

9 FAM 41.105 NOTES

(CT:VISA-1363; 10-28-2009)
(Office of Origin: CA/VO/L/R)

9 FAM 41.105 N1 SUPPORTING DOCUMENTATION

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- a. If additional data is needed to supplement the information contained on the visa application so that the consular officer can determine the eligibility of an applicant, such data should be obtained by telephone, mail, or during the interview.
- b. Unlike immigrant visa (IV) applicants, nonimmigrant visa (NIV) applicants are not required to submit extensive documentation in support of their cases. You should carefully consider the necessity of requesting or considering additional supporting documentation. *If local documents are unreliable, easily and often forged, or otherwise implausible, you should consider the utility of requiring them of applicants as they add no value to the NIV adjudication.* Remember that the burden of proof for establishing eligibility for the NIV classification lies with the applicant.
- c. You should not use a request for additional documentation as a way to postpone your decision on a case, especially if the documentation you are requesting is not required for that visa category, or not reliable in that country. You should use refusals under INA 221(g) for additional documentation sparingly.
- d. Posts should generally have a policy that officers *review* their own 221(g) cases to ensure consistency in adjudication. It is also a useful training tool, as officers often quickly learn that the additional documentation they request may not assist in making a determination of eligibility.
- e. Pertinent information should be recorded in the case notes, *and* any pertinent documentary evidence submitted by the applicant *should be* scanned into the *applicant's* case. You should avoid routinely retaining documents that may be submitted in support of an NIV application but which do not directly serve to establish the applicant's eligibility. These documents may be returned to the applicant or destroyed.

9 FAM 41.105 N2 RECIPROCITY SCHEDULE

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You should ensure that the information about visa processing and document availability is up to date on the Reciprocity Schedule, which can be found on the Consular Affairs Web site. Send any updates *of* the reciprocity schedule to the Legislation and Regulations Division (CA/VO/L/R).

9 FAM 41.105 N3 BIOMETRICS

(CT:VISA-1028; 09-22-2008)

See 9 FAM Appendix L for guidance on fingerprint and photograph requirements for all visa processing.