CONSULAR OFFICERS
AND VISA
ACQUISITION

NAFSA: Association of International Educators
LOS ANGELES, CA
MAY 28, 2009
PRESENTERS

• Abby Rupp, U.S. Department of State, Visa Office
• Jim Endrizzi, California Institute of Technology
• Ivana Hrga-Griggs, Harvard University
• Junko Pierry, Stanford University
AGENDA

- Quick Review
- Visa Application Process
- Security Advisory Opinions
- Denials
- Institutional Roles
- Updates and Developments
“VISA” versus “STATUS”
WHAT IS A VISA?

Permission to apply for entry
WHAT IS STATUS?

Permission to stay in United States for a set period of time
WHO NEEDS A VISA?

OBVIOUS CASES:

• Anyone coming to United States for the first time in F, J, M, H-1B status
  • Exception for Canadian citizens
• Any F, J, M, H-1B visa holder with an expired visa
  • Exceptions:
    • Automatic Revalidation (some exceptions)
    • Puerto Rico, Guam, Virgin Islands
• Anyone who entered the United States in one status and changed to another (i.e. B-2 to F-1)
WHO NEEDS A VISA?

NOT SO OBVIOUS CASES:

• Cases where a student or scholar has what appears to be valid visa in their passport, but this visa is not valid for entry into the United States

• Guidance vs. Practice - the two do not always align
WHO NEEDS A VISA?

NOT SO OBVIOUS CASES:

• Overstays/Unlawful Presence
• F-1 and M-1 Students and 5 Month Rule
  • (9 FAM 41.61 N17.4)
• J-1’s who are transferring to a new institution
  • (9 FAM 41.62 N8.7)
• “A J visa must be annotated to show the program number of the alien's exchange program... [An exchange] visitor must not use any single J visa for a program other than that specified on the annotation, even when that J visa has not yet expired.”
VISA APPLICATION PROCESS
WHEN TO BEGIN?

- Process can vary from consulate to consulate
- F-1 and M-1 students can obtain a visa up to 120 days before the “Report Date” listed on their Form I-20 - may apply earlier
- J-1 Exchange Visitors have no regulatory defined timeframe for application
HOW TO START THE PROCESS?

• Contact nearest consulate for an appointment
  • Almost all NEW 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 Department of State Visa Website

http://travel.state.gov/visa/temp/wait/tempvisitors_wait.php
The typical wait time for a nonimmigrant visa interview appointment is 2 days. This applies to Visitors visas, Student/Exchange Visitor visas (excluding A, G, K, and V), and All Other Nonimmigrant Visas. The typical wait time for a nonimmigrant visa to be processed is also 2 days. These times do not include administrative processing, which can add additional time to the process.
WHAT DOCUMENTS TO BRING TO APPOINTMENT

- Form I-20 (F/M), DS-2019 (J), or I-797 (H,O)
- PIMS issues for H-1B and O-1 applicants
- Passport
- Photo
- Visa Application Fees
- Application Form(s)
  - DS-156
  - DS-157
  - DS-158, if necessary
  - DS-160: Check individual consulate websites
F-1 OPT AND VISAS

- Additional documents: EAD or I-797 receipt notice (9 FAM 41.61 N13.5 Optional Practical Training)
- Cap-gap
- STEM
VISA APPLICATION FEES

- $131 Application Fee (Machine Readable Visa Fee)
- If applicable, Visa Issuance (Reciprocity) Fee
- SEVIS Fee
  - $200 for F, M
  - $180 for most Js
**VISA RECIPROCITY**
*(Fee Schedule and Visa Validity)*

<table>
<thead>
<tr>
<th>Visa Classification</th>
<th>Fee</th>
<th>Number of Applications</th>
<th>Validity Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>None</td>
<td>Multiple [A]</td>
<td>36 Months [A]</td>
</tr>
<tr>
<td>A-2</td>
<td>None</td>
<td>Multiple [A]</td>
<td>36 Months [B]</td>
</tr>
<tr>
<td>A-3 [1]</td>
<td>None</td>
<td>Multiple</td>
<td>12 Months</td>
</tr>
<tr>
<td>B-1</td>
<td>None</td>
<td>Multiple</td>
<td>12 Months</td>
</tr>
<tr>
<td>B-2</td>
<td>None</td>
<td>Multiple</td>
<td>12 Months</td>
</tr>
<tr>
<td>B-1/B-2</td>
<td>None</td>
<td>Multiple</td>
<td>12 Months</td>
</tr>
<tr>
<td>C-1</td>
<td>None</td>
<td>Two</td>
<td>6 Months [B]</td>
</tr>
<tr>
<td>C-1/D</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>C-2</td>
<td>None</td>
<td>Multiple</td>
<td>6 Months [B]</td>
</tr>
<tr>
<td>C-3</td>
<td>None</td>
<td>Multiple [C]</td>
<td>24 Months</td>
</tr>
<tr>
<td>D</td>
<td>None</td>
<td>Multiple</td>
<td></td>
</tr>
<tr>
<td>E-1 [2]</td>
<td>No Treaty</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>E-2 [2]</td>
<td>No Treaty</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>F-1</td>
<td>None</td>
<td>Multiple</td>
<td>12 Months</td>
</tr>
<tr>
<td>F-2</td>
<td>None</td>
<td>Multiple</td>
<td>12 Months</td>
</tr>
</tbody>
</table>
VISA RECIPROCITY
(Clearances)

Passport and Other Travel Documents

There are four types of Chinese passports:

1. **Diplomatic Passports**: Bright Red. Used for diplomats, and certain other senior government officials, (e.g., provincial governors, ministers, etc.) and the heads of some large state corporations.
2. **Service Passports**: Green. Used for other government-sponsored travelers who are at, or below, the vice-minister level. Service passports are issued by the Ministry of Foreign Affairs.
3. **Public Affairs Passports**: Dark brown. Used for other government-sponsored travelers who are at, or below, the vice-minister level. Public Affairs passports are issued by Provincial Foreign Affairs Offices.
   **Note**: Beijing has seen a variety of government-sponsored travelers from trading company officials to Kung Fu experts, traveling on Public Affairs passports. The Provincial Foreign Affairs officers appear to have some latitude in deciding who can travel on a Public Affairs passport.
4. **Private Passports**: Red. (The current red passports first appeared in 1992. Earlier versions, some of which are still in use, are brown.) Both types are used for Chinese traveling for unofficial purposes. The main difference between service and public affairs passports on the one hand and private passports on the other is that a Chinese traveling on a service or public affairs passport must be sponsored officially by the government, (though that does not mean the government is necessarily paying for the trip). Most applications for travel by holders of diplomatic service, and public affairs passports come to the U.S. under cover of a note from the sponsoring Chinese organization.

Special Clearance and Issuance Procedures - Official Travel

- **VISAS HORSE Name Check Requests**: A “Visas Horse” request must be submitted immediately following the issuance of an A, C-3, or G visa.
- **VISAS BEAR Security Advisory Opinion Requests**: The cases of official and diplomatic visa applicants who otherwise require security advisory opinions, such as DPT-00 CLASS entries; possible ineligibility under INA 212(a)(3), must be submitted by means of a “Visas Bear” request.

Special Clearance and Issuance Procedures - Nonofficial Travel

- **“VISAS EAGLE” Name Check Requests**: “Visas Eagle” requests must be submitted for the following persons:
  - K nonimmigrant visa applicants.
  - Immigrant visa applicants.
  **Note**: Visas Eagle requests must include both the Department and NVC Portsmouth as action addresses. Posts may not process a case to conclusion that is subject to Visas Eagle clearance until a reply is received.
- **Visas Merlin and Visas Merlin 92 Security Advisory Opinion Requests**: Visas Merlin requests must be submitted for applicants for refugee status. Visas Merlin 92 requests must be submitted for applicants for following-to-join asylee status.
- **VISAS MANTIS Security Advisory Opinion Requests**: Visas Mantis is strongly recommended for applicants with a background or purpose of trip that is listed in the TAL. Please see FAM Appendix G 502.1-7.
BEFORE THE INTERVIEW

• Check Consulate Website for special instructions about visiting
• Pre-Interview Processing
  • Data Entry
  • Fee Collection
  • CLASS Name Check (Consular Lookout & Support System)
  • Fingerprint Check
  • SEVIS and PIMS check
  • Some other pre-screening as necessary
## SEVIS: CONSULAR VIEW

### Consular Consolidated Database

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

<table>
<thead>
<tr>
<th>Home</th>
<th>Consular Consolidated Database</th>
</tr>
</thead>
</table>

#### SEVIS ID: N0002303832X

**SEVIS Status:** COMPLETED  
**Status Last Change:** 19-JUL-06

#### Student

**Surname:** Intern  
**DOB:** 15-APR-86  
**Nationality (Country Code):** MX  
**Gender:** M

#### School

**Admission Number:** B1901474511  
**School Code:** XXX214F00240000

**School Name:** College  
**Official Title:** Internal SEVIS User  
**School Approval Date:** 04-JAN-03

**Admission Address:**  
**College Blvd**  
**College:**  
**City:** CA  
**State:** CA

#### Education

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

#### Fee

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

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**Technical Support:** SupportdeskCA@state.gov
STUDENT/SCHOLAR VISA QUALIFICATIONS

Visa Requirements - INA 101(a)15

• Intent to Return (not just “ties”)*
• Financial ability
• Full course of study (for students)
• Language ability

*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
  - How are “ties” weighed for students
  - (9 FAM 41.61 N4.2)
- Each case on its own merits
- And, if applicable:
  - Cultural/religious norms
  - Economic and immigration trends
  - Fraud trends
SPECIAL CLEARANCES

• Personal Info/Characteristics of Applicant
• Country of Birth or Citizenship
  • Country-based requirements
  • NSEERS
• Fields of Study or Research (Mantis)
HITS AND CLEARANCES

• Visa Lookout Accountability: Officers MUST address potential matches before issuing a visa
• Officers CANNOT issue a visa if they are waiting for a response on a case
• Cases that have USG or humanitarian interest may be expedited: contact Consulate, PD section or Visa Office
SECURITY ADVISORY OPINIONS

- Most common student and scholar clearance (Mantis)
- Extended validities for most clearances: same program Mantis 48 months for F, 24 months for H and J, with a few countries nationals not being able to benefit
- Visa Office will give F/M/J cases priority
Will my student/scholar be subject?

- Review the case
- Review the Reciprocity Table
- Review the Technology Alert List for basic fields (beware: the list as we know it IS several years old)
SAO DELAYS
(Follow Up)

- Educate the community to keep you informed
- If pending >60 days, National Academy of Sciences visa questionnaire
- If pending >90 days, follow up through post or Public Inquiries Division
- No way to expedite SAO’s - congressional intervention is usually not helpful (except as a part of the advocacy effort)
VISA DENIALS
DELAYS AND DENIALS - WHY?

- 221(g)
  - Lack of documentation
  - Additional clearances (i.e. SAOs)
- 214(b)
- 222(g)
“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.”
“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.”
WHAT TO DO?

• Find out why - as much as possible
• Reapply if there is additional evidence or situation has changed
• Inquire at the consulate
• Inquire at the Public Inquiries Division
  • 202-663-1225
  • fmjvisas@state.gov (for F/M/J cases)
INSTITUTIONAL ROLES
What is your institution’s role in visa application?
• Is visa application a part of institution’s role in admitting foreign students and scholars?
• Has institution committed sufficient resources to advise on visa application?
• Does institution distinguish getting involved in denials based on all 214(b), versus financial resources, versus language ability?
ADVOCATING FOR YOUR APPLICANT

(CONSULAR OFFICER’S PERSPECTIVE)

• Prepare the applicant
  • The interview is a conversation, not a document review
  • Burden of proof is on the applicant
  • Make sure they know to get decision in writing!
• Should you send a letter?
  • Have the applicant bring any additional information to the interview
• Should you call the Consular Officer?
  • Check Embassy’s website for contact information
  • Not always possible to discuss case beforehand
CONTACTING THE CONSULATE

- Parameters
  - Determine what you want to know
  - Understand rules governing Consulate – what can Consular Officer discuss about a case
- Clarify information
  - i.e. B-2 versus F-1 for short term students, Community College issues, etc.
- Inquire about a case
ADVOCACY VIA NAFSA

Open to everyone!
NAFSA membership not required!
• NAFSA’s Networks (ISTA and ISCA)
• NAFSA’s IssueNet: http://issuenet.nafsa.org/
  • Get Liaison Help
  • Report an Issue
UPDATES AND DEVELOPMENTS
STATISTICS FY 2008

- F-1 340,709 (up from 215,695 in 2003)
- J-1 359,447 (up from 253,866 in 2003)
- M-1 10,475 (up from 4,157 in 2003)
F1 Visa Issuances by Nationality
FY2003-2008

Other Nationalities
China
India
Japan
Korea

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## M1 Visa Issuances by Nationality FY2003-2008

<table>
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<tr>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Great Britain</td>
<td>662</td>
<td>891</td>
<td>1,025</td>
<td>1,039</td>
<td>984</td>
<td>1,017</td>
</tr>
<tr>
<td>Japan</td>
<td>618</td>
<td>743</td>
<td>783</td>
<td>775</td>
<td>770</td>
<td>796</td>
</tr>
<tr>
<td>India</td>
<td>80</td>
<td>129</td>
<td>215</td>
<td>576</td>
<td>2,604</td>
<td>2,513</td>
</tr>
<tr>
<td>China</td>
<td>157</td>
<td>248</td>
<td>270</td>
<td>568</td>
<td>772</td>
<td>1,128</td>
</tr>
<tr>
<td>Other Nationalities</td>
<td>2,640</td>
<td>2,806</td>
<td>3,529</td>
<td>4,269</td>
<td>4,111</td>
<td>5,021</td>
</tr>
<tr>
<td>Fiscal Year</td>
<td>Brazil</td>
<td>Germany</td>
<td>Great Britain</td>
<td>Russia</td>
<td>Other Nationalities</td>
<td></td>
</tr>
<tr>
<td>-------------</td>
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<td>---------</td>
<td>---------------</td>
<td>--------</td>
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<td></td>
</tr>
<tr>
<td>FY2003</td>
<td>191,246</td>
<td>7,542</td>
<td>21,766</td>
<td>191,246</td>
<td>16,558</td>
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<tr>
<td>FY2004</td>
<td>190,538</td>
<td>10,125</td>
<td>20,492</td>
<td>190,538</td>
<td>16,755</td>
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<tr>
<td>FY2005</td>
<td>202,314</td>
<td>13,160</td>
<td>21,948</td>
<td>202,314</td>
<td>21,999</td>
<td></td>
</tr>
<tr>
<td>FY2006</td>
<td>224,948</td>
<td>17,246</td>
<td>23,206</td>
<td>224,948</td>
<td>28,580</td>
<td></td>
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<tr>
<td>FY2007</td>
<td>255,458</td>
<td>18,084</td>
<td>24,654</td>
<td>255,458</td>
<td>28,906</td>
<td></td>
</tr>
<tr>
<td>FY2008</td>
<td>264,109</td>
<td>21,125</td>
<td>25,149</td>
<td>264,109</td>
<td>31,597</td>
<td></td>
</tr>
</tbody>
</table>

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NEW SEVIS FEE

- Went into effect on October 27, 2008
- F/M students $200
- Most J Exchange Visitors $180
• STUDENT/EXCHANGE VISITOR VISA CENTER
  • (for F, M, J questions):
    email: fmjvisas@state.gov
    Review NAFSA website for guidance what information to include in an email
• PUBLIC INQUIRIES DIVISION: 202-663-1225
• Interview may be waived for some renewals
• (9 FAM 41.102)
• Extensive FAM updates
  • Includes all previous SOP and cable guidance (www.foia.state.gov)
UPDATES (cont.)

- NEW OPT RULE
  - F-1 Post-completion OPT
  - F-1 Cap-gap
  - F-1 STEM
TCN PROCESSING IN MEXICO

- Who cannot apply? (oh, my…)
  - Applicants for B1/2 visas, including renewals are not accepted from third country nationals who are not resident in Mexico.
  - Applicants who entered the U.S. with a visa issued in their home country and changed status with Department of Homeland Security in the U.S. who seek a new visa in the new visa category.
  - Applicants who entered the U.S. in one visa category and are seeking to re-enter the U.S. in a different visa category.
  - Applicants who have been out of status in the U.S. having violated the terms of their visas or having overstayed the validity indicated on their I-94s.
  - Applicants who entered the U.S. under the auspices of the Visa Waiver Program.
  - Applicants who obtained their current visa in a country other than that of their legal residence.
  - North Korea, Cuba, Syria, Sudan or Iran, or NSEERS subject
Who can now apply? (easier)
• Applicants seeking to renew their C1/D, D, E, F, H, I, J, L, M, O, P and R visas, if the initial visa was issued in the applicant's home country or at one of the border posts in the past few years
DEVELOPMENTS

• 10-fingerprint requirement
• Electronic DS-156 (EVAF)
• DS-160 (combines the DS-156, DS-157, DS-158 with photo and e-signature)
  • Posts using it: Nuevo Laredo, Ciudad Juarez, Matamoros, Monterrey, Vancouver, Montreal, Hong Kong, Dublin, Tripoli
  • More to come
  • Likely will be mandatory by 2011
NEW EXCHANGE VISITORS SKILLS LIST

- Tied to CIP codes
- Published on April 30, 2009
- Effective on June 28, 2009
- May be integrated into SEVIS II
RESOURCES

- NAFSA Adviser’s Manual
  - Requires subscription with fee
- Code of Federal Regulations (CFR) Chapter 22
  http://www.gpoaccess.gov/cfr/index.html
  - Chapter 1 of 22 CFR outlines the regulations governing the State Department
- U.S. Department of State Visa Website
  http://travel.state.gov/visa
  - Reciprocity Tables for each county:
    http://travel.state.gov/visa/reciprocity/index.htm
- Foreign Affairs Manual (FAM)
  http://www.foia.state.gov/regs/search.asp
  - Title 9 of the FAM provides specific details about visas, and Section 41 (9 FAM 41.0) includes the information Consular Officers have about F and J visas
QUESTIONS?
### Important Acronyms/Terminologies for Visa Application

<table>
<thead>
<tr>
<th>Acronyms/Terminologies</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.F.R.</td>
<td>Code of Federal Regulations. The C.F.R is divided into 50 Titles. The regulations published in C.F.R. are considered “law” made with authority delegated to the agencies by Congress.</td>
</tr>
<tr>
<td>CCD</td>
<td>Consular Consolidated Database. CCD is a DOS system that includes information on whether a visa applicant has previously applied for a visa and currently has a valid U.S. visa. It also stores and transmits data and responses from other U.S. government systems such as SEVIS.</td>
</tr>
<tr>
<td>CLASS</td>
<td>Consular Lookout and Support System. CLASS is the DOS name-checking system for visa and passport applications. It interconnects with all Consulate Affairs automated systems, as well as other data systems.</td>
</tr>
<tr>
<td>Consular Section</td>
<td>The part of an embassy or consulate that performs consular work, which includes visa adjudication and services for American citizens abroad.</td>
</tr>
<tr>
<td>Consular Officer</td>
<td>A U.S. citizen who has been admitted into the Foreign Service, given a consular title, and is authorized to adjudicate visa cases.</td>
</tr>
<tr>
<td>DS-156, DS-157, DS-158</td>
<td>Visa application forms. All applicants for a nonimmigrant visa must complete the electronic Form DS-156. All male nonimmigrant visa applicants between the age of 16 and 45 must complete the DS-157. All applicants for F and M student visas and J exchange visitor visas must complete the DS-158.</td>
</tr>
<tr>
<td>DS-160</td>
<td>An online nonimmigrant visa (NIV) application form that incorporates the data collected on forms DS-156, DS-157 and DS-158 into a single form. Some posts now require all applicants to use this form.</td>
</tr>
<tr>
<td>Embassy</td>
<td>The U.S. permanent diplomatic mission in a country abroad. Each country will only have one embassy, but could have several consulates.</td>
</tr>
<tr>
<td>INA</td>
<td>Immigration and Nationality Act of 1952 (as amended). The central authority for immigration law.</td>
</tr>
</tbody>
</table>
### Important Acronyms/Terminologies for Visa Application

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>INA 212(a)(1-6)</td>
<td>Specific section of the INA that outlines the grounds of inadmissibility. These grounds of inadmissibility provide the legal framework from a variety of visa denials, including denials based on: (1) Health Related Grounds, (2) Criminal Related Grounds, (3) Security Related Grounds, (4) Public Charge Concerns, (5) Labor Certification &amp; Licensure Concerns, and (6) Illegal Entrants and Immigration Violators.</td>
</tr>
<tr>
<td>INA 212(e)</td>
<td>Known as the “two-year home country physical presence requirement”, and is applicable to J exchange visitors who receive U.S. or home government funding to support their participation in an exchange visitor program, whose skills are on the DOS “skills list” or who come to the U.S. to receive graduate medical education or training.</td>
</tr>
</tbody>
</table>
| INA 214(b) | Most common basis for nonimmigrant visa denial. A 214 (b) can happen when applicants fail to:  
- Establish entitlement to the nonimmigrant status being requested  
- Establish a residence abroad to which the applicant intends to return  
- Establish that the stay will be temporary  
- Establish sufficient proof of funding to accomplish the nonimmigrant activities  
- Establish that the alien intends to or is able to engage in the nonimmigrant activity |
<p>| INA 221(g) | The second most common basis for nonimmigrant visa denial. Applicants are refused either because they need to provide additional documents, or the consular section needs to perform some administrative processing on the visa case. Once the additional documentation is provided and/or the administrative processing is complete, the denial may be overturned. |
| Mantis | Inquiry and clearance procedures relating to the INA212(a)(3)(A)(i)(II) ground of inadmissibility(concerning prohibited export from the U.S. of goods, technology or sensitive information) |
| SAO | Security Advisory Opinion. DOS can request an SAO to process clearances from various government agencies. SAO may be required due to an applicant’s nationality, possibility of exporting sensitive technology, |</p>
<table>
<thead>
<tr>
<th>Important Acronyms/Terminologies for Visa Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>TAL</td>
</tr>
<tr>
<td>TCN</td>
</tr>
<tr>
<td>Visa</td>
</tr>
</tbody>
</table>

More terminologies and acronyms can be found at:

- [http://www.travel.state.gov/visa/frvi/glossary/glossary_1363.html](http://www.travel.state.gov/visa/frvi/glossary/glossary_1363.html)
- NAFSA Advisor’s Manual (Chapter 10 &15)
Core Resources for Student and Scholar Advisors

  Chapter 1 of 22CFR outlines the regulations governing the State Department. Therefore, if you are interested in looking up the regulations pertaining to visa documentation, visa issuance, and other areas overseen by the State Department, you will want to start here. *(Hint: If you are not sure where to find the information you are looking for in 22CFR, look up the issue in the NAFSA manual and you will always find the specific CFR citation you need.)*

- **U.S. Department of State Visa Website** - [http://travel.state.gov/visa](http://travel.state.gov/visa)
  A comprehensive website maintained by the Department of State, this is the definitive resource that provides information about everything from visa application forms, links to Consulates worldwide, detailed information about each visa class, cables sent to Consulates worldwide, and much, much more. Some highlights from this page include:
  1. **Average wait times for appointments and for visa issuance at each Consulate** - [http://travel.state.gov/visa/temp/wait/tempvisitors_wait.php](http://travel.state.gov/visa/temp/wait/tempvisitors_wait.php)
  2. **Reciprocity Tables for each county detailing maximum length of visa issuance and, if applicable, additional application fees**. Also provides information on visa-processing posts and country-specific documents. - [http://travel.state.gov/visa/reciprocity/index.htm](http://travel.state.gov/visa/reciprocity/index.htm)

  This is the manual used by Consular Officers to inform their understanding of different visa classifications. Advisors can use this resource to better understand what information is available to the Consular Officer when they interview the student or scholar. Title 9 of the FAM provides specific details about visas, and Section 41 (9 FAM 41, in particular 41.61 and 41.62) includes the information Consular Officers refer to when processing F & J visa applications.

- **SEVIS Fee Information** - [http://www.ice.gov/sevis/i901/index.htm](http://www.ice.gov/sevis/i901/index.htm)
  Given that most new F, M and J 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. This site not only links to the website where the SEVIS Fee is paid, but also includes resource information such as frequently asked questions (FAQs) about the SEVIS fee, including information about who pays and how to get a refund for a fee paid in error.

- **NAFSA Website** - [http://www.nafsa.org/](http://www.nafsa.org/)
  Available to members and nonmembers alike, the NAFSA website includes many resources to help understand visa issues. To access this information, click on the “Knowledge Community Networks and Resources” navigation link on the left hand side of the main page. You will then have access to either the “International Student Advising Network” or “International Scholar Advising Network.” Both networks include a variety of resources, including a guide entitled “10 points to Remember When Applying for a Nonimmigrant Visa.”

- **NAFSA Manual, Chapter 10: Nonimmigrants**
  This chapter provides an excellent overview of the entire visa application process, and includes detailed discussions about important visa concepts such as reciprocity and nonimmigrant intent, as well as advanced concepts such as Security Clearances.

- **NAFSA Manual, Chapters 3 (F-1), 4 (J-1), 5 (M-1) & Others**
  Each chapter in the NAFSA Manual outlines specific visa application procedures for that visa class. Whereas ‘Chapter 10’ provides an overview and in-depth discussion on a variety of visa issues, these chapters only review issues specific to the visa class highlighted.
Resources to Provide Students and Scholars

- **Education USA (maintained by DOS)** - [http://educationusa.state.gov/](http://educationusa.state.gov/)
  This is a student specific site that provides very basic information about student visas and studying in the United States.

- **Exchange Visitors Website (DOS website)** - [http://exchanges.state.gov/jexchanges](http://exchanges.state.gov/jexchanges)
  Provides information about the different J exchange programs as well as sponsor contact information.

- **Overview of J-1 Program (DOS website)** [http://travel.state.gov/visa/temp/types/types_1267.html](http://travel.state.gov/visa/temp/types/types_1267.html)
  This site provides an overview of the J-1 Program, including information about the 2-year home country residency requirement (commonly called 212(e)).

- **Student Visa Information (DOS Website)** - [http://travel.state.gov/visa/temp/types/types_1268.html](http://travel.state.gov/visa/temp/types/types_1268.html)
  This site provides a general overview of the F and M student visa classifications.

- **Student Visa FAQ** - [http://beijing.usembassy-china.org.cn/niv_student.html](http://beijing.usembassy-china.org.cn/niv_student.html)
  While this specific FAQ has been posted on the website of the U.S. Consulate in Beijing for visa applicants at that post, it provides very practical information aimed at helping students better prepare their visa application documentation.

  While this FAQ has been posted on the website of the U.S. Consulate in Beijing for visa applicants at that post, it provides a very practical overview of U.S. nonimmigrant visas and what it means to be denied a visa based on non-immigrant intent. It is written so that students can better understand what it means to demonstrate “strong ties” to their home country.

Resources for Troubleshooting and Advocacy

- **Department of State (DOS) Phone Number & Email Address for Visa Inquiries**
  To inquire about a specific visa application, you can call: (202) 663-1225 or, if seeking clarification on F, M or J visa, email the Student/Exchange Visitor Visa Center at [fmjvisas@state.gov](mailto:fmjvisas@state.gov)

- **NAFSA’s International Student/Scholar Advising Networks** - [http://www.nafsa.org/](http://www.nafsa.org/)
  **Open to Everyone! NAFSA membership not required!** Tap into the knowledge and experience of NAFSAns across the country by subscribing to one of NAFSA discussion forums (There are separate discussion forums for student issues and scholar issues). These forums have been set up to allow members and non-members to post questions or concerns they may have, and receive responses about any issue impacting their work. Therefore, if you have a visa issue, send a note to the list and learn about strategies other advisors have used to overcome similar problems.

  Advisors can report policy and regulatory concerns and issues to the NAFSA International Student and Scholar Regulatory Practice Committee and NAFSA staff via IssueNet. This allows NAFSA to understand the issues impacting its members and follow-up with the Department of State if necessary.

- **NAFSA’s IssueNet - Get Liasion Help** – [http://issuenet.nafsa.org/](http://issuenet.nafsa.org/)
  Advisors can request assistance with a visa issuance case they are working on, as well as any immigration-related cases. Instead of being broadcast to advisors across the United States, this request is sent to NAFSAns that specialize in regulatory issues.

- **The National Academies Visa Delay Questionnaire** - [http://www7.nationalacademies.org/visas/Visa_Questionnaire.html](http://www7.nationalacademies.org/visas/Visa_Questionnaire.html)
  The International Visitors Office has designed a questionnaire to collect information regarding visa-related issues from the scientific community. If your visa case has been delayed for more than 60 days and you are willing to share this information, please submit a questionnaire.
Visas Mantis Security Advisory Opinions

The Travel Subcommittee recognizes that increases in regular processing times of Security Advisory Opinions (SAOs), especially Mantis SAOs, by the Department of State (DOS) have created significant delays for many students and scholars who have recently applied for a visa. We realize that when such delays occur, students and scholars, as well as many institutional leaders (faculty, deans, presidents), expect their immigration personnel to intervene on behalf of the institution to ensure that these delays are minimized. This situation puts many International Student and Scholar (ISS) advisors in the awkward position of trying to manage unrealistic expectations. Below is some information that we hope can help ISS advisors caught in such a situation understand the Mantis SAO process and respond to inquiries about delayed students and scholars.

What is the Mantis SAO?

Before a Consular Officer (CO) can issue a visa, he must determine if an applicant is eligible for that visa. To do this, the CO considers why an applicant may not be eligible for a visa. Possible ineligibilities are spelled out in different sections of the Immigration and Nationality Act (INA). Many ISS advisors are aware of the most common ineligibility, INA 214(b), which requires an applicant to establish non-immigrant intent before being eligible to receive a visa. However, some ISS advisors are less aware of the ineligibilities found in other sections of the INA. For example, INA 212(a)(3)(A) outlines general ineligibilities that exist related to concerns the United States has about security.

The Mantis SAO process is based on this section of the law. Specifically, the Mantis SAO process addresses INA 212(a)(3)(A)(i)(II), which is concerned about applicants who are “principally” or “incidentally” involved in exporting “goods, technology or sensitive information” from the U.S.

Unlike 214(b), in which an individual CO can make a final determination as to whether or not an applicant has demonstrated his or her non-immigrant intent, 212(a)(3)(A) requires others within DOS to determine whether or not an applicant is ineligible to enter the U.S. based on security related concerns. Therefore, if a CO has a security related concern about an applicant, he suspends the visa application process and requests an SAO.

DOS has provided guidance to COs about how to recognize and identify potential security related concerns during the course of an application. The most common resource used by COs in identifying some of the security related concerns is the Technology Alert List (TAL). The TAL includes a list of “Critical Fields” that helps guide COs in identifying applicants who may be involved in research areas or fields of study that could raise security concerns. The most recent version of TAL is not publicly posted, but the NAFSA Advisor Manual states which fields were listed on the last TAL published on the DOS website.
Once a CO makes a determination that a visa applicant may be ineligible to enter the U.S. based on a security related concern, an SAO is requested. Once an SAO is pending, a CO cannot issue a visa until hearing from the Coordination Division at DOS, which is based in Washington DC.

True to its name, the Coordination Division (CD) coordinates communications with a number of different Washington-based agencies. When an SAO is requested, the CD sends out a request to an undisclosed number of government agencies for input on whether or not they have concerns about the visa applicant. They must hear back from each agency before making a final determination on whether or not the applicant is eligible to receive a visa. Once a decision is made, the CD relays this information to the CO.

**Why the recent increase in processing times of Mantis SAOs?**

Unfortunately, we have not received a detailed official explanation why SAOs are taking so much longer to process since last winter. This problem may be connected to DOS or other agencies. One explanation provided by a DOS representative is that the increase in SAOs is due to an increase in the visa applications volume.

**What can I do about an ongoing (pending) SAO?**

It is important to understand that once an SAO has been requested, nothing can be done to expedite the processing of an individual SAO. At best, ISS advisors can confirm that an individual’s SAO is in process. To confirm that an SAO is in process, ISS advisors can contact the Public Inquiries Division at DOS. To contact Public Inquiries Division, you can call (202) 663-1225, or, if seeking clarification on F, M or J visas, email the Student/Exchange Visitor Visa Center at fmjvisas@state.gov. While DOS recommends that you wait at least 90 days from the interview date before inquiring about a case, you can check the status of a case at anytime. Generally, when you contact Public Inquiries you will be told that the application has been received and is undergoing additional administrative review, and that the consulate will contact the applicant once this review has been completed. Also, remember that the Consular Officer must wait for an official decision from the Coordination Division in Washington, DC before issuing a visa. Therefore, contacting the consulate will not yield any different information than can be provided by the Public Inquiries Division. Furthermore, many consulates have the "do not call us" request posted on their website.

We also encourage you to report any applicants experiencing delays due to Mantis SAOs to NAFSA IssueNet - Report an Issue (http://issuenet.nafsa.org/). Most likely, NAFSA will not be able to impact your individual’s case, however, NAFSA is in continuous contact with DOS and needs the data submitted through IssueNet to advocate for broader changes to the SAO process.

Some ISS advisors feel it is important to get their Congressman involved in these types of delays. Decisions about contacting a Congressional Office should be discussed with others within your institutions and include government or public liaison professionals. If you decide to pursue this course of action, please understand that that this will not impact the processing time of an individual case.

The International Visitors Office (IVO) of the National Academies of Sciences (NAS) is gathering information on the problems that visa applicants from the scientific community are experiencing with the process; the NAS reports any cases that have been pending for longer than 60 days to DOS and provides ongoing reports to DOS and other associations. However, NAS cannot control the visa application process or determine the outcome of individual cases. If the delay is longer than 60 days, ISS advisors may report the case to NAS by going to the web site: www7.nationalacademies.org/visas/Visa_Questionnaire.html
How do I advise students and scholars concerned about delays when traveling abroad?

1. You can begin by assessing how real the concern of a Mantis SAO is for the student or scholar who has come to talk with you by looking at the Reciprocity Tables available at:
   http://www.travel.state.gov/visa/frvi/fees/fees_1341.html

   **Reciprocity Tables**: If you have not already done so, you should utilize reciprocity tables when discussing possible delays with a student or scholar. In the text below the table, there is a sub-section entitled “Special Clearance and Issuance Procedures – Nonofficial Travel”. This section outlines any special clearances that an applicant may be subjected to. DOS has stated publicly that the information contained in this section is accurate and does guide Consular Officer decisions. Please note that the clearance procedure information for a specific country, reflected in the reciprocity table, can change.

   For example, if you visit the Reciprocity Table for China, you will see this section states “Visas Mantis is strongly recommended for applicants with a background or purpose of trip that is listed in the TAL”. Whereas, this section simply states “none” for Germany. Remember, while the TAL is an important resource the COs use in determining who needs to go through the SAO process, it is not the only resource. Therefore, COs may subject applicants to Visa Mantis SAOs based on their discretion even if their research fields or fields of study are not listed on the TAL, or the Reciprocity Table states "none”. In addition, we only know of the major research field categories and this makes it difficult to anticipate all fields that could be affected.

   Students and scholars should factor possible delays into their travel arrangements, which also should be communicated to their host department/academic advisor etc.

2. Remember that SAOs are valid for a certain length of time. Therefore, if someone was recently subjected to an SAO and must travel, their clearance may still be valid, even though their visa has expired. In these cases, travel is not as risky. For information about the duration of a clearance, which can vary from one visa class to the next, refer to the NAFSA Advisor Manual, section 10.13.5.1

3. Familiarize yourself with the SAO process by reviewing the resources listed below. These resources, especially the Foreign Affairs Manual (FAM), provide information about how to better prepare the applicant for the interview with the Consular Officer. We recommend that applicants submit copies of their CVs, lists of publications and letters with a detailed research description from their host institutions.

4. Finally, if a student or scholar is at risk of an SAO, have a conversation about what your office is able to do if the student or scholar gets caught in an SAO to manage expectations.

**What resources are available to learn more about this process?**

1. NAFSA Manual, Section 10.13.1, Department of State Clearances

2. 9 FAM 40.31 Notes (Sections N5.1-2 to N5.1-5) http://www.state.gov/m/a/dir/regs/fam/c22167.htm
   - Includes, among other things, interview tips that DOS provides to Consular Officers when applying the TAL
3. Administrative Processing Information: [http://travel.state.gov/visa/a_zindex/a_zindex_4353.html](http://travel.state.gov/visa/a_zindex/a_zindex_4353.html)

**Inquiry/contact information:**

*For visa cases/pending SAOs, call DOS Visa Services, Public Inquiries Division at *(202) 663-1225*

*For F-1, M-1 and J-1 visa cases, email DOS Student/Exchange Visitor Visa Center: fmjvisas@state.gov.*

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