



VISA INSTRUCTIONS FOR IMMIGRANT VISA APPLICANTS

We have received an approved visa petition for you. You should now prepare for your interview.

FORMS YOU MUST COMPLETE

Complete the Online Immigrant Visa Application and Registration (DS-260) and Choice of Address and Agent (DS-261) at http://www.travel.state.gov/visa/immigrants/info/info_5164.html. Once you have completed the DS-260, notify the Embassy by email at support-philippines@ustraveldocs.com.

For applicants and dependents who will turn 21 on or around the date of the visa interview:

Please read the attached instructions on the Child Status Protection Act and ensure that you complete the applicant's DS-260 within one year of the date a visa first became available (i.e., the date in which the priority date became current or the date the petition was approved, whichever came later). **Failure to do so may result in the applicant losing their derivative status. This would require filing a new petition for them, and a wait of many years for a visa.**

DOCUMENTS YOU MUST PREPARE (Do NOT send these to the Embassy in advance)

1. PASSPORT: Each visa applicant must have a passport valid for at least six (6) months by the time of the visa issuance. Filipino citizens can apply for a passport at the Department of Foreign Affairs - Office of Consular Affairs (DFA-OCA), Aseana Business Park, Bradco Avenue corner Macapagal Boulevard, Paranaque City. Applicants may set an appointment by going online at www.passport.com.ph or by calling (632) 737-1000.

2. BIRTH CERTIFICATE: Copies must be issued by the National Statistics Office (NSO) on security paper (**not from the Local Civil Registry Office**). Copies are needed for the principal applicant, derivative family members and petitioners who were born in the Philippines. You may call the NSO Information Center at (632) 737-1111 to inquire on securing a birth certificate or visit their web site at <http://www.census.gov.ph>. If the NSO does not have a copy of the birth certificate, you must obtain a statement about its unavailability from the NSO and obtain a certified original copy (not an extract) of the birth certificate from the local registrar in the town where you were born.

3. MARRIAGE CERTIFICATE (if applicable): For Philippine marriages, copies must be issued by the National Statistics Office (NSO) on security paper (**not from the Local Civil Registry Office**). You may call the NSO Information Center at (632) 737-1111 to inquire on securing a marriage certificate or visit their web site at <http://www.census.gov.ph>.

4. CERTIFICATE OF NO MARRIAGE RECORD (CENOMAR). If you have never been married, a CENOMAR (Singleness) issued by the National Statistics Office (NSO) and printed on NSO security paper should be submitted. You may call the NSO Information Center at (632) 737-1111 to inquire about securing a CENOMAR or visit their web site at <http://www.census.gov.ph>.

5. PROOF OF TERMINATION OF A PRIOR MARRIAGE (if applicable). If your marriage ended by divorce, annulment, disappearance or death of the spouse, legal and/or civil documentation must be presented attesting to the termination of the marriage (annulment decree, death certificate issued by NSO and printed on NSO security paper, a foreign divorce decree, or foreign death certificate).

6. EVIDENCE OF FINANCIAL SUPPORT: Applicants must provide evidence that they will not become public charges (that is, dependent on government welfare and assistance).

- **Form I-864 Affidavit of Support** for visa applicants in the IR, F, certain E visa categories, and following-to-join employment E applicants complete with copies of the sponsor's U.S. Federal income tax return (ITR)

and wage statements (Form W-2s). The petitioner must provide an Affidavit of Support even if he/she does not derive any income and even if a joint sponsor's Affidavit of Support will be providing all of the actual financial support.

Download Form I-864 at <http://www.uscis.gov/portal/site/uscis>.

➤ **Form I-864EZ Affidavit of Support.** A sponsor may use the shorter form I-864EZ in place of Form I-864 if all of the following applies:

- The sponsor is the petitioner (who filed the Form I-130 petition);
- There is no need for a joint sponsor or a Form I-864A;
- The affidavit of support is filed on behalf of only one intending immigrant;
- The sponsor is seeking to qualify based on the sponsor's own income alone (not on the basis of assets);
- All of the sponsor's income is shown on IRS Forms W-2.

Download Form I-864EZ at <http://www.uscis.gov/portal/site/uscis>.

➤ **Form I-864W Exemption** should be filed by the following categories of Immigrant Visa applicants who are not required to file an I-864:

- Applicants who already have 40 quarters of qualified work in the U.S. covered under the Social Security Act;
- Applicants who are the child of a U.S. citizen who will qualify for U.S. citizenship upon entry into the United States;
- Applicants who are self-petitioning widow(er) of a U.S. citizen;
- Applicants who are self-petitioning as a battered spouse or child of a U.S. citizen or Permanent Resident Alien.

Download Form I-864EZ at <http://www.uscis.gov/portal/site/uscis>.

➤ **Form I-134 Affidavit of Support** for returning resident (SB-1) and special immigrant visa (SE) cases. A copy of the sponsor's Federal income tax return (ITR) and wage statements (Form W-2s) for the most recent taxable year should accompany the Form I-134.

Download Form I-864EZ at <http://www.uscis.gov/portal/site/uscis>.

➤ **Notarized Confirmation of Job Offer and Salary** for employment-based applicants should be on the stationery of the employer's business organization and it must have been issued less than one year prior to the visa application.

7. NBI CLEARANCE. Applicants aged 16 years and older must have a valid Record Clearance for Travel Abroad Purposes from the National Bureau of Investigation (NBI). Clearances should be in the applicant's current name, birth certificate name, maiden name and any aliases or nicknames used, including different spellings you have used of those names. For immigration purposes, an NBI clearance is valid for one (1) year from the date it was issued. The NBI web site is <http://www.nbi.gov.ph/>.

8. OTHER COUNTRY POLICE CERTIFICATES. Applicants aged 16 years and older must also present police certificates from other countries where they have lived for one (1) year or more after reaching the age of 16. As with NBI clearances, foreign police certificates should be obtained in any maiden names, aliases or nicknames used while in the country in question, including different spellings you have used of those names. Country-specific information on how to secure police certificates is available on the State Department's web site at http://travel.state.gov/visa/fees/fees_3272.html.

9. COURT AND PRISON RECORDS: Applicants who have been arrested, charged or convicted of a crime must present copies or transcripts of court or prison records relating to the crime or offense.

10. MILITARY OR POLICE SERVICE RECORDS: Applicants who served in the military or police should present certified copies of their military or police service records.

11. VISA PHOTOGRAPHS: You must bring three (3) color photographs; two are for the visa and one is for the medical report. Size and format specifications must be strictly observed: Photos should measure 2 by 2 inches (roughly 50 mm square) with a white background and 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 inch 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. See http://travel.state.gov/visa/immigrants/info/info_3746.html for detailed instructions.

12. SUPPORTING EVIDENCE OF IDENTITY and/or RELATIONSHIP: Applicants should be prepared to submit documents that further establish their claimed identity and/or their relationship with the petitioner or the principal applicant. Multiple photographs with the petitioner or principal applicant taken over a significant period of time, personal correspondence, home telephone records, financial records, proof of joint property ownership and/or joint financial obligations, original baptismal records – if applicable, school records, medical records and adoption decrees are often useful.

13. COPIES OF DOCUMENTS AND TRANSLATIONS: Except for the passport, we will keep all required documents to be included in the visa packet. The U.S. Citizenship and Immigration Services (USCIS) retains the visa packet as part of its permanent files after presenting it at the port of entry. If you want to keep a document, prepare a photocopy and present both the original and the copy when you report for your interview. All documents must be in English or accompanied by certified English translations.

YOUR VISA APPLICATION WILL NOT BE PROCESSED TO COMPLETION UNLESS ALL REQUIRED DOCUMENTS HAVE BEEN SUBMITTED

You should notify the Embassy Immigrant Visa Unit immediately in writing if any of the circumstances apply to your case:

- a) there have been births, deaths, or adoptions in your family;
- b) you or any of your dependents have married, divorced or had a marriage annulled;
- c) your petitioner has died;
- d) (for employment-based petitions) your job offer has been canceled or changed;
- e) your address has changed.

You should include with your notification supporting documents, such as a marriage, birth or death certificate, to confirm the change in civil status.

Children under the age of 21 years old and who are unmarried are entitled to derive immigrant benefits from their parents in the family preference (F) and employment-based (E) visa categories. This benefit is not available to applicants with immediate relative (IR) visa petitions. Under U.S. immigration law, when a derivative beneficiary marries or turns 21 years old before an immigrant visa is issued, any immigration benefits as a child terminate. In order for these individuals to qualify for immigration benefits again, a separate visa petition would have to be filed on their behalf with the U.S. Citizenship and Immigration Services (USCIS) office.

For general information about the visa application process, please visit our website at <http://manila.usembassy.gov>. For visa appointment-related inquiries, please email support-philippines@ustraveldocs.com or call the Embassy's Visa Information and Appointment Service at (632) 976-8500, (632) 976-8501 or (632) 976-8502. Manila's Visa Information and Appointment Service is open Monday through Friday, from 8:00 a.m. to 8:00 p.m. Philippine Standard Time, except on U.S. and Philippine holidays. Applicants, agents, or petitioners in the U.S. may also use this service by calling (703) 520-2235 between 7pm-7am EST / 6pm-6am CST / 5pm-5am MST / 4pm-4am PST.

INSTRUCTIONS ON THE CHILD STATUS PROTECTION ACT

The **Child Status Protection Act** (CSPA) was signed into law on August 6, 2002. CSPA was enacted to address the problem of minor children losing their eligibility for immigration benefits because they had aged-out or turned 21 years old as a result of processing delays on the part of the U.S. Citizenship and Immigration Services or the Department of State. It was not intended to benefit an applicant who aged-out due to the unavailability of a visa number.

The eligibility of an applicant for benefits under the aging-out provisions of the CSPA may be determined only at the time a visa application is adjudicated by a consular officer.

Individuals who believe that they qualify for visa issuance under the Act may come in together with other qualified applicants during the scheduled visa interview appointment at the Embassy to submit a visa application. These applicants are required to complete the Online Immigrant Visa Application and Registration (DS-260) at http://www.travel.state.gov/visa/immigrants/info/info_5164.html, present a valid passport, birth certificate and notice of approval of petition (if principal applicant adjusted status in the United States), and pay the application fee.

Once the DS-260 has been completed, notify the Embassy by email at support-philippines@ustraveldocs.com.

Beginning May 2011, applicants seeking benefits under the CSPA **must** complete the required medical examination at [St. Luke's Extension Clinic in Manila](#) prior to the visa interview. For further information about the CSPA, please visit the Embassy's at <http://manila.usembassy.gov/www3228.html>.

The U.S. Domicile Requirement for Petitioners Living Outside the U.S.

A petitioner living outside the United States and who has not maintained any ties with the United States, and who wishes to qualify as a sponsor must demonstrate that:

- (1) He or she has taken steps to establish a domicile in the United States;
- (2) He or she has either already taken up physical residence in the United States or will do so currently with the applicant;
- (3) The sponsor does not have to precede the applicant to the United States but, if he or she does not do so, he or she must at least arrive in the United States concurrently with the applicant;
- (4) The sponsor must establish an address (a house, an apartment, or arrangements for accommodations with family or friend) and either must have already taken up physical residence in the United States; or
- (5) Must at a minimum to state that he or she intends to take up residence there no later than the time of the applicant's immigration to the United States.

Although there is no time frame for the petitioner to establish residence, the sponsor/petitioner must in fact, have taken up *principal* residence in the United States. Evidence that the sponsor has established a domicile in the United States and is either physically residing there or intends to do so before or concurrently with the applicant *may* include the following:

- (1) Opening a bank account;
- (2) Transferring funds to the United States;
- (3) Making investments in the United States;
- (4) Seeking employment in the United States;
- (5) Registering children in U.S. schools;
- (6) Applying for a Social Security number; and
- (7) Voting in local, State, or Federal elections.

Summarized from 9 FAM 40.41 N6.1-2 Establishing U.S. Domicile

(CT:VISA-1317; 09-24-2009)