application to the post taking action on the application.*

9 FAM 41.101 PN5.4 Record of Transfer

(TL:VISA-185; 02-26-1999)

A brief record of the transfer to another office of a *visa* file should be prepared (on a 3 by 5-inch index card and filed in the index card file). The *record* should reference the number and date of any transferred petition.

9 FAM 41.101 PN5.5 Telegram in Urgent Cases

(TL:VISA-185; 02-26-1999)

In urgent cases, the consular officer may *forward* clearance and petition information to another post by telegram, *e-mail* or *telephone*.