

## **9 FAM 42.52 NOTES**

*(CT:VISA-1859; 08-15-2012)*  
*(Office of Origin: CA/VO/L/R)*

### **9 FAM 42.52 N1 POST RECORDS OF IMMIGRANT VISA APPLICATIONS**

*(CT:VISA-1559; 09-30-2010)*

All immigrant visa processing posts now utilize the modernized immigrant visa system. The Form OF-224, Immigrant Visa Control Card (Background Investigation), and Form OF-224-B, Immigrant Visa Control Card, are no longer authorized and should not be used. The Immigration Visa Automated Control System (IVACS) has also been replaced. Consular officers and staff must comply with all record keeping requirements of the automated system, detailed in User Reference Manuals.

### **9 FAM 42.52 N2 INITIAL CASE CREATION**

*(CT:VISA-1365; 10-28-2009)*

Post should create a visa case as soon as practical after receipt of a petition filed at post. When case data are received electronically from National Visa Center (NVC), Kentucky Consular Center (KCC) or another post, the data should be loaded into post's automated system as soon as possible after receipt. Accurate data entry is vitally important for processing purposes, particularly name check and clearance procedures.

### **9 FAM 42.52 N3 SUBSEQUENT CASE ACTIONS**

#### **9 FAM 42.52 N3.1 Immigrant Visa System Contains Record of All Processing Steps**

*(CT:VISA-694; 02-09-2005)*

All actions taken in processing the case must be entered into the automated immigrant visa processing system, preferably at the time the action occurs.

#### **9 FAM 42.52 N3.2 Alien Entitled to More Than One**

## Classification

*(CT:VISA-694; 02-09-2005)*

If an applicant becomes entitled to more than one immigrant classification, a separate case should be created in the automated system for each classification. The two cases should be physically filed in the same folder.

## 9 FAM 42.52 N3.3 When a Qualifying Date Is Reached

*(CT:VISA-1365; 10-28-2009)*

When an alien's priority date is earlier than the qualifying date established by the Department (see 9 FAM 42.55 PN1.1), and if it is not necessary to have a labor certification revalidated, the automated system will generate a cover letter to be mailed to the applicant or his or her agent with the appropriate information sheets and forms for further processing. The date of this action is automatically entered into the automated system and it is important that posts actually mail the information package as soon as possible after printing. If the applicant is classifiable in more than one category, only the record for each classification in which the applicant's priority date is earlier than the qualifying date can be annotated in the automated system. Consular managers should ensure that the comments feature in any other cases is updated to reflect actions taken.

## 9 FAM 42.52 N3.4 When an Alien Has Required Documents

*(CT:VISA-1859; 08-15-2012)*

When an applicant notifies the post that the applicant is prepared to present the required documents, post *must* enter the date into the automated system to indicate that the applicant is documentarily qualified (see 9 FAM 42.55 PN1.2 for discussion of the concept of "documentarily qualified").

## 9 FAM 42.52 N3.5 Reporting Priority Date to Department

*(CT:VISA-1859; 08-15-2012)*

Post *must* include the priority dates of all applicants who have become documentarily qualified since the previous report in the post's monthly report of documentarily qualified demand. (See 9 FAM 42.55 N1.1.) This is automatically done when post generates Report 20, Monthly Report of Documentarily Qualified Immigrant Visa Demand, in the automated immigrant visa processing system.

## **9 FAM 42.52 N3.6 When Visa Numbers Are Received**

*(CT:VISA-1559; 09-30-2010)*

The National Visa Center (NVC) provides the IV (non-DV) scheduling functions for the majority of posts worldwide. Appointments are generally scheduled in the chronological order of the documentarily qualified applicants. Posts provide NVC with their appointment capacity and the percentage of cases/applicants post desires for Immediate Relative and Preference categories. Other considerations, such as possible mailing delays or travel time by applicants to post, may be taken into consideration in scheduling appointments. Once the scheduling is completed by NVC, post will receive visa numbers for the numerically controlled immigrant visa applicants from CA/VO/F/I. The case files and electronic data will be received from NVC. When visa numbers and the electronic data files are received, posts should ensure that these items are properly recorded in the automated immigrant visa processing system (IVO). NVC will send all Appointment Letters for cases scheduled through NVC. Post will use IVO to send any appointment letters scheduled at post.

## **9 FAM 42.52 N3.7 Appointment for Alien Not Subject to Numerical Limitations**

*(CT:VISA-1559; 09-30-2010)*

- a. As referenced in 9 FAM 42.52 N3.6, NVC provides the IV (non-DV) scheduling functions for the majority of posts worldwide. Appointments are generally scheduled in the chronological order of the documentarily qualified applicants. Posts provide NVC with their appointment capacity and the percentage of cases/applicants post desires for Immediate Relative and Preference categories. Other considerations, such as possible mailing delays or travel time by applicants to post, may be taken into consideration in scheduling appointments. When an appointment date is scheduled (either by NVC or post) for an alien not subject to numerical limitations, the post should enter the appointment date into the automated immigrant visa processing system (IVO). For appointments scheduled through NVC, the case files and electronic data will be received from NVC.
- b. NVC will send all Appointment Letters for cases scheduled through NVC. Post will use IVO to send any appointment letters scheduled at post.

## **9 FAM 42.52 N4 INACTIVE CASES**

*(CT:VISA-1559; 09-30-2010)*

Consular managers should periodically use the various reporting features available in the automated immigrant visa processing system to monitor the status of

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pending immigrant visa (IV) cases, including those considered inactive and undergoing termination processing, and long-pending INA 221(g) refusal cases.

## **9 FAM 42.52 N5 TERMINATING REGISTRATION**

*(CT:VISA-1559; 09-30-2010)*

Cases should be terminated if the applicant has not applied or responded to follow-up mailings by post or the National Visa Center (NVC) within one year, or fails to present evidence purporting to overcome the basis of an INA 221(g) refusal within one year. Consular officers should refer to 9 FAM 42.83 Notes and Procedural Notes regarding termination of registration.

## **9 FAM 42.52 N6 TRANSFERRING CASE TO ANOTHER POST**

*(CT:VISA-1859; 08-15-2012)*

When a case is transferred to another post, posts *must* follow procedures for case transfer provided in the automated immigrant visa processing system. In no case may an IV case be physically transferred without following proper electronic transfer procedures.

## **9 FAM 42.52 N7 RECORD DISPOSITION AT POST**

*(CT:VISA-1559; 09-30-2010)*

The large size of many immigrant visa (IV) records makes it particularly important that posts adhere strictly to records disposition guidelines for these cases. Posts retain no paper record of immigrant visas (IV) issued. All records for issued cases are retained in the automated system. Documents retained in pending, inactive, and refused cases should be pared to the minimum necessary under regulation, and case files should be destroyed or otherwise disposed of as provided for in the Records Disposition Schedule.