

9 FAM 41.107 NOTES

(CT:VISA-1805; 02-13-2012)
(Office of Origin: CA/VO/L/R)

9 FAM 41.107 N1 SCHEDULE OF FEES

(CT:VISA-1805; 02-13-2012)

The reciprocity fee to be collected for the issuance of a nonimmigrant visa (NIV) is prescribed in the appropriate country-specific reciprocity schedule. These schedules, required by INA 221(c) and INA 281, are based upon the treatment accorded U.S. citizens by the governments of the countries concerned and apply to nationals, permanent residents, refugees, and stateless residents of those countries.

9 FAM 41.107 N2 MACHINE READABLE VISAS (MRV) PROCESSING/APPLICATION FEE

(CT:VISA-1805; 02-13-2012)

In addition to the fee authorized in 9 FAM 41.107 N1, section 140 of Public Law 103-236 authorizes the Secretary of State to collect a surcharge for processing applications for machine-readable nonimmigrant visas (NIV) and machine-readable combined border-crossing cards (*BCC*). The fee is set forth by regulation at 22 CFR 22.1.

9 FAM 41.107 N3 FEE IF ALIEN ENTITLED TO C-2 CLASSIFICATION ACCEPTS OTHER TYPE OF VISA

(CT:VISA-1805; 02-13-2012)

An alien who would be entitled to a C-2 visa without fee, who is issued a visa under any other nonimmigrant classification, must pay the fee, if any, prescribed by the appropriate country-specific reciprocity schedule.

9 FAM 41.107 N4 EXEMPTION FROM VISA FEES

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The regulations in 22 CFR 22.1 provide exemptions from the nonimmigrant visa (NIV) issuance fees in the following instances (see 9 FAM 41.113 PN5.2 for exceptions to the *Machine-Readable Visa* processing fee):

- (1) An official representative of a foreign government (*A visa applicant*) or an international or regional organization of which the United States is a member (*G visa applicant*); members and staff of an observer mission to United Nations (*UN*) Headquarters recognized by the U.N. General Assembly; and applicants for diplomatic visas as defined under item 22(a) in 22 CFR 22.1; and their immediate families (see 9 FAM 41.107 N4.1);
- (2) An applicant transiting to and from UN Headquarters ;
- (3) An applicant participating in a U.S. Government-sponsored program; and
- (4) An applicant traveling to participate in charitable services as determined by the Department.

9 FAM 41.107 N4.1 Official Representatives of Foreign Governments

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No fees are charged for "A" or "G" visas. This includes *reciprocity* and application/*Machine-Readable Visa* fees.

9 FAM 41.107 N4.2 Aliens Engaged in Charitable Activities

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A waiver of the nonimmigrant visa (NIV) application and issuance fees may be obtained for an alien who will be engaged in charitable activities for a charitable organization upon the written request of that organization. The request must claim that the fees will impose a financial burden on the charitable organization. The consular officer must be satisfied that:

- (1) The organization seeking relief from the fees is, if based in the United States, tax-exempt as a charitable organization under the provisions of section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)). If the organization is based outside the United States, it must establish that it is recognized as a charitable

- institution by the government of the country in which it is based under criteria substantially similar to those of section 501(c)(3);
- (2) The charitable activities in which the alien will be engaged in are specified and will be a part of, or will be related to and in support of, the organization's provision of services, including but not limited to health care, food and housing, job training, and similar direct services and assistance to the poor and needy;
 - (3) The request must include the location of the proposed activities and the number and identifying data of each of the alien(s) who will be applying for visas; and
 - (4) The proposed duration of the alien's temporary stay in the United States is to be reasonably consistent with the charitable purpose for which the alien(s) seek to enter the United States.

9 FAM 41.107 N4.3 Visas for Locally Employed Staff (LE Staff) on Official Travel

(CT:VISA-1805; 02-13-2012)

When post is issuing a nonimmigrant visa (NIV) to a locally employed staff member (LE Staff) solely for official travel, the Machine-Readable Visa (MRV) and reciprocity fees (if any) may be waived provided that the LE Staff applicant is issued a limited-validity visa. The visa validity should be limited to encompass only the official travel required. For most official travel this will typically be a three-month, single-entry visa, but validity can be extended if the training is longer or there will be several trips in a relatively short amount of time (such as an LE Staff who must travel several times in a six-month period for conferences or training). If the LE Staff would like a full-validity visa, and is otherwise qualified, post must charge all MRV and reciprocity fees.

9 FAM 41.107 N5 MACHINE READABLE VISA (MRV) APPLICATION FEE

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For the current non-refundable application-processing fee for a *Machine-Readable Visa*, (see 22 CFR 22.1). The method for collecting the fee varies from post to post, and is to be paid separately from the visa reciprocity fee.