

## **9 FAM 42.67 PROCEDURAL NOTES**

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

### **9 FAM 42.67 PN1 EXECUTING THE IMMIGRANT VISA (IV) APPLICATION**

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

When the consular officer is satisfied that the application, including any necessary corrections, represents the applicant's complete answers to the questions asked, the applicant must sign the application before the officer. The officer *must* then administer the oath, sign the application, and indicate consular title in the designated place. The applicant must sign the way the applicant normally signs in the script or characters of the applicant's own language. If the applicant's normal signature is in other than the Roman alphabet and the applicant is capable of it, the applicant may also add the signature in the Roman alphabet.

### **9 FAM 42.67 PN2 ADMINISTERING OATH OR AFFIRMATION**

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- a. The consular officer *must* stand, raise the right hand, and ask the applicant to do the same. The officer *must* then repeat the following words:

"Do you solemnly swear that the statements made by you in this application and interview are true and correct to the best of your knowledge, so help you God?" The applicant *must* swear, "I do."

- b. In administering an affirmation, the procedure is the same but the words *are* varied as follows:

"Do you sincerely affirm that the statements made by you in this application and interview are true and correct to the best of your knowledge?"

### **9 FAM 42.67 PN3 IF AN ADVISORY OPINION (AO) IS REQUIRED**

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If an advisory opinion (AO) is to be obtained from the Department in a particular case, the consular officer shall refuse the visa under INA 221(g), retaining Form DS-230 Parts I and II, Application for Immigrant Visa and Alien Registration, and each relevant document for the A-Z file. *Post must* include the file copy of the AO request or, if the request is classified, cross-reference the file copy. In a case where an advisory opinion (AO) is being sought, the application fee is valid until a final decision is reached and post *must* not charge a new application fee. (See 9 FAM 42.71 N2.1-2 (5).)

## **9 FAM 42.67 PN4 FINAL ACTION**

### **9 FAM 42.67 PN4.1 Issuing or Refusing Visa**

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*Once an application has been executed, the consular officer must either issue the visa or refuse it. A consular officer cannot temporarily refuse, suspend, or hold the visa for future action. If the consular officer refuses the visa, he or she must inform the applicant of the provisions of law on which the refusal is based, and of any statutory provision under which administrative relief is available. (See 9 FAM 42.81 Procedural Notes for the refusal procedure and 9 FAM 40.6 Exhibit I for waiver relief.)*

### **9 FAM 42.67 PN4.2 Issuance Procedures**

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

*See 9 FAM 42.73 Related Statutory Provisions and 9 FAM 42.73 Notes.*

### **9 FAM 42.67 PN4.3 Visa Refusals**

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

*See 9 FAM 42.81 Related Statutory Provisions and 9 FAM 42.81 Notes.*

## **9 FAM 42.67 PN5 TERMINATING REGISTRATION UNDER INA 203(G)**

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*See 9 FAM 42.83 Related Statutory Provisions.*

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**9 FAM 42.67 PN6 FINGERPRINTING VISA  
APPLICANTS**

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See 9 FAM Appendix L *for information on fingerprinting.*