

**Questions for the National Visa Center (NVC)
Posed During the NVC-AILA DOS Liaison Committee Meeting
Portsmouth, New Hampshire
November 3, 2015**

1. Communications with NVC

During AILA's [11/4/14 meeting](#) and [2/17/15 teleconference](#) with NVC, the topic of communications was discussed at length. Though the communication processes outlined in those conversations have enabled many members to resolve issues at NVC, many AILA members continue to report communication problems.

- a. Would NVC provide a list of the information it requires an attorney to provide via phone or e-mail in order to satisfy privacy requirements?

RESPONSE:

- a. Phone Requirements:
- The attorney must be listed on the case. If not, NVC will ask for a G-28 before disclosing case information.
 - Be prepared to provide the following information:
 - o NVC case number or USCIS receipt number
 - o Principal applicant's name and date of birth
 - o Petitioner's name
 - Note: For employment-based cases, this is the name of the organization hiring the applicant, not the name of the organization's point of contact.
 - o Your name and office
- b. E-mail requirements – Include the following information on **every** e-mail you send:
- NVC case number or USCIS receipt number
 - Principal applicant's name and date of birth
 - Petitioner's name
 - Attorney of record's name and office
 - Name of the person submitting the inquiry, if it is not the attorney him/herself
- b. Members report receiving communications from NVC which contain a Notice indicating that, "If the NVC receives no communication from any representatives of a case for a period of one year the case enters the termination process. All submitted fees and documents expire and must be resubmitted to resume the immigration process."
- i. Please confirm that the termination process will not start until after the visa priority date is current.

RESPONSE: This is correct. The termination process will not start until the priority date is current.

- ii. What is the best way to determine if an I-130 remains valid after it has been sent to NVC?

RESPONSE: The best way to determine if an I-130 is still valid is to send an e-mail to NVCattorney@state.gov or call NVC. You can also check the status of the case through CEAC, the Consular Electronic Application Center, at <http://ceac.state.gov>.

As long as the attorney or client contacts NVC periodically (no more than one year between contacts), the case will remain active.

- c. Previously, NVC required 60 days to review the civil and financial documents. NVC now requires only 30 days to review these documents. If the review period goes beyond 30 days, at what point would it be appropriate to follow up on the status of the case?

RESPONSE: The average document review time period is still 30 days. NVC's goal for document review is 10 work days. If you have submitted your civil and financial documents and haven't been contacted by the NVC at the 45-day mark, you should send an e-mail to NVCattorney@state.gov. In order to prevent processing delays, we encourage you to submit all of the documents for a case in a single package. Documents for multiple cases should not be included in a package.

- d. Regrettably, AILA members continue to report that e-mail inquiries sent to NVCattorney@state.gov have either not been responded to or the response is delayed. What is the current average response time for an e-mail inquiry sent to NVCattorney@state.gov?

RESPONSE: As of December 15, 2015, the oldest e-mail in the NVCattorney e-mail box was from December 14, 2015. E-mails are reviewed and responded to on a first-in/first-out basis. In addition, NVC recently upgraded its e-mail system for the AskNVC@state.gov mailbox so that all e-mails pertaining to a single case number will be reviewed and responded to at the same time.

- e. Does the NVCattorney@state.gov e-mail address send "auto-reply" e-mail receipts?

RESPONSE: Yes, the e-mail box sends an auto-reply but only one per e-mail address every 24 hours. So, if you send two e-mails on two cases within a 24-hour period from the same e-mail address, you will only receive an auto-reply for the first e-mail.

- f. Please confirm that the process for attorneys following up via the NVCattorney@state.gov e-mail address as outlined in the [11/4/14 meeting notes](#) (pp. 8-9) is still accurate. This process includes sending an initial e-mail, sending a second follow-up e-mail if no response is received to the first e-mail, then sending a third e-mail with the subject line "Attention PI Supervisor" if no response is received to the second e-mail within a reasonable amount of time.

RESPONSE: Yes, this process is still in use.

- g. Some AILA members report not receiving responses from NVCattorney@state.gov despite following the process identified above. Others report receiving a timely response, but the response does not address the particular issue(s) raised. What is the general protocol for escalating a case further if no response is received from the PI Supervisor, or if the response is unsatisfactory?

RESPONSE: When inquiring about a case, send an e-mail to NVCattorney@state.gov. If you do not receive a response within 15 days, send a second follow-up e-mail to NVCattorney@state.gov. If you still don't receive a response after 15 days, send a third e-mail to NVCattorney@state.gov, with "Attention PI Supervisor" in the subject line. You should receive a response from the PI Supervisor within 5 to 7 business days. A newly arrived Foreign Service Officer subject matter expert has been working with the Customer Service unit for the past couple of months to provide more substantive information when answering e-mail.

- h. Members report receiving letters with errors, such as an incorrect preference category. Members also report that e-mails sent to NVCattorney@state.gov to report these errors go unanswered. Is there a way to flag such errors, either via the NVCattorney e-mail or otherwise, so that corrections may be quickly made?

RESPONSE: If a response to an inquiry was unsatisfactory or needs to be escalated to a supervisor, the attorney should write "Attention PI Supervisor" in the subject line and the inquiry will be escalated to the appropriate supervisor.

2. Nonimmigrant Visa Inquiries

An [October 2014 report by the Office of Inspector General](#) found, *inter alia*, that:

National Visa Center employees have little knowledge of nonimmigrant visas. Until an expanded and improved telephone system and additional staff are in place, the National Visa Center will not be ready to respond to nonimmigrant visa inquiries at the end of FY 2014. A subject matter expert on site would help smoothly transition public inquiries about nonimmigrant visas from CA/VO to the National Visa Center.

We understand that beginning as of January 2015, the NVC accepts telephone inquiries on nonimmigrant visa matters. However, callers with questions concerning immigrant visa applications continue to report receiving busy signals, being placed on hold or receiving non-responsive responses to inquiries.

- a. What is the status of the NVC's telephone system upgrade and the hiring of additional staff? How many staff members are currently assigned to handle non-immigrant visa inquiries?

RESPONSE: Phone line capacity, physical infrastructure and software systems for the telephone unit were all upgraded in January/February 2015. This has allowed NVC to increase the daily volume of received calls from approximately 4,500 calls per day at the beginning of 2015 to 8,000 calls per day today. However, NVC continues to hire into the telephone inquiry unit. The goal is to answer 10,000 calls per day. NVC believes that busy signals will largely be eliminated at the 10,000-call level but if they find that is not the case, they will keep expanding.

The Customer Service division currently has 251 employees that work on both written and telephone inquiries across two shifts. Phones are answered Monday through Friday, 7:00 am to 12:00 midnight (ET).

- b. How many calls related to nonimmigrant visa matters have been received by NVC since 2015?

RESPONSE: NVC received approximately 93,000 NIV-related calls from January-September 2015. On average, NVC receives nearly 600 calls per day on NIV matters.

- c. What type of questions relating to nonimmigrant visas is NVC able to answer? For example:
- i. Are questions related to NIV application process and procedure handled by NVC?
 - ii. Are questions related to substantive eligibility for various NIVs handled by NVC?
 - iii. What other types of NIV-related questions are handled by NVC?

RESPONSE:

- NVC is able to answer questions regarding the general NIV application process and directs applicants to the correct websites for additional application information at a particular post.
 - NVC is able to provide the status of an NIV application at a post overseas.
 - NVC may inform an inquirer if the application was refused under INA 221(g), e.g., the consular officer requires additional information or if a case requires any additional administrative work.
 - NVC may not advise applicants if they qualify for a specific non-immigrant visa or if their application will result in a visa issuance. If the question posed falls outside the scope of what NVC can answer, the caller is instructed to contact the post or LegalNet as appropriate.
- d. Has a nonimmigrant visa subject matter expert been placed on site at NVC per the recommendation of the OIG?

RESPONSE: Yes. A new consular officer has been assigned as a subject matter expert for the Customer Service division. The officer arrived in August 2015.

3. Processing Times and Tracking Files

- a. Please confirm the current amount of time that it takes for NVC to receive an approved I-140, I-130, or I-129F from USCIS and to complete data entry into the NVC system. If there are differences depending on the petition type, please explain.

RESPONSE: Once USCIS approves a petition, it typically takes four to six weeks for the physical petition to reach NVC. On the day the petition arrives, NVC staff enter the USCIS receipt number into a local database to note its presence at NVC. For I-140 and I-130 petitions, it will then take two to three weeks to enter all of the detailed petition information into NVC's local system, where it is assigned an NVC case number. NVC then sends the case parties a welcome letter for current cases and an informational letter for non-current cases that includes the NVC case number. Last year, the data entry process took on average nearly 60 days. In general, the

applicant or attorney should receive the initial notification from NVC within 30 calendar days from the date it was received at NVC.

For I-129F petitions, NVC staff will log the case into the local system and send it to post within 3 business days.

- b. Please confirm the process by which an applicant or attorney should contact the NVC when the transfer of an approved petition from USCIS to the NVC takes significantly longer than the average.

RESPONSE: If you have not heard from NVC within nine weeks of receiving the I-797 approval notice, check first with USCIS as to the status of the file transfer. Attorneys can also follow up via the NVCattorney@state.gov e-mail address and reference the USCIS receipt number.

- c. The [DOS website](#) states that an applicant should wait six to eight weeks to follow up with NVC after an approval notice for an immigrant visa petition is received. Is this also the time frame for issuance of the case number and fee bill? If not, what the timeline is for fee bill and case number issuance after receipt of a case from USCIS?

RESPONSE: See answer to Question 3.a, above.

For preference cases that are already at NVC, attorneys and applicants can expect to receive a fee bill within 30 calendar days of reaching the Application Filing Date or becoming current by cut-off date.

If USCIS sends an immediate relative or preference case that is already current to NVC, then the applicant or attorney should receive the first packet of information within 30 calendar days from the date it was received at NVC, as noted in question 3-a above.

- d. We have received reports from members that in some long-delayed cases, USCIS states that it has sent the petition to the NVC, but the NVC says it has not received the case from USCIS. What procedure should attorneys utilize to determine the location of a petition?

RESPONSE: Attorneys should follow up via the NVCattorney@state.gov e-mail address. NVC will then contact USCIS to ask them to track and/or forward the approved petition to NVC. You can also request an e-mail from NVC to confirm that it does not have the file.

- e. How long does it take for the NVC online payment system to reflect that payment has been made when a money order is sent to the P.O. Box in St. Louis? How long must attorneys wait before submitting an inquiry?

RESPONSE: Payments made through the P.O. lockbox are processed daily. If fee payment is sent to the P.O. lockbox, it takes three to five days for NVC to receive the payment notification from the bank. The payment status will then be reflected as "paid" in CEAC. Wait 10 calendar days before submitting an inquiry. Currently approximately 90% of applicants pay their fees online. For this reason, NVC will begin to phase out use of the lockbox over the next 12 to 18 months. While NVC will still accept lockbox payments until further notice, NVC will no longer promote the lockbox as an option starting in January 2016.

- f. What is the current time it takes for a case to be forwarded to Post once all required documents have been received?

RESPONSE: NVC schedules appointments two times per month on a first-come, first-served basis based upon the appointment capacity of the post. If a case is documentarily qualified (and current by cut-off date), it will be placed in the appointment queue and a letter confirming DQ status will be sent to the agent. Most interviews are scheduled within 30 days of the case being recognized as DQ. But, if demand at a particular post is high, it may take longer. NVC receives posts' appointment capacity only on a monthly basis so is not able to predict when a specific case may receive an interview appointment.

Once an appointment has been set, NVC sends a notice to the applicant with the appointment date and time, along with a link to the post website with further information about how to prepare for the interview. The case file is then prepared for shipping (or electronic transfer for posts who accept electronic processing) and sent to post within 10 days. Posts receive appointment and shipment lists from NVC electronically and generally receive the physical case file within 10 days of the scheduled interview.

- g. What is the current wait time for a case to be upgraded from F-2A to immediate relative after NVC is provided with a copy of the petitioner's naturalization certificate? If a case exceeds this time frame, how should an attorney follow up with the NVC?

RESPONSE: Current response time to F-2A upgrade requests is approximately 30 calendar days.

- h. After receiving notice from NVC that it has completed its review of the documents submitted and that an interview will be scheduled, how long should the applicant wait before making an inquiry as to the status of the visa appointment?

RESPONSE: Applicants should generally wait 30 calendar days before making an inquiry as to the status of the visa appointment.

- i. AILA members report instances in which NVC notified applicants that a file was sent to a consular post but the post subsequently reports it has no record of the file and directs the applicant to communicate with NVC.

- i. What is the process for applicants to inquire on missing files?

RESPONSE: Please send an email to NVCAttorney@state.gov.

- ii. What is the NVC's process for tracking and locating missing files?

RESPONSE: As noted in question 3-f above, posts receive appointment lists from NVC. If a case file were not included in a shipment for some reason, the post would notify NVC of the missing file upon receipt of the shipment. All documents and case files are assigned unique bar codes that allow NVC to track the location of both documents and files throughout its system. Petition information may be reconstructed from the NVC system for adjudication purposes, if required.

- j. For fiancé visa applicants who are unable to move forward due to a “missing” petition, please confirm that if the beneficiary files a Form DS-160 he has “applied” for the visa, and is protected from the expiration of the approved petition. If this is not sufficient, what else may the beneficiary do to preserve the petition’s validity?

RESPONSE: The I-129F petition is valid for four months from the date of approval by USCIS. 9 FAM 41.81 N6 outlines the circumstances under which a consular officer may revalidate the petition and the procedures for doing so.

4. Fee Bills and Subsequent Process

- a. AILA members report widespread, persistent, and long delays in immigrant visa application processing due to problems associated with the fee bill payment system. What steps are being taken to fix these issues?

RESPONSE: NVC believes the majority of the issues related to the fee bill payment system have been resolved.

NVC wants to thank AILA for its assistance in identifying times when its members are experiencing processing delays. For example, after AILA notified NVC in December 2014 that its members were unable to pay fee bills on behalf of clients after a systems upgrade, NVC was able to quickly identify the error and resolve the issue. NVC values this type of feedback from AILA and believes current Department of State efforts to upgrade the worldwide consular IT infrastructure will result in a more resilient IV system.

- b. In addition, what is the process for resolving delays when:

- i. No fee bill is received;
- ii. The fee bill is incorrect (e.g., dependents are omitted);
- iii. The applicant is unable to pay the fee online because the dependents are not included;

RESPONSE: For all of the above issues, please send an email to NVCAttorney@state.gov.

- iv. The applicant is unable to access Form DS-260 after the fee is paid. Is it possible to submit a paper form DS-230 instead of a DS-260 when the system is not working?

RESPONSE: The DS-260 is the only acceptable form and has replaced the form DS-230, which is now obsolete.

5. Submission of Documents

AILA members continue to report receiving requests from the NVC for documents that have previously been submitted. In addition, members report receiving requests for documents that appear to misunderstand or ignore the facts of the underlying case (e.g., requests for a divorce decree from persons who were never previously married).

- a. What is the best method for responding to an NVC request for documentation or information that was previously submitted? If attorneys are instructed to use the NVCattorney@state.gov e-mail address, would NVC be willing to create a particular subject line that should be used to flag such responses?

RESPONSE: If the request for additional information is incorrect and needs to be escalated to a supervisor, the attorney may enter "Attention PI Supervisor" in the subject line and these inquiries will be escalated to the appropriate supervisor.

- b. What percent of visa applications processed by NVC are issued a request for additional documentation or information?

RESPONSE: NVC does not currently track information in this manner.

- c. Are such requests reviewed by a supervisor before they are sent to applicants? If not, would NVC be willing to implement a supervisory review process?

RESPONSE: NVC currently has a supervisory verification process in place. Additional quality checks are performed by NVC's Quality Control Team.

- d. During the [April 15, 2015 AILA-DOS liaison meeting](#), DOS informed AILA that an "assessment letter" program was being piloted in Ciudad Juarez and Montreal to make applicants and sponsors aware of non-critical errors and omissions in visa applications. DOS explained that the assessment letter is sent in lieu of the standard checklist letter and the case is forwarded to Post immediately. Please confirm:

- i. Overall, does DOS deem the pilot program a success?
- ii. Has the NVC been able to assess the Section 221(g) refusal rate at the pilot posts?
- ii. Is NVC continuing the pilot program?
- iv. Does NVC have plans to expand the pilot to other posts?

RESPONSE: The pilot was deemed a success with no noticeable impact on 221(g) refusal rates. As a result, the assessment letter process was rolled out worldwide in August 2015. NVC is continuing to keep an eye on 221(g) refusal rates. Keep in mind that checklist letters will still be used for Form I-864 errors that won't allow a consular officer to accept the form – for example, if a form is not signed. Applicants still have to send NVC a corrected form for this type of error.

6. Original versus Copies of Civil Documents

On November 11, 2014, the State Department announced that NVC will no longer collect original civil documents from immigrant visa applicants. The memo states, "applicants at non-electronic processing posts will be instructed to submit photocopies of their civil documents by mail." (emphasis added).

- a. The document cover sheet currently being sent by NVC does not indicate that photocopies may be submitted. Please confirm that copies may in fact be submitted for non-electronic posts.

RESPONSE: This is correct. Do not send original civil and supporting documents to NVC. NVC will only accept photocopies of supporting documents for non-electronic processing posts. However, the original documents must be submitted to the consular officer at the time of the interview.

The only original, signed document that NVC collects for “non-electronic” posts is the Affidavit of Support (AOS) form(s). Electronic posts may submit copies of this form via e-mail and bring the original AOS to the interview.

- b. Please provide a list of “non-electronic” posts where the submission of copies is acceptable.

RESPONSE: Details about electronic processing and those posts that allow e-mail submission of document copies can be found at <http://nvc.state.gov/submit>.

Unless noted on the website above, all other posts are “non-electronic” for the purposes of document collection. All posts require that original documents be submitted to the consular officer at the time of the interview, whether an applicant processes electronically or not.

- c. What is the current process at “electronic” posts?

RESPONSE: For electronic processing posts, applicants must scan and e-mail financial forms and evidence, supporting documents, and translations to NVCElectronic@state.gov. The NVC case number should be included in the subject line of the email. Attachments should be less than five megabytes (MB). Each e-mail submission should contain documents for only one case.

All original documents must be submitted to the consular officer at the time of the interview.

- d. Can the cover sheet be amended to reflect this change?

RESPONSE: Yes, NVC is looking at changing the cover letter. Thank you for the suggestion.

- e. As original documents are no longer required, could NVC review the documentation included with the I-130 petition to locate items such as copies of marriage and birth certificates before sending the list of required documents?

RESPONSE: This would require a change in workflow. NVC is looking at the feasibility of implementing a process such as this as part of the Modernized Immigrant Visa (MIV) process.

7. Immigrant Visa Receipts for Form I-601A-Based Petitions

- a. AILA members are often unable to print "IV Fee Receipts" required for I-601A applications. When this occurs, members will request the IV Fee Receipt via e-mail (per NVC instructions) via nvci601a@state.gov.
 - i. Members report not receiving responses from this e-mail address. Is NVCi601a@state.gov still actively monitored by the NVC or its contractors? If so, what is the average response time for an e-mail inquiry sent to this address?

RESPONSE: Yes, this is still an active e-mail address. However, it should be used ONLY for requesting a fee receipt for an I-601A case. These receipts will be systematically generated and sent out. If you have a question about an I-601A case, e-mail NVCattorney@state.gov **separately** or contact USCIS.

- ii. Is there an escalation procedure that attorneys should follow if no response is received in an appropriate amount of time?

RESPONSE: At this time, we do not have an escalation process in place for this mailbox. We currently process these requests within three days. You should write to the NVCattorney@state.gov address with concerns about an I-601A issue related to NVC.

- iii. Has the problem in issuing properly completed immigrant visa receipts for Form I-601A cases been resolved? What is the current time it is taking to receive a fee receipt notice?

RESPONSE: Yes, NVC believes this problem has been resolved. It is currently taking three days to receive a fee receipt notice.

- b. Some attorneys have received letters indicating that an I-130 has been flagged for possible termination, notwithstanding the existence of a pending I-601A with USCIS. Has this issue been resolved?

RESPONSE: Yes, NVC believes this problem has been resolved. We can confirm that the time a case spends waiting for a USCIS decision on an I-601A application will not count toward the one-year lapse of contact necessary to trigger termination proceedings. We thank AILA for raising this as an issue.

- i. What correspondence is being sent to applicants and/or their attorneys to notify them that the case is no longer flagged for termination? If correspondence indicating that the I-130 will not be terminated has not been received, what is the process that attorneys/applicants should follow to get these issues resolved?

RESPONSE: NVC is still in the process of identifying affected cases. It expects to be sending letters very soon.

- ii. Please confirm that the immigrant visa fees do not need to be repaid in these cases. If CEAC indicates that fees need to be repaid when in fact they do not, how can attorneys/applicants get this corrected?

RESPONSE: Correct. The IV fee does not need to be repaid. Attorneys with specific case questions can reach out via e-mail to NVCattorney@state.gov.

- c. Members have received I-601A denials by USCIS on the basis that NVC "deleted the immigrant visa processing fee" or "rejected your fee payment," when in fact the fee payment receipt was included in the I-601A application, and NVC indicated that the fee was accepted (through the online Immigrant Visa Invoice Payment Center, cashed checks, and/or NVC verifying through direct communication that the payment was accepted). Specific examples are available upon request.

Please comment on steps being taken by NVC to resolve this issue and any steps that must be taken by the attorney/applicant to ensure that USCIS receives the information necessary to reopen the I-601A and resume processing based on the fee payment previously accepted by NVC.

RESPONSE: NVC believes this issue has been resolved. NVC identified approximately 4,700 cases that were potentially impacted by this issue and sent a list of those cases to the National Benefits Center (NBC). If DOS systems do not

indicate that the fee has been paid, notwithstanding evidence submitted with the application, NBC can proceed with processing if the case appears on the list.

8. Form I-864, Affidavit of Support Processing

Members continue to report inconsistencies in I-864 Affidavit of Support processing, citing unnecessary requests for evidence which cause delays.

AILA Note: NVC indicated that delays can occur when it does not receive all 12 pages of the Affidavit of Support. NVC must receive **all** pages of the Affidavit of Support, even if some pages aren't relevant (for example, no interpreter was used).

- a. For example, members report receiving requests for an employment letter from the petitioner when evidence of an I-864 co-sponsor's income is more than sufficient by itself to satisfy the poverty guidelines based on household size. Please confirm that an employment letter from the petitioner would not be required in this situation.

RESPONSE: Correct. An employer letter from the petitioner should not be required in this situation.

- b. Some members report receiving requests for an I-864 in employment-based cases even where the petitioner is not a relative of the beneficiary and the beneficiary does not have a five percent or greater ownership interest in the business. Please confirm that I-864s are not required in these instances and that officers are receiving training on this issue.

RESPONSE: Correct. A Form I-864 is not required in this situation. NVC is working with staff to resolve any confusion in this regard.

- c. Members report improper rejections of affidavits of support where the sponsor's or household member's individual income does not match the adjusted gross income (AGI) listed on the tax return. A discrepancy between the AGI and the applicant's individual income may occur in situations in which the applicant files taxes jointly with the spouse and where income includes Form W-2 income as well as business income which is not allocated between the parties. Although members file affidavits explaining this perceived discrepancy, NVC routinely rejects such evidence. Are officers trained on how to assess income other than through Form W-2 employment income? Additionally, is there evidence other than affidavits that should be submitted in such cases to explain perceived discrepancies between the AGI and the applicant's individual income?

RESPONSE: In a situation such as this, NVC should be sending an assessment letter and forwarding the case to post.

9. Delays in Appointments in Mexico and Vietnam

Can NVC comment on the significant delays in the scheduling of visa appointments in Mexico and Vietnam?

RESPONSE: NVC outlined the appointment allocation procedure in answer to Question 3-f above.

10. Police Certificates for Mexico

The [reciprocity schedule for Mexico](#) recently began requiring three different police certificates from the three main policing agencies in Mexico: Municipal Police (Policía Municipal); State Police (Fiscalía General del Estado de XXX); and Federal Police (Procuraduría General de la República). The reciprocity schedule states that records are not generally shared between the policing agencies which leads to the need for police clearances from all three policing agencies when "there are concerns about a subject's criminal history." Are all applicants from Mexico required to submit all three police certificates or only required for applicants who have a criminal history?

RESPONSE: The reciprocity tables indicate that federal, state, and local police certificates are all "generally available." DOS is currently reviewing whether these are all necessary. In the meantime, there is no change to the documentary requirements for Ciudad Juarez IV cases and applicants are not currently required to submit all three. Note, however, that the consular officer may request one or more of these if an issue arises.

11. Humanitarian Reinstatement of I-130

What role, if any, does NVC play in processing or adjudicating a request for humanitarian reinstatement under 8 CFR 205.1? 9 FAM 42.42 PN2 discusses recommending reinstatement, but not reinstating per se.

RESPONSE: As noted in 9 FAM 42.42, NVC will forward a memorandum from the consular officer to USCIS.

12. Coordinating I-824 and I-864 Substitute Sponsor

Members report that approved I-824 applications are routinely returned to USCIS by NVC to confirm that the principal beneficiary has adjusted status under INA §204(I). NVC notes that it has no authority to accept an I-864 from a substitute sponsor until it has information that the principal beneficiary has adjusted status based upon the substitute sponsorship.

- a. What information, if any, is received by the NVC with the USCIS-approved I-824 where the principal beneficiary adjusted status based upon INA §204(I)?
- b. What steps are taken by NVC, if any, to determine the principal beneficiary has adjusted status based upon the substitute sponsorship prior to returning the I-824 to USCIS?
- c. What steps, if any, can the applicant or applicant's attorney take to notify the NVC that the principal beneficiary has adjusted status based upon the substitute sponsorship prior to returning the I-824 to USCIS?

RESPONSE: NVC asked for case numbers so that it could look further into this issue.

13. Aging Out

Members report that NVC does not acknowledge Child Status Protection Act (CSPA) eligibility in some cases, sending letters to applicants informing them that they have aged-out. Members then must respond to NVC and explain that the applicants are eligible under the CSPA. This creates a delay in the processing of these immigrant visa applications.

- a. What are NVC's procedures for determining an immigrant visa applicant's age prior to requesting immigrant visa fees?

RESPONSE: When a visa becomes available to the applicant, NVC reviews the applicant's age to determine CSPA eligibility. If the applicant will turn 21 years of age within 120 days, we will review the case for a possible expedite to post. If the applicant has already turned 21 years old, we will apply the CSPA formula. If the resulting CSPA age is under 21 years old, we will verify they have sought to acquire (submit a fee, form, etc.) as would be required under INA 203(h)(1)(A). If they are over 21 per CSPA, or if they are under 21 per CSPA and have not sought to acquire LPR status, NVC will stop processing the case.

- b. What are the NVC's procedures regarding notifying immigrant visa applicants of age out issues?

RESPONSE: For principal applicant children, NVC informs the applicant that their visa category has changed.

14. NVC Staffing and Statistics

- a. Please provide an update on the staffing levels at NVC, including the number of Department of State employees, contractors, and employees of other federal agencies.

RESPONSE: NVC currently has 742 FCI Federal contract employees (up from 560 in November 2014) and 11 U.S. government employees on site. Three FSOs were recently added to the team. NVC believes that an expanded government team will help it reach its goals to improve processing and customer service.

- b. What is the current volume of immigrant visa cases that NVC is processing on a monthly basis?

RESPONSE: NVC is currently receiving approximately 13,000 petitions from USCIS per week.

- c. What is the current volume of nonimmigrant (fiancé(e)) visa cases that NVC is processing on a monthly basis?

RESPONSE: NVC currently receives around 6,000 I-129F petitions from USCIS every month.

Additional Information—Expedites:

- NVC receives about 4,000 expedite requests per month.

- NVC does not adjudicate expedite requests but instead acts as a middleman by forwarding the request to post for their decision.
- Expedite requests should be sent directly to NVCexpedite@state.gov. Do not send to NVCattorney@state.gov as it will just be forwarded to the expedite mailbox. *Do not cc: NVCattorney@state.gov or any other NVC e-mail address.*