

## **9 FAM 42.67 NOTES**

*(CT:VISA-1893; 09-19-2012)*  
*(Office of Origin: CA/VO/L/R)*

### **9 FAM 42.67 N1 REGISTRATION FOR IMMIGRANT VISA**

*(CT:VISA-1893; 09-19-2012)*

An applicant should be considered registered for immigration to the United States upon the execution of the Form DS-230, Application for Immigrant Visa and Alien Registration, or Form DS-260, Online Application for Immigrant Visa and Alien Registration, and the payment of the prescribed fee.

### **9 FAM 42.67 N2 OATH AND SIGNATURE**

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- a. Upon completing Form DS-230, Application for Immigrant Visa and Alien Registration, the applicant must read the completed form, or, if the applicant is unable to read, he or she must be informed of the contents therein. The alien must be asked to subscribe to the information therein. If the alien is unwilling to subscribe to the information unless changes are made, the required changes must be made. The application must be subscribed to or affirmed and signed by or on behalf of the applicant before a consular officer. If the applicant is illiterate, or is otherwise unable to sign the application, the consular officer may witness the applicant placing his or her mark in the space provided for signature on Form DS-230.
- b. Upon completing Form DS-260, the applicant must read the completed form, or, if the applicant is unable to read, he or she must be informed of the contents therein. The applicant must be asked to subscribe to information he or she submitted electronically. If the alien is unwilling to subscribe to the information unless changes are made, the required changes must be made electronically to the CCD Online IV Application Web. You should advise the applicant that all changes will become a part of the official record associated with his or her application file. The application must be subscribed to or affirmed and biometrically signed by or on behalf of the applicant before a consular officer. You must have the applicant recite the following contemporaneously with the biometric signature: "By submitting my fingerprint, I, (name) certify under penalty of perjury both that I have read and

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understood the questions in my immigrant visa application and that all statements that appear in my immigrant visa application have been made by me and are true and complete to the best of my knowledge and belief.

Furthermore, I certify under penalty of perjury that all statements that I have made in this interview are true and complete to the best of my knowledge and belief."

## **9 FAM 42.67 N3 FAILURE OF APPLICATION TO COMPLY WITH INA**

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See 9 FAM 40.201 Related Statutory Provisions.

## **9 FAM 42.67 N4 FINGERPRINTING**

### **9 FAM 42.67 N4.1 Fingerprint Requirement**

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- a. All immigrant visa (IV) applicants age 14 and above are required to submit biometric fingerprints electronically through immigrant visas overseas (IVO). There is no upper age limit for IV applicants. (See Appendix L, 100 for detailed procedures.)
- b. In countries where there is no Department of Defense (DOD) or Department of Homeland Security (DHS) presence, consular officers should provide fingerprint services for residents in their district applying for expeditious naturalization or adoption. (See 9 FAM Appendix N, 101 a.)
- c. The post may use Form FD-258, Applicant Fingerprint Card (with self-addressed envelopes).

### **9 FAM 42.67 N4.2 Proper Fingerprinting**

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The consular officer in charge of visa operations at each post must instruct personnel taking fingerprints to follow closely the instructions on the reverse of the fingerprint chart and to familiarize themselves thoroughly with the correct fingerprinting techniques described by the Federal Bureau of Investigation (FBI). (See 9 FAM 42.67 Exhibit I, Recording Legible Fingerprints.) The consular officer must also personally check the fingerprint cards from time to time to ensure that such techniques are applied. If fingerprints are defective, the consular officer must reject them and require that the prints be retaken. This is costly and time-consuming for the post as well as inconvenient for the alien.

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**9 FAM 42.67 N4.3 Fingerprinting Fees**

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Posts should collect a fee for the taking of fingerprints when the fee is prescribed by the Schedule of Fees for Consular Services, found at 22 CFR 22.1.