

DIPLOMATIC AND OFFICIAL VISA NEWS

October 2008, Issue 3



As always, if you or someone else in your office or organization would like to be added to our electronic distribution list, please e-mail JordanRL@state.gov. We also continue to welcome your feedback on this newsletter, as well as topics you would like to see addressed in future issues. Please note the December issue will be the last one for a few months, as we will take a short hiatus until at least late April.



Have Questions? First Stop -- Our Webpage

As much as we love receiving your e-mail inquiries and speaking with you during our phone call hours (2-4), please visit our recently expanded webpage, http://travel.state.gov/visa/temp/types/types_1280.html which has answers to a lot of the questions we field on a daily basis. Please consider it your new first stop for official and diplomatic visa questions, before calling or e-mailing us, so we can focus our efforts and time as much as possible on processing applications. We welcome your feedback on any topics we should add to the webpage. Old issues of this newsletter can now be found there, too!

Recent Errors to Avoid

Missing seals on DS-1648 – We cannot accept DS-1648s without seals or diplomatic notes.

Photos must have *white or pale background* and be *taken within the past six months*.

Copies of principal's visa and front and back of I-94 are required for dependents applying separately from the principal visa holder.

A, G, and NATO Visas Trump All Others

An important reminder that the Department of State interprets 22 CFR 41.22(b) and 22 CFR 41.24(b)(4) as requiring any applicant entitled to an A, G, or NATO visa, including spouses and dependent children of principals, to hold that visa class. In other words, the spouse of an A, G, or NATO visa holder cannot hold an L-1 or H-1B (unless the two spouses are residing in separate households). Unmarried children who are dependent on their parents also must continue in (or change to, if their parent does) A, G, or NATO status until they are financially independent or married. Spouses and children of A, G, or NATO visa holders may not change out of A, G, or NATO status as long as they continue to be entitled to A, G, or NATO status.

Applying for Visas Abroad

If we advise someone to apply overseas for a new visa, they must submit a new application as soon as they arrive there to facilitate faster processing. Note: One cannot apply abroad without being physically present in that country.

Changing out of A, G, NATO

If a principal is terminating A, G, or NATO status and they or their dependent wants to change to a non-A, G or NATO nonimmigrant status, they should send two I-566 forms to our office within 30 days of their termination with the Office of Protocol. Along with the I-566s, they should also submit: I-20s if applying for F visas; a job offer or I-797 if applying for a work-based visa (i.e., H or L); or an explanation of how long and why they will stay if applying for a B visa. We use these documents to make our recommendation, then return the endorsed I-566s to you for further processing directly with USCIS.

Overage Dependents

Although there is no age cutoff for unmarried sons or daughters to qualify for derivative A, G, or NATO visas as long as they reside regularly (even if away at school) with a principal, we generally limit their visa validity to 12 months, unless the application is accompanied by a justification of dependency (such as a medical problem that prevents independence).

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