

9 FAM 403.11

(U) NIV REVOCATION

(CT:VISA-478; 12-14-2017)
(Office of Origin: CA/VO/L/R)

9 FAM 403.11-1 (U) STATUTORY AND REGULATORY AUTHORITIES

9 FAM 403.11-1(A) (U) Immigration and Nationality Act

(CT:VISA-1; 11-18-2015)

(U) INA 221(i) (8 U.S.C. 1201(i)).

9 FAM 403.11-1(B) (U) Code of Federal Regulations

(CT:VISA-1; 11-18-2015)

(U) 22 CFR 41.122.

9 FAM 403.11-2 (U) NIV REVOCATION

(CT:VISA-1; 11-18-2015)

(U) Regulations no longer distinguish between invalidation and revocation in cases when it is determined that the bearer of a visa is ineligible. The visa should be revoked in accordance with INA 221(i), 22 CFR 41.122 and this subchapter.

9 FAM 403.11-3 (U) WHEN TO REVOKE A VISA

9 FAM 403.11-3(A) (U) When Consular Officers May Revoke Visas

(CT:VISA-402; 07-14-2017)

(U) There are five circumstances under which you may revoke a visa:

- (1) **Unavailable**
- (2) **(U)** The alien is not eligible for the particular visa classification (this includes ineligibility under INA 214(b));
- (3) **(U)** The alien has been issued an immigrant visa (IV);
- (4) **(U)** The visa has been physically removed from the passport in which it was issued; or

- (5) **(U)** The alien is subject to a Watchlist Promote Hit for an arrest or conviction of driving under the influence, driving while intoxicated, or similar arrests/convictions (DUI) that occurred within the previous five years, pursuant to [9 FAM 403.11-5\(B\)](#) paragraph (c) below.

9 FAM 403.11-3(B) (U) When Consular Officers May Not Revoke Visa

(CT:VISA-10; 12-08-2015)

- a. **(U)** A consular officer does not have the authority to revoke a visa based on a suspected ineligibility, or based on derogatory information that is insufficient to support an ineligibility finding, other than a revocation based on driving under the influence (DUI). A consular revocation must be based on an actual finding that the alien is ineligible for the visa.
- b. **(U)** Under no circumstances should a consular officer abroad revoke a visa when the alien is in the United States, or after the alien has commenced an uninterrupted journey to the United States, other than a revocation based on driving under the influence (DUI). Outside of the DUI exception, revocations of aliens in, or en route to, the United States may only be done by the Department's Visa Office of Screening, Analysis and Coordination (CA/VO/SAC).

9 FAM 403.11-4 (U) REVOCATION PROCEDURES

9 FAM 403.11-4(A) (U) Visa Revocations by Consular Officers

(CT:VISA-1; 11-18-2015)

(U) Although the decision to revoke a visa is a discretionary one, you should not use this authority arbitrarily. In accordance with 22 CFR 41.122(b), when practicable, you must:

- (1) **(U)** Notify the alien of the intention to revoke the visa;
- (2) **(U)** Allow the alien the opportunity to show why the visa should not be revoked; and
- (3) **(U)** Request the alien to present the travel document in which the visa was issued.

9 FAM 403.11-4(A)(1) (U) Required Procedures

(CT:VISA-478; 12-14-2017)

a. (U) Informing Alien of Intent to Revoke Visa:

- (1) **(U)** 22 CFR 41.122(b) requires you to notify the alien of the intent to revoke a visa, if such notification is practicable. The notice of intent to revoke a visa affords the alien the opportunity to demonstrate why the visa should not be revoked. An after-the-fact notice that the visa has already been revoked would not be sufficient, unless prior notice of intent to revoke was found not to be practicable in the particular case.

- (2) **(U)** A prior notification of intent to revoke a visa would not be practicable if, for instance, the post did not know the whereabouts of the alien, or if the alien's departure is believed to be imminent. In cases where the alien can be contacted and travel is not imminent, prior notice of intent to revoke the visa would normally be required, unless the consular officer has reason to believe that a notice of this type would prompt the alien to attempt immediate travel to the United States.
- b. **(U) Physical Cancellation of Visa:** If a decision to revoke the visa is reached after the case has been reviewed, you must print or stamp the word "REVOKED" in large block letters across the face of the visa. You must also date and sign this action and enter any new ineligibilities or derogatory information into the Consular Lookout and Support System (CLASS). Timely entry into CLASS is essential. If located at a post other than the one at which the visa was issued, the title and location of the post should be written below the signature.
- c. **(U) If Alien in Possession of Another Valid U.S. Visa:** When you have taken action to revoke a visa, you should determine whether the alien holds another current U.S. visa in the same or another passport. You should proceed to revoke that visa as well, provided the grounds for revoking the first visa apply to any other visa the alien may hold, or if independent grounds for revocation apply. In the latter case, you are also required by 22 CFR 41.122 to give the alien, if practicable, an opportunity to rebut or overcome that ground(s) of ineligibility.
- d. **Unavailable**
- (1) **Unavailable**
- (2) **(U)** The revoking office should enter the alien's name into the Consular Lookout and Support System (CLASS) in accordance with [9 FAM 303.3-4](#). The original of the Form DS-4047, as well as a copy of the post's letter to transportation companies listing all the addresses, is to be made a part of the Category I file. The issuing post should annotate Form DS-160, Online Nonimmigrant Visa Application, in the comment field, regarding the revocation and date.
- e. **(U) When Alien Unlikely to Surrender Passport for Revocation:** If you have reason to believe that an alien whose visa is subject to be revoked will fail to present the visa, and if the alien has not yet commenced travel, the DHS office at the port of entry (POE) and all appropriate transportation companies should immediately be notified that the visa has been revoked. You should notify transportation companies by letter of this action and deliver it to them by the most expeditious and secure means. A telegraphic report as described in [9 FAM 403.11-4\(B\)\(2\)](#) below and an entry into CLASS must also be made.
- f. **(U) If Travel Has Commenced:** If the revoking officer has learned that the alien is stopping at a city en route to the United States in which a consular office is located, the revoking post should request the stopover post to attempt to contact the alien and physically cancel the visa. The revoking post should immediately notify the Department (CA/VO/SAC), inform the Department of Homeland Security (DHS) and the stopover post as described in [9 FAM 403.11-4\(B\)\(2\)](#) below, and update CLASS, as appropriate.
- (1) **(U)** If the stopover post physically cancels the visa, it should notify the revoking post and the Department (CA/VO/SAC).

- (2) **(U)** The revoking post should update CLASS and notify the Department (CA/VO/SAC), as well as the stopover post and DHS to update the report.
- (3) **(U)** If the stopover post is unable to cancel the visa physically, it must notify the revoking post and the Department (CA/VO/SAC), provide any additional information, and must also notify all appropriate transportation companies by letter that the visa has been revoked. The letter should be used to notify transportation companies of this action and be delivered to them by the most expeditious and secure means. These instructions are predicated on the premise that the alien has commenced an uninterrupted journey to, or is already in the United States. The revoking post should immediately notify the Department (CA/VO/SAC), the stopover post, and DHS, to update or file a report as described in [9 FAM 403.11-4\(B\)\(2\)](#) below, and to update CLASS as necessary.
- g. **(U) Visa Erroneously Issued by Other Post:** If you determine that another post has erroneously issued a visa, that post should be informed in detail of your findings. Such a report could form the basis for revoking the visa, initiated by the issuing post or by the reporting post, with the concurrence of the issuing post. If a difference of opinion ensues between posts, the case should be submitted to the Department (CA/VO/L/A for non-security related revocations or CA/VO/SAC for security, foreign policy, or human rights related revocations) for an advisory opinion (AO) before visa issuance. If the visa has been issued, then posts should contact the revocations unit VO Visa Revocations Unit (VO-Revocations@state.gov) for guidance.
- h. **(U) Sponsor's Request for Cancellation of Visa in Order to Withdraw Bond:**
- (1) **(U)** In some cases, the sponsor may request cancellation of the alien's visa in order to withdraw the bond. After physically canceling the visa, (see 22 CFR 41.122(c)), you must notify the DHS office concerned by letter or interested party telegram that the bond may be canceled and the money released.
- (2) **(U)** The communication must contain the applicant's full name, date and place of birth, nationality, the amount of the bond, the applicant's "A" serial number (which will have been shown on DHS notification that the bond was posted), and the date on which the visa was canceled. You must annotate Form DS-160, Online Non-Immigrant Visa Application, which should reflect the amount of the bond, the alien's "A" serial number and the date on which the visa was canceled.

9 FAM 403.11-4(A)(2) (U) Sample Letter of Notification of Revocation to Airline and Certificate of Revocation

(CT:VISA-50; 02-22-2016)

a. (U) Sample Letter of Notification to Airline:

(1) Sample Text:

(Embassy or Consulate Letterhead)

(Date)

Dear Sir / Madam / Company:

Pursuant to the authority contained in Department of State regulations 22 CFR 41.122, this letter serves as official notification by the United States Embassy / Consulate in (post) that the nonimmigrant visa of the below named individual has been revoked, and is no longer valid for application for entry into the United States.

Name of visa holder

- Date and place of birth
- Visa classification (symbol)
- Date and place of visa issuance
- Other pertinent information

The Embassy/Consulate has informed/attempted to inform the visa holder of this revocation, and has instructed the bearer to surrender the visa to this office for physical cancellation. However, the visa holder may not comply with this request, and attempt to travel on the appearance that the visa is still valid. If the holder should attempt to travel after your receipt of this notice, and your company permits the holder to embark in spite of this notification, your company may be liable to a fine of up to \$1,000.00 for having transported to the United States a person who is not in possession of a valid visa.

If the above individual contacts your company, I request that you direct him/her to contact the US Embassy/Consulate as soon as possible. I greatly appreciate your attention to this matter.

Sincerely,

[Name]

(2) **Editable Version:** Letter of Notification of Revocation to Airline.

b. (U) Certificate of Revocation:

(1) **Sample Text:**

Certificate of Revocation

This is to certify that I, the undersigned Deputy Assistant Secretary of State for Visa Services, acting pursuant to the authority conferred on the Secretary of State by section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), which has been delegated to the Assistant Secretary of State for Consular Affairs and to me by Delegation of Authority no. 367 and Redelegation of Authority no. 367-1, hereby revoke any and all visas issued to (applicant, date and place of birth), including but not limited to the (classification of) nonimmigrant visa issued at the Embassy of the United States in (post) on (date).

This action is based on the fact that subsequent to visa issuance, evidence came to light that the alien may be inadmissible to the United States and ineligible for visa issuance pursuant to Section (...) of the Immigration and Nationality Act.

This revocation shall become effective immediately on the date on which this certificate is signed unless the alien is present in the United States at that time, in which case it will become effective immediately upon the alien's departure from the United States.

Date

Deputy Assistant Secretary
For Visa Services

(2) **Editable Version:** Certificate of Revocation.

9 FAM 403.11-4(A)(3) (U) When to Notify Department Regarding Revocation

(CT:VISA-1; 11-18-2015)

- a. **(U)** If a visa is physically cancelled prior to the alien's departure to the United States, then there is no need to report the revocation to the Department, except in cases involving A, G, C-2, C-3, or North American Treaty Organization (NATO) visas.
- b. **(U)** As required by 22 CFR 41.122(e), the Department (the Advisory Opinions Division (CA/VO/L/A), the Diplomatic Liaison Division (CA/VO/DO/DL), the Chief of Protocol

(S/CPR), and the appropriate country desk), as well as Department of Homeland Security (DHS), Washington, DC should be promptly notified whenever any diplomatic or official visa, or any visa in the A, G, C-2, C-3, or NATO classification is formally revoked.

- c. **(U)** As required by 22 CFR 41.122(d) and 22 CFR 41.122(e), in any case in which a visa is revoked but the consular officer is unable to physically cancel the visa, the consular officer must notify the Department's Office of Screening, Analysis and Coordination (CA/VO/SAC), local carriers, and the appropriate DHS port(s) of entry. The notice to the Department should be in the format prescribed in [9 FAM 403.11-4\(B\)\(2\)](#) below.
- d. **(U)** See [9 FAM 403.11-4\(C\)\(1\)](#) below for more information about notifying the Department of visa revocations that may have political, public relations, or law enforcement consequences.

9 FAM 403.11-4(B) Unavailable

9 FAM 403.11-4(B)(1) (U) Procedures

(CT:VISA-1; 11-18-2015)

a. Unavailable

- b. **(U)** When reviewing a visa for revocation as a result of information which may come to light after issuance of a visa, and the subject is either in the United States or on uninterrupted travel to the United States, you must seek and obtain Department guidance by contacting the VO Visa Revocations Unit (VO-Revocations@state.gov). This applies, for example, to findings of ineligibility under INA 212(a)(6)(C)(i), "misrepresentation"; INA 212(a)(3)(B) "terrorist activity"; or INA 212(a)(3)(C) "foreign policy."
- c. **(U)** See [9 FAM 402.8-9](#), Procedures to be Followed When Derogatory Information Received.

9 FAM 403.11-4(B)(2) (U) Report of Derogatory Information Received After Issuance of Visa

(CT:VISA-50; 02-22-2016)

- a. **(U)** Posts are no longer required to submit a report to the Department on nonimmigrant visa (NIV) revocations done at post, provided that the visa has been physically canceled prior to the alien's departure for the United States. Exceptions to this procedure are in cases involving A, G, C-2, C-3, North American Treaty Organization (NATO), diplomatic, or official visas, when a report would be required.
- b. **Unavailable**
 - (1) **(U)** Full name of alien, including aliases;
 - (2) **(U)** Date and place of birth;
 - (3) **(U)** Country of nationality and residence;
 - (4) **(U)** Date of issuance or transfer of visa, date of expiration of visa, number of applications for admission, and visa symbol;

- (5) **(U)** Place of visa issuance or transfer;
- (6) **(U)** Type, number, and date and place of issuance of passport;
- (7) **(U)** All sections of law under which the alien is ineligible or is thought to be ineligible;
- (8) **(U)** A full report of the information upon which the finding of ineligibility is based and the consular officer's comments, together with a statement as to whether the information may be furnished DHS and used as a basis for questioning the alien. Considerations of national security, foreign policy, protection of sources, and the like may warrant not advising the alien of certain information;
- (9) **(U)** If available, the means of transportation, prospective date and port of arrival, and the alien's address in the United States;
- (10) **(U)** Posts should indicate that the subject has been entered into CLASS; and
- (11) **(U)** Any other pertinent information, including consular officer's recommendations or suggested course of action to be followed by the Department and DHS.

9 FAM 403.11-4(C) (U) Revoking Visas in Sensitive Cases

9 FAM 403.11-4(C)(1) (U) Keeping Department Informed in High Profile Cases

(CT:VISA-50; 02-22-2016)

(U) You should be alert to the political, public relations, and law enforcement consequences that can follow a visa revocation, and should work with the Department to ensure that all legally available options are fully and properly assessed. The revocation of the visa of a public official or prominent local or international person can have immediate and long-term repercussions on our political relationships with foreign powers and on our public diplomacy goals in a foreign state. The visa laws must be applied to such persons like any others, recognizing that certain visa categories, particularly A's and G's, are not subject to the same standards of inadmissibility as others. Precipitant action must nevertheless be avoided in such high profile visa cases and post should seek the Department's guidance prior to any visa revocation unless unusual and exigent circumstances prevent such a consultation. Consultation both within the mission and with the Department may result in a decision that the Department, rather than the consular officer, should undertake the revocation, since Department revocations pursuant to the Secretary's revocation authority provide more flexibility in managing the relevant issues.

(1) (U) When To Consult With the Department:

- (a) **(U)** You are responsible for keeping the Department (CA/VO/SAC) and the appropriate country desk) informed of visa actions that may affect our relations with foreign states or our public diplomacy, or that may affect or impede ongoing or potential investigations and prosecutions by U.S. and other cooperating foreign law enforcement agencies.
- (b) **(U)** This is particularly true when you use the power granted them under INA 221(i) as implemented in 22 CFR 41.122 and this section, to revoke the visas

of officials of foreign governments, prominent public figures, and objects or potential objects of U.S. and foreign criminal investigations.

- (c) **(U)** In such cases, you should seek the Department's guidance prior to any visa revocation unless unusual and exigent circumstances prevent such a consultation. In the rare cases in which advance consultation is not possible, you should inform the Department as soon as possible after the revocation. Direct such cables to CA/VO/SAC, and the appropriate country desk.

(2) **Unavailable**

9 FAM 403.11-4(C)(2) (U) Diplomatic and Official Visas

(CT:VISA-1; 11-18-2015)

(U) You must keep in mind that most A, G, C-2, C-3, and North Atlantic Treaty Organization (NATO) visa categories are exempt from most INA 212(a) ineligibility provisions per 22 CFR 41.21(d). Precipitant action must be avoided in cases involving foreign government officials and other prominent public figures. Consultations at post and with the Department might result in the decision that the Department, rather than the consular officer, should undertake the revocation. The Department's revocation authority provides more flexibility in managing relevant issues. For example, Department revocations may be undertaken prudentially, rather than on the basis of a specific finding of ineligibility, and are not subject to the 22 CFR 41.122 requirement with respect to notification to the alien.

9 FAM 403.11-4(C)(3) (U) When Revocation Subject is Subject of Criminal Investigation

(CT:VISA-1; 11-18-2015)

- a. **(U)** In cases in which the alien whose visa is revocable is also the subject of a criminal investigation involving U.S. law enforcement agencies, action by a consular officer without prior Department consultation and coordination could:
- (1) **(U)** Jeopardize an ongoing investigation;
 - (2) **(U)** Prejudice an intended prosecution;
 - (3) **(U)** Preclude apprehension of the subject in the United States;
 - (4) **(U)** Put informants at risk; or
 - (5) **(U)** Damage cooperative law enforcement relationships with foreign police agencies.
- b. **(U)** When you suspect that the visa revocation may involve U.S. law enforcement interests, you should consult with the law enforcement agencies at post and inform the Department (CA/VO/SAC) as applicable, of the case and of post's proposed action, to permit consultations with potentially interested entities before a revocation is made.
- c. **(U)** In deciding what cases to report in advance to the Department, posts should err on the side of prudence. It is always better to report cases requiring no Department action rather than having to inform the Department after the fact in a case that has adverse consequences for U.S. law enforcement or diplomatic interests. Posts should

contact CA/VO/SAC. Posts may wish to notify other functional bureaus, as appropriate.

9 FAM 403.11-5 (U) REVOCATION OF VISAS BY THE DEPARTMENT

(CT:VISA-1; 11-18-2015)

- a. **(U)** When the Department revokes a visa, a front channel cable will be sent to post notifying them of the revocation when possible and furnishing a point of contact in the Visa Office.
- b. **(U)** Although the Department is not required to notify the alien of a revocation done pursuant to the Secretary's discretionary authority, unless instructed otherwise, posts should do so, especially in cases where the revoked visa was issued to a government official. Posts should then send a front channel cable to the Department's point of contact and provide information on any action taken.

9 FAM 403.11-5(A) (U) Notice to Department of Alien in United States

(CT:VISA-1; 11-18-2015)

- a. **(U)** Whenever you believe that an alien, whose visa is subject to revocation, has commenced an uninterrupted journey to, or, is already in the United States and physical cancellation of the visa is not possible, the officer should immediately inform the Department (CA/VO/SAC) of the grounds of ineligibility or other adverse factors, and furnish the information called for by [9 FAM 403.11-4\(B\)\(2\)](#) above. New ineligibilities and other pertinent derogatory information should be entered into CLASS. In addition, if you are aware of reasons making it desirable to permit the alien to complete the temporary stay, the officer should report them to the Department (CA/VO/SAC). In no case should you communicate the findings to the alien concerned. You should not prepare a Form DS-4047, unless instructed to do so by the Department.
- b. **(U)** Upon receipt of your report, the Department will decide whether the visa should be revoked and, if so, ask DHS to cancel it physically immediately or at such time as the alien may again present the visa at a POE. The Deputy Assistant Secretary (DAS) for Visa Services makes the decision to revoke a visa. Alternatively, the Department may inform DHS of the data submitted and give DHS an opportunity to initiate proceedings under the pertinent provisions of INA 237 (Classes of Deportable Aliens). If the latter course is followed, the Department will request that DHS advise the Department of the alien's date of departure and destination, so that, after the alien's departure from the United States, the visa may be physically canceled.

9 FAM 403.11-5(B) (U) Prudential Revocations

(CT:VISA-50; 02-22-2016)

- a. **(U)** Although consular officers generally may revoke a visa only if the alien is ineligible under INA 212(a) or is no longer entitled to the visa classification, the Department may revoke a visa if an ineligibility or lack of entitlement is suspected, or for virtually any other reason. This is known as a "prudential revocation." In addition to the

conditions described in [9 FAM 403.11-5\(A\)](#) above, the Department may revoke a visa when it receives derogatory information directly from another U.S. Government agency, including a member of the intelligence or law enforcement community. The process is initiated when CA/VO/SAC receives derogatory information, usually through the Bureau of Intelligence and Research (INR) or from the Department of Homeland Security often in connection with a request for visa revocation. These requests are reviewed by the Visa Office's Revocations Team in CA/VO/SAC/RC, which forwards an electronic memo requesting revocation to a duly authorized official in the Visa Office, along with a summary of the available intelligence and/or background information and any other relevant documentation. When approval for revocation has been given, the subject's name is entered into CLASS and the revocation is communicated within the Department and to other agencies by the following means:

- (1) **(U)** The file is reviewed by the revocations team lead to ensure that the subject has been entered into CLASS under the appropriate code. For a prudential revocation, the "VRVK" code will be entered as well as any applicable quasi-ineligibility ("P") code that corresponds to the suspected ineligibility. In the case of a prudential revocations based on derogatory information forwarded to VO the applicable "P" code will be entered as well as "VRVK."
- (2) **(U)** A Departmental request to post to attempt to notify the visa holder of the revocation is sent to the issuing post, DHS, and, when the revocation relates to INA 212(a)(3)(A) or (B) and originates from either the Terrorist Screening Center (TSC) or a Joint Terrorism Task Force (JTTF), notification should be sent to those entities as well.
- (3) **(U) Silent Revocation:** If law enforcement interests require that the subject remain unaware of U.S. Government interest, post will be informed of the revocation but instructed not to notify the subject, through a "silent revocation".

b. Unavailable

- c. **(U) Prudential Revocation for Driving Under the Influence:** Either Post or the Department has the authority to prudentially revoke a visa on the basis of a potential INA 212(a)(1)(A) ineligibility when a Watchlist Promote Hit appears for an arrest or conviction of driving under the influence, driving while intoxicated, or similar arrests/convictions (DUI) that occurred within the previous five years. This does not apply when the arrest has already been addressed within the context of a visa application; i.e., the individual has been through the panel physician's assessment due to the arrest. This does not apply to other alcohol related arrests such as public intoxication that do not involve the operation of a vehicle. Unlike other prudential revocations, consular officers do not need to refer the case to the Department, but can prudentially revoke on their own authority. Post should process the revocation from the Spoil tab NIV and add P1A3 and VRVK lookouts from the Refusal window.

9 FAM 403.11-6 (U) RECONSIDERATION OF REVOCATIONS

9 FAM 403.11-6(A) (U) Recommendations for Waivers in Revocation Cases

(CT:VISA-402; 07-14-2017)

a. **Unavailable**

- b. **(U)** Waiver procedures are described here on the premise that action to revoke a visa has not been made. If a visa has been revoked then reinstatement procedures (see [9 FAM 403.11-6\(B\)](#) below) are needed to undo a revocation. If a waiver is obtained, you must enter the notation on the visa as required by [9 FAM 403.9-5\(F\)](#). A waiver for an ineligibility under section 212(a)(3)(B) of the INA must be requested by the Department. If the waiver limits the number of applications for entry, this information should be included in the notation; for example, "single entry" or "two entries." The alien is to be informed that the visa will be valid only for the period and number of applications for admission authorized by the waiver.

9 FAM 403.11-6(B) (U) Reinstatement Following Revocation

(CT:VISA-1; 11-18-2015)

(U) If a visa has been revoked and you subsequently determine that the reason for revocation has been overcome and the alien is no longer ineligible, and that the visa has not been physically cancelled, then the visa should be reinstated in accordance with the appropriate procedure as indicated below, and, in all applicable cases, the procedures listed below should be taken promptly. Posts should submit CLOK removal requests for any revocation-related entries (or contact the Department for entries with DPT refusal sites), and contact the CA Service Desk for removal of the red REVOKED banner from any applicable NIV records.

- (1) **(U) If Visa Has Been Revoked But No Further Action Taken:** If a Form DS-4047, Certificate of Revocation of Visa by Consular Officer, has been prepared in accordance with [9 FAM 403.11-3\(A\)](#) above, but a copy has not been sent to the Department, if the visa has not been physically canceled, and if notices of revocation have not been sent, a brief summary of the pertinent facts is to be entered on the Form DS-4047, indicating that the revocation was withdrawn.. If post had already notified the Department or other posts of the revocation, post should notify the Department (and any relevant posts) of the reinstatement by telegram as follows:

"CVIS; ADVISORY OPINIONS, VISAS, BASIS FOR REVOCATION, NIV, JOHN DOE, OVERCOME, REINSTATED THIS DATE."

- (2) **(U) If Visa Has Been Revoked and Notices of Revocation Sent:**

- (a) **(U)** If the visa has not been physically canceled, but notices of revocation have been sent and the alien has departed, or if the alien's departure cannot be determined, the Department is to be promptly notified by telegram as follows:

"CVIS: ADVISORY OPINIONS, VISAS, BASIS FOR REVOCATION, NIV, JOHN DOE, OVERCOME, REINSTATED THIS DATE."

- (b) **(U)** Any other post involved in the revocation action should be made an INFO addressee of this cable. Notices of reinstatement should be sent by the most expeditious secure means to all parties notified of the revocation.

- (3) **(U) If Visa Has Been Revoked and Physically Canceled:** If a visa has been revoked, notices of revocation sent, the telegraphic report described in [9 FAM 403.11-4\(A\)\(3\)](#) above has been made, and the revoked visa physically canceled,

the alien may apply for a new visa; however, they may not travel on the physically cancelled visa.

- (4) **(U) If at Stopover Location Revocation Appears Overcome:** Upon interviewing the alien, should the stopover post conclude that the basis for revocation has been overcome, the alien is no longer ineligible, and the visa has not been physically cancelled, reinstatement of the visa in accordance with [9 FAM 403.11-6\(A\)](#) above may be warranted. The stopover post should inform the revoking post in detail of its findings, addressing an info copy to the Department (CA/VO/SAC). Such a report could form the basis for reinstatement of the visa initiated by the revoking post or the stopover post, provided that it had the concurrence of the revoking post. If posts have a difference of opinion, the case should be submitted to the Department (CA/VO/L/A for non-security related revocations or CA/VO/SAC for security, foreign policy, or human rights related revocations) for determination. Should a determination to reinstate the visa be made, the revoking post, which may be presumed to hold the bulk of pertinent data on the case, would have the responsibility to take the reinstatement actions described above, and update and revise entries in CLASS.

9 FAM 403.11-7 (U) ACTIONS BY DHS

9 FAM 403.11-7(A) (U) Cancellation of Visas by Immigration Officers Under 22 CFR 41.122(h)

(CT:VISA-1; 11-18-2015)

- a. **(U) When a visa is canceled by a DHS officer, one of the following notations will normally be entered in the alien's passport:**
- (1) **(U)** Canceled. Adjusted;
 - (2) **(U)** Canceled. Excluded. DHS (Office) (Date);
 - (3) **(U)** Canceled. Application withdrawn. DHS (Office) (Date);
 - (4) **(U)** Canceled. Final order of deportation/voluntary departure entered DHS (Office) (Date) Canceled. Departure required. DHS (Office) (Date);
 - (5) **(U)** Canceled. Waiver revoked. DHS (Office) (Date); and
 - (6) **(U)** Canceled. Presented by impostor. DHS (Office) (Date).
- b. **(U)** Except when a visa is canceled after the alien's status has been adjusted to that of a permanent resident, DHS will directly inform the consular office which issued the visa of the cancellation action. Form I-275, Withdrawal of Application/Consular Notification, will be used to inform consular officers at the issuing office of the cancellation action. Form I-275 and any other attached forms should not be released to aliens or their representatives.

9 FAM 403.11-7(B) (U) Voidance of Counterfeit Visas

(CT:VISA-1; 11-18-2015)

(U) When DHS has determined through examination that a visa has been altered or is counterfeit, it will void the visa by entering one of the following notations on the visa

page, together with the action officer's signature, title, and office location:

- (1) **(U)** Counterfeit visa per testimony of alien (file number); or
- (2) **(U)** Counterfeit visa per telecon, letter, telegram, e-mail from U.S. Embassy (U.S. Consul).