

## 9 FAM 41.113 NOTES

*(CT:VISA-1808; 02-23-2012)*  
*(Office of Origin: CA/VO/L/R)*

### 9 FAM 41.113 N1 CHECKING APPLICANT'S NAME AGAINST VISA LOOKOUT SYSTEM

*(CT:VISA-1732; 10-06-2011)*

You must check each applicant's name against the Consular Lookout and Support System (CLASS) prior to issuing a visa. (See procedures in 9 FAM Appendix D, 200.)

### 9 FAM 41.113 N2 VISA ISSUANCE NOTATIONS IN THE CONSULAR CONSOLIDATED DATABASE (CCD)

*(CT:VISA-1808; 02-23-2012)*

- a. You should enter notes in the Consular Consolidated Database (CCD) documenting all visa issuances. Even cases that appear to be routine (official travel, prior visas, history of good travel, etc.) may later develop certain aspects that invite further attention. Factual, brief case notes provide useful context in those cases. Officers should take particular care with any borderline, odd, or high profile cases.
- b. You are not required to enter issuance notes in the comment field of the Form DS-160, Nonimmigrant Visa Application, and you should not duplicate your efforts by doing so.
- c. Issuance notes may assist travelers at the port of entry (POE). *In the event the* Department of Homeland Security/Customs Border Protection (CBP) refers *a traveler* for secondary inspection, *the* Issuance notes may provide CBP *with an* understanding of why *the traveler was* found *to be* eligible for a visa. Clear CCD notes also assist the Visa Office's Public Inquiries Division (CA/VO/P/I) to assist with inquiries into cases that attract outside attention. Good case notes facilitate consular managers' online NIV adjudication review.

## **9 FAM 41.113 N3 ISSUING MORE THAN ONE CONCURRENTLY VALID VISA TO APPLICANT**

### **9 FAM 41.113 N3.1 Applicant Not To Possess More Than One Concurrently Valid Visa of Same Type**

*(CT:VISA-1732; 10-06-2011)*

An applicant is not permitted to possess more than one valid visa of the same classification in the same type of passport (i.e., tourist, official, or diplomatic) at the same time. You should physically cancel such visas whenever you encounter them. You may defer to the applicant's choice of which visa you cancel when circumstances permit.

### **9 FAM 41.113 N3.2 Visas of Different Types for Applicants Proceeding to United States for Different Purposes on Different Occasions**

*(CT:VISA-1732; 10-06-2011)*

If an applicant desires to travel to the United States on different occasions and the principal purpose of entry will not be the same each time, you should issue the applicant, if he or she is qualified, separate visas suitable to each purpose of entry. (For example, C-1 and D and B-2 and F.) Except in the case of a crewman as described in 9 FAM 41.113 N3.3 below, two visas may not be issued concurrently to an applicant who contemplates changing the principal activity after admission without departing from the United States and making a new entry for a different purpose.

### **9 FAM 41.113 N3.3 Issuing Concurrently Valid Visas of Different Types**

*(CT:VISA-1732; 10-06-2011)*

You should require a single NIV application, and collect a single MRV application fee from those applying for more than one visa at a time. You should collect a separate Machine Readable Visa (MRV) fee for each visa issued, except when issuing any combination of nonimmigrant visas (NIVs) on one MRV foil (e.g., B-1/B-2 or C-1/D) or a (B-1/B-2 and a C-1/D when issued simultaneously) visa together to facilitate the entry of crew members (NOTE: This includes crewmen of both sea and air vessels). You should place separate visas in the passport, and collect the prescribed reciprocity fee, if applicable, for each visa issued. (For reciprocity fees, see country concerned in the country specific Reciprocity Schedules.) If appropriate, you

may place the visas in separate travel documents. For example, a crewman might desire, upon arrival, to apply for admission as a temporary visitor while on leave from the vessel, and not as a member of the crew requesting shore leave. In such a case, the crewman would receive a D visa as a member of the crew in his or her seaman's book, which would be valid only for use in connection with service on a vessel. To be admitted as a temporary visitor, the crewman would need to obtain another travel document in which you would place a B visa.

## **9 FAM 41.113 N3.4 Issuing Visas of Different Types to Dual Nationals**

*(CT:VISA-1732; 10-06-2011)*

A dual (or multiple) national who possesses a passport for each country of nationality is permitted to have a visa issued in each passport, provided the visas are of different classification. E-1 and E-2 visas must be issued in the passport of the treaty country. (For a list of countries with which the United States has E-1/E-2 treaty agreements, (see 9 FAM 41.51 Exhibit I)). Validity of "E" visas may be found in the reciprocity schedule under country concerned. In cases in which the United States has formalized a treaty agreement with another country and has not yet established a permanent reciprocity schedule, then you should use the temporary reciprocity schedule.

## **9 FAM 41.113 N4 TRAVEL DOCUMENTS PRESENTED BY NATIONALS OF ENTITIES NOT HAVING FORMAL DIPLOMATIC RELATIONS WITH UNITED STATES**

### **9 FAM 41.113 N4.1 Placing Visas in Travel Documents**

*(CT:VISA-1732; 10-06-2011)*

You may place nonimmigrant visas (NIVs) in travel documents issued by the following entities with which the United States does not have formal diplomatic relations, provided the travel documents otherwise meet the definition of the term "passport" as contained in INA 101(a)(30) and 22 CFR 41.104(a):

- (1) Bhutan;
- (2) Cuba;

- (3) Iran;
- (4) West Bank and Gaza; and
- (5) Taiwan - (except diplomatic and official passports).

## **9 FAM 41.113 N4.2 Not Placing Visas in Travel Documents Unless Authorized**

*(CT:VISA-1732; 10-06-2011)*

You may not place nonimmigrant visas (NIVs) in travel documents issued by the Government of North Korea, with which the United States does not have formal diplomatic relations, unless specifically authorized by the Advisory Opinions Division (CA/VO/L/A).

## **9 FAM 41.113 N5 DOCUMENTS NOT FULFILLING PASSPORT REQUIREMENTS**

*(CT:VISA-1250; 07-17-2009)*

Refer to the reciprocity schedules under the country of issuance, and to 9 FAM 41.104 Notes, for descriptions of certain documents which do not fulfill the requirements of a passport as defined in INA 101(a)(30).

## **9 FAM 41.113 N6 USING FORM DS-232, UNRECOGNIZED PASSPORT OR WAIVER CASES, WHEN VISA NOT PLACED IN PASSPORT**

*(CT:VISA-1808; 02-23-2012)*

All visa-issuing offices should use Form DS-232, Unrecognized Passport or Waiver Cases, in complying with the provisions of 22 CFR 41.113(b). (See 9 FAM 41.113 Exhibit II.) In all cases, except those listed in 22 CFR 41.113(b)(1) through (3), you must obtain the Department's specific authorization (please contact CA/VO/L/A) before issuing an NIV on Form DS-232.

## **9 FAM 41.113 N7 INDICATING NONIMMIGRANT VISA (NIV) REFUSALS IN PASSPORTS**

*(CT:VISA-1732; 10-06-2011)*

You may not place a stamp indicating “application received,” or any other marking in an applicant’s passport in connection with a visa application. With issuance and refusal data now available to all posts through the Consular Consolidated Database (CCD), there is no longer a need to alert interviewing officers to previous refusals by making a marking in an applicant’s passport. In addition, CCD information is now available at the point of entries (POEs) in secondary and to other DHS offices. Officers at posts in Canada and Mexico should ensure they follow the procedures in 9 FAM 41.121 for refusing applicants who would have been eligible for automatic visa revalidation at POEs.

## **9 FAM 41.113 N8 CLASSIFYING APPLICANT ACCORDING TO PRINCIPAL PURPOSE OF ENTRY**

*(CT:VISA-1250; 07-17-2009)*

See 9 FAM 41.11 N3.1.

## **9 FAM 41.113 N9 AUTHORITY TO CLASSIFY CERTAIN VISAS B-1/B-2**

*(CT:VISA-1250; 07-17-2009)*

See 22 CFR 41.12 and 9 FAM 41.31 N17.

## **9 FAM 41.113 N10 SPOT CHECK OF ISSUANCES**

*(CT:VISA-1250; 07-17-2009)*

See 9 FAM 41.113 PN17.