

9 FAM APPENDIX G

500 WASHINGTON SPECIAL CLEARANCES

(CT:VISA-774; 10-05-2005)

(Office of Origin: CA/VO/L/R)

9 FAM 501 GENERAL GUIDANCE

9 FAM 501.1 You must obtain a special clearance when:

(CT:VISA-738; 05-18-2005)

- a. The CLASS name check returns a "DPT-00" hit, a "VGTO" hit or an actual or quasi-hit (preceded by the letter "P") for any of the INA 212(a)(3) ineligibilities, or any other Category I ineligibility or potential ineligibility relating to national security or foreign policy. A discussion of National Crime Information Center (NCIC) hits appears in 9 FAM Appendix G, 600, "Processing Visa Cases with NCIC Hits".
- b. You know or have reasonable ground to suspect that the applicant may be subject to any of the 212(a)(3) ineligibilities, regardless of the results of the CLASS name check, based on information supplied during the application process or from other sources. This includes cases that may be politically sensitive and should therefore be reviewed by the Department even if no ineligibility exists, or in the case of potential (3)(b) ineligibilities, notwithstanding a refusal under INA Section 214 (b).
- c. The applicant is of a nationality and/or category (including age) subject to country-specific clearance requirements. This includes countries subject to Presidential Proclamations under INA Section 212(f), which suspends the entry into the United States specified aliens or classes of aliens whose entry would be detrimental to the interests of the United States. Such proclamations are now in effect for Angola, Bosnia, Burma, Cuba, Liberia, Sierra Leone, Sudan, the Western Balkans, Zimbabwe, and also for Corrupt Government Officials. You can find this information on the Consular Affairs (CA) website at: Presidential Proclamations

9 FAM 501.2 What are the Types of Special Clearances?

(CT:VISA-738; 05-18-2005)

You must use one of several standardized Security Advisory Opinion (SAO) request formats for special clearances, depending on the applicant's nationality and specific circumstances. The traditional cable format for clearance requests is being replaced by SAO-IP at all posts. Until all addressees have access to requests sent through SAO-IP, you must send SAO requests through both SAO-IP and by the traditional cable format. The CA reciprocity website lists the SAO requirements under specific country listings found at: Visa Reciprocity and Country Documents Finder.

These lists are updated annually.

In general, SAO request types are as follows:

- (1) A Visas Donkey or Visas Bear is a request for the Department's security advisory opinion (SAO). Once a Donkey or Bear SAO request is sent, the post must suspend all action on the case until a reply is received.
- (2) A Visas Eagle is a request for a name check by other Washington agencies. Once an Eagle SAO request is sent, the post must suspend all action on the case until a reply is received.
- (3) A Visas Condor is a request for a name check of aliens possessing certain nationalities. (See Appendix A (classified) for details.) Once a Condor SAO request is sent, the post must suspend all action on the case until a reply is received.
- (4) A Visas Mantis is a request for the Department's security advisory opinion on issues of the illegal transfer of technology. Once a Mantis SAO request is sent, the post must suspend all action on the case until a reply is received.
- (5) A Visas Merlin is a request for the Department's security advisory opinion on refugees. A Merlin 92 is a request for the Department's security advisory opinion on following-to-join asylees (Visas 92). Once a Merlin or Merlin 92 SAO request is sent, the post must suspend all action on the case until a reply is received.
- (6) A Visas Horse SAO is an arrival notice for diplomatic visa holders of certain nationalities, and is sent at the time of visa issuance.
- (7) A Visas Pegasus is sent for nationals of the Commonwealth of Independent States (CIS) from posts within the CIS who are the subjects of DPT-00 hits and are traveling to pre-ministerial, ministerial, pre-summit, summit or White House meetings.

Pegasus SAO requests are sent at the time of visa issuance.

- (8) Visas Hawk is a request sent for name checks on all immigrant visa (IV) applicants over the age of 16 whose petitions were approved at post or by a Department of Homeland Security (DHS) office abroad. These name checks are sent directly to the FBI at the National Visa Center (NVC) for processing. The FBI Management Analyst at NVC will complete the name check through the FBI's National Crime Information Center (NCIC) and Interstate Identification Index (III) databases. Officers must send Hawks by the traditional cable method, as SAO-IP is not currently configured to handle Hawk requests. More information on Hawk processing is available (see 9 FAM 42.62, PN3).

9 FAM 501.3 How do you process necessary clearance requests?

(CT:VISA-738; 05-18-2005)

- a. You must generate clearance requests from within the NIV, IV and IV/DV systems.
- b. You must refuse applications requiring a clearance request 221 (g) pending the completion of the processing.
- c. Once you submit an SAO request (with the exceptions of Horse and Pegasus), you must wait for the Department's response prior to making a final determination. You should follow up on cases that show as "pending" for more than 60 days by sending an e-mail to SAO Inquiries.

9 FAM 501.4 How long are special clearances valid?

(CT:VISA-738; 05-18-2005)

- a. Special clearance validity is defined as the period of time from the date of a clearance response from the Department to the ending date of the validity. During the validity period, you can issue a qualified applicant one or more visas without having to submit another SAO request. Special clearances are valid for the following periods:
 - Bear – 3 months
 - Condor – 3 months
 - Donkey – 3 months
 - Eagle – 12 months
 - Mantis – 3 months (or up to 12 months if returning to the same

program)

- Merlin – 12 months
- b. Clearances are valid only if there have been no new CLASS entries that require Department review between the time the SAO request was sent and the time the visa is issued. If there are new CLASS entries that require Department review, you must submit a new SAO request. In addition, these periods are not mandatory. You must request an SAO after each visa application when it is required by the guidance in section 9 FAM Appendix G, 501.1.

9 FAM 501.5 Are SAO Clearances Transferable?

(CT:VISA-774; 10-05-2005)

- a. Since the introduction of SAO-IP, posts no longer receive cable responses to clearance requests generated with the new software (with the exception of Visas Hawk). Unlike cables, SAO-IP responses are transmitted electronically through the *Consular Consolidated Database* (CCD) only to the post that initiated the request. Since some applicants may not be able to return to the original place of application to pick up his or her visa, such an applicant may receive a visa at another post under the following circumstances:
- (1) No biographic information has changed since the original submission;
 - (2) There are no new CLASS hits not submitted in the original SAO request, which require Departmental review;
 - (3) There is no new information available to the second post, which is relevant to the SAO request and was not included in the original SAO; or
 - (4) The previous SAO clearance was received within the validity period in 9 FAM Appendix G, 501.4.
- b. Any post wishing to issue a visa based on a clearance request sent by another post must review the original case record from the Consular Consolidated Database (*CCD*) Nonimmigrant Visas (*NIV*) Applicant Full Report. An officer must carefully review the bio data, the available CLASS hits, and all the data in Namecheck Detail. If the officer determines that a visa can be issued, he or she must note the original SAO's CID number and any other information relevant to the decision not to send a new SAO. The visa must be annotated: "Clearance received on (date)", with the date of the original visa office (VO) response.

9 FAM 501.6 How can you expedite a clearance request?

(CT:VISA-738; 05-18-2005)

The Department has a limited ability to expedite clearance requests and may not be able to comply with requests to expedite processing. If you need expedited processing of a name check or SAO request, you must explain the urgency of the case and provide a tentative itinerary. Urgent cases usually involve medical emergencies, humanitarian concerns or United States Government (USG) interest in the traveler's early arrival in the United States.

NOTE: The national visa center (NVC) does not have the ability to expedite clearance requests. You must send any request for expeditious handling by cable to the Department as a Visas Donkey (or Visas Bear or Visas Mantis, when appropriate) for consideration. You should state "Expedited Request" in the subject line for such requests and limit your requests to those situations outlined above.

9 FAM 502 OFFICIAL TRAVEL POST CHECKS: "VISAS HORSE" AND "VISAS PEGASUS"

9 FAM 502.1 General Guidance

(CT:VISA-738; 05-18-2005)

Washington agency name checks, SAO requests, and arrival notices on "A", "C-3", and "G" official visitors, when required, are sometimes conducted on a post-check basis, except for the mandatory check of CLASS. Such checks are usually requested by means of a "VISAS HORSE", although the "VISAS PEGASUS" may also be used by CIS posts in very limited circumstances (see 9 FAM Appendix G, 502.3). All name check requests on official and diplomatic applicants must include "DIRFBI WASHDC" as an action addressee. SAO requests on "G" visa recipients, who are destined for the United Nations, must include "IO/UNP" and "USUN" as info addressees.

9 FAM 502.2 "Visas Horse"

(CT:VISA-738; 05-18-2005)

You must submit a "VISAS HORSE" name check request and arrival notice immediately following the issuance of an "A", "C-3", or "G" visa to any applicant from certain countries, as specified in the appropriate "Special Clearance and Issuance Procedures" section for the applicant's country of

nationality. If an applicant meets the VISAS HORSE requirements, but also meets the VISAS BEAR requirements, you must submit a VISAS BEAR SAO request. The request must contain the official's name (including aliases and/or alternate spellings), date and place of birth, nationality, title and position, the organization to which destined, classification of visa, type of passport, date of last visa issuance (if any), date the application was received, and hits that pertain to the applicant. Report any derogatory information available. You must also provide a complete itinerary, including port of entry (POE), date of arrival, flight or other travel data, and information on any planned travel while in the United States.

9 FAM 502.3 "Visas Pegasus"

(CT:VISA-738; 05-18-2005)

- a. Consular officers at posts in the countries of the Commonwealth of Independent States (CIS) may issue single-entry "A-1" or "A-2" visas on a post-check basis to nationals of CIS countries who are in CLASS as "DPT-00" entries, and who are coming to the United States to attend pre-ministerial, ministerial, pre-summit, summit, or White House meetings, upon sending a Visas Pegasus. Only consular officers in CIS countries may submit a PEGASUS, and this is the only instance in which aliens who are "DPT-00" CLASS entries may be issued visas without the Department's prior security advisory opinion (SAO). All officers in non-CIS posts must submit "VISAS BEAR" SAO requests for the applicants described above.
- b. You must report the issuance of a visa under this procedure to the Department immediately by means of a "VISAS PEGASUS" to CA/VO/L/C and EUR/AO/SVIS. The Pegasus must include the official's name (including aliases and/or alternate spellings), nationality, date and place of birth, title or position, type of passport, visa classification, purpose of visit, length of stay, and complete itinerary. You must also provide a full citation of the "DPT-00" CLASS entry, including any "free field" notation.

9 FAM 503 NAME CHECKS: "VISAS EAGLE"

(CT:VISA-738; 05-18-2005)

A Visas Eagle is a request for a name check and clearance by other Washington agencies. It does not involve a Department security advisory opinion (SAO). In the past, you were authorized to resume processing a VISAS EAGLE case after a certain period of time without having received a response from Washington. This is no longer the case. Similar to procedures for other clearance requests, cases pending Visas Eagle response must be suspended (refused 221 (g)) until a response is received.

Currently, Visas Eagle requirements apply to certain nationals of Cuba, China, Iran, Russia and Vietnam. You can obtain detailed information in the individual country's Special Processing Requirements.

9 FAM 504 "VISAS MANTIS" CLEARANCE REQUESTS

9 FAM 504.1 General Information

(CT:VISA-738; 05-18-2005)

Most special clearance procedures are triggered by clear and objective circumstances, such as the applicant's nationality, place of birth, residence or CLASS name check results. However, the Visas Mantis clearance procedure was developed as a result of United States Government concerns that U.S.-produced goods and information are vulnerable to theft. In cases of illegal technology transfer, the Department must rely, to a great extent, on the observations and judgment of consular officers in the field. Consular officers should attempt to identify applicants (of any nationality) whose cases fall under the purview of section 212(a)(3)(A)(i)(II) of the Immigration and Nationality Act (INA) and involve fields on the Technology Alert List (TAL). The primary program security objectives are to:

- (1) Prevent the proliferation of weapons of mass destruction and missile delivery systems;
- (2) Restrain the development of destabilizing conventional military capabilities in certain regions of the world;
- (3) Prevent the transfer of arms and sensitive dual-use items to terrorists and states that sponsor terrorism; and
- (4) Maintain U.S. advantages in certain militarily critical technologies.

9 FAM 504.2 When Do You Need A Mantis Clearance?

(CT:VISA-738; 05-18-2005)

- a. State Sponsors of Terrorism - A Visas Mantis is mandatory for all applicants bearing passports of, or employed by states designated as State Sponsors of Terrorism (see General Guidance above), who seek to engage in a commercial exchange or academic pursuit involved in one of the critical fields of the Technology Alert List (TAL).
- b. USG sponsored programs - Applicants of any nationality coming to the U.S. at the invitation of a USG entity to engage in activity involving any of

the sensitive technologies on the TAL when that activity might impinge on one of the four technology transfer objectives above. The TAL contains 16 categories of technologies and can be referenced at the following CA web link: USING THE TECHNOLOGY ALERT LIST: UPDATE. The TAL has been put in alphabetical order and a master index of key words has been created to make it easier for consular officers to use the TAL.

9 FAM 504.3 Preparing The Mantis Clearance Request: Important Points

(CT:VISA-774; 10-05-2005)

- a. A Visas Mantis SAO request is a pre-issuance clearance procedure. Once you submit a Visas Mantis SAO request, you must wait for the Department's response before continuing to process the application.
- b. Submit a Visas Mantis SAO request for any application that raises concerns about possible illegal technology transfer. You should submit an SAO request (Visas Mantis) for applicants whom you know or have reason to believe may either:
 - Personally be subject to sanctions denying them United States export privileges
 - Be an owner or responsible executive of a sanctioned firm
- c. Lists of sanctioned persons or firms compiled by various agencies are available on the Internet. This information can be useful to a consular officer in making a decision on the necessity for an SAO. A convenient access point for this information is the Department of Commerce (DOC) Compliance and Enforcement website. This website explains the role of the DOC in preventing illegal dual-use export, and provides a link to their list of Denied Parties. The same site also contains links to the Treasury Department's (OFAC) list of Specially Designated Nationals and the State Department's List of Denied Parties. Also, you may be able to obtain useful information from both the commercial officer at post and the post Blue Lantern contact, who is responsible for arms sale end-use checks and maintains a close relationship with the State Department Office of Defense Trade Controls Compliance.
- d. The information provided in the Visas Mantis SAO request must be detailed. SAO requests that contain vague or incomplete information will result in processing delays. Requests must contain sponsor/project manager and contact information, and state the specific purpose of visit and the applicant's itinerary. Information on the applicant's background may be helpful, such as his or her *curriculum vitae (CV)*, list of publications, etc. A failure to include this information may delay the traveler. The Visa Office (VO) will, at the request of other United States

Government agencies, instruct you to suspend the processing of a visa case in order to obtain additional information. The Mantis review turnaround time is directly affected by the completeness of the information in the Mantis cable.

- e. If an applicant, subject to Mantis clearance, also has CLASS hits, you must send the SAO request as a VISAS MANTIS and include the hit information in the proper section of the template.
- f. You must annotate all visas for applicants subject to Mantis to reflect the clearance. For example, the annotation of the visa for an applicant authorized to visit the Sandia National Laboratories in Albuquerque, New Mexico would read as follows: "Sandia National Lab; Mantis Authorization per State xxxxx".
- g. In all cases in which one or more visas are issued during the clearance validity period, you must annotate the record in the Consular Consolidated Database (CCD) to reflect the date of clearance with the comment: "clearance received" plus the date of the authorization. If an applicant applies for a visa within the clearance validity period at a different post from the original application, verification of the original authorization can be found in the CCD.
- h. You must examine the applications of individuals who fall under the Visas Mantis requirement to determine whether or not they may benefit from one of the maximum clearance validity periods as outlined above. To do so, the officer must use the CCD to check information on prior applications. If you determine that the applicant does not need to undergo further Mantis screening, for example because he or she is returning to the same program in the U.S., you must submit a post check Visas Mantis SAO. To do this, choose the "Postcheck Mantis" template in the SAO window in NIV. If you determine that the applicant needs to have further Mantis screening, for example by having changed programs in the U.S., then you should submit a new Mantis SAO as the previous clearance validity period will no longer be in effect.

9 FAM 505 SECURITY ADVISORY OPINIONS: VISAS CONDOR

9 FAM 505.1 What is a Visas Condor?

(CT:VISA-738; 05-18-2005)

A Visas Condor is a Security Advisory Opinion (SAO) request for nationals of certain countries who meet the criteria (see 9 FAM Appendix A, 600) (classified). You must submit Visas Condor SAO requests for all applicants

who meet these criteria, unless the applicant is already subject to a Donkey, Bear, or Mantis SAO requirement. Once a Visas Condor request is submitted, you may not issue a visa until you have received a response.

9 FAM 505.2 Which cases require a Visas Condor SAO?

(CT:VISA-774; 10-05-2005)

- a. Visas Condor SAO requests apply only to nonimmigrant visa applicants.
- b. Certain nonimmigrant visa applicants are subject to additional security advisory opinion requirements. Detailed descriptions of the applicants and the requirements are contained in 9 FAM Appendix A, 600. If an applicant is subject to the Condor requirement and is also subject to a Donkey, Bear or Mantis SAO, then you must submit a Visas Donkey, Bear or Mantis in lieu of a Visas Condor.
- c. The requirement to submit a Visas Condor request additionally applies to any nonimmigrant visa applicant who:
 - (1) Is not already subject to a special clearance requirement, and
 - (2) Is sixteen (16) years of age or older
 - (3) Is from one of these state sponsors of terrorism:
 - (a) Cuba
 - (b) Iran
 - (c) Libya
 - (d) North Korea
 - (e) Sudan
 - (f) Syria
- d. A person is "from" a state sponsor of terrorism generally only if the person is a national of that country. If a person is a national of both a state sponsor country and a non-state sponsor country, the person should not be treated as "from" the state sponsor if you determine that the state sponsor nationality is only nominal. Nominal nationality is a determination, which must be made on the totality of the facts. It would normally be someone who does not exercise any of the rights of nationality and whose behavior demonstrates that he or she does not in fact have the allegiance or loyalty to the state sponsor country normally associated with nationality. Evidence of allegiance would normally include the possession of a passport of the state-sponsor country; such an applicant should normally be treated as "from" a state sponsor country. On the other hand, a dual national applicant who resides in the non-state

sponsor country of nationality and who has severed all significant ties to the state sponsor country can generally be considered as not "from" the state sponsor country. Travel to the state sponsor country is another important indicator of continuing active exercise of nationality. For example, a dual national applicant who returns to the state sponsor country yearly likely still has significant ties to the country. An adult applicant who left as a child and has not returned may not have significant ties to the country. Absent other strong facts supporting a contrary conclusion, we would expect the dual national applicant who returns annually to be treated as "from" the state sponsor country, but the applicant who left as a child not to be so treated. The consular officer must interview the applicant in order to make this determination.

NOTE: Although Iraq is still on the list of state-sponsors of terrorism; on May 07, 2003 the President lifted any sanctions that might be applied to Iraqis as a result of Iraq being on the list. Therefore, Iraqis are not; repeat not subject to Visas Condor security advisory opinion requirements as a result of Iraq being on the list of state-sponsors of terrorism. Iraqis are, however, subject to normal Visas Condor requirements as described in this paragraph and in 9 FAM Appendix A, 600. Also see information provided in the Reciprocity Schedules on Individual Country Special Processing Requirements. (See *Reciprocity Schedules*.)

- e. Any nonimmigrant visa applicant subject to Condor requirements must complete Form DS-157, Supplemental Nonimmigrant Visa Application and appear in person for an interview (with very limited exceptions). (See 9 FAM 41.102 Notes). If this process raises any suspicion that the applicant might, in any way, be involved in suspected terrorist behavior or activity, you must hold the case in abeyance under Section 221 (g) and submit a SAO request via Visas Donkey (see 9 FAM Appendix G, 506), providing all the facts in the case for the Department review. Only if the applicant appears to be otherwise eligible for visa issuance (i.e., will not be refused under 214(b) or a 212(a) category) should you submit a Visas Condor request.

9 FAM 505.3 Processing Visas Condor SAOs

(CT:VISA-774; 10-05-2005)

Visas Condor must be submitted by unclassified telegram and SAO-IP. In order to maintain the unclassified format, you should refer to the processing instructions (see 9 FAM Appendix A, 600).

9 FAM 506 SECURITY ADVISORY OPINIONS: VISAS DONKEY AND VISAS BEAR

9 FAM 506.1 What is a Visas Donkey?

(CT:VISA-774; 10-05-2005)

- a. A Visas Donkey is a request for the Department's Security Advisory Opinion on a visa application. You must submit a Visas Donkey for categories of applicants (see 9 FAM Appendix G, 506.2). A Visas Donkey is discretionary for categories of applicants described in 9 FAM Appendix G, 506.3. There is no alternative to submitting an SAO request when one is required. You must submit Visas Donkey SAO requests via SAO-IP and telegraphically. You must conduct a check of the applicant's name through CLASS prior to requesting a security advisory opinion, and it is imperative that you include the results of the CLASS check in the SAO. Washington agency name checks are conducted on every case submitted for a security advisory opinion, but CLASS is not checked again by Washington agencies or CA/VO/L/C.
- b. Once an SAO request is submitted, you must not proceed to issuance on the case and wait for a reply from the Department. When the Department renders an opinion making an alien excludable under a security ground of ineligibility (*INA 212(a)(3)*), that opinion remains in effect unless the Department reverses it. If you believe that action contrary to the Department's security advisory opinion should be taken, you must resubmit the case to the Department with an explanation of the proposed action. (See 22 CFR 41.121(d)). "Rulings of the Department concerning an interpretation of law, as distinguished from an application of the law to the facts, shall be binding upon consular officers".
- c. If the Department maintains a file on an applicant who is the subject of a security advisory opinion (SAO) request, and if you know the number of such file, you should reference the number on all correspondence to the Department in the subject line of the cable with blank spaces on either side of the number. This procedure will greatly facilitate locating the relevant information on the subject and acting upon it.

9 FAM 506.2 Which cases mandate a Visas Donkey?

(CT:VISA-738; 05-18-2005)

The Department requires a security advisory opinion in the case of any applicant, 16 years of age or older, who is described in one of the categories

listed below:

- (1) Individual Cases Identified by the Department: Security advisory opinions must be submitted for the following individuals:
 - (a) An applicant listed in CLASS as a "DPT-00" entry (except when the "VISAS PEGASUS" name check procedure applies);
 - (b) An applicant on whom the post received an unfavorable security advisory opinion previously rendered by the Department which has not been reversed; or
 - (c) An applicant who is the subject of a general or specific instruction from the Department requiring a security advisory opinion.

- (2) Nationals of Certain Countries: A security advisory opinion is required for all nationals, or specified categories of nationals, of designated countries which are not recognized by the U.S., with which the U.S. has no diplomatic relations, or on which the Department has imposed a SAO requirement for political, security, or foreign policy reasons. Cases are subject to this requirement only when indicated in the "Special Clearance and Issuance Procedures" of the Reciprocity Schedules for the applicant's country of nationality. The following countries currently have special clearance requirements:

Afghanistan	Iran	Rwanda
Angola	Iraq	Serbia
Armenia	Israel	Sierra Leone
Azerbaijan	Kazakhstan	Slovenia
Belarus	Krygyzstan	Somalia
Bosnia	Laos	Sudan
Burma	Liberia	Syria
Central African Republic	Libya	Tajikistan
China	Macedonia	Turkmenistan
Croatia	Moldova	Ukraine
Cuba	Mongolia	Uzbekistan
Gaza	Montenegro	Vietnam
Georgia	North Korea	West Bank
Haiti	Pakistan	Zimbabwe
Herzegovinia	Russia	

9 FAM 506.3 Which other cases (not identified in 9 FAM Appendix G, 506.2) must a consular officer submit as a Visas Donkey?

(CT:VISA-738; 05-18-2005)

A security advisory opinion is required for any applicant who you know, or have reason to believe, is ineligible, or who was previously found ineligible, for a visa under one of the following security grounds:

- a. All applicants possibly subject to INA 212(a)(3)(A) for activities related to espionage, sabotage, the prohibited export of sensitive technology, other illegal activities, or efforts to overthrow the U.S. Government. (See 9 FAM 40.32 Notes.);
- b. All applicants possibly subject to INA 212(a)(3)(B) for engaging in or planning to engage in terrorist activities. Aliens who are officers, officials, representatives, or spokesmen of the Palestine Liberation Organization (PLO) are deemed to be engaged in terrorist activity;

NOTE: You should use the "VISAS VIPER" procedure to report to the Department any alien who is not a visa applicant, but whose activities may fall within the purview of INA 212(a)(3)(B) (see 9 FAM 40.37 Notes).

- c. All applicants possibly ineligible under INA 212(a)(3)(C) for foreign policy reasons (see 9 FAM 40.33 Notes);
- d. All applicants possibly excludable under INA 212(a)(3)(E) for having engaged in Nazi persecution or genocide (see 9 FAM 40.35(a) Notes);
- e. All applicants possibly excludable under INA 212(a)(3)(F) for association with terrorist organizations; or
- f. Any applicant about whom the consular officer has concerns, even if he or she doesn't fall within one of the above categories. Please note in the comments section of the SAO the reasons for your concern.

9 FAM 506.4 What is a VISAS BEAR?

(CT:VISA-738; 05-18-2005)

- a. A Visas Bear is a security advisory opinion (SAO) request on an applicant who is coming for official purposes ("A", "C-3", and "G" nonimmigrants). You should slug A Visas Bear for CA/VO/L/C and include "DIRFBI WASHDC" and the Department of Homeland Security (DHS) as action addressees. Visas Bear SAO requests on "G" visa applicants destined for the United Nations must also be directed to "IO/UNP" and "USUN" as info addressees. Telegraphic requests must be prepared in accordance with the telegraphic format (see 9 FAM Appendix E, 302) and must contain complete and accurate information. Once a "VISAS BEAR" SAO has been

requested, you must not issue a visa until the Department's response has been received.

- b. "VISAS BEAR" SAO requests must include the applicant's name (including aliases and/or alternate spellings), date and place of birth, nationality, title and position, the organization to which destined, visa classification, type of passport, date of last visa issuance (if any), date the application was received, and basic identifying data on any accompanying persons 16 years of age or older. The SAO request must contain a complete citation of any relevant CLASS entry (including notations in the "free field"), as well as any derogatory information available to you. You must also provide a complete itinerary, including port of entry (POE), date of arrival, flight or other travel data, and information on any planned travel while in the United States.
- c. "A", "C-3", and "G" visa recipients from certain countries are subject to POE restrictions. When applicable, such restrictions are noted in the "Special Clearance and Issuance Procedures" for the applicant's country of nationality.

9 FAM 507 SEEKING RELIEF FROM AN INA 212(A)(3)(D) INELIGIBILITY

(CT:VISA-738; 05-18-2005)

- a. A security advisory opinion (SAO) Visas Donkey is required for any immigrant visa applicant excludable under INA 212(a)(3)(D) for Communist Party membership or affiliation (see 9 FAM 40.34 Notes), who is seeking relief from this ineligibility on the basis of past membership or non-meaningful or non-voluntary association, and whose case meets the criteria (see 9 FAM 40.34 N4.4 and N7.1).
- b. You must request a security advisory opinion (SAO) whenever you wish to recommend the reversal of a previous finding of ineligibility under 212(a)(3)(D). You must provide a full justification for the request.

9 FAM 508 REQUEST TO DELETE "DPT-00" CLASS ENTRY

(CT:VISA-738; 05-18-2005)

You must seek the Department's security advisory opinion (Visas Donkey) whenever you believe that a "00" CLASS entry made by the Department should be deleted. Such SAO requests must cite the complete CLASS entry (including notations in the "free field") and must contain your justification for the recommendation.