

## **9 FAM 41.113 NOTES**

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

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

*(CT:VISA-810; 05-09-2006)  
(Effective Date: 04-04-2006)*

Posts shall check the applicant's name against the Consular Lookout and Support System (CLASS) prior to visa issuance. (See procedures in 9 FAM Appendix D, 200.)

### **9 FAM 41.113 N2 ISSUING MORE THAN ONE CONCURRENTLY VALID VISA TO APPLICANT**

#### **9 FAM 41.113 N2.1 Applicant Not To Possess More Than One Concurrently Valid Visa of Same Type**

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

An applicant may not be in possession of 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.

#### **9 FAM 41.113 N2.2 Visas of Different Types for Applicants Proceeding to United States for Different Purposes on Different Occasions**

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

If an applicant desires to proceed to the United States on different occasions and the principal purpose of entry will not be the same each time, *you* shall issue to 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 N2.3, 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 N2.3 Issuing Concurrently Valid Visas of Different Types**

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

When more than one visa is to be issued, a single Nonimmigrant Visa (*NIV*) Application shall be completed, and only one photograph is required. Posts shall 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.) Posts shall 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). If appropriate, the visas may be placed 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 be issued a D visa as a member of the crew in the seaman's book, which would be valid only for use in connection with service on a vessel. For admission as a temporary visitor, the crewman would need to obtain another travel document in which the B visa, if issued, would be placed.

## **9 FAM 41.113 N2.4 Issuing Visas of Different Types to Dual Nationals**

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

A dual national *who* possesses a passport for each country of nationality may 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 where the United States has formalized a treaty agreement with another country and a permanent reciprocity schedule has not yet been established, then the temporary reciprocity schedule should be used.

## **9 FAM 41.113 N3 TRAVEL DOCUMENTS PRESENTED BY NATIONALS OF ENTITIES NOT**

## **HAVING FORMAL DIPLOMATIC RELATIONS WITH UNITED STATES**

### **9 FAM 41.113 N3.1 Placing Visas in Travel Documents**

*(CT:VISA-690; 02-03-2005)*

Nonimmigrant visas (NIVs) may be placed 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 N3.2 Not Placing Visas in Travel Documents Unless Authorized**

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

Nonimmigrant visas (NIVs) may **not** be placed in travel documents issued by the following government(s) with which the United States does not have formal diplomatic relations, unless specifically authorized by the *Advisory Opinions Division (CA/VO/L/A)*:

North Korea.

### **9 FAM 41.113 N4 DOCUMENTS NOT FULFILLING PASSPORT REQUIREMENTS**

*(TL:VISA-690; 02-03-2005)*

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 N5 USING FORM DS-232,**

## **UNRECOGNIZED PASSPORT OR WAIVER CASES, WHEN VISA NOT PLACED IN PASSPORT**

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

All visa-issuing offices shall 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), posts 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 N6 INDICATING NONIMMIGRANT VISA (NIV) REFUSALS IN PASSPORTS**

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

Posts *should discontinue the use of the "application received" stamp. 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 stamping the back of the 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 in refusing applicants who would have been eligible for automatic visa revalidation at POEs.*

## **9 FAM 41.113 N7 CLASSIFYING APPLICANT ACCORDING TO PRINCIPAL PURPOSE OF ENTRY**

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

See 9 FAM 41.11 N3.1.

## **9 FAM 41.113 N8 AUTHORITY TO CLASSIFY CERTAIN VISAS B-1/B-2**

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

See 22 CFR 41.12 and 9 FAM 41.31 *N17*.

## **9 FAM 41.113 N9 SPOT CHECK OF ISSUANCES**

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

See 9 FAM 41.113 PN17.