

9 FAM APPENDIX F, 100 MAINTAINING ISSUED AND REFUSED VISA FILES

*(CT:VISA-1500; 09-03-2010)
(Office of Origin: CA/VO/L/R)*

9 FAM APPENDIX F, 101 STORING NIV RECORDS - ISSUED OR REFUSED

(CT:VISA-1500; 09-03-2010)

The introduction of the Form DS-160, Electronic Application for Nonimmigrant Visa, and the Form DS-260, Online Application for Immigrant Visa and Alien Registration, will largely eliminate the requirement for posts to maintain paper files of visa records. Those posts that still maintain paper files are no longer required to store more than one year's worth of nonimmigrant visa (NIV) issuances and 214(b) and 221(g) refusal records. Retention periods shorter than one year must be authorized by the *Post Liaison Division (CA/VO/F/P)*. *After a retention period shorter than one year has been authorized, post is then required to scan the refusal records into the Consular Consolidated Database (CCD) prior to shipment to the Kentucky Consular Center (KCC). This will ensure that an electronic file will exist even if the hard copy is lost.* Posts are not permitted to store more than three years' worth of NIV files (issuances or refusals) at post. Posts can coordinate directly with KCC when retiring the files after retaining them for the required retention period. The point of contact e-mail address at KCC is kccof156mgr@state.gov. After KCC receives posts' shipments, KCC will index the files and send them to the National Archives and Records Administration (NARA) for the remainder of the mandatory storage requirement.

9 FAM Appendix F, 101.1 Category One Refusals

(CT:VISA-1012; 09-11-2008)

Posts must electronically scan all unclassified Category I (CAT I) refusal files into the Consular Consolidated Database (CCD) and immediately ship the CAT I paper refusal files to KCC for storage. Currently, KCC retains these files in accordance with the Department of State Foreign Disposition

Schedules. In the near future, KCC will begin shipping NIV CAT I files to NARA for the remainder of the statutory storage requirement. KCC will ship immigrant visa (IV) CAT I files to the United States Citizenship and Immigration Services (USCIS) Benefits Center for archiving by A number. Prior to shipment to KCC, unclassified CAT I refusal files must, at a minimum, be stored in bar-lock cabinets that are secured at the end of each day. Classified Category I NIV refusal files must be stored in combination vaults or safes approved for classified material and retained at post for the remainder of the mandatory storage requirement.

9 FAM Appendix F, 101.2 Filing Category Two Refusals

(CT:VISA-1500; 09-03-2010)

All NIV Category *II* refusal records, except 214(b) and 221(g), should be retained at post for the remainder of the mandatory storage requirement. Posts can coordinate directly with KCC when retiring their 214(b) and 221(g) refusal records after retaining them for one year (see Appendix F, 101.)

9 FAM Appendix F, 101.3 Standards for NIV Records Shipped to KCC

(CT:VISA-1012; 09-11-2008)

- a. All posts must follow these instructions on shipping their NIV records to KCC for processing and storage at NARA:
 - (1) NIV records should be separated by type (Issued or Refused) and packed separately by the Issued or Refused date entered in the CCD;
 - (2) Within each category (issued or refused), applications corresponding to the same date should be stacked flat (e.g., not folded or rolled) into bundles bound with string and once bound in bundles placed side by side within each box. Bundles should not be placed into envelopes or folders nor should they be bound by rubber bands, which deteriorate. The applications do not need to be alphabetized.

NOTE: Each CAT I record should be placed into an individual file folder to clearly distinguish individuals records. (See 9 FAM Appendix F, 103.5 for further CAT I packing directions.)
 - (3) Each bundle must be clearly marked with the post code, the date,

and either ISS (Issued) or REF (Refused). For example, "SDO 11/6/07 REF."

- (a) Large volume posts may have several bundles for the same date for each type of file (ISS or REF). All bundles for the same date must be shipped in the same box(es).
 - (b) Small volume posts may bundle cases by week or even month for convenience of handling but must clearly indicate the beginning and ending range of the bundles.
- (4) Files should be packed into each box consecutively by date.
- (5) Each box MUST be clearly marked on the outside and on an inside flap with the post code, date range, and type of records included. A sheet of paper MUST be placed on top of the records, inside each box with this same information. For example, "BGT 11/1/07-12/10/07 ISS." This paper should include all bundles contained in the box.
- (6) Boxes should be sturdy and secured with strong shipping tape.
- (a) Shipping box dimensions must be 14 ³/₄ inches x 12 inches x 9 inches;
 - (b) Boxes should not exceed 25 lbs in weight; and
 - (c) Boxes should not be over or under packed. No less than 2 inches of free space should be allowed in any one box. This allows enough free space for files to be moved with the box.
- (7) For WHA posts only: Border Crossing Cards (BBCCs) and visa foils should be put into separate bundles. Each bundle must be clearly identified by the batch numbers. For example, for BBCCs: TJN000383832 - TJN000383857. For example, for foils: 72634557 - 72635569. The bundles may be placed into the same box.
- b. Posts may choose the best method of shipping records to KCC (i.e., APO, pouch, etc.). All shipments must be sent to the below address:

Kentucky Consular Center
DS-156 Team
3505 N. Highway 25W
Williamsburg, KY 40769

9 FAM Appendix F, 101.4 NIV Record Retrieval

(CT:VISA-1012; 09-11-2008)

Record retrieval should be an extraordinary step normally taken in response to other agency requests relating to ongoing criminal or terrorist investigations or legal proceedings. Due to the high cost of record retrieval, posts must exercise discretion and are instructed to not request file retrieval for routine fraud program purposes (investigations connected with formal criminal prosecutions are an exception.) When requests are made on behalf of the Bureau of Diplomatic Security (DS) or other agencies, the originator of the request should be clearly identified in the request e-mail. E-mails should be sent to CANIV@state.gov by consular officers, who should identify themselves by title and include specific reasons why the CCD record is inadequate and why the original paper file must be retrieved. Requests must further include applicant's name, date of birth, date of visa application, place of visa application, whether the applicant was issued or denied, and where to send the copy of the file.

9 FAM APPENDIX F, 102 STORING IV/DIVERSITY VISA (DV) RECORDS - ISSUED AND REFUSED

9 FAM Appendix F, 102.1 Issued IV/DV cases

(CT:VISA-1012; 09-11-2008)

Posts shall not maintain any paper record of issued immigrant visas, including diversity visas (DVs). All records for issued cases are retained in the automated system.

9 FAM Appendix F, 102.2 Category One and IV/DV Refusal Cases

(CT:VISA-1012; 09-11-2008)

- a. Posts must electronically scan all unclassified Category I IV/DV refusal files into the CCD and immediately ship the CAT I paper refusal files to KCC for storage. Currently, KCC retains these files in accordance with the Department of State Foreign Disposition Schedules. In the near future, (still to be determined), KCC will begin shipping NIV CAT I files to NARA for the remainder of the mandatory storage requirement. Also in the near future, KCC will ship IV CAT I files to the USCIS Benefits Center for archiving by A number.

- b. Prior to shipment to KCC, unclassified CAT I refusal files must, at a minimum, be stored in bar-lock cabinets that must be secured at the end of each day. Classified Category I immigrant visa (IV) refusal files must be stored in combination vaults or safes approved for classified material and retained at post for the remainder of the statutory storage requirement.

9 FAM Appendix F, 102.3 Filing Category Two IV/DV Refusal Cases

9 FAM Appendix F, 102.3-1 Category Two IV Refusal Cases

(CT:VISA-1012; 09-11-2008)

Category Two IV refusals must be retained through the case termination process. After case termination, the file, including petitions, may be shredded at post or destroyed in the same manner as other controlled and/or classified items.

9 FAM Appendix F, 102.3-2 Category Two DV Refusal Cases

(CT:VISA-1012; 09-11-2008)

- a. Category Two DV refusals should be destroyed at post after one year, in the same manner as other controlled and/or classified items.
- b. At the end of the DV year on September 30, all registered DV files that were not processed due to lack of DV numbers or non-response by applicants may be destroyed in the same manner as other controlled and/or classified items.

9 FAM APPENDIX F, 103 SCANNING OF VISA RECORDS

9 FAM Appendix F, 103.1 Visa Records Requiring Scanning

(CT:VISA-1500; 09-03-2010)

- a. The following visa records **must** be electronically scanned at post: all NIV cases in which a Security Advisory Opinion (SAO) was sent, all new CAT I

refusals, and all cases involving visa referrals. Consular chiefs should ensure that all officers at post understand that a copy of their referral will remain available through the CCD indefinitely.

- b. Posts should, as time allows, scan older files via the Independent Namecheck System (INK) and follow these same guidelines when culling files prior to scanning. Visa refusal files should include the documents listed in Appendix F, 103.

9 FAM Appendix F, 103.2 Document Scanning Requirements

(CT:VISA-1466; 08-09-2010)

- a. For NIV cases involving a SAO, posts must scan the Form DS-156, Nonimmigrant Visa Application, and, if applicable, the Form DS-157, Supplemental Nonimmigrant Visa Application, and Form DS-158, Contact Information and Work History for Nonimmigrant and any other documentation relevant to the case.
- b. For referral cases, posts must scan the DS-156, Form DS-4034, Class A Nonimmigrant Visa Referral or Form DS-4035, Class B Nonimmigrant Visa Referral, and if applicable, the DS-157, and DS-158 and other documentation relevant to the case.
- c. For CAT I refusal cases posts must scan the following:
 - (1) Any application forms or supplemental forms required by the U.S. Government. In NIV cases, this would normally consist of the DS-156, DS-157, and DS-158. For IV cases, this would consist of the Form I-130, Petition for Alien Relative, or other petition (with supporting documents originally submitted to DHS) and the Form DS-230, Application for Alien Immigrant Visa and Registration, Parts I and II;
 - (2) A photograph of the applicant (for cases with a digital photo in the CCD scanning an additional photo is not necessary);
 - (3) U.S. Government-required application forms and photos of all derivative applicants who are dependent upon the principal refused applicant for status; and
 - (4) Any material applicable to the refusal at hand. (See Appendix F 103.4 below.)

NOTE: If the applicant submitted an online application, either Form DS-

160, Online Application for Nonimmigrant Visa, or form DS-260, Electronic Application for Immigrant Visa and Alien Registration, the CAT I refusal case will not contain a copy of any application form.

- d. In cases of IV refusals likely to be overcome or waived within a one-year period, post should retain all material submitted in support of the applicant and required for case issuance so that the case may be processed to completion expeditiously, if the applicant is able to overcome the refusal.

9 FAM Appendix F, 103.3 Scanning New Category I Refusals - OF-194

(CT:VISA-1500; 09-03-2010)

In preparing the refusal file an officer must complete a system-generated Form OF-194, The Foreign Service of the United States of America Refusal Worksheet. Posts should ensure that OF-194 refusal worksheets include sufficient detail to make it clear to the inspector at a point of entry (POE) or other Lookout system user specifically why the applicant was refused. The rest of the files may be scanned by a Foreign Service National (FSN) provided there is no classified material in the file. Post should scan CAT I files within 24 hours of refusing the application. *After the Form OF-194 has been scanned into CCD post may destroy the hard copy.*

9 FAM Appendix F, 103.4 Scanning Mandatory/Retention of Paper Files

(CT:VISA-1012; 09-11-2008)

- a. All CAT I refusal files must be scanned and maintained electronically. This applies to both new cases, which must be scanned as the refusal is entered, and historic cases.
- b. For the time being, the original paper refusal file will be retained for all cases as well, although posts are not required to create a paper record of material, such as refusal notes entered into the automated system. The Department expects that all unclassified hard-copy CAT I files will be stored at KCC for the medium term. Under special circumstances, posts may request authorization to store paper CAT I files at post. Such requests must be submitted by telegram to CA/VO/F/P and must include a justification for retention of the files in the field, along with the certification that post has adequate secure storage space. All requests to retain CAT I files in the field must be cleared by the regional security

officer (RSO).

9 FAM Appendix F, 103.5 Sending Records to KCC

(CT:VISA-1012; 09-11-2008)

- a. The Kentucky Consular Center (KCC) is prepared to perform back-scanning of every post's unclassified CAT I refusal files. Posts that choose to have KCC back-scan their files should send an e-mail to KCCCAT1@state.gov with a detailed description of how many files it expects to ship for scanning. Posts choosing to scan their own files should also send an e-mail to KCCCAT1@state.gov detailing how many files it expects to ship to KCC. For all CAT I records shipped to KCC, posts should include a packing list or inventory for each box. The packing list should include the post code and applicant names and dates of birth for all records included in the box. Each CAT I record should be placed into an individual file folder to clearly distinguish individuals records. Boxes in each shipment should be numbered and a packing list for the entire shipment should be placed in Box 1. Newly scanned cases and cases requiring KCC back-scanning should be packed separately. Additional packing procedures should follow those outlines in Appendix F, 101.1. KCC will coordinate with each post to set an appropriate delivery schedule.
- b. Posts must carefully cull their CAT I files prior to shipping them to KCC for scanning. It is imperative that posts "scrub" the files since KCC's contract personnel are not authorized to remove extraneous documentation from the files prior to scanning (and permanently electronically storing) them. Posts must send only unclassified files to KCC, as there is no classified storage capability at the facility.
- c. Posts that have sufficient resources may wish to scan their own CAT I file holdings at post. The Department has no objection to post back-scanning its own files provided a cleared American oversees the process. While it would normally be appropriate to contract an American family member to complete this task as a short-term project, many of the decisions on what to retain will likely fall to an officer. Even when CAT I files are back-scanned at post, Office of Visa Services (CA/VO) expects these unclassified files to be shipped to KCC for storage. Exceptions are discussed below.

9 FAM Appendix F, 103.6 Limits on Length of Scanned Refusal File

(CT:VISA-1012; 09-11-2008)

- a. Posts should make every effort to maintain all pertinent information while limiting file size to the extent practical. Lengthy files are difficult to utilize in both paper and electronic format.
- b. Post should attempt to limit files to 20 pages of scanned material but may not scan files over 50 pages in length. When files contain lengthy documents, particularly records of foreign judicial proceedings not written in the English language, post should prepare a summary of the document that is no longer than a paragraph in length. This summary should note the official title and date of the document being summarized, and should note that the original document has not been scanned but is being retained in hard copy in the CAT I refusal file.
- c. For older cases, posts are encouraged to draft brief summaries of the basis of the refusal, which can be scanned to act as a guide for users of these records. The Department recognizes drafting these summaries may be a significant workload burden at some posts, but clear and informative electronic records can greatly facilitate the use of this information and prevent the need to call consular officers in to review files in an emergency.

9 FAM Appendix F, 103.7 Labeling Documents in the Electronic System

(CT:VISA-1012; 09-11-2008)

In order to improve the efficiency of accessing scanned files, posts should utilize, as much as possible, the wide range of electronic labels available in INK. Careful labeling makes a tremendous difference when documents are later retrieved.

9 FAM Appendix F, 103.8 Color Versus Black-and-White

(CT:VISA-1012; 09-11-2008)

Text documents should typically be scanned in black and white, unless color enhances the quality or usefulness of the image. Documents containing seals, photographs, and travel documents should typically be scanned in color.

9 FAM APPENDIX F, 104 SHIPMENT OF MICROFICHE RECORDS TO KCC

(CT:VISA-1012; 09-11-2008)

All microfiche CAT I visa refusal records currently retained at post should be shipped to KCC. After KCC receives posts' shipments, they will index the files and store for the remainder of the statutory storage requirement. KCC can be contacted to request retrieval of any records contained on microfiche.