

9 FAM 41.113 PROCEDURAL NOTES

(CT:VISA-1120; 11-18-2008)
(Office of Origin: CA/VO/L/R)

9 FAM 41.113 PN1 INFORMATION ABOUT THE MACHINE READABLE VISA (MRV)

(CT:VISA-1120; 11-18-2008)

The information on the MRV is printed on an adhesive foil and consists of five sections that:

- (1) Reflect biographic data about the visa applicant;
- (2) Contain information about the visa itself (visa type, number of entries, date of issuance, and date of expiration);
- (3) Show the 88-character field used for annotating additional information about the recipient, *when necessary*; (e.g., annotation of a petition number, *SEVIS number*, etc.);
- (4) Display a digitized photo of the visa recipient; and
- (5) Contain two lines of highly sensitive coded data that is scanned by the immigration officer at a port of entry (POE). The slightest damage to either line will prohibit the scanner from reading the data, thus delaying the applicant's entry into the United States. (Posts should instruct MRV recipients not to rub, place objects (paper clips, etc.) near, nor fold the page that contains the MRV.)

9 FAM 41.113 PN1.1 Separate Machine Readable Visa (MRV) for Each Applicant

(CT:VISA-827; 07-24-2006)

A separate MRV shall be issued to each qualified applicant, even when multiple applicants are included in the same passport. Thus, it is necessary that the passport contain an unmarked page for each visa issued. When possible, the page opposite the visaed page should also remain unmarked. This will provide space for the Department of Homeland Security (DHS) officer at the POE to annotate and/or stamp the applicant's passport at the time the applicant is admitted into the United States.

9 FAM 41.113 PN1.2 Photograph Requirements for the Machine Readable Visa (MRV)

(CT:VISA-1120; 11-18-2008)

- a. The photograph of each visa applicant must be an unmounted full face photo, taken within the past six months. A "full face" photo is one in which the applicant is facing the camera directly. The applicant should not be looking down or to either side, and the face should cover about 50 percent of the area of the photo. Although variations in hair styles and in head coverings make it difficult to rigorously define the term "face," in general, the head of the applicant, including both face and hair, should be shown from the crown of the head to the tip of the chin on top and bottom, and from hair line side-to-side. It is preferable that the ears be exposed. The key requirement is that the photograph clearly *identifies* the applicant.
- b. The photograph should measure 2 inches square (roughly 50 mm square) with the head centered in the frame. The head (measured from the top of the hair to the bottom of the chin) should measure between 1 to 1 3/8 inches (25 mm to 35 mm) with the eye level between 1 1/8 inch to 1 3/8 inches (28 mm and 35 mm) from the bottom of the photo. Photos should be in color and must be taken against a white or off-white background. Photos should be stapled or glued to Form DS-156, Nonimmigrant Visa Application, *or electronically uploaded to Form DS-160, Electronic Nonimmigrant Visa Application*. If the photograph is stapled, the staples should be placed as far away as possible from the applicant's face. Photos taken in front of busy, patterned, or dark backgrounds will not be accepted.

9 FAM 41.113 PN1.2-1 Head and Face Coverings

(CT:VISA-1120; 11-18-2008)

Head coverings and hats are only acceptable due to religious beliefs, and even then, may not obscure any portion of the applicant's face. Sunglasses or other paraphernalia which detracts from the face as defined above are not acceptable, unless required for medical reasons (an eye patch, for example). A photograph depicting a person wearing a traditional facemask or veil that does not permit adequate identification is not acceptable. Photos of military, airline, or other personnel wearing hats are not acceptable. Photographs of applicants wearing tribal, national costume or other headgear not specifically religious in nature are not acceptable. *You* are encouraged to use your discretion and knowledge of local conditions in evaluating the appropriateness of headgear in visa photos. Photos of applicants for A and G visas wearing head coverings as part of the national costume may be accepted at *your* discretion, provided the face, as defined above is clearly

identifiable.

9 FAM 41.113 PN1.2-2 Individual Photo Required

(TL:VISA-392; 04-11-2002)

Since a separate visa is issued to each qualified applicant, an individual photo is required in all cases. Group photos are not acceptable.

9 FAM 41.113 PN1.3 Entering Information in the Machine Readable Visa (MRV) Data Field

(CT:VISA-1120; 11-18-2008)

a. The following information must be entered in the MRV data field before a visa can be issued:

- (1) Full name of applicant;
- (2) Visa type;
- (3) Visa class;
- (4) Passport information, including passport number, passport issuance date, passport issuance city, passport country, and passport expiration date;
- (5) Sex;
- (6) Date of birth;
- (7) Nationality;
- (8) Number of entries allowed;
- (9) Date of visa issuance;
- (10) Date of expiration;
- (11) Applicant's local address and telephone information; and
- (12) [SEVIS](#) ID for all F, M, and J visa applicants.

Absent any of this information, the system will not accept the visa application. Prior to entering this information in the system, the personal data on Form DS-156, Nonimmigrant Visa Application, *or Form DS-160, Electronic Nonimmigrant Visa Application*, should be checked against the personal data page in the passport to ensure accuracy.

- b. The name of the visa issuing post and the control number are automatically printed on the MRV.
- c. The data fields do not accept special characters: comma, hyphen, asterisk, etc.

- d. In certain countries where many nationals have only a surname, the applicant's first name should be entered as FNU. For example, "Smith, FNU", the "FNU" stands for "First Name Unknown".

9 FAM 41.113 PN1.4 Entering Information in the Machine Readable Visa (MRV) Annotation Field

(CT:VISA-698; 02-09-2005)

Annotations on MRVs shall be placed in the 88-character field beneath the word "Annotation". Abbreviations may be used as necessary in the annotation field. (For example: P.A. vice Principal Applicant). Unlike the data field, various forms of punctuation (hyphen, period, etc.) may be used in the annotation field, when appropriate.

9 FAM 41.113 PN1.5 Use of Titles

(CT:VISA-1120; 11-18-2008)

Titles such as "Dr.", "Sr.", "Mr.", "Mrs.", etc. may not be used in the data field on an MRV. Such titles, however, may be used in the annotation field, as appropriate.

9 FAM 41.113 PN1.6 Altering Data on a Machine Readable Visa (MRV)

(CT:VISA-1120; 11-18-2008)

All data on an MRV is computer generated, therefore, handwritten annotations or alterations on an MRV are strictly prohibited. In the event of an error in the data entry, the information must be reentered and the visa reissued.

9 FAM 41.113 PN2 PLACEMENT OF A MACHINE READABLE VISA (MRV) IN A PASSPORT

9 FAM 41.113 PN2.1 Placement of Machine Readable Visa (MRV) in a Passport

(CT:VISA-1120; 11-18-2008)

An MRV must be placed as close as possible to the bottom and left side of the passport page. This will allow the visa to be scanned easily by the

Department of Homeland Security (DHS) officer at the POE.

9 FAM 41.113 PN2.2 Placing a Machine Readable Visa (MRV) on Form DS-232, Unrecognized Passport or Waiver Cases

(CT:VISA-1120; 11-18-2008)

- a. The MRV must be placed on Form DS-232, Unrecognized Passport or Waiver Cases. (This form is used in lieu of a passport).
- b. The bottom part of the MRV should be placed as close as possible to the lower right corner on the Form DS-232, Unrecognized Passport or Waiver Cases. (See 9 FAM 41.113 Exhibit II.) Placing the MRV at this location will enable the Department of Homeland Security (DHS) officer to scan the visa easily. The Form DS-232 should be carefully folded before inserting it into the passport, thus ensuring that the MRV itself is neither creased nor folded.
- c. Since the MRV contains a photograph of the visa recipient, it is not necessary to place an additional photo of the applicant on Form DS-232.

9 FAM 41.113 PN3 SCANNING THE MACHINE READABLE VISA (MRV)

(CT:VISA-1120; 11-18-2008)

- a. After the MRV has been placed in the travel document, the visa shall be scanned to ensure that the coded data are error-free, thus expediting the recipient's entry into the United States. The following steps should be taken in scanning an MRV:
 - (1) The visaed page should be placed face down on the left side of the scanner with the coded data lined up against the border guide;
 - (2) Only the page containing the visa should be passed through the scanner; and
 - (3) The passport should be moved manually toward the scanner's opening (left to right).
- b. The scanner will feed the passport through the reader while the staff member holds the passport. If the coded data are error-free, a green light will emanate. If a red light appears, this indicates an error in the visa that must be corrected before returning the passport to its owner.

9 FAM 41.113 PN3.1 Care and Maintenance of

Quality Assurance Readers

(TL:VISA-171; 10-15-1997)

The scanner (reader) is a delicate and expensive part of the MRV equipment. Posts are urged to follow carefully all cleaning and maintenance instructions furnished with the reader.

9 FAM 41.113 PN3.2 Maintenance of Printers

(CT:VISA-698; 02-09-2005)

Regular care and the cleaning and maintenance of the MRV printers are crucial to their proper functioning, particularly keeping the paper path, trays, and printer area workspace clean of adhesive, dust, and debris. Such cleaning should be done on a daily basis for high volume posts (over 30 issuances per day). Weekly cleaning is adequate for posts with low volume issuances. Proper cleaning of the printers, including the feed rollers and internal paper path is the responsibility of each individual post, either through in-house servicing or post-funded outside servicing.

9 FAM 41.113 PN4 CARE AND STORAGE OF MACHINE READABLE VISA (MRV) FOILS

(CT:VISA-1120; 11-18-2008)

New MRV foils should be inspected immediately upon receipt for defects. Foils should be stored in a secured area with normal temperature and humidity. Problems regarding the foils should be promptly addressed to *the General Services Division (CA/EX/GSD)*.

9 FAM 41.113 PN4.1 Defective Lincoln Foils

(CT:VISA-698; 02-09-2005)

In the event a Lincoln foil becomes defective, assuming that the visa recipient did not precipitate the problem, a replacement MRV should be issued with no new application fee or interview required. The original expiration date of the defective visa should be displayed on the newly issued MRV, as this is simply a replacement of a defective product. Accountability must be made for replacement visa foils at end of day reconciliation.

9 FAM 41.113 PN4.2 Destruction of Machine Readable Visa (MRV) Foils

(CT:VISA-941; 03-25-2008)

- a. Spoiled or invalid MRV foils should be destroyed at post whenever possible, ensuring that proper accountability records are maintained. Destruction of controlled consular items, including nonimmigrant visa (NIV) foils, must be carried out by the authorized certifying officer (ACO) and documented in a memorandum for the files. Further information can be found in Chapter 600 of the Consular Management Handbook. Methods of destruction may include burning, or whatever means post uses for the destruction of classified material. Foils can be shredded if detached from their carrier sheets and attached to a piece of paper.
- b. If post facilities do not permit proper destruction, foils should be returned to the

**Department of State (CA/EX/GSD)
2401 E. St. NW
Suite H1001, SA-1
Washington, DC 20520**

The box(es) should be clearly marked "**BULK MATERIAL TO BE DESTROYED**". Each defective foil should be placed back on its carrier sheet if possible. Foils must **not** be piled on top of each other on the carrier sheet. This inhibits the destruction process of the foils.

- c. Post should notify CA/EX/GSD in advance by sending an e-mail to Consular Affairs (CA) Consular Supplies advising of the forthcoming shipment of foils to be destroyed, as well as the serial number for each foil that is being returned. The text of the e-mail should also include the:
 - (1) Pouch registry number(s); and
 - (2) Number of box(es) being shipped.

9 FAM 41.113 PN5 TYPES OF NONIMMIGRANT VISAS (NIV) FEES

(CT:VISA-1120; 11-18-2008)

- a. There are two types of nonimmigrant visa (NIV) fees. The:
 - (1) Application processing fee (also known as the MRV) fee); and
 - (2) Issuance fee (also known as the reciprocity fee).
- b. The application processing fee is not reciprocal and must be paid by all applicants regardless of the type of passport held, except as noted in 9 FAM 41.26 N1.3, 9 FAM 41.21 PN11 and 9 FAM 41.21 PN5.2. Applicants refused under INA 221(g) who re-apply within one year of that refusal, and those who receive a replacement MRV due to a defective foil, are exempt from paying an additional MRV fee.

9 FAM 41.113 PN5.1 Machine Readable Visa (MRV) Application Fee

(CT:VISA-1120; 11-18-2008)

- a. For the current non-refundable application processing fee for an MRV, (see 22 CFR 22.1.) The method for collecting the fee varies from post to post, and is to be paid separately from the visa reciprocity fee. (For the visa reciprocity fee, see the specific country concerned in Visa Reciprocity and Country Documents Finder.)
- b. *Only one MRV fee is charged for a B1/B2 or C1/D visa. Applicants applying for both a B1/B2 and C1/D visa at the same time are only charged one MRV as well.* For any other multiple visa combinations requiring two or more MRV foils for one applicant, two or more MRV fees are collected, as appropriate.

9 FAM 41.113 PN5.2 Exceptions to Machine Readable Visa (MRV) Processing Fee

(CT:VISA-698; 02-09-2005)

The following categories of visas are exempt from the MRV application-processing fee (see 9 FAM 41.107 N5 for waiver of visa issuance fees):

- (1) "A";
- (2) "G";
- (3) NATO;
- (4) C-2 and C-3; and
- (5) "J" visas which are sponsored and funded by the Department or USAID.

9 FAM 41.113 PN6 ANNOTATING VISAS

(CT:VISA-1120; 11-18-2008)

- a. Annotating visas is a useful tool that can help both the visa holder and immigration inspectors at POE. In many circumstances, annotation is required under the Foreign Affairs Manual (FAM). Annotations also provide CA and others (through the Consular Consolidated Database (CCD)) with information, both current and historical, and may be the only manner in which certain information is collected in an electronic format. Understanding when to annotate and when not to annotate a visa, and what information should or must be included, is important in making annotations effective.

- b. A visa annotation is a simple and useful method to convey information about a visa applicant and the circumstances under which a visa was issued, explain the circumstances or assumptions on which the visa decision was based, or clarify key factors which were considered at the time of adjudication. The information contained in a visa annotation should help facilitate an immigration inspector's decision on whether or not to admit the visa holder to the United States, and, if to admit, for how long.
- c. Annotations should be concise and should be understandable to persons outside the Department. Abbreviations may be used, but they must be clear and self-evident. Avoid using jargon or shorthand. Annotations should always be constructive and informative. Avoid comments that appear negative.
- d. There are four main reasons why a visa should be annotated. They are:
 - (1) For certain classes of visas as required by regulation;
 - (2) For B-1 visas issued for certain employment-like purposes;
 - (3) To indicate clearance of a security advisory opinion (SAO), or waiver, exemption or overcome of ineligibility; and
 - (4) When *you have* decided to grant either a single-entry or less-than-full validity visa when a longer-term or multiple entry visa is available under visa reciprocity.

9 FAM 41.113 PN6.1 Annotating Visas for Foreign Government Officials

(CT:VISA-698; 02-09-2005)

The visa of a principal applicant should be annotated to reflect the principal applicant's place of employment. For example:

**JOHN DOE, EMBASSY OF Z
WASHINGTON, DC**

9 FAM 41.113 PN6.2 Annotating Visas for Permanent Observer Missions at United Nation

(CT:VISA-827; 07-24-2006)

Principal applicants at Permanent Observer Missions at the United Nation shall be issued B-1 visas that are to be annotated to reflect the principal applicant's place of employment. For example:

**JOHN DOE
OBSERVER MISSION TO THE UNITED NATION**

(NAME OF ORGANIZATION), WASHINGTON, DC

9 FAM 41.113 PN6.3 Dependents of Permanent Observer Missions at the United Nation

(CT:VISA-827; 07-24-2006)

**PRINCIPAL APPLICANT: JOHN DOE
UNITED NATION OBSERVER MISSION
(NAME OF ORGANIZATION), WASHINGTON, DC**

9 FAM 41.113 PN7 ANNOTATING ACADEMIC ("F") AND NONACADEMIC ("M") STUDENT VISAS

9 FAM 41.113 PN7.1 Applicant in Possession of Several Form I-20's, Certificate of Eligibility for Nonimmigrant (F-1) Student Status - for Academic and Language Students

(CT:VISA-1120; 11-18-2008)

F visas must be annotated with the name of the school that the applicant initially intends to attend in the United States, as reflected in the student's Form I-20, Certificate of Eligibility for Nonimmigrant (*F-1*) Student Status – *for Academic and Language Students, and the student's SEVIS ID*. You should remember that an annotation of a school on an *F or M* visa does not restrict the visa holder from using that *F or M* visa to attend a different school subsequent to the student's initial entry into the United States. In this case, the student must have a valid Form I-20 from the new school, and the student's SEVIS record must be updated to reflect this. On the other hand, if a student changes schools before his or her initial entry subsequent to visa issuance, a new visa with the proper school annotation must be issued.

9 FAM 41.113 PN7.2 School Not Yet Selected

(CT:VISA-698; 02-09-2005)

If an applicant is undecided about which school he or she will attend (see 9 FAM 41.61 N9.2), posts shall issue a B-2 visa with a notation reading:

**PROSPECTIVE STUDENT
SCHOOL NOT YET SELECTED**

9 FAM 41.113 PN7.3 Admission for School Entrance Examination or Interview

(CT:VISA-1120; 11-18-2008)

If a prospective student is entering the United States for an admission interview or entrance examination (see 9 FAM 41.61 *N16.5* b), posts shall issue a B-2 visa with a notation reading:

**PROSPECTIVE STUDENT
ADMISSION INTERVIEW
or
PROSPECTIVE STUDENT
SCHOOL ENTRANCE EXAMINATION**

9 FAM 41.113 PN7.4 Tourists Engaging in Short Study Course

(CT:VISA-698; 02-09-2005)

- a. For applicants coming primarily for tourism, who, during their visit will incidentally engage in a short course of study, posts shall annotate the visa to read:

**STUDY INCIDENTAL TO VISIT Form I-20,
Certificate of Eligibility for Nonimmigrant (F-1) Student Status for
Academic and Language Students NOT REQUIRED**

- b. Posts shall limit the number of entries to those required for participation in the specific tour-study program. (See 9 FAM 41.31 *N13.6*.)

9 FAM 41.113 PN8 ANNOTATING "J" VISAS- EXCHANGE VISITORS

9 FAM 41.113 PN8.1 Inserting Program Number on Visa

(CT:VISA-1120; 11-18-2008)

J visas must be annotated with the name and number of the exchange program in which the visa applicant is participating, *and the participant's SEVIS ID*. In most cases the validity of J-visa should correspond with the length of the program. A visitor cannot use any single J-visa for a program other than that specified on the annotation, even when that J-visa has not yet expired.

9 FAM 41.113 PN8.2 Annotating Visas of Agency for International Development (AID) Grantees

(CT:VISA-698; 02-09-2005)

In every visa issued under AID Program G-2-0263, including the visas of family members of the principal applicant, posts shall place the following notation in the annotation field of the MRV:

**SPONSORED BY AGENCY FOR INTERNATIONAL DEVELOPMENT (AID),
DEPARTMENT OF STATE**

9 FAM 41.113 PN8.3 Annotation Regarding Foreign Residence Requirement

(CT:VISA-698; 02-09-2005)

a. Posts shall place the following notation on each "J" visa issued:

**BEARER IS/IS NOT SUBJECT TO SECTION 212(e).
TWO YEAR RULE (DOES/DOES NOT) APPLY (Name of country)**

b. Use appropriate verb form (is/is not - does/does not). After the word 'apply', posts shall annotate the name of the country that would satisfy the 2-year residence and physical presence requirement if applicable.

9 FAM 41.113 PN9 VISAS REQUIRING PETITIONS

(CT:VISA-941; 03-25-2008)

a. In visas where a petition is required, posts shall enter the following in the petition screen:

- (1) Petitioner's name;
- (2) Approved petition number;
- (3) Visa classification; and
- (4) Expiration date of the petition.

b. The name of the principal applicant should appear in the annotation field on the visa of each family member who is deriving status from the principal. For example:

**P.A.: JOHN DOE
PET. NAME: HEALTHY LIFE, INC. PET. NO. LIN9517750446
PET. EXP. DATE: 04 MAY 1996**

c. If limiting the validity of an H, L, O, P, or Q visa to less than the period of

validity in the petition or authorized extension of stay, posts shall also enter the following in the annotation field:

(PETITION VALID/STAY AUTHORIZED) (as applicable)

TO: DATE

(See 9 FAM 41.54 N21.2; 9 FAM 41.55 N13.5; 9 FAM 41.56 N15.5 and 9 FAM 41.57 N10.5.)

9 FAM 41.113 PN10 CONSULAR LOOKOUT AND SUPPORT SYSTEM (CLASS) HITS AND GROUNDS OF INELIGIBILITY OVERCOME

9 FAM 41.113 PN10.1 Overcoming a Ground of Ineligibility

(CT:VISA-896; 06-14-2007)

- a. When issuing a visa to an applicant who has overcome a refusal or quasi-refusal under an INA 212(a) ground of ineligibility, posts shall enter the following notation in the annotation field:

**CLASS (code for specific ground of refusal) OVERCOME;
Clearance received (date): Reference CCD Notes**

- b. Post shall make the notation even if the post has requested a deletion from CLASS or the Department has notified the post that it will make a CLASS deletion. (See 9 FAM 41.121 Procedural Notes and 9 FAM Appendix D, Automated Visa Systems.)

9 FAM 41.113 PN10.2 Annotations for Consular Lookout and Support System (CLASS) Hits

(CT:VISA-941; 03-25-2008)

Visas for persons who have been cleared of an exact match for a CLASS hit should be annotated "NOT SAME AS CLASS ENTRY – see case notes." The annotation is optional and is based on your judgment. It is not necessary to specify the CLASS lookout code. Any notes that would help clarify the annotation should be entered into the CCD.

9 FAM 41.113 PN11 WAIVER OF GROUND OF EXCLUSION

9 FAM 41.113 PN11.1 Annotation in INA 212(d)(3)(A) Waiver Cases INA 212(d)(3)(A)

(CT:VISA-1120; 11-18-2008)

- a. It is critical that persons who have had grounds of ineligibility either overcome or waived have that fact noted on their visa. *Your* failure to annotate the visa properly can cause extreme hardship for the alien traveler.
- b. When a ground of exclusion is waived under INA 212(d)(3)(A), posts shall enter the notation "212(d)(3)(A)" in the annotation field followed by the number of the paragraph of INA 212(a) that has been waived. The duration of stay authorized, the POE (if applicable), and an indication of the purpose of the visit should also be annotated. For example:

**212(D)(3)(A): (6)(C) 4 WEEKS-N.Y., N.Y.
CONFERENCE: HAPPY MOTORING COMPANY**

- c. If Department of Homeland Security (DHS) grants a waiver for multiple entries, a notation of the initial POE is sufficient, if specified in the waiver order.

9 FAM 41.113 PN11.2 Permission Required by Department of Homeland Security (DHS) Washington District Office for Itinerary Changes or Extension of Stay

(CT:VISA-698; 02-09-2005)

If DHS or the Department notifies the post that permission of the Washington District Office is required for any change in itinerary or extension of stay, posts shall insert the abbreviation "WAS" in the annotation field on the machine readable visa (MRV) regarding the INA 212(d)(3)(A) authorization. For example:

**212(3)(A):(9)(6)(C) WAS-4 MONTHS NEW YORK, N.Y.
CONFERENCE HAPPY MOTORING COMPANY**

9 FAM 41.113 PN11.3 Number of Entries and/or Period of Validity Authorized by Waiver Exceeds Reciprocity

(CT:VISA-698; 02-09-2005)

If DHS grants a waiver for more entries or a longer period than the appropriate visa reciprocity schedule specifies, posts shall issue the visa only

for the number of entries and validity period listed in the reciprocity schedule. (For visa reciprocity schedule, see Reciprocity and Country Documents Finder for country concerned.) Posts may issue subsequent visas in such cases until the waiver period has expired.

9 FAM 41.113 PN11.4 Alien Previously Deported or Removed

(CT:VISA-698; 02-09-2005)

If DHS has granted consent to reapply for admission after the exclusion or deportation of an alien, post shall insert the following notations in the annotation field:

INA 212(a)(9)(A) or INA 212(a)(9)(B)

as applicable, and

PERMISSION TO REAPPLY FOR ADMISSION GRANTED.

9 FAM 41.113 PN12 PURPOSE AND DURATION OF STAY WHEN VALIDITY IS LIMITED

(CT:VISA-1120; 11-18-2008)

- a. *In general, you should issue maximum validity visas. (See 9 FAM 41.112 N2).*
- b. When the validity of a visa is limited, you shall annotate the visa indicating the applicant's purpose of travel and period of intended stay in the United States. For example:

VISIT UNCLE IN SAN FRANCISCO - 3 WEEKS

- c. A visa may be annotated in any case when you determine that the applicant is a nonimmigrant only for the purpose of the particular visit for which the visa is issued. *You may* limit the visa validity in accordance with the guidelines in 9 FAM 41.112 N5.1. Such notations will materially assist DHS inspectors at POEs as well as at the domestic offices of DHS and are encouraged. However, negative notations, such as:

"NO ADJUSTMENT OF STATUS or EXTENSION OF STAY RECOMMENDED"

which questions the visa recipient's veracity and/or tend to tell DHS what to do or what not to do in a given case, are not authorized. Under no circumstances should an annotation prohibit activity in the United States which would be permitted under the visa category, or prohibit the alien

from seeking an extension or adjustment of status. These questions are appropriately the responsibility of immigration inspectors and the DHS.

9 FAM 41.113 PN12.1 Peace Corps

(CT:VISA-941; 03-25-2008)

Posts shall insert the designation "PEACE CORPS" in the annotation field of the MRV issued to an applicant who is proceeding to the United States under the Peace Corps Act (75 Statute 612).

9 FAM 41.113 PN12.2 A and G Individuals Coming to the United States for Less than 90 Days

(CT:VISA-698; 02-09-2005)

The symbol "(TDY)" shall be placed in the MRV annotation field of any individual in A or G status coming to the United States for a temporary assignment of less than 90 days. The place of his or her employment should be annotated. For example:

**JOHN DOE, CONSULATE GENERAL OF Z
SAN FRANCISCO, CA. (TDY)**

9 FAM 41.113 PN12.3 Maintenance of Status and Departure Bond

(CT:VISA-698; 02-09-2005)

In cases where a maintenance of status and departure bond has been posted, (see 9 FAM 41.11 N8) the following shall be placed in the annotation field of the MRV:

**INA 221(g) BOND, A-(NUMBER ASSIGNED BY Department of
Homeland Security (DHS)
(LOCATION OF Department of Homeland Security (DHS) OFFICE
ACCEPTING BOND)**

9 FAM 41.113 PN13 INA 222(g) EXEMPTION

9 FAM 41.113 PN13.1 INA 222(g) Annotations

(CT:VISA-896; 06-14-2007)

Nonimmigrant visas (NIVs) issued to aliens exempted from INA 222(g) should be annotated:

“INA Section 222(g) overcome under extraordinary circumstances”.

9 FAM 41.113 PN13.2 Nationals of Certain Countries Restricted to Designated Ports of Entry

(CT:VISA-827; 07-24-2006)

If a visa recipient is restricted to a designated port or ports of entry and/or exit, the port(s) should be reflected in the 88-character field under the “Annotation section” on the MRV. If there is insufficient space to list the number of ports, the visa should be annotated to reflect the page that lists the ports of entry and/or exit. (For port(s) of entry and/or exit, see country concerned in Visa Reciprocity and Country Documents Finder)

9 FAM 41.113 PN14 B-1 VISAS FOR EMPLOYEES OF FOREIGN AIRLINES

(CT:VISA-827; 07-24-2006)

When issuing a B-1 visa to an employee of a foreign airline who is precluded from E-1 classification pursuant to 9 FAM 41.31 N10.2, posts shall place the following notation in the annotation field of the MRV:

EMPLOYEE OF (Name of Airline)

9 FAM 41.113 PN14.1 B-1 Visas For Domestic Employees

(CT:VISA-1120; 11-18-2008)

When issuing a B-1 visa to a domestic employee of a nonimmigrant alien or of a U.S. citizen pursuant to 9 FAM 41.31 *N9.3*, posts shall place the following notation in the annotation field of the MRV:

**PERSONAL OR DOMESTIC EMPLOYEE OF NONIMMIGRANT
APPLICANT (EMPLOYER’S NAME)**

or

**PERSONAL OR DOMESTIC EMPLOYEE OF U.S. CITIZEN
(EMPLOYER’S NAME)**

9 FAM 41.113 PN14.2 B-1 Visas for Visiting Ministers Engaged in Evangelical Tour

(CT:VISA-1120; 11-18-2008)

When issuing a B-1 visa to a minister proceeding to the United States to

engage in an evangelical tour who does not plan to take an appointment with any one church, and who will be supported by offerings contributed at each evangelical meeting pursuant to 9 FAM 41.31 *N9.1-1*, posts shall place the following notation in the annotation field of the MRV:

MINISTER OF RELIGION ON EVANGELICAL TOUR

9 FAM 41.113 PN15 ANNOTATING VISAS FOR MEDICAL REASONS

9 FAM 41.113 PN15.1 For All Nonimmigrant Visas (NIV) Except V Visas

(CT:VISA-941; 03-25-2008)

In the following cases, the nonimmigrant visa (NIV) should be annotated as indicated when the medical examination discloses a:

- (1) Class A tubercular or other condition and a INA 212(d)(3)(A) waiver has been granted;

"MED: Class A: 212(d)(3)(A)"

OR

- (2) Class B tubercular conditions or Class B leprosy, non-infectious, the visa should be annotated:

"MED: Class B"

9 FAM 41.113 PN15.2 For Nonimmigrant V Visas - Tubercular Cases

(CT:VISA-941; 03-25-2008)

In the following cases, the nonimmigrant visa (NIV) should be annotated as indicated when the medical examination discloses a:

- (1) Class A tubercular or other condition and a INA 212(d)(3)(A) waiver has been granted

"MED: Class A: DD-MM-YY (date of visa issuance)

212(d)(3)(A): (a)(1)(A)(i)

_____ (port of entry)"

- (2) Class B tubercular conditions (but not for any other Class B conditions):

"MED: Class B (TB): DD-MM-YY (date of visa issuance)"

9 FAM 41.113 PN16 MACHINE READABLE VISA (MRV) SYSTEM FAILURE

9 FAM 41.113 PN16.1 System Failures and Contacting Helpdesk

(CT:VISA-827; 07-24-2006)

If the visa systems at post cannot operate because of either hardware or network issues, posts will not be able to issue visas until the problems are resolved. In the event of a systems failure, post should contact the CA support desk immediately at 202-663-1177. The CA support desk provides 24 hour systems support for hardware and software, seven days a week during posts' operating hours. CA/EX/CSD maintains spare parts and equipment that can be shipped anywhere within 48 hours.

9 FAM 41.113 PN16.2 Emergency Travel During Machine Readable Visa (MRV) Breakdown

(CT:VISA-896; 06-14-2007)

In the event where a true emergency exists at a time when the MRV system is experiencing a breakdown, the use of the Visa Waiver Provisions in 9 FAM 41.3 N3 to facilitate travel would be appropriate.

9 FAM 41.113 PN17 SPOT CHECK OF VISA ISSUANCES

(CT:VISA-1120; 11-18-2008)

- a. The nonimmigrant visas (NIV) chief, the visa chief, or the consular section chief must spot check approved nonimmigrant visa applications. The purpose of such spot checks is to maintain the highest professional standards of adjudication and to ensure uniform and correct application of the law and regulations. It is the consular section chief's responsibility to determine the frequency and number of spot checks.*
- b. In posts where the consular section chief is the sole consular officer or where the consular section chief otherwise issues a significant percentage of the nonimmigrant visas at the post, the backup consular officer must perform the spot check of the consular section chief's issuances. In such posts, the backup consular officer shall determine the frequency and number of spot checks of the consular section chief's issuances. The consular section chief shall determine the frequency and number of spot checks of his or her subordinates' issuances.*

9 FAM 41.113 PN17.1 Review of Visa Issuances

(CT:VISA-1120; 11-18-2008)

- a. Consular supervisors must review as many visa nonimmigrant visa (NIV) issuances as is practicable, but not fewer than 10% of NIVs that have been issued. Systematic, regular review of approved NIV applications is a significant management and instructional tool to maintain the highest professional standards of adjudication. It also ensures uniform and correct application of applicable law and regulations. This review should be done with a view to enhancing U.S. border security. The designated supervisory officer must review the case and either confirm or disagree with the issuance.*
- b. At small posts, especially when adjudicating officers are relatively inexperienced, reviewing officers should review a larger percentage of cases. In addition, at some posts local conditions, including security or fraud concerns, could necessitate that more than 10% must be reviewed. Regardless of the percentage, the reviewing officer must review all non-INA 221(g) overcome cases, all issuances subject to Visas Donkey security advisory opinion (SAO) requests, 20% of Third Country National (TCN) issuances, and a random sample of other issuances. If these cases total more than 10% of the day's issuances, then this larger percentage must be reviewed. Posts are encouraged to use their knowledge of local conditions to identify other subsets of issuances for review as appropriate. For example, some posts may wish to review all TCN issuances or all issuances subject to SAO requests.*
- c. Reviewing officers should pay particular attention to issuances of inexperienced officers. The less visa adjudication experience an officer has, the greater the percentage of issuances should be reviewed. At least 50% of the cases issued by an officer with no previous NIV adjudication experience should be reviewed his or her first month. As an officer gains experience and competence over time, the percentage of issuances reviewed should decline as determined appropriate by the reviewing officer and ultimately conform to the norm outlined above.*
- d. The reviewing officer should be the issuing consular officer's direct supervisor, regardless of whether the reviewing officer has a consular commission and title. In all cases, the reviewing officer must be in the issuing officer's supervisory chain of command. While the reviewing officer may wish to see the complete paper file of the cases reviewed, he or she must indicate his or her decision in the NIV Adjudication Review report in the Consular Consolidated Database (CCD). The issuances must be reviewed without delay; that is, on the day of the issuance or as soon as is administratively possible.*
- e. If the chain of command rule of the previous paragraph results in a*

reviewing officer who does not have a consular commission and title (some Deputy Chiefs of Mission, for example, may not be authorized to adjudicate visas), that officer must nevertheless review issuances. The review should focus on, but not necessarily be limited to, the visa recipient's likelihood to maintain lawful status in the United States and not engage in activities beyond the scope of the visa category, including his or her potential threat to people and property in the United States. Reviewing officers should be alert to patterns of issuances that appear to fall outside the general norms for a post, such as issuances to third country nationals or applicants who appear only marginally eligible, or unexplained overcomes of hard refusals. While reviewing officers without consular experience cannot be expected to know the breadth and depth of visa statutes and regulations, they can add value to the issuance process by applying their knowledge of national security threat assessments, local conditions and global trends. At posts with a single consular officer, the reviewer, adjudicating officer and Regional Consular Officer (RCO) must make issuances a regular topic of discussion during the RCO's visits.

- f. If a reviewing officer as described in the above paragraph concurs with the issuance, he or she, like any other reviewing officer, must indicate his or her decision in the NIV Adjudication Review report in the CCD.*

9 FAM 41.113 PN17.2 Non-concurrence with Issuance by Reviewing Officer

(CT:VISA-1120; 11-18-2008)

- a. If a reviewing officer with a consular commission and title does not concur with the issuance, he or she may assume responsibility and re-adjudicate the case. The reviewing officer must discuss the case fully with the original adjudicating officer before taking any action. The reviewing officer must not refuse an applicant under INA 214(b) without re-interviewing the applicant, as subtle information gained during the interview is an essential component of any INA 214(b) decision. If the disagreement involves a matter of law, the reviewing officer may assume personal responsibility for the case and reverse the decision, after discussing with the original adjudicating officer. If the reviewing officer reverses the issuance and the visa has not yet been printed, the applicant must be notified promptly. If the visa has been issued and printed it must be revoked per 9 FAM 41.122.*
- b. A reviewing officer without a consular commission and title may not issue or refuse a visa. Therefore, if such a reviewing officer does not concur with the issuance, printing of the case must be suspended, and the reviewing officer must:*

- (1) *Discuss the basis for the original issuance, especially elements of fact, with the adjudicating officer in a good faith attempt to arrive at a mutually acceptable final adjudication of the application.*
- (2) *If such a discussion cannot resolve the issue, the RCO, if the post is covered by an RCO, should be consulted for his or her insight with a view to coming to a mutually agreed upon adjudication. If the discussion cannot occur in a timely fashion, the case should be removed from the print queue and entered as an INA 221(g) refusal pending the outcome of this larger review and discussion.*
- (3) *If the difference of opinion is based upon a legal or procedural issue that cannot be resolved by consulting Departmental guidance at post (the INA, FAM, CMH, cable guidance, etc.), post should seek Visa Office guidance (legal questions should be referred to CA/VO/L/A and procedural questions to CA/VO/F/P).*
- (4) *If the difference of opinion arises from a potential national security concern, post must submit a SAO request to CA/VO/L/C relating the facts of the case and detailing the reviewing officer's concerns.*
- (5) *If, despite these efforts, no mutually agreed upon adjudication can be achieved, the issuance stands. In any case, a note of the discrepancy must be made on the Form DS-156, Nonimmigrant Visa Application and in the NIV Adjudication Review Report in the Consolidated Consular Database (CCD).*
- (6) *If the applicant utilizes the Form DS-160, Electronic Nonimmigrant Visa Application, a note of discrepancy must still be made in the comment field and in the NIV Adjudication Review Report in the Consolidated Consular Database (CCD).*