

## 9 FAM 403.9

### (U) NIV ISSUANCES

*(CT:VISA-568; 04-06-2018)*  
*(Office of Origin: CA/VO/L/R)*

## 9 FAM 403.9-1 (U) STATUTORY AND REGULATORY AUTHORITIES

### 9 FAM 403.9-1(A) (U) Immigration and Nationality Act

*(CT:VISA-184; 09-22-2016)*

INA 101(a)(30) (8 U.S.C. 1101(a)(30)); INA 212(d)(4) (8 U.S.C. 1182(d)(4)); INA 212(a)(7)(B); INA 221(a) (8 U.S.C. 1201(a)); INA 221(c) (8 U.S.C. 1201(c)).

### 9 FAM 403.9-1(B) (U) Code of Federal Regulations

*(CT:VISA-184; 09-22-2016)*

22 CFR 41.104; 22 CFR 41.111; 22 CFR 41.112; 22 CFR 41.113.

## 9 FAM 403.9-2 (U) NIV ISSUANCE PROCEDURES

### 9 FAM 403.9-2(A) (U) Data Entry

*(CT:VISA-368; 05-30-2017)*

#### a. (U) Entering Information in the Machine Readable Visa (MRV) Data Field:

- (1) (U) You must ensure entry of the following information in the MRV data field before you may issue a visa:
  - (a) (U) Full name of applicant;
  - (b) (U) Visa type;
  - (c) (U) Visa class;
  - (d) (U) Passport information, including passport number, passport issuance date, passport issuance city, passport country, and passport expiration date;
  - (e) (U) Sex;
  - (f) (U) Date of birth;
  - (g) (U) Nationality;
  - (h) (U) Number of entries allowed;
  - (i) (U) Date of visa issuance;
  - (j) (U) Date of expiration;

(k) **(U)** Applicant's local address and telephone information; and

(l) **(U)** SEVIS ID for all F, M, and J visa applicants.

**(U)** Note: Absent any of this information, the system will not accept the visa application. Prior to entering this information in the system, the personal data on Form DS-160, Online Nonimmigrant Visa Application, should be checked against the personal data page in the passport to ensure accuracy.

(2) **(U)** The name of the visa issuing post and the control number are automatically printed on the MRV.

(3) **(U)** The data fields do not accept special characters: comma, hyphen, asterisk, foreign-language diacritical marks, etc.

(4) **(U)** In certain countries where many nationals have only a surname, the applicant's first name should be entered as FNU. For example, "Smith, FNU", the "FNU" stands for "First Name Unknown."

b. **(U) Entering Information in the Machine Readable Visa (MRV) Annotation**

**Field:** You must place annotations on MRVs in the 88-character field beneath the word "Annotation." You may use abbreviations as necessary in the annotation field. (For example: P.A. vice Principal Applicant). Unlike the data field, you may employ various forms of punctuation (hyphen, period, etc.) in the annotation field, when appropriate.

c. **(U) Use of Titles:** You may not enter titles such as "Dr.", "Sr.", "Mr.", "Mrs.", etc. in the data field on an MRV. However, you may use such titles in the annotation field, as appropriate.

d. **(U) Altering Data on a Machine Readable Visa (MRV):** You may not enter handwritten annotations or alterations on an MRV. In the event of a data-entry error, you must re-enter information electronically in order to reissue the visa.

## 9 FAM 403.9-2(B) (U) Visa Issuance Case Notes

*(CT:VISA-380; 06-12-2017)*

a. **(U)** You should enter case notes documenting all visa issuances. Even cases that appear to be routine (official travel, prior visas, history of good travel, etc.) may later develop certain aspects that invite further attention. Factual, brief case notes provide useful context. Officers should take particular care with any borderline, odd, or high profile cases.

b. **(U)** You are not required to enter issuance notes in the comment field of the Form DS-160, Nonimmigrant Visa Application, and you should not duplicate your efforts by doing so.

c. **(U)** As case notes are replicated in the Consular Consolidated Database (CCD), issuance notes may assist travelers at the port of entry (POE). In the event the Department of Homeland Security/Customs and Border Protection (CBP) refers a traveler for secondary inspection, the issuance notes may provide CBP with an understanding of why the traveler was found to be eligible for a visa. Clear notes also assist the Visa Office's Public Outreach and Inquiries Division (CA/VO/F/OI) to assist with inquiries into cases that attract outside attention. Good case notes facilitate consular managers' online NIV adjudication review.

## 9 FAM 403.9-2(C) (U) Issuing More Than One Concurrently Valid Visa to an Applicant

*(CT:VISA-368; 05-30-2017)*

- a. **(U) Applicant Not to Possess More Than One Concurrently Valid Visa of the Same Type:** An applicant is not permitted to possess more than one valid visa of the same classification in the same type of passport (i.e., tourist, official, or diplomatic) at the same time. You should physically cancel such visas whenever you encounter them. You may defer to the applicant's choice of which visa you cancel when circumstances permit.
- b. **(U) Visas of Different Types For Applicants Proceedings to the United States for Different Purposes on Different Occasions:** If an applicant desires to travel to the United States on different occasions and the principal purpose of entry will not be the same each time, you should issue the applicant, if he or she is qualified, separate visas suitable to each purpose of entry. (For example, C-1 and D and B-2 and F.) Except in the case of a crewman as described in paragraph c, below, two visas may not be issued concurrently to an applicant who contemplates changing the principal activity after admission without departing from the United States and making a new entry for a different purpose.
- c. **(U) Issuing Concurrently Valid Visas of Different Types:** You should collect a separate Machine Readable Visa (MRV) fee for each visa issued, except when issuing any combination of nonimmigrant visas (NIVs) on one MRV foil (e.g., B-1/B-2 or C-1/D) or a B-1/B-2 and a C-1/D when issued simultaneously to facilitate the entry of crew members (NOTE: This includes crewmen of both sea and air vessels). You should place separate visas in the passport, and collect the prescribed reciprocity fee, if applicable, for each visa issued. (For reciprocity fees, see country concerned in the country specific Reciprocity Schedules.) If appropriate, you may place the visas in separate travel documents. For example, a crewman might desire, upon arrival, to apply for admission as a temporary visitor while on leave from the vessel, and not as a member of the crew requesting shore leave. In such a case, the crewman would receive a D visa as a member of the crew in his or her seaman's book, which would be valid only for use in connection with service on a vessel. To be admitted as a temporary visitor, the crewman would need to obtain another travel document in which you would place a B visa. One additional exception to charging separate MRV fees for each visa type issued is for Cuban nationals who apply for a B1 and a B2 visa at the same time. See [9 FAM 403.4](#) for more details on NIV fees)
- d. **(U) Dual Nationals:** A dual (or multiple) national who possesses a passport for each country of nationality is permitted to have a visa issued in each passport, provided the visas are of different classification. E-1 and E-2 visas must be issued in the passport of the treaty country. (For a list of countries with which the United States has E-1/E-2 treaty agreements, see [9 FAM 402.9](#)). Validity of "E" visas may be found in the reciprocity schedule under country concerned. In cases in which the United States has formalized a treaty agreement with another country and has not yet established a permanent reciprocity schedule, then you should use the temporary reciprocity schedule.

## 9 FAM 403.9-2(D) (U) Review of Visa Issuances by Supervisors

*(CT:VISA-568; 04-06-2018)*

- a. **(U)** Consular managers must review as many nonimmigrant visa (NIV) issuances as is practicable, but not fewer than 10 percent of NIVs issued. Systematic, regular review of approved NIV applications is a significant management and instructional tool to maintain the highest professional standards of adjudication. It also ensures uniform and correct application of applicable law and regulations. This review should be done with a view to enhancing U.S. border security and ensuring consistent adjudication standards (see [9 FAM 601.4-2](#)). The designated consular manager must review the case and either confirm or disagree with the issuance and, in the case of disagreement with the issuance, explain the decision clearly in a case note. (See [9 FAM 307.4](#), Supervisory Duties, for information regarding supervisory review and VLA violations.)
- b. **Unavailable**
- c. **(U)** Reviewing officers should pay particular attention to issuances of inexperienced officers. The less visa adjudication experience an officer has, the greater the percentage of issuances that the consular manager should review. You should review at least 50 percent of the cases issued by an officer with no previous NIV adjudication experience during his or her first month. As an officer gains experience and competence over time, the percentage of issuances reviewed should decline as deemed appropriate by the reviewing officer and ultimately conform to the norm outlined above.
- d. **(U)** The reviewing officer should be the issuing consular officer's direct supervisor, regardless of whether the reviewing officer has a consular commission and title. In all cases, the reviewing officer must be in the issuing officer's supervisory chain of command. While the reviewing officer may wish to see the complete paper documentation associated with the cases reviewed, he or she must indicate his or her decision in the NIV Adjudication Review report in the Consular Consolidated Database (CCD). The issuances must be reviewed without delay; that is, on the day of the issuance or as soon as is administratively possible.
- e. **(U)** If the chain of command rule of the previous paragraph results in a reviewing officer who does not have a consular commission and title (some Deputy Chiefs of Mission, for example, may not be authorized to adjudicate visas), that officer must nevertheless review issuances. The review should focus on, but not necessarily be limited to, the visa recipient's likelihood to maintain lawful status in the United States and not engage in activities beyond the scope of the visa category, including his or her potential threat to people and property in the United States. Reviewing officers should be alert to patterns of issuances that appear to fall outside the general norms for a post, such as issuances to TCNs or applicants who appear only marginally eligible, or unexplained overcomes of hard refusals. While reviewing officers without consular experience cannot be expected to know the breadth and depth of visa statutes and regulations, they can add value to the issuance process by applying their knowledge of national security threat assessments, local conditions, and global trends. At posts with a single consular officer, the reviewer, adjudicating officer and Regional Consular Officer (RCO) must make issuances a regular topic of discussion during the RCO's visits.
- f. **(U)** If a reviewing officer as described in the above paragraph concurs with the issuance, he or she, like any other reviewing officer, must indicate his or her decision in the NIV Adjudication Review report in the CCD.

**g. (U) Non-Concurrence With Issuance by Reviewing Officer:**

- (1) **(U)** If a reviewing officer with a consular commission and title does not concur with the issuance, he or she may assume responsibility and re-adjudicate the case. The reviewing officer must discuss the case fully with the original adjudicating officer before taking any action. The reviewing officer must not refuse an applicant under INA 214(b) without re-interviewing the applicant in person or by phone unless the disagreement involves a procedural error or a matter of law. If the reviewing officer reverses the issuance and the visa has not yet been printed, the applicant must be notified promptly. If the visa has been issued and printed it must be revoked per [9 FAM 403.11](#). The reviewing officer should enter a note in the NIV Adjudication Review in the CCD that explains the reason for overturning the issuance.
- (2) **(U)** A reviewing officer without a consular commission and title may not issue or refuse a visa. Therefore, if such a reviewing officer does not concur with the issuance, printing of the case must be suspended, and the reviewing officer must:
  - (a) **(U)** Discuss the basis for the original issuance, especially elements of fact, with the adjudicating officer in a good faith attempt to arrive at a mutually acceptable final adjudication of the application.
  - (b) **(U)** If such a discussion cannot resolve the issue, the RCO, if the post is covered by an RCO, should be consulted for his or her insight with a view to coming to a mutually agreed-upon adjudication. If the discussion cannot occur in a timely fashion, the case should be removed from the print queue and entered as an INA 221(g) refusal pending the outcome of this larger review and discussion.
  - (c) **(U)** If the difference of opinion is based upon a legal or procedural issue that cannot be resolved by consulting Departmental guidance at post (the INA, FAM, CMH, cable guidance, etc.), post should seek Visa Office guidance (legal questions should be referred to CA/VO/L/A and procedural questions to CA/VO/F).
  - (d) **Unavailable**
  - (e) **(U)** If, despite these efforts, no mutually agreed-upon adjudication can be achieved, the issuance stands. In any case, a note of the discrepancy must be made in the comment field of the Form DS-160, Online Nonimmigrant Visa Application and in the NIV Adjudication Review Report in the Consular Consolidated Database (CCD).

## **9 FAM 403.9-3 (U) PASSPORT REQUIREMENTS**

### **9 FAM 403.9-3(A) (U) Passport Must be Issued by a Competent Authority**

#### **9 FAM 403.9-3(A)(1) (U) Interpreting "Competent Authority"**

*(CT:VISA-184; 09-22-2016)*

- a. **(U)** The term "competent authority" as used in INA 101(a)(30) means an official who is duly authorized to issue passports by the government of the country of issuance.

The term is not linked with the maintenance of diplomatic relations with, or recognition by, the United States. Accordingly, the Department will determine, on a case-by-case basis, whether a passport-issuing authority is a "competent authority" within the meaning of INA 101(a)(30).

- b. **(U)** World Service Authority Passports are **not** acceptable as "passports" for visa issuing purposes. The World Service Authority is a private organization and not a "competent authority" within the meaning of INA 101(a)(30). The document is a 40-page, passport-size document with a bright blue cover with gold lettering.
- c. **(U) Travel Documents Presented by Nationals of Entities Not Having Formal Diplomatic Relations With the United States:**
  - (1) **(U)** You may place nonimmigrant visas (NIVs) in travel documents issued by the following entities with which the United States does not have formal diplomatic relations, provided the travel documents otherwise meet the definition of the term "passport" as contained in INA 101(a)(30) and 22 CFR 41.104(a):
    - (a) **(U)** Bhutan;
    - (b) **(U)** Iran;
    - (c) **(U)** West Bank and Gaza; and
    - (d) **(U)** Taiwan (except diplomatic and official passports).
  - (2) **(U)** You may not place nonimmigrant visas (NIVs) in travel documents issued by the Government of North Korea, with which the United States does not have formal diplomatic relations, unless specifically authorized by CA/VO/L/A.
- d. **(U)** Refer to the reciprocity schedules under the country of issuance, to this section and [9 FAM 403.9-3\(A\)\(2\)](#) below, for descriptions of certain documents which do not fulfill the requirements of a passport as defined in INA 101(a)(30).

## **9 FAM 403.9-3(A)(2) (U) Travel Documents Issued by International Organizations**

*(CT:VISA-368; 05-30-2017)*

- a. **(U) United Nations Laissez-Passer:** See [9 FAM 402.3-7\(D\)\(6\)](#) for information about placing G-4 visas in a UN Laissez-Passer.
- b. **(U) Organization of American States Official Travel Document:** The official travel document of the Organization of American States (OAS) is issued to an employee of the OAS General Secretariat or other agency of the OAS. The purpose of the document is to identify the holder as an official or employee of an agency of the OAS and to facilitate travel compatible with the interests of the OAS. The document is not considered a "passport" as defined in INA 101(a)(30) therefore, visas must not be placed in this document.

## **9 FAM 403.9-3(A)(3) (U) Travel Documents Issued by the European Union**

*(CT:VISA-368; 05-30-2017)*

**(U)** Only official type A-1, A-2, and G-3 visas may be placed in a European Union Laissez-Passer (EULP). See [9 FAM 402.3-4](#) for information about placing visas in an EULP.

## 9 FAM 403.9-3(B) (U) Passport Validity

### 9 FAM 403.9-3(B)(1) (U) Passport Must Be Valid Six Months Beyond Initial Period of Stay

(CT:VISA-568; 04-06-2018)

**(U)** A nonimmigrant visa is only to be issued in passports that are valid for at least six months beyond the initial period of contemplated stay in the United States, except in the following circumstances:

- (1) **(U)** The alien is within the purview of 22 CFR 41.21(b) exceptions from passport validity requirements for certain A, G, and NATO aliens;
- (2) **(U)** The passport requirement has been waived in the alien's case pursuant to INA 212(d)(4);
- (3) **(U)** The alien has F (student) classification and is granted admission for the period required to complete the course of study indicated on Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status. Note that the student's passport should maintain a validity of at least six months beyond the anticipated departure date; or
- (4) **(U)** The alien's passport was issued by a country having entered into an agreement *or arrangement* with the United States for the extension of the validity of their passports for a period of six months beyond the expiration date specified in the passport. The countries listed in [9 FAM 403.9-3\(B\)\(2\)](#) paragraph f below have an agreement *or arrangement* with the United States whereby their passports are recognized as valid for return to the country concerned for a period of six months beyond the expiration date specified in the passport.

### 9 FAM 403.9-3(B)(2) (U) Countries That Extend Passport Validity for an Additional Six Months After Expiration

(CT:VISA-568; 04-06-2018)

- a. **(U)** Some countries have agreements *or arrangements* with the United States whereby their passports are recognized as valid for return to the country concerned for a period of six months beyond the expiration date specified in the passport. The effect of these agreements *or arrangements* is to extend the period of validity of the passport for six months beyond the expiration date appearing on the face of the document, for the purposes of INA 212(a)(7)(B)(i)(I).
- b. **(U)** As passports issued by the countries listed in paragraph f below meet the requirements of INA 212(a)(7)(B)(i)(I) until the date shown for expiration, the consular officer could issue a visa at any time prior to that date. However, such action might not be practical when only a very narrow margin of time remains.
- c. **(U)** The consular officer *should* inform the visa recipient that admission into the United States will not be granted by the immigration authorities for a period extending beyond the actual expiration date shown in the passport, and that the alien's stay in the United States cannot be extended beyond that date until an extension of the validity of the passport has been obtained.
- d. **(U)** The consular officer *must* not issue a visa on the basis of an expired passport unless the applicant is able to present to the consular officer collateral documentation,

which together with the expired passport, meets the requirements of INA 101(a)(30) and INA 212(a)(7)(B)(i)(I).

- e. **(U) *Diplomatic Discussions Regarding Extended Passport Validity:*** *If you are posted in a country that does not extend passport validity for 6 months beyond the expiration date on the passport and you are interested in beginning discussions with the host country, you should contact CA/VO/L/R prior to beginning discussions.*
- f. **(U) Countries That Extend Passport Validity for an Additional Six Months After Expiration:**

Andorra	Angola	Antigua and Barbuda
Antilles	Argentina	Armenia
Aruba	Australia	Austria
Bahamas, The	Barbados	Belgium
Belize	Bermuda	Bolivia
Bosnia-Herzegovina	Brazil	Bulgaria *
Burma	Canada	Chile
Colombia	Costa Rica	Cote D'Ivoire
Croatia *	Cyprus	Czech Republic
Denmark	Dominica (DOMN)	Dominican Republic
Egypt	El Salvador	Estonia
Ethiopia	Federated States of Micronesia	Fiji
Finland	France	Gabon
Georgia	Germany	Greece
Grenada	Guatemala	Guinea
Guyana	Haiti	Holy See (Vatican City)
Hong Kong	Hungary	Iceland
India	Indonesia	Ireland
Israel	Italy	Jamaica
Japan	Kosovo *	Latvia
Lebanon	Libya	Liechtenstein
Lithuania	Luxembourg	Macau



Macedonia	Madagascar	Malaysia
Maldives	Malta	Mauritania
Mauritius	Mexico	Monaco
Mongolia	Montenegro	Mozambique
Nepal	Netherlands	New Zealand
Nicaragua	Nigeria (NRA)	Norway
Pakistan	Palau	Panama
Papua New Guinea (PNG)	Paraguay *	Peru
Philippines	Poland	Portugal
Qatar	Romania	Russia
San Marino	Saudi Arabia *	Serbia
Seychelles	Singapore **	Slovakia
Slovenia	South Africa	South Korea
Spain	Sri Lanka	St. Kitts and Nevis
St. Lucia	St. Vincent and The Grenadines	Suriname
Sweden	Switzerland	Taiwan
Thailand	Trinidad and Tobago	Tunisia
Turkey	Tuvalu	Ukraine
United Arab Emirates	United Kingdom	Uruguay *
Uzbekistan	Venezuela	Zimbabwe

**(U)** \* These countries extend passport validity reciprocity to U.S. citizens.

**(U)** \*\* Extension of passport validity reciprocity to U.S. citizens does not apply to U.S. citizens entering Singapore; it only applies to U.S. citizens already in the country. Singapore will allow a U.S. citizen, already in Singapore, who holds a U.S. passport, which has expired within the six (6) months period beyond the expiry date, to return to the United States. This is on the assumption that the bearer of the passport is still a U.S. citizen.

## 9 FAM 403.9-3(B)(3) (U) Passport Validity Insufficient to Cover U.S. Visit

(CT:VISA-568; 04-06-2018)

**(U)** If an applicant presents a passport valid for more than six months but not sufficient to permit admission for the entire period of stay contemplated, the consular officer *should* urge the applicant to have the passport extended, renewed, or replaced before visa issuance. In the event that this is not feasible until after the alien's arrival in the United States, the officer may issue the visa. The officer *should* then advise the applicant that the initial period of stay will be limited because of the limited validity of the passport. The consular officer should also explain the procedures for seeking an extension of stay from the Department of Homeland Security (DHS). Except for aliens covered by the provisions of [9 FAM 403.9-3\(B\)\(2\)](#) above, the passport must be valid for more than six months, since an alien presenting a passport valid for six months or less would be inadmissible at a port of entry (POE).

## 9 FAM 403.9-3(B)(4) (U) Visa Valid in Expired Passport

(CT:VISA-568; 04-06-2018)

- a. **(U)** When a passport containing a valid visa expires, the expiration of the passport has no effect on the validity of that visa. The holder, however, *should* be informed, at the time of application for admission, of the need for a new or renewed passport.
- b. **(U)** The passport should be valid for a minimum period of 6 months from the expiration date of the initial period of admission or contemplated period of stay in the United States. The passport may be either the one in which the visa stamp has been placed, or a new passport. Thus, an alien can present two passports; one which fulfills the visa requirement and the other the passport requirement. The alien's nationality, as indicated in the new passport, must be the same as that shown in the passport bearing the visa foil.

## 9 FAM 403.9-3(C) (U) Restrictions on Passports

(CT:VISA-568; 04-06-2018)

- a. **(U) Applying Within Country of Issuance:** If an applicant for a nonimmigrant visa (NIV) presents a valid passport in the country whose authorities have issued that passport, and if the passport contains an endorsement as not being valid for travel to the United States, the consular officer *must* not issue a visa until the endorsement has been removed by the appropriate authorities. The reason for this is twofold:
  - (1) **(U)** No useful purpose would be served in issuing a visa to an applicant who would, in effect, be forbidden to use that visa; and
  - (2) **(U)** Issuance of a visa in such circumstances could be regarded as an attempt to circumvent the laws or regulations of the country in which the post is located.
- b. **(U) Applying Outside Country of Issuance:** If an applicant is applying for a visa in a country other than the one which issued the passport containing a restriction on travel to the United States, but the passport is otherwise valid and the alien is otherwise eligible, the consular officer may issue a visa without regard to such restriction.

- c. **(U) No Effect on Validity of Nonimmigrant Visa:** Limitations on the validity of a passport do not affect the validity of the nonimmigrant visa. For example, the fact that a passport has been limited by the issuing authority to a single trip to the United States would not preclude issuance of a visa valid for unlimited applications for admission, if so prescribed in the appropriate reciprocity schedule.

## **9 FAM 403.9-3(D) (U) Using Form DS-232, Unrecognized Passport or Waiver Cases When Visa is Not Placed in Passport**

*(CT:VISA-184; 09-22-2016)*

**(U)** All visa-issuing offices should use Form DS-232, Unrecognized Passport or Waiver Cases, in complying with the provisions of 22 CFR 41.113(b). In all cases, except those listed in 22 CFR 41.113(b)(1) through (3), you must obtain the Department's specific authorization (please contact CA/VO/F) before issuing an NIV on Form DS-232. See [9 FAM 403.9-6\(B\)](#) below for information about placing an MRV on a DS-232.

## **9 FAM 403.9-3(E) (U) Samples of Foreign Passports**

*(CT:VISA-368; 05-30-2017)*

**(U)** The Department (as well as other Government agencies) requires up-to-date information regarding the types of passports issued by foreign governments for temporary travel purposes, the criteria for their issuance, the qualifications of the persons to whom they are issued, the period of validity of such passports, whether more than one person may be included in a single passport, and whether the photograph requirements of 22 CFR 41.105(a)(3) can be met. The Department also requires information regarding other pertinent foreign passport regulations in order to determine, for example, whether a passport may be considered the "equivalent" of a diplomatic passport. Accordingly, the Department requests all posts dealing with a central government authority to report on the types of passports currently issued by the governments to which they are accredited and the classes of persons to whom such documents are issued, accompanied by two samples of new passports and other similar or equivalent documents which may have been issued since the previous report on the subject (provided the regulations of the government concerned permit this).

## **9 FAM 403.9-4 (U) VALIDITY OF NONIMMIGRANT VISAS**

### **9 FAM 403.9-4(A) (U) Visa Validity Versus Period of Admission**

*(CT:VISA-184; 09-22-2016)*

- a. **(U)** A visa is not the same as immigration status. Many travelers confuse the two. A visa does not entitle the bearer to enter or remain in the United States.
- b. **(U)** The validity of a visa refers to the time in which an applicant may make application to an immigration officer at a port of entry for admittance into the United States. It has no bearing on the length of time for which the alien may be admitted.

For example, an alien whose B-1 visa may expire a month after entry into the United States, could be admitted by a Department of Homeland Security (DHS) officer at a port of entry (POE) for a stay of up to one year. On the other hand, an alien whose B-1 visa has a validity of one year may be granted a stay of only one month, as may be determined by a DHS official at a port of entry.

- c. **(U) Expired Nonimmigrant Visa:** An "expired nonimmigrant visa" means a visa which is no longer valid due to the passage of time or because the maximum number of entries for which the visa is valid has been reached.

## 9 FAM 403.9-4(B) (U) Validity of Nonimmigrant Visas

*(CT:VISA-489; 01-24-2018)*

- a. **(U) Maximum Period of Validity:** The maximum validity of any nonimmigrant visa (NIV) is 10 years, but may be limited to less than 10 years on the basis of reciprocity. (See [9 FAM 403.8](#) and Visa Reciprocity and Country Documents Finder.) Reciprocity schedules apply to nationals, permanent residents, refugees, and stateless residents of the countries concerned.
- b. **(U)** Department regulations at 22 CFR 41.112(c) authorize you to issue a nonimmigrant visa valid for a period, or provide a number of applications for admission ("entries"), less than that prescribed on the basis of reciprocity, if warranted in an individual case.
- c. **(U)** The fact that an application is made away from the alien's normal place of residence is not, by itself, reason to limit visa validity below the standard set by reciprocity. Pre-clearances with another post on out-of-district applicants need be done only when required by the Department's regulations or instructions, or when you consider it necessary in order to establish the applicant's eligibility. Such a clearance is not required, for example, in the case of an alien from a traditionally low-risk country whose bona fides are evident to the officer. Post-checks (after visa issuance) are of limited use and may be dispensed with, unless specifically required by regulations or instructions.
- d. **(U) Reasons Behind Visa Validity, as Set Out in Reciprocity Schedules:** The validity period of, and authorized number of entries permitted by, a U.S. visa, as listed in reciprocity schedules, are based on the principle of reciprocity. (See [9 FAM 403.8](#).) The schedules reflect the visa policy of the government of that country towards U.S. citizens. When you consider whether an applicant is qualified under the law for a visa at the time of application, that decision should apply to future trips as well, if you will issue a multiple entry visa. If you are not convinced the applicant would fulfill the terms of his or her visa in the future, you should refuse the visa under INA 214(b).

## 9 FAM 403.9-4(C) (U) Limitations on Visa Validity

*(CT:VISA-489; 01-24-2018)*

- a. **(U) When Visa Validity May be Limited:** Visa validity may only be limited in accordance with 22 CFR 41.112(c), which allows a consular officer, if warranted in an individual case, to issue a nonimmigrant visa for:
- (1) **(U)** a period of validity that is less than that prescribed on a basis of reciprocity;
  - (2) **(U)** a number of applications for admission within the period of the validity of the visa that is less than prescribed on a basis of reciprocity;

- (3) **(U)** application for admission at a specified port or at specified ports of entry; or
- (4) **(U)** use on and after a given date subsequent to the date of issuance.

b. **(U) Limitations Should be Used Judiciously:** You must exercise with caution the discretionary authority accorded by 22 CFR 41.112(c)(1) and (2) when limiting the validity of visas. The routine practice of limiting visa validity may lead to complaints by the host government that consular officers are biased and the United States has failed to accord reciprocal treatment to the host government's nationals. Such a practice may also result in an unnecessary increase in workload. The reapplication rate of aliens with limited visas is relatively high at many posts. Therefore, the period of time and the number of applications for admission for which a nonimmigrant visa is valid must not be restricted without due cause to less than that permitted by the reciprocity schedules and only with the concurrence of a consular manager. If due cause to limit the nonimmigrant visa is not present, then you should issue a full-validity visa. Limiting visa validity may also impact the equities of other parts of the United States government.

c. **(U) Validity/Entries Limitations:**

- (1) **(U)** You can restrict a visa to less than full validity only if you believe the applicant qualifies as a nonimmigrant for a limited period of time or a limited number of visits.
- (2) **(U)** You cannot limit visas when you have doubts of the applicant's bona fides or believe that issuing a less than full validity visa would better facilitate travel, unless otherwise allow by law, regulation, or FAM guidance or are directed by the Department.

**(U)** Note: When an applicant's bona fides are in question, such applications should rightly be refused under INA 214(b).

- (3) **(U)** Limitations of visa validity are most appropriate when the applicant's bona fides in the immediate near term are not in question, but the stability of the applicant's longer-term ties to his or her residence abroad are in doubt. (See [9 FAM 403.9-5](#) below for procedures on annotating visas when limiting validity in accordance with this guidance.) For example, in a country with 10-year visa reciprocity, this could apply in the case a 17 year-old high school senior who has not yet been accepted to university and seeks to travel on a family trip with his or her family, when the consular officer believes the applicant overcomes 214(b) at the time of the interview, but would wish to re-interview the applicant in the future. That could constitute reason to issue a visa with less than the full 10-year validity permitted by the Reciprocity Schedule. In contrast, in the same country, a 17 year-old applicant accepted to the country's most competitive university and who plans to later attend medical school may be an applicant to whom a consular officer would approve a full validity visa. These examples illustrate that, as with all visa adjudications, the consular officer must make a case-by-case determination concerning visa validity based on the applicant's specific circumstances.

(4) **(U) Validity of A-3 and G-5, and NATO-7 Visas:**

- (a) **(U)** As a matter of policy, the standard and customary practice is to issue A-3, G-5, and NATO-7 visas for a maximum period provided for in the Reciprocity Schedule of the country concerned.

- (b) **(U)** The validity of an A-3, G-5, or NATO-7 visa may not exceed the validity of the visa held by the employer, who would be the bearer of an A-1, A-2, G-1 through G-4, or NATO-1 through NATO-6 visa.
- (c) **(U)** The validity of NATO-7 visas for personal employees from non-member NATO countries is based on the A-3 data provided in the reciprocity schedule of the respective country of the NATO-7 alien (see [9 FAM 402.3-9\(B\)\(7\)](#)).

(5) **(U) Validity of B-1 Visa Issued to Personal Servant or Employee:** The validity of a B-1 visa issued to a personal employee who is accompanying a nonimmigrant employer must not exceed the validity of the visa issued to the employer. (See [9 FAM 402.2-5\(D\)](#) for cases in which the B-1 classification is authorized for personal employees of nonimmigrant employers.)

d. **Unavailable**

e. **(U) Limitations on Visas Requiring Posting of Bond:**

**(U) Limitation for One Entry and Six Months:** In cases where a bond has been required and posted, you must limit the visa to one entry, valid for six months. This will enable DHS to cancel bonds upon request without communicating with the visa-issuing post.

f. **(U) Validity of G-4 Visa Issued in U.N. Laissez-Passer:** See [9 FAM 402.3-7\(D\)\(6\)](#). The Secretary General, all under secretaries, and all assistant secretaries general of the United Nations may be issued G-4 diplomatic visas valid for 60 months with multiple entries. The visas, however, must be placed in the national passport rather than in the Laissez-Passer. For all others at the United Nations or United Nations Secretariat, refer to the reciprocity schedule of the country concerned.

## 9 FAM 403.9-4(D) (U) Single-Entry Versus Multiple-Entry Visas

*(CT:VISA-184; 09-22-2016)*

- a. **(U)** Posts may not routinely issue single-entry visas when the Reciprocity Schedule allows the issuance of multiple-entry visas. Such a practice increases workload for posts and could cause problems for travelers and ports of entry; for example, Caribbean cruise ships often stop at several foreign and U.S. ports (including the U.S. Virgin Islands and Puerto Rico) during a single trip, requiring multiple-entry visas. Passengers with single entry visas may be denied boarding by a cruise line that may be subject to a fine for carrying non-admissible passengers. However, consular managers have the discretion to issue single-entry visas when the alien's itinerary indicates that only a single entry is needed and unusual circumstances surrounding the application argue for such a restriction.
- b. **(U) Issuance of Two-Entry Visa in Lieu of Reciprocal Single-Entry Visa:**
  - (1) **(U) Same Purpose Required for Each Entry in Two-Entry Visa:**
    - (a) **(U)** An alien who wishes to make more than one application for admission during the course of a single journey may be issued a two-entry visa, even though the appropriate Reciprocity Schedule limits the validity of the visa to a single application. The alien must, on each occasion, be seeking admission for the same principal purpose, and the visa may not be valid for more than two applications for admission. This provision is applicable to all categories of nonimmigrant visas, except K visas.

(b) **(U)** A single journey means the applicant will not travel back to his/her country of residence before making a new application for admission to the United States. The applicant's travel plans will require him or her to enter the United States twice before returning home.

(2) **(U) Double Reciprocity Fee Prescribed:** When a reciprocity fee is prescribed in the Reciprocity Schedule for a single-entry visa, then that fee must be doubled when a visa is issued for two applications for admission. In addition to the reciprocity fee prescribed in the Reciprocity Schedule, the machine-readable visa (MRV) fee listed in the Schedule of Fees in 22 CFR 22.1 must also be paid, but the MRV fee is not to be doubled. Only one machine readable visa (MRV) fee listed in the Schedule of Fees in 22 CFR 22.1 is collected even when a visa is issued for two applications for admission.

## 9 FAM 403.9-4(E) (U) Maximum Initial Periods of Admission and Extension of Stay

(CT:VISA-568; 04-06-2018)

**(U)** Department of Homeland Security (DHS) regulations and Operations Instructions permit a maximum initial period of admission for nonimmigrants as follows:

CATEGORY	MAXIMUM INITIAL PERIOD OF ADMISSION	EXTENSION OF STAY
A-1	Duration of Status	Renewal of accreditation by the Department of State pursuant to a request from a foreign government. No fee.
A-2	Duration of Status	Renewal of accreditation by the Department of State pursuant to a request from a foreign government. No fee.
A-3	3 Years	An extension is granted in increments of two years. Form I-566, Interagency Record of Request - A, G or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G or NATO Status to the Department of State. Form I-539, Application to Extend/Change Nonimmigrant Status Fee: \$300.
B-1	1 Year	Extensions granted for up to 6 months. For application of a religious denomination, up to 1 year. Form I-539, Fee: \$300.
B-2	1 Year (minimum = 6 months)	Extensions granted in increments of up to 6 months, dependents of Canadian TCs, up to 1 year. Form I-539, Fee: \$300.
Visa Waiver	90 days	Not entitled to extension.
Guam Visa	15 days	Not entitled to extension.
C-1	29 days	Not entitled to Extension.
C-2	Duration of Status at U.N.	Not entitled to extension unless otherwise indicated in consular notification, INA 212(d) (3) authorization or Department Of Homeland Security (DHS)/CO instruction.

C-3	29 days	Not entitled to extension.
D	29 days	Not entitled to extension.
E-1	2 years	Submit Form I-129, Petition for a Nonimmigrant Worker Free: \$320, Petition for Nonimmigrant Worker, along with E supplement and Form I-539, Fee: \$300, Application to Extend or Change Status, for accompanying relatives.
E-2	2 years	Submit Form I-129 for Nonimmigrant Worker, along with E Supplement, Fee: \$320, and submit Form I-539 or accompanying relatives. Fee: \$300.
F-1	Duration of status	Your Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status - for Academic and Language Students can be extended by the designated school official. Form I-20 extension should be filed along with your passport, Form I-94, Arrival-Departure document, a letter stating the reason for your extension.
F-2	Duration of status of F-1	As long as the principal F-1 maintains status as a student the F-2 is not required to seek extension of stay.
G-1	Duration of status	Not applicable.
G-2	Duration of status	Not applicable.
G-3	Duration of status	Not applicable.
G-4	Duration of status	Not applicable.
G-5	3 Years	Extensions granted in increments of up to 2 years. No Fee.
H-1B	Validity period of petition not to exceed 3 years, plus up to 10 days before and after validity period	Can be extended for a total stay of 6 years. Form I-129, Fee: \$320. Family members must file Form I-539, Fee: \$300.
H-2A	Validity of petition, plus up to one week before and 10 days after the validity period	The employer may apply for re-certification for an additional two years with one year extensions, but on each new application, the employer must justify the reason for the renewal request. Form I-129 Fee: \$320.
H-2B	Validity period of petition (date to which labor certification is valid or 1 year), plus up to 10 days before and after the validity period	The employer may apply for re-certification for an additional two years with one year extensions, but on each new application, the employer must justify the reason for the renewal request. Form I-129 Fee: \$320.
H-3	Validity of petition not to exceed 2	You may not apply for extension of stay on H-3 visa. Upon the completion of the period of



	years plus up to 10 days before and after the validity period	stay you are must leave the U.S. as there is no extension facility for this visa.
H-4	Duration of status of H-1, H-2, H-3	Extension may be granted as long as the principal H visa holder maintains status. Form I-539, Fee: \$300.
I	Duration of Employment	Extensions of stay, in one year increments, may be granted as long as you continue in the same position or activity for which you were originally granted I status. Form I-539, Fee: \$300.
J-1	Period specified in Form DS-2019, plus 30 days	Extensions may be granted as long as it is necessary to complete the program. J-1 visitors must contact the responsible officer of their program for information on extensions.
J-2	Duration of status of J-1	Extension of stay depends on the principal J-1 visa extension.
K-1	90 days	Not entitled to extension, must get married within 90 days.
K-2	90 days	Not entitled to extension, if parent does not get married within 90 days, must depart within 30 days.
L-1	As authorized in petition, but not to exceed 3 years	Extensions of two years at a time may be allowed until you have been in the U.S. for a total of seven years if you are a manager or executive. Form I-129 and L Supplement, Fee: \$320
M-1	Period to complete course of study on I-20 M plus 30 days, or 1 year, whichever is less	You may apply for extension of stay on M-1 visa after the completion of your studies to pursue practical training. If approved, you will be allowed to have one month of practical training for every four months of study you have completed. You will be limited to six months total practical training time. Form I-539, Fee: \$300.
M-2	Duration of status of M-1	Form I-539, Fee: \$300.
N-8	3 Years	Form I-539, Fee: \$300.
N-9	3 years	Extensions granted in increments of up to 3 years, Form I-539, Fee: \$500.
NATO-1	Duration of status	Not applicable.
NATO-2	Duration of status	Not applicable.
NATO-3	Duration of status	Not applicable.
NATO-4	Duration of status	Not applicable.
NATO-5	Duration of employment in U.S. with NATO member	Not applicable.
NATO-6	Duration of employment in U.S.	Not applicable.

	with NATO member	
NATO-7	Duration of status if employed by NATO-1 through 4; 2 years if employed by NATO-5 or 6	None (If employed by NATO-5 or 6, extensions granted in increments of not more than one year).
TD	1 year	Form I-539, Fee: \$300.
TN	3 years	Extensions granted for up to one year. Form I-129, Fee: \$320.

## 9 FAM 403.9-5 (U) ANNOTATIONS

### 9 FAM 403.9-5(A) (U) Annotating Visas

*(CT:VISA-568; 04-06-2018)*

- a. **(U)** Annotating visas is a useful tool that can help both the visa holder and immigration inspectors at ports of entry (POE). In many circumstances, the Foreign Affairs Manual (FAM) requires you to annotate visas. Annotations also provide CA and others (through the Consular Consolidated Database (CCD)) with information, both current and historical, and may be the only manner in which certain information is collected in an electronic format. Understanding when to annotate and when not to annotate a visa, and what information should or must be included, is important in making annotations effective.
- b. **(U)** A visa annotation is a simple and useful method to convey information about a visa applicant and the circumstances under which a visa was issued, explain the circumstances or assumptions on which the visa decision was based, or clarify key factors which were considered at the time of adjudication. The information contained in a visa annotation should help facilitate an immigration inspector's decision on whether or not to admit the visa holder to the United States, and, if to admit, for how long. See [9 FAM 402.3-4\(H\)](#).
- c. **(U)** Annotations should be concise and should be understandable to persons outside the Department. Abbreviations may be used, but they must be clear and self-evident. You should not use jargon or shorthand. Annotations should always be constructive and informative. You should carefully review annotations to avoid conveying a negative tone.

### 9 FAM 403.9-5(B) (U) Annotating B-1 Visas

*(CT:VISA-380; 06-12-2017)*

- a. **(U) Employees of Foreign Airlines:** When issuing a B-1 visa to an employee of a foreign airline who is precluded from E-1 classification pursuant to [9 FAM 402.2-5\(E\)\(2\)](#), you must place the following notation in the annotation field of the MRV:  
EMPLOYEE OF (Name of Airline)
- b. **(U) Domestic Employees:** When issuing a B-1 visa to a domestic employee of a nonimmigrant alien or of a U.S. citizen pursuant to [9 FAM 402.2-5\(D\)](#), you must place the following notation in the annotation field of the MRV:  
PERSONAL OR DOMESTIC EMPLOYEE OF NONIMMIGRANT APPLICANT (EMPLOYER'S NAME)

or

PERSONAL OR DOMESTIC EMPLOYEE OF U.S. CITIZEN  
(EMPLOYER'S NAME)

- c. **(U) Visiting Ministers Engaged in Evangelical Tour:** When issuing a B-1 visa to a minister proceeding to the United States to engage in an evangelical tour who does not plan to take an appointment with any one church, and who will be supported by offerings contributed at each evangelical meeting pursuant to [9 FAM 402.2-5\(C\)\(1\)](#), you must place the following notation in the annotation field of the MRV:

MINISTER OF RELIGION ON EVANGELICAL TOUR

- d. **(U) Peace Corps:** Posts must insert the designation "PEACE CORPS" in the annotation field of the MRV issued to an applicant who is proceeding to the United States under the Peace Corps Act (75 Statute 612).

- e. **(U) Persons Who Present a Letter Indicating They Need a Transportation Worker Identification Credential (TWIC):**

- (1) **(U)** You must annotate the visas of persons who present letters indicating they require Transportation Worker Identification Credentials (TWIC) with "TWIC letter received" to assist the Transportation Security Administration (TSA) to adjudicate TWIC applications. This annotation allows the bearer to apply for a TWIC in the United States, but it does not have any bearing on whether TSA will provide the applicant a TWIC. TSA conducts a full security threat assessment on each individual applicant, adjudicates the results, and makes an informed decision to grant or deny a TWIC based on a comprehensive enrollment. Additionally, once presented with a TWIC, Maritime Transportation Security Act-regulated ports and facilities determine all access. You should scan the TWIC letter into the CCD as part of the case record. (See [9 FAM 403.9-5\(B\)](#) paragraph e(2) below.)

- (2) **(U)** Transportation Worker Identification Credential (TWIC) Request Letter:

[Company Letter Head]

[Date]

United States Consulate

[Address]

RE: Transportation Worker Identification Credential (TWIC) Annotated B-1 Visa

Dear Sir or Madam:

This letter is to confirm that [First & Last Name] is currently employed by [Company Name]. [His/Her] employment with us began on [Month, Day, Year]. [He/She] holds the position of [Position Name]. [Mr./Mrs./Ms.] [Last Name] is a citizen of [name of country].

[Mr./Mrs./Ms.] [Last Name] intends to perform service in secure port areas and is requesting a B-1 visa. [His/Her] job involves tasks that require access to secure areas of a Maritime Transportation Security Act (MTSA) regulated vessel, facility, or outer continental shelf facility. The duration of this work assignment is expected to be [number of days/weeks/months]. The specific port areas and/or vessels at which Mr./Mrs./Ms. [Last Name] will be working are [name of facility(ies)/vessel(s), City(ies), and State(s)]. Therefore, a "TWIC LETTER RECEIVED" annotated B-1 visa is requested.

Please contact me at [Phone Number] directly should your office require any further information.

Sincerely,

[Name]

[Company Name]

[Signature]

## 9 FAM 403.9-5(C) (U) Annotating Academic ("F") and Nonacademic ("M") Student Visas

*(CT:VISA-368; 05-30-2017)*

- a. **(U) School Not Yet Selected:** If an applicant is undecided about which school he or she will attend (see [9 FAM 402.5-5\(R\)\(3\)](#)), you must issue a B-2 visa with a notation reading:

PROSPECTIVE STUDENT  
SCHOOL NOT YET SELECTED

- b. **(U) Admission for School Entrance Examination or Interview:** If a prospective student is entering the United States for an admission interview or entrance examination (see [9 FAM 402.5-5\(R\)\(3\)](#)), you must issue a B-2 visa with an annotation reading:

PROSPECTIVE STUDENT  
ADMISSION INTERVIEW  
or  
PROSPECTIVE STUDENT  
SCHOOL ENTRANCE EXAMINATION

- c. **(U) Tourists Engaging in Short Study Course:**

- (1) **(U)** For applicants whose primary purpose of travel is tourism, who, during their visits will incidentally engage in a short course of study, you must annotate the visa to read:

STUDY INCIDENTAL TO VISIT Form I-20,  
Certificate of Eligibility for Nonimmigrant (F-1) Student Status for Academic and Language  
Students NOT REQUIRED

- (2) **(U)** You must limit the number of entries to those required for participation in the specific tour-study program. (See [9 FAM 402.2-4\(A\)](#) paragraph (6).)

## 9 FAM 403.9-5(D) (U) Annotating "J" Visas-Exchange Visitors

*(CT:VISA-368; 05-30-2017)*

- a. **(U) Agency for International Development (AID) Grantees:** On every visa issued under AID Program G-2-0263, including the visas of family members of the principal applicant, you must place the following notation in the annotation field of the MRV:

SPONSORED BY AGENCY FOR INTERNATIONAL DEVELOPMENT (AID),  
DEPARTMENT OF STATE

- b. **(U) Annotation Regarding Foreign Residence Requirement:**

- (1) **(U)** Posts must place the following notation on each "J" visa issued:

BEARER IS SUBJECT TO SECTION 212(e).  
TWO YEAR RULE DOES APPLY (Name of country)

or

BEARER IS NOT SUBJECT TO SECTION 212(e).  
TWO YEAR RULE DOES NOT APPLY (Name of country)

- (2) **(U)** After the word “apply,” you must annotate the name of the country that would satisfy the two-year residence and physical presence requirement if applicable. The country will in most instances be that which issued the applicant’s passport.

## 9 FAM 403.9-5(E) (U) Annotations of Visas Requiring Petitions

*(CT:VISA-368; 05-30-2017)*

- a. **(U)** For visas which require petitions (except K visas - see [9 FAM 402.7](#) for information on annotating K visas), posts must enter the following in the petition screen:
- (1) **(U)** Petitioner’s name;
  - (2) **(U)** Approved petition number;
  - (3) **(U)** Visa classification; and
  - (4) **(U)** Expiration date of the petition.
- b. **(U)** The name of the principal applicant should appear in the annotation field on the visa of each family member who is deriving status from the principal. For example:
- P.A.: JOHN DOE  
 PET. NAME: HEALTHY LIFE, INC. PET. NO. LIN9517750446  
 PET. EXP. DATE: 04 MAY 1996
- c. **(U)** For the annotation requirements for Individual L visas please see [9 FAM 402.12-7\(D\)](#) and [9 FAM 402.12-8\(F\)](#) for Blanket L visas.
- d. **(U)** If you limit the validity of an H, L, O, P, or Q visa to less than the period of validity on the petition or authorized extension of stay, you must also enter the following in the annotation field:
- (PETITION VALID/STAY AUTHORIZED) (as applicable)  
 TO: DATE
- (See [9 FAM 402.12-17\(B\)](#) and [9 FAM 402.13-10\(G\).](#))

## 9 FAM 403.9-5(F) (U) Annotations Related to Grounds of Ineligibility Overcome and Waivers of Ineligibility

*(CT:VISA-368; 05-30-2017)*

- a. **(U) Overcoming a Ground of Ineligibility:**
- (1) **(U)** When issuing a visa to an applicant who has overcome a refusal or quasi-refusal under an INA 212(a) ground of ineligibility, you must enter the following notation in the annotation field:
- CLASS (code for specific ground of refusal) OVERCOME;  
 Clearance received (date): Reference CCD Notes
- (2) **(U)** You should make the notation even if you have requested a deletion from CLASS or the Department has notified you that it will make a CLASS deletion. (See [9 FAM 303.3-4\(D\).](#))
- b. **(U) 222(G) Exemption:** You should annotate nonimmigrant visas (NIVs) issued to aliens exempted from INA 222(g):

"INA Section 222(g) overcome under extraordinary circumstances".

c. **(U) Annotation in INA 212(d)(3)(A) Waiver Cases:**

- (1) **(U)** You must annotate visas to reflect instances in which applicants have had grounds of ineligibility either overcome or waived. Your failure to annotate the visa properly can cause extreme hardship for the alien traveler.
- (2) **(U)** When the Department of Homeland Security (DHS) waives a ground of exclusion under INA 212(d)(3)(A), you must enter the notation "212(d)(3)(A)" in the annotation field followed by the number of the paragraph of INA 212(a) that has been waived. You should annotate the duration of stay authorized, the POE (if applicable), and an indication of the purpose of the visit, as follows:

212(D)(3)(A): (6)(C) 4 WEEKS-N.Y., N.Y.  
CONFERENCE: HAPPY MOTORING COMPANY

- (3) **(U)** If DHS grants a waiver for multiple entries, a notation of the initial POE is sufficient, if specified in the waiver order. In addition, you must ensure that the visa's period of validity does not exceed that of the waiver.

d. **(U) Permission Required by Department of Homeland Security (DHS) Washington District Office for Itinerary Changes or Extension of Stay:**

If DHS or the Department notifies you that the Washington District Office must grant permission for any change in itinerary or extension of stay, you must insert the abbreviation "WAS" in the annotation field on the machine readable visa (MRV) regarding the INA 212(d)(3)(A) authorization. For example:

212(3)(A):(9)(6)(C) WAS-4 MONTHS NEW YORK, N.Y.  
CONFERENCE HAPPY MOTORING COMPANY

e. **(U) Number of Entities and/or Period of Validity Authorized by Waiver Exceeds Reciprocity:**

If DHS grants a waiver for more entries or a longer period than the appropriate visa reciprocity schedule specifies, posts must issue the visa only up to full validity, the number of entries and validity period listed in the reciprocity schedule on CAWeb. You may issue subsequent visas in such cases until the waiver period has expired.

- f. **(U) Alien Previously Deported or Removed:** If DHS has granted consent to reapply for admission after the exclusion or deportation of an alien, you must insert the following notations in the annotation field:

INA 212(a)(9)(A) or INA 212(a)(9)(B)

as applicable, and

PERMISSION TO REAPPLY FOR ADMISSION GRANTED.

g. **(U) Annotating Visas for Medical Reasons:**

- (1) **(U) For All Nonimmigrant Visas (NIV) Except V Visas:** In the following cases, you should annotate the nonimmigrant visa (NIV) as indicated when the medical examination discloses a:

- (a) **(U)** Class A tubercular or other condition and a INA 212(d)(3)(A) waiver has been granted:

"MED: Class A: 212(d)(3)(A)"; or

- (b) **(U)** Class B tubercular conditions or Class B leprosy, non-infectious:

"MED: Class B".

- (2) **(U) For Nonimmigrant V Visas - Tubercular Cases:** In the following cases, you should annotate the nonimmigrant visa (NIV) as indicated when the medical examination discloses a:
- (a) **(U) Class A tubercular or other condition and a INA 212(d)(3)(A) waiver has been granted:**  
 "MED: Class A: DD-MM-YY (date of visa issuance)  
 212(d)(3)(A): (a)(1)(A)(i)  
 \_\_\_\_\_ (port of entry)"; or
- (b) **(U) Class B tubercular conditions (but not for any other Class B conditions):**  
 "MED: Class B (TB): DD-MM-YY (date of visa issuance)"

## 9 FAM 403.9-5(G) (U) Annotations Related to Consular Lookout and Support System (CLASS) Hits and Grounds of Ineligibility Overcome

*(CT:VISA-368; 05-30-2017)*

- a. **(U) Consular Lookout and Support System (CLASS) Hits:** You may annotate visas for persons whom the Department has cleared of exact matches for a CLASS hit, "NOT SAME AS CLASS ENTRY – see case notes." This annotation is optional and is based on your judgment. You need not specify the CLASS lookout code. You should enter any notes that would help clarify the annotation into the CCD.
- b. **(U) Overcoming a Ground of Ineligibility:**
- (1) **(U)** When issuing a visa to an applicant who has overcome a refusal or quasi-refusal under an INA 212(a) ground of ineligibility, you must enter the following notation in the annotation field:  
 CLASS (code for specific ground of refusal) OVERCOME;  
 Clearance received (date): Reference CCD Notes
- (2) **(U)** You should make the notation even if you have requested a deletion from CLASS or the Department has notified you that it will make a CLASS deletion. (See [9 FAM 604.1](#), Automated Visa Systems.)
- c. **(U) Purpose and Duration of Stay When Validity is Limited:**
- (1) **(U)** In general, you should issue maximum-validity visas. (See [9 FAM 403.9-4\(B\)](#).)
- (2) **(U)** When the validity of a visa is limited, you must annotate the visa indicating the applicant's purpose of travel and period of intended stay in the United States. For example:  
 VISIT UNCLE IN SAN FRANCISCO - 3 WEEKS
- (3) **(U)** A visa may be annotated in any case when you determine that the applicant is only nonimmigrant for the purpose of the particular visit for which the visa is issued. You may limit the visa validity in accordance with the guidelines in [9 FAM 403.9-4\(C\)](#) above. Such notations will materially assist DHS inspectors at POEs as well as at the domestic offices of DHS and are encouraged. However, you may not enter negative notations such as:  
 "NO ADJUSTMENT OF STATUS or EXTENSION OF STAY RECOMMENDED."

which questions the visa recipient's veracity and/or tend to tell DHS what to do or what not to do in a given case. Under no circumstances should an annotation prohibit activity in the United States which would be permitted under the visa category, or prohibit the alien from seeking an extension or adjustment of status. These questions are appropriately the responsibility of immigration inspectors and the DHS.

- d. **(U) Nationals of Certain Countries Restricted to Designated Ports of Entry (POEs):** If a visa recipient is restricted to a designated port or ports of entry and/or exit, you should indicate the port(s) in the 88-character field under the "Annotation section" on the MRV. If there is insufficient space to list the number of ports, you should annotate the visa to reflect the page on the reciprocity schedule that lists the ports of entry and/or exit for that country. (For port(s) of entry and/or exit, see the listing for the country concerned on the Visa Reciprocity Schedule on CAWeb.)

## 9 FAM 403.9-6 (U) THE MACHINE READABLE VISA (MRV)

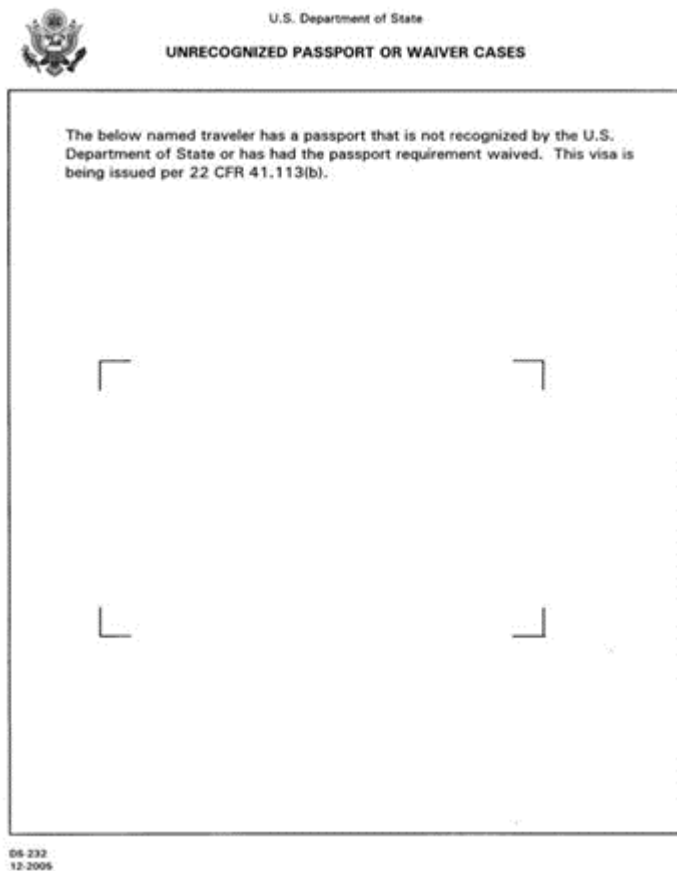
### 9 FAM 403.9-6(A) (U) Information About the Machine Readable Visa (MRV)

*(CT:VISA-184; 09-22-2016)*

- a. **(U) The information on the MRV is printed on an adhesive foil and consists of five sections that:**
- (1) **(U)** Reflect the applicant's biographic data;
  - (2) **(U)** Contain information about the visa itself (visa type, number of entries, date of issuance, and date of expiration);
  - (3) **(U)** Show the 88-character field used for annotating additional information about the recipient, when necessary; (e.g., annotation of a petition number, SEVIS number, etc.);
  - (4) **(U)** Display a digitized photo of the visa recipient; and
  - (5) **(U)** Contain a machine-readable zone (MRZ) consisting of two lines of highly sensitive coded data. Scanners connected to authorized computer networks can read the data located in the MRZ and instantly recall records associated with the MRV. Damage to either line may prevent the scanner from reading the data, requiring manual data-entry before processing, which could lead to delays at ports of entry. You should instruct MRV recipients to take care with their MRVs, avoiding folding the foil, and preventing contact between the foil and objects that could damage it, such as paper clips, staples, etc.
- b. **(U) Separate Machine Readable Visa (MRV) for Each Applicant:** You must issue a separate MRV to each qualified applicant, even when the same passport includes multiple applicants. Therefore, a passport must contain at least one unmarked page for each visa issued. When possible, the page opposite the visa-ed page should also remain unmarked. This will provide space for the Customs and Border Protection (CBP) officer at the POE to annotate and/or stamp the applicant's passport at the time CBP admits the applicant into the United States.







d. **(U) Scanning the Machine Readable Visa (MRV):**

- (1) **(U)** After the MRV has been placed in the travel document, you should perform quality assurance (QA) on the visa to ensure that the coded data are error-free. You should take the following steps in scanning an MRV:
  - (a) **(U)** You should place the visa-ed page face down on the left side of the QA reader with the coded data lined up against the border guide;
  - (b) **(U)** You should then pass only the page containing the visa through the reader; and
  - (c) **(U)** You should then swipe the passport manually toward the reader's opening, from left to right.
- (2) **(U)** The QA reader will feed the passport through the reader while you hold the passport. If the coded data are error-free, the reader will display a green light. If a red light appears, this indicates an error in the visa that you must correct before returning the passport to its owner.

## 9 FAM 403.9-7 (U) REPORTING ISSUED VISAS AS LOST OR STOLEN

*(CT:VISA-481; 01-02-2018)*

- a. **Unavailable**
- b. **Unavailable**

- c. **Unavailable**
- d. **Unavailable**
- e. **Unavailable**
- f. **Unavailable**
- g. **Unavailable**
- h. **Unavailable**
- i. **Unavailable**
- j. **(U)** If there are fraud indicators, the case should also be referred to post's FPU.
- k. **(U)** Refer to [9 FAM 504.10-5\(A\)](#) for additional information on reporting LASP immigrant visas and boarding foils.

## **9 FAM 403.9-8 (U) MAINTENANCE OF STATUS AND DEPARTURE BOND**

*(CT:VISA-368; 05-30-2017)*

**(U)** The second proviso to INA 221(g) provides for the posting of the maintenance of status and departure bond only in cases of applicants for B or F visas. The posting of such a bond should be required of an applicant only if the consular officer is not fully satisfied that the applicant will maintain visitor or student status in the United States and depart as required. Under no circumstances should a consular officer rely on such a bond as a substitute for a reasoned judgment with respect to the applicant's eligibility for a visa.

### **9 FAM 403.9-8(A) (U) Bonds Should Rarely Be Used**

*(CT:VISA-368; 05-30-2017)*

- a. **(U)** Although 22 CFR 41.11(b)(2) permits consular officers, in certain cases, to require a maintenance of status and departure bond, it is Department policy that such bonds will rarely, if ever, be used. The mechanics of posting, processing and discharging a bond are cumbersome, and many Department of Homeland Security (DHS) offices are reluctant to accept them. In addition, the nature of the bond can often lead to misunderstanding and confusion, especially in countries where surety bonds are uncommon. The result can be a public misperception that the consular officer has actually requested a bribe in order to issue the visa.
- b. **(U)** Bonds are not effective guarantees of departure. In an era when some potential migrants are willing to pay thousands of dollars for false documents or smugglers' services, possible forfeiture of a bond is little deterrence, and sometimes might be cheaper than other means of illegal entry. If an applicant is likely to violate status or fail to return to his or her residence abroad, the officer should refuse the visa under INA 214(b).
- c. **(U) Department Approval Required:** You must obtain approval from the Department (CA/VO/F) before requesting that an applicant post a maintenance of status and departure bond.

## 9 FAM 403.9-8(B) (U) Procedures Relating to Bonds

*(CT:VISA-368; 05-30-2017)*

**(U)** The maintenance of status and departure bond is to be posted with the DHS district director having jurisdiction over the area of the United States in which the applicant proposes to visit or pursue a course of study. After acceptance by the DHS, the bond is valid for 1 year. Bonds are normally required in amounts ranging from a minimum of \$1,000 to a maximum of \$5,000 in increments of \$500. In considering applications by a family group, the consular officer may require the posting of a bond by all, some, or only one of the applicants.

- (1) **(U) Notification to Applicant:** When a bond is to be required of an applicant for a B or F visa, the consular officer must notify the applicant in writing of the requirement, and specify both the classification of the visa under consideration and the exact amount of the bond required. This notification must also include the applicant's full name, nationality, date of birth, and country of birth. If a bond is to be required of more than one member of a family group, the consular officer's notification must include all of the foregoing information for each person for whom a bond is to be required. The amount of the bond for each person is to be specified. The applicant, (or the applicant's representative in the United States), is to be instructed to submit the original, or a copy of the consular officer's written notification to the DHS as explained below.
- (2) **(U) Form of Collateral:** A bond may be posted in the form of cash (U.S. currency only), U.S. Treasury Bonds or Notes, or an international or domestic postal money order made payable to the "Department of Homeland Security" (DHS) in U.S. dollars. U.S. Savings Bonds are not acceptable for this purpose.
- (3) **(U) Posting of Bond by Applicant:** An applicant who wishes to post the bond personally may write directly to the appropriate DHS district director, enclosing the notification from the consular officer.
  - (a) **(U)** Upon receipt of such a request, the district director prepares Form I-352, Immigration Bond, in duplicate, and transmits it to the applicant for signature. The applicant should sign the form at the consular office in the presence of two national employees as witnesses. The applicant must also execute the block captioned "PLEDGE AND POWER OF ATTORNEY FOR USE WHEN CASH IS DEPOSITED AS SECURITY." The consular officer must witness the execution of this block and affix the consular seal. The consular officer must then return Form I-352 to the appropriate DHS district director.
  - (b) **(U)** If the applicant will post the bond personally, but does not have, or does not desire to obligate the full amount required, he or she may also consult a foreign insurance or indemnity company to have the bond posted by an approved surety company in the United States. In this case, the consular officer's notification is to be sent to the surety company for presentation to the appropriate DHS district director. A representative of the surety company will complete Form I-352.
- (4) **(U) Posting of Bond by Interested Person in the United States:** If the applicant has a friend, relative, or other interested person in the United States who is prepared to post the bond, the applicant should send the consular officer's notification to that person for presentation to the DHS district director.

- (5) **(U) Bond Posted and Accepted Prior to Visa Issuance:** After requiring the posting of a bond, the consular officer may not issue a visa to the applicant prior to the receipt of notification from the appropriate DHS district director that the bond has been posted and accepted.
- (6) **(U) Limitation on Visa Validity:** You must limit visas for which a bond has been required and posted to one entry and 6 months validity. This will enable the Department of Homeland Security (DHS) to cancel bonds upon request without communicating with the visa-issuing post. See [9 FAM 403.9-4\(C\)](#) regarding the limitation on visa validity when a bond has been posted, and 22 CFR 41.61(c) relating to F visas.
- (7) **(U) Notations to be Placed in Visa Issued to Applicant for Whom Bond Posted:** In cases where a maintenance of status and departure bond has been posted, place the following in the annotation field of the MRV:  
INA 221(g) BOND, A-(NUMBER ASSIGNED BY Department of Homeland Security (DHS)  
(LOCATION OF Department of Homeland Security (DHS) OFFICE ACCEPTING BOND)
- (8) **(U) Cancellation of Bond After Issuance of Visa:**
- (a) **(U)** If an interested person in the United States has posted a bond on behalf of an applicant and subsequently seeks to withdraw or cancel the bond before the applicant departs for the United States, the DHS district director will direct the interested person to have the applicant visit the consular office for cancellation of his or her visa. Upon cancellation of the visa, the consular officer should inform the district director of the visa cancellation so that the bond may be canceled and the collateral returned to the interested person.
- (b) **(U) Notify DHS When Visa Cancelled:** In some cases the sponsor may request, prior to the alien's departure, that the alien's visa be canceled in order to withdraw the bond. The consular officer, after physically canceling the visa, should notify by email the DHS office at which the bond was posted so that the bond may be canceled and the money released. The email should contain the applicant's full name, date and place of birth, nationality, the amount of the bond, the applicant's "A" serial number (shown on DHS notification of bond posting), and the date on which the visa was actually canceled. The consular officer should make an appropriate notation in the nonimmigrant visa (NIV) record to show that the visa was canceled.
- (9) **(U) Cancellation of Bond After Applicant's Departure from the United States:** In some cases in which DHS has no record of the departure of an applicant for whom a bond was posted, the district director may request that the applicant appear before a consular officer abroad to verify that he or she has, in fact, returned to a foreign country. In these cases, the officer should confirm to the district director that the applicant has departed the United States, and should furnish the date of departure as stated by the applicant, and indicate any confirming data that would serve to verify that date.
- (10) **(U) Forfeiture of Bond:** The maintenance of status and departure bond is not forfeited unless the alien violates status in the United States. A change of nonimmigrant status pursuant to INA 248 or adjustment of status pursuant to INA 245 does not result in forfeiture so long as the alien complies with the terms and conditions of the status in which the alien was admitted or to which the alien later changed or adjusted.

