



# **U.S. Visas for Students**

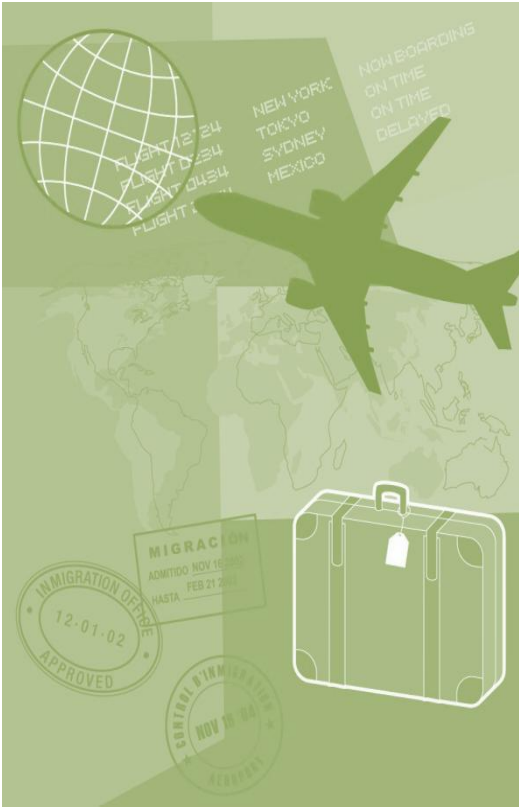
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# WHO NEEDS A VISA?





# What is Status?

Departure Number

702897636 10

Immigration and  
Naturalization Service

U.S. IMMIGRATION  
SFR 3056  
ADMITTED

I-94  
Departure Record

FEB 02 2004

CLASS UNTIL J1 ~~01/01/05~~

14. Family Name	
15. First (Given) Name	16. Birth Date (Day/Mo/Yr) 070878
17. Country of Citizenship LAND	

See Other Side

STAPLE HERE

For nonimmigrant visa holders:

Permission to stay in the United States for a set period of time.





# Who Needs a Visa?

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- Obvious Cases:
  - Anyone coming to the U.S. for the first time in F, J, M, H1B status (exception for Canadians)
  - Any F, J, M, H1B visa holder with an expired visa
  - Anyone who entered the U.S. in one status but changed to another (e.g., B2 to F1)
- Not so Obvious Cases:
  - Overstays
  - F1 and M1 and 5 month rule (9 FAM 41.61 Note 17.4)
  - J1s transferring to a new institution (9 FAM 41.62 Note 8.7)





# The Visa Process

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- The process can vary from consulate to consulate, but the underlying law and guidance does not.
- F and M visa applicants may obtain a visa up to 120 days before their “report date” listed on the Form I-20 and may apply even earlier. **APPLY EARLY.**
- J1 exchange visitors have no regulatory defined timeframe for application.





# The Visa Application

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1. Applicant receives appropriate document (I-20, DS-2019, I-797) from hosting institution.
2. Applicant makes an interview appointment at the nearest U.S. consular post and completes the application form, DS-160. Almost all NEW visa applicants must have an in-person interview.
3. Applicant pays SEVIS fee (if applicable).





# The Visa Application (cont)

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- Students and exchange visitors may receive an expedited appointment
- Information on the application process and wait times <http://travel.state.gov/visa>





# The Visa Application (cont)

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**APPLY EARLY**





# What Documents to Bring

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- Form I-20 (F/M), DS-2019 (J), I-129 petition copy
- DS-160 confirmation page
- Passport
- Photo





# Visa Application Fees

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- \$140 Application Fee (Machine Readable Visa Fee)/\$150 for petition-based cases
- SEVIS (Student and Exchange Visitor Information Service) Fee for F, M, and most Js
- Reciprocity Fee, if applicable





# Visa Interview

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- Check website for the consular post regarding special instructions for visiting
- Pre-Interview Processing
  - Data Entry
  - Fee Collection
  - Fingerprint Check
  - SEVIS and PIMS Check





# Consular Officers Must Consider:

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- INA, CFR, FAM
  - INA 214(b) Presumption of Immigrant Intent
  - Whether the applicant is entitled to nonimmigrant status under INA 101(a)(15)
- English language ability
- Funds
- Validation studies, fraud trends, knowledge of culture/politics/economy
- Each case is unique
- Burden of proof is on the applicant





# Decisions:

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- INA 214(b) is the most common ground of refusal for F, M, and J visa applicants.
  - A visa applicant “...shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa...that he is entitled to nonimmigrant status under section 101(a)(15).”
- INA 221(g) – refusal for additional information or administrative processing
- INA 212(a) - ineligibilities





# Possible Outcomes

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- Visa Approved
- Visa Denied





# Administrative Processing

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- “Administrative processing” is the term we use to encompass any further review of a case beyond the interview. It may include confirmation of the petition, clarification of legalities, or any number of other questions a consular officer must resolve before a visa can be issued.
- Administrative processing is unique to the circumstances of each application. Therefore, it is impossible for us to give a time frame for administrative processing to be completed on any application.





# Advocating for the Applicant

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- Prepare the applicant
  - The interview is a conversation, not a document review
    - Provide applicants with an overview of concepts such as intent to return home and eligibility for nonimmigrant status (INA 214(b))
  - Burden of proof is on the applicant
- Contacting the Consulate
  - Have the applicant bring any additional information to the interview
  - Check website for contact information
  - Not always possible to discuss case beforehand





# Advocating for the Applicant (cont)

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- Learn more about the visa process
  - <http://travel.state.gov/visas>
    - Reciprocity tables
    - List of visa ineligibilities
  - NAFSA Manual
  - Foreign Affairs Manual (FAM)
- Discuss consequence of delay with the visa applicant





# Additional Resources

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- NAFSA Adviser's Manual
  - Requires subscription with fee
- Visa Office Public Inquiries Unit
  - [usvisa@state.gov](mailto:usvisa@state.gov)
- Code of Federal Regulations (CFR) – Chapter 22
  - [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html)
- Foreing Affairs Manual (FAM) – Section 9
  - [www.foia.state.gov/REGS/Search.asp](http://www.foia.state.gov/REGS/Search.asp)
- U.S. Department of State Visa Website
  - [www.travel.state.gov/visa](http://www.travel.state.gov/visa)





# Contacting Us

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- Contact the Consular Post
  - Check website for contact information
  - Determine the basis of refusal
  - Understand law governing release of information  
(INA 222(f))
- Contacting the Visa Office Public Inquiries Division
  - (202) 663-1225
  - [fmjvisas@state.gov](mailto:fmjvisas@state.gov) (for F, M, J visa cases)





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# Questions?

Thank you

