

9 FAM 41.113 PROCEDURES IN ISSUING VISAS

*(CT:VISA-1288; 09-10-2009)
(Office of Origin: CA/VO/L/R)*

9 FAM 41.113 RELATED STATUTORY PROVISIONS

(CT:VISA-1288; 09-10-2009)

See INA 221 (a) (8 U.S.C. 1201).

INA 221 (a)

(a) (1) Under the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations issued thereunder, a consular officer may issue (A) to an immigrant who has made proper application therefor, an immigrant visa which shall consist of the application provided for in section 222, visaed by such consular officer, and shall specify the foreign state, if any, to which the immigrant is charged, the immigrant's particular status under such foreign state, the preference, immediate relative, or special immigrant classification to which the alien is charged, the date on which the validity of the visa shall expire, and such additional information as may be required; and (B) to a nonimmigrant who has made proper application therefor, a nonimmigrant visa, which shall specify the classification under section 101(a)(15) of the nonimmigrant, the period during which the nonimmigrant visa shall be valid, and such additional information as may be required.

(2) The Secretary of State shall provide to the Service an electronic version of the visa file of each alien who has been issued a visa to ensure that the data in that visa file is available to immigration inspectors at the United States ports of entry before the arrival of the alien at such a port of entry.

9 FAM 41.113 RELATED STATUTORY PROVISIONS

(CT:VISA-973; 06-12-2008)

See 22 CFR 41.113

41.113 Procedures in issuing visas.

- (a) **Visa evidenced by stamp placed in passport.** Except as provided in paragraphs (b) of this section, a nonimmigrant visa shall be evidenced by a visa stamp placed in the alien's passport. The appropriate symbol as prescribed in 41.12 , showing the classification of the alien, shall be entered on the visa.
- (b) **Cases in which visa not placed in passport.** In the following cases the visa shall be placed on the prescribed Form DS-232. In issuing such a visa, a notation shall be made on the Form DS-232 on which the visa is placed specifying the pertinent subparagraph of this paragraph under which the action is taken.
- (1) The alien's passport was issued by a government with which the United States does not have formal diplomatic relations, unless the Department has specifically authorized the placing of the visa in such passport;
 - (2) The alien's passport does not provide sufficient space for the visa;
 - (3) The passport requirement has been waived; or
 - (4) In other cases as authorized by the Department.
- (c) **Visa stamp.** A machine-readable nonimmigrant visa foil, or other indicia as directed by the Department, shall constitute a visa "stamp," and shall be in a format designated by the Department, and contain, at a minimum, the following data:
- (1) Full name of the applicant;
 - (2) Visa type/class;
 - (3) Location of the visa issuing office;
 - (4) Passport number;
 - (5) Sex;
 - (6) Date of birth;
 - (7) Nationality;
 - (8) Number of applications for admission or the letter "M" for multiple entries;
 - (9) Date of issuance;

- (10) Date of expiration;
 - (11) Visa control number.
- (d) Insertion of name; petition and derivative status notation.
- (1) The surname and given name of the visa recipient shall be shown on the visa in the space provided.
 - (2) If the visa is being issued upon the basis of a petition approved by the Secretary of Homeland Security, the number of the petition, if any, the period for which the alien's admission has been authorized, and the name of the petitioner shall be reflected in the annotation field on the visa.
 - (3) In the case of an alien who derives status from a principal alien, the name and position of the principal alien shall be reflected in the annotation field of the visa.
- (e) **Period of validity.** If a nonimmigrant visa is issued for an unlimited number of applications for admission within the period of validity, the letter "M" shall be shown under the word "entries". Otherwise the number of permitted applications for admission shall be identified numerically. The date of issuance and the date of expiration of the visa shall be shown at the appropriate places in the visa by day, month and year in that order. The standard three letter abbreviation for the month shall be used in all cases.
- (f) **Restriction to specified port of entry.** If a nonimmigrant visa is valid for admission only at one or more specified ports of entry, the names of those ports shall be entered in the annotation field. In cases where there is insufficient room to list the ports of entry, they shall be listed by hand on a clean passport page. Reference shall be made in the visa's annotation field citing the passport page upon which the ports are listed.
- (g) **Delivery of visa.** In issuing a nonimmigrant visa, the consular officer should deliver the visaed passport, or the prescribed Form DS-232, which bears the visa, to the alien or to the alien's authorized representative. Any evidence furnished by the alien in accordance with 41.103(b) should be retained in the consular files, along with Form DS-156, if received.
- (h) **Disposition of supporting documents.** Original supporting documents furnished by the alien should be returned for presentation, if necessary, to the immigration authorities at the port of entry. Duplicate copies may be retained in the consular files or scanned into the consular system.

- (i) Nonimmigrant visa issuances must be reviewed, in accordance with guidance by the Secretary of State, by consular supervisors, or a designated alternate, to ensure compliance with applicable laws and procedures. Visa issuances must be reviewed without delay; that is, on the day of issuance or as soon as is administratively possible. If the reviewing officer disagrees with the decision and he or she has a consular commission and title, the reviewing officer may assume responsibility and readjudicate the case. If the reviewing officer does not have a consular commission and title, he or she must consult with the adjudicating officer, or with the Visa Office, to resolve any disagreement.

(52 FR 42597, Nov. 5, 1987, as amended at 56 FR 30428, July 2, 1991; 61 FR 1523, Jan. 22, 1996; 61 FR 1836, Jan. 24, 1996; 61 FR 53058, Oct. 10, 1996; 62 FR 24334, May 5, 1997; 66 FR 38543, July 25, 2001; 67 FR 66046, Oct. 30, 2002; 71 FR 34522, June 15, 2006; 71 FR 50338, Aug. 25, 2006; 73 FR 23069, Apr. 29, 2008)