



Foreign Affairs Manual

VOLUME 9 – Visas

Change Transmittal: VISA-1420

Date: April 12, 2010

9 FAM 40.7 NOTES

Changes

1. This Change Transmittal issues updates to **9 FAM 40.7 Notes**. The update in Section N1.1, adds to Section 291 of the INA, the burden of proof is at all times on the applicant, which means the applicant must convince you that he or she is entitled to the requested visa. In Section N1.3, the 214(b) basis of refusal may be overcome if the applicant demonstrates to your satisfaction that he or she lawfully meets and will abide by all the requirements of the particular NIV classification. Also, in Section N1.4, it is important to note that Congress expressly excluded H-1B, L, and V visas from the statutory presumption of immigrant intent contained in INA 214(b).
2. **Change Transmittal** has replaced the term, Transmittal Letter. Change Transmittal was selected as being more appropriate in this age of electronic information transmission. The FAM volume's transmittal acronym and numerical series remains in place.
3. Revisions since the last update appear in *italic* and *dark magenta*. Other than formal titles, the italic will be removed the next time the material is updated. Only current changes will appear in italic. Italics provide a historical record of changes.
4. Officers are reminded that Department-issued materials not codified in the Foreign Affairs Manual or its supplemental Foreign Affairs Handbook series generally have no regulatory validity (see 2 FAM 1115.2).

Filing Instructions (Paper Copies)

1. Remove and discard the old 9 FAM 40.7 Notes (CT:VISA-1413; 03-29-2010, 3 pages) and insert the new 9 FAM 40.7 Notes (CT:VISA-1420; 04-12-2010, 3 pages).
2. After inserting the material in the binder, insert this change transmittal letter immediately following the CT Checklist, then fill in the entry line for

CT:VISA-1420, and initial.

Distribution Notice

1. The Foreign Affairs Manual and Handbooks (unclassified) official version can be found on the State Department's Intranet site.
2. All posts and offices keeping paper versions of the Foreign Affairs Manual are responsible for maintaining the FAM on a current basis (see 2 FAM 1116.5).
3. Use **KFAM** and **AINF** TAGS on **all** communications on FAM/FAH issues; direct questions concerning issuance, validity, and updating to A/GIS/DIR. Direct questions concerning substance and interpretations to the office indicated at the end of this change transmittal letter.

(CA/VO/L/R)