

9 FAM 42.63 Procedural Notes

(TL:VISA-583; 10-14-2003)
(Office of Origin: CA/VO/L/R)

9 FAM 42.63 PN1 Packet System

9 FAM 42.63 PN1.1 Importance of Standard Procedures

(TL:VISA-397; 04-17-2002)

Immigrant visa processing was formerly managed through a series of standardized mailings known for many years as the "packet system." As changes in information technology have made this approach less useful, it has become more common to allow applicants and petitioners access to information resources that answer a wider range of questions. The importance of consistency and standardization remains, however, and consular managers should remember that the immigrant visa process remains confusing to many applicants, many of whom may not have regular access to the Internet.

9 FAM 42.63 PN1.2 General Guidelines

(TL:VISA-397; 04-17-2002)

a. Although consular officers must observe strictly the regulations defining "entitled to immigrant classification," "documentarily qualified," and "priority date," consular officers must use common sense with regard to combining packets when the situation warrants. [See 9 FAM 42.52 and 9 FAM 42.53.] For example, when the consular officer knows that the intending immigrant is, or is about to become, the spouse of a U.S. citizen (or resident alien, assuming second preference numbers are available for the immigrant's foreign state or dependent area), the officer should provide any information requested by the applicant or their agent, being careful to remind inquirers of the importance of pursuing the immigrant visa process in the proper order to ensure timely completion of clearances and to avoid expired documents such as medical examinations.

b. The standardized mailings formerly known as Packets 1, 2 and 2a are no longer utilized. Inquiries concerning general immigration to the United States, or specific family or employment-based immigration programs, should be answered using the appropriate information sheets. There is no need to retain any record of either incoming correspondence or the response in post correspondence files.

c. Three standardized instruction packages are now used in immigrant visa processing. They are discussed in more detail below and are known as:

(1) The Instruction Package for Immigrant Visa Applicants (formerly Packet 3);

(2) The Appointment Package for Immigrant Visa Applicants (formerly Packet 4); and,

(3) The Follow-Up Instruction Package for Immigrant Visa Applicants (formerly Packet 4a—this is the package which initiates the termination process).

9 FAM 42.63 PN2 Immigrant Visa Petitions Approved by *Department of Homeland Security (DHS)*

(TL:VISA-583; 10-14-2003)

a. Since October 1991, all immigrant visa petitions approved by the *Department of Homeland Security (DHS)* the United States are sent to the National Visa Center (NVC). The cases are initially processed by NVC and held until a visa number is available and the case is “current for processing”, *and*, in the case of *several* posts, an appointment for an interview with a consular officer is scheduled.

b. Upon receipt of the petition, NVC will enter the petition data into the modernized IV program. If the petition is active (immediate relatives and those with current priority dates), NVC will send the applicant the “Agent Choice Letter” (ACL) and the Form DS-3032, *Choice of Address and Agent*. [See 9 FAM 42.63 PN5 below.] If the petition is inactive (oversubscribed categories with noncurrent priority dates), the NVC will send the applicants a form letter confirming receipt of the petition at NVC and notifying them of their priority date.

9 FAM 42.63 PN3 Processing Applicants When Case Becomes Current

9 FAM 42.63 PN3.1 Form DS-3032, *Choice of Address and Agent*

(TL:VISA-481; 10-31-2002)

When the applicant's petition is received, the NVC will send the applicant Form DS-3032. This form permits the applicant to choose an “agent” to receive mailings from NVC and assist in the paperwork or paying

of required fees. The agent can be the petitioner, an attorney, a friend or non-governmental or community-based organization. The agent cannot sign required documents for the applicant, but can assist with fee payments and document collection. The applicant is not required to choose an agent and may have all mailings sent to an address abroad. The applicant's file will be held at the National Visa Center (NVC) until the signed Form DS-3032, *Choice of Address and Agent*, is returned. If it is not returned within one year, the NVC will begin the case termination process. [See 9 FAM 42.83 for further details.]

9 FAM 42.63 PN3.2 When Form DS-3032, *Choice of Address and Agent*, is Not Required

(TL:VISA-333; 11-15-2001)

No Form DS-3032, *Choice of Address and Agent*, is required if:

- (1) A G-28 is received from INS and the attorney is the agent;
- (2) The alien is self-petitioning; and
- (3) A child is being adopted.

9 FAM 42.63 PN3.3 Responsibility of the Petitioner

(TL:VISA-583; 10-14-2003)

When the NVC sends the Form DS-3032 *to the applicant*, the NVC also will send an information packet to the petitioner, *including a copy of the Form DS-3032 to notify the petitioner that it has been sent. Included in the information packet is the Affidavit of Support (AOS) fee bill with instructions to return the payment to the lockbox processing facility in St. Louis, Missouri. The NVC will notify the petitioner that no further action can be taken until the requested information or fee is received.*

9 FAM 42.63 PN3.4 Returning the Affidavit of Support (AOS)

(TL:VISA-583; 10-14-2003)

Once the AOS fee has been paid, NVC mails the Petitioner Packet to the petitioner. The Petitioner Packet includes the Form I-864, Affidavit of Support Under Section 213A of The Act, with instructions to be completed and returned to NVC.

9 FAM 42.63 PN3.4-1 Adjudication at *Posts With* National Visa Center (NVC) Document Review

(TL:VISA-583; 10-14-2003)

For cases being processed at *any* of the posts for which the NVC is already reviewing the affidavit of support (AOS), the petitioner will be instructed to *pay the ASO fee via the designated bank in St. Louis with a certified cashier's check or money order drawn on a U.S. bank. The petitioner will then be instructed to complete the AOS and return it to the NVC.*

9 FAM 42.63 PN3.4-2 Adjudication at Posts *With Limited* National Visa Center (NVC) Document Review

(TL:VISA-583; 10-14-2003)

In the event that posts receive only limited document review support from NVC, the process nonetheless remains as discussed in 9 FAM 42.63 PN3.4-1 above.

9 FAM 42.63 PN4 Sending Instructions for Immigrant Visa Applicants

(TL:VISA-583; 10-14-2003)

When the applicant, or the designated agent, has returned the Form DS-3032, *Choice of Address and Agent*, NVC sends the *IV Application Fee Bill* for each applicant to the designated agent. *The IV Fee Bill letter instructs the applicant to return the payment to the lockbox processing facility in St. Louis, Missouri. Once the IV fee has been paid, the NVC will mail the Instruction Package for Immigrant Visa Applicants.*

9 FAM 42.63 PN4.1 Cases Processed at Posts *with* Document Review Support *Provided* by National Visa Center (NVC)

(TL:VISA-583; 10-14-2003)

The agent or applicant will be instructed to return the completed forms to the NVC after the processing fees for visa application and affidavit of support fee are paid via the designated lockbox bank.

9 FAM 42.63 PN4.1-1 Reviewing the Files*(TL:VISA-583; 10-14-2003)*

The NVC will review the Forms DS-230, *Application for Immigrant Visa and Alien Registration*, and Form I-864, *Affidavit of Support Under Section 213A of The Act*. For Montreal, Ankara, Abu Dhabi, Tirana and all the African posts, the National Visa Center (NVC) additionally collects the required civil documents and police certificates. When the file is complete, the NVC will schedule an appointment with a consular officer and send the IV appointment letter to the agent or applicant before forwarding the case file to the post. For other posts, the NVC will forward the entire file to the issuing posts for scheduling by the post.

9 FAM 42.63 PN4.1-2 Incomplete Cases or Cases Lacking Documentation*(TL:VISA-583; 10-14-2003)*

If the case file is incomplete or lacks proper documentation, the NVC will send a checklist to the *petitioner*, agent or applicant indicating what changes are needed. The *petitioner*, agent or applicant will be told to return the required information to the NVC. If the NVC determines the case is still incomplete, a second checklist will be sent. After two reviews by the NVC, the file will be forwarded to the post even if it still contains errors or omissions (*provided the petitioner has at a minimum submitted and signed Form I-864*). If the *petitioner*, agent or applicant does not return the documents within one year, the NVC will initiate the administrative process for post to begin case termination.

9 FAM 42.63 PN4.2 Cases Processed at Posts With Limited Document Review Support Provided by National Visa Center (NVC)*(TL:VISA-583; 10-14-2003)*

On an exceptional basis, a post may receive only limited document review support from the NVC. If the issuing post is one that the NVC does not provide with technical document review support, the NVC will send and collect the required fees and documents. The agent or applicant will be instructed to return the completed forms to the NVC after the applicant processing fees and the affidavit of support fee are paid via the designated lockbox bank.

9 FAM 42.63 PN4.2-1 Reviewing Documents

(TL:VISA-583; 10-14-2003)

The National Visa Center (NVC) will send the case files to posts after NVC has collected the required fees and documents. The NVC will not perform the technical review of documents for these limited review posts. When the post has received the required forms, an interview may be scheduled.

9 FAM 42.63 PN4.2-2 Reviewing Affidavit of Support (AOS)

(TL:VISA-397; 04-17-2002)

The post will review the AOS at the time of the applicant's interview. No additional fee should be collected for a review of the AOS at the time of the interview.

9 FAM 42.63 PN5 Instruction Package for Immigrant Visa Applicants Sent Promptly When Qualifying Date Reached

(TL:VISA-397; 04-17-2002)

a. The package of instructions for immigrant visa applicants (formerly known as "Packet 3") is described below.

b. The importance of promptly mailing or otherwise providing the instruction package for immigrant visa applicants to applicants entitled to immigrant status whose priority dates are within the qualifying dates established by the Department cannot be overemphasized. Whenever it is not possible to do so, the post shall submit a report, by memorandum, to the Department outlining the reasons it is unable to do so.

9 FAM 42.63 PN5.1 Records Updated to Reflect Information Provided

(TL:VISA-397; 04-17-2002)

The automated immigrant visa system will automatically record the date that the instruction package cover letter is printed. Posts should ensure that this letter and attachments are mailed as soon as possible after printing. If later copies of this instruction package are provided to the applicant, record should be made in the comments field of the IV application to reflect this fact.

9 FAM 42.63 PN5.1-1 Aliens Not Subject to Numerical Limitation or for Whom Visa Number Available

(TL:VISA-583; 10-14-2003)

a. The instruction package for immigrant visa applicants consists of:

(1) The cover letter for the instruction package (generated by the automated immigrant visa (IV) system);

(2) Form DS-2001, *Notification of Applicant Readiness*;

(3) Form I-864, *Affidavit of Support Under Section 213A of The Act, and instructions*, Form I-134, *Affidavit of Support*, as appropriate or Form DS-1858, *Chain of Custody*;

(4) Form DS-230, *Application for Immigrant Visa and Alien Registration* (one for each applicant); and

(5) Supplemental information sheets, as appropriate, on police certificate and civil document availability by country.

b. Posts may also include a local non-standard form covering other post-specific matters not covered by material above.

c. The NVC or the consular officer at post for petitions filed at post shall send the instruction package for immigrant visa applicants immediately to applicants, including immediate relatives, for whom evidence of entitlement to immigrant classification has been received, provided that the applicant's priority date (if subject to a numerical limitation) is within the qualifying date established by the Department. Evidence of entitlement to immigrant classification includes:

(1) An approved petition sent via cable or fax directly from *Department of Homeland Security (DHS)*,

(2) Form I-797, *Notice of Action*, supported by telephone confirmation from *DHS*;

(3) A petition approved at post;

(4) Proof of derivative status; or

(5) Proof of entitlement to returning resident status.

d. As noted in 9 FAM 42.63 PN4 above, the National Visa Center (NVC) will send the instruction package for immigrant visa applicants *to the agent or applicant (after receipt of the immigrant visa (IV) fee)* when the petition is filed in the United States and no cable is sent. Consular officers should also provide this information and instruction package to immigrant visa applicants and others upon request, regardless of whether the inquirer is entitled to immigrant classification, stressing that no action should be taken unless the applicant is directed by the NVC, a visa processing post or their agent.

e. Upon return of Form DS-230, *Application for Immigrant Visa and Alien Registration*, the post shall initiate all appropriate clearances called for in 9 FAM Appendix C Introduction—Clearance Procedures. The post shall then file Form DS-230 in the post's immigrant A-Z files with the principal applicant's petition and other documents, and shall hold the form until the applicant's formal immigrant visa interview with a consular officer. At the time of the applicant's interview, the consular officer shall attach Form DS-230 to make the complete application form. The post shall send additional Forms DS-230 to derivative applicants along with the interview appointment letter and medical forms. [See PN12.1(c) below. Also see 9 FAM 42.63 PN11 below for additional discussion of determination that an applicant is documentarily qualified.]

9 FAM 42.63 PN5.1-2 Presenting Affidavits of Support for Overcoming Public Charge Provisions

(TL:VISA-583; 10-14-2003)

For cases in which INA 213(A) applies, all applicants must submit a properly completed Form I-864, *Affidavit of Support Under Section 213A of The Act*, and supporting documents. Other applicants may submit alternative forms of evidence to overcome the public charge provisions of the law. If the applicant does not submit the Form I-134, *Affidavit of Support*, post shall include with the instruction package for immigrant visa applicants, Form DS-1858, *Chain of Custody*, which must be signed by sponsors who supply an affidavit of support to assist a beneficiary to overcome the public charge provisions. [See 9 FAM 42.73 PN3.]

9 FAM 42.63 PN5.1-3 Presenting Affidavits of Support for Overcoming Public Charge Provisions

(TL:VISA-491; 11-15-2002)

For cases in which INA 213(A) applies, all applicants must submit a properly completed Form I-864, *Affidavit of Support*, and supporting documents. Other applicants may submit alternative forms of evidence to overcome the public charge provisions of the law. [See 9 FAM 42.73 PN3.]

9 FAM 42.63 PN5.2 Acknowledging Receipt of Non-current Petition

(TL:VISA-397; 04-17-2002)

a. When the NVC receives an approved petition in a category for which immigrant visa numbers are unavailable, the NVC shall send a standardized letter to the applicant confirming receipt of the petition and explaining further processing steps, as appropriate.

b. Under the centralized immigrant visa process, posts should not receive petitions, which have not reached qualifying date.

c. In the case of any applicant in an oversubscribed category, the NVC shall check the petition to determine whether the applicant may benefit from the foreign state chargeability of the spouse under INA 202(b). If the spouse's birthplace is not provided in the documents available, posts shall include Form DS-230, *Application for Immigrant Visa and Alien Registration*, with the letter of confirmation described in paragraph a above.

9 FAM 42.63 PN6 Notice of “Conditional Status”

(TL:VISA-397; 04-17-2002)

a. Aliens normally entitled to IR-1; IR-2; F21; F22; F23; F24; F25; F31; F32; or F33 classification will be granted “conditional status”(C21; C22; CX1; CX2; CX3; C24 or C25, respectively) at the time of visa issuance if the basis for immigration is a marriage to a petitioner which was entered into less than two year prior to the applicant's admission to the United States as an immigrant. [See 9 FAM 42.73 Procedural Notes.] All information packages for applicants in these categories should include a notice of conditional status. The text of the notice is to be verbatim as follows:

“If, at the time of admission to the United States you will not have celebrated the second anniversary of your marriage, which is the basis of your immigrant status, you are subject to the provisions of section 216 of the Immigration and Nationality Act. Under the provision, you will be granted conditional permanent residence by an officer of the Immigration and Naturalization Service at the time of your admission to the United States. As a result, you and your spouse must file a joint petition with the Immigration and Naturalization Service to have the conditional status removed. The petition must be filed within the 90-day period immediately preceding the second anniversary of the date you were granted conditional permanent resident status. If a petition to remove the conditional basis of your status is not filed within this period, your conditional permanent residence status will be terminated automatically and you will be subject to deportation from the United States.”

9 FAM 42.63 PN7 Undeliverable Correspondence

(TL:VISA-583; 10-14-2003)

Immigrant visa petitions related to “undeliverable” correspondence, particularly in cases where instruction packages for immigrant visa applicants cannot be delivered, must be kept in the file until the post receives information which would reflect the status of petition and/or the beneficiary. The consular officer shall note by adding a comment in the automated IV system documenting the fact that correspondence was returned undeliverable.

9 FAM 42.63 PN8 Clearance Processing

(TL:VISA-397; 04-17-2002)

a. Routine post clearance requests for all posts have been eliminated. However, clearance requests are still required when:

- (1) A CLASS check indicates derogatory information is on file at post; or
- (2) 9 FAM Appendix C specifically requires a name check of applicants from that country.

b. In every case, the post must make an entry in the automated IV system to show the date and type of background check initiated and the date and result of completion.

9 FAM 42.63 PN9 Determining Alien Documentarily Qualified

(TL:VISA-397; 04-17-2002)

An applicant is considered to be documentarily qualified when two facets of the processing procedure have been completed:

- (1) The alien has returned Form DS-2001, *Notification of Applicant Readiness*, and declared that all of the required documents have been obtained, or has otherwise notified post or the National Visa Center (NVC) that they are prepared for interview; and
- (2) The post has completed local clearances, and clearance requests for other posts, or has reason to believe that they will be completed before a visa number will be available for the applicant. [See 9 FAM 42.52 PN3.6 regarding the reporting of documentarily qualified applicants.]

9 FAM 42.63 PN9.1 Use of Form DS-2001, *Notification of Applicant Readiness*, Optional

(TL:VISA-397; 04-17-2002)

The use of Form DS-2001, *Notification of Applicant Readiness*, by the applicant is optional. This form is provided as a simple way for applicants to communicate by mail or fax. Post should accept any reasonable notification from the applicant, signed or unsigned, in determining qualification for further processing. Electronic means of notification are equally acceptable.

9 FAM 42.63 PN9.2 Flexibility in Determining Whether Applicant is Documentarily Qualified

9 FAM 42.63 PN9.2-1 Means of Establishing Whether Applicant is "Documentarily Qualified"

(TL:VISA-583; 10-14-2003)

Although different operating environments may call for flexibility in processes used to determine whether an applicant is "documentarily qualified," consular officers must remember the importance of this concept in immigrant visa processing, particularly in numerically controlled visa categories. Any process used to determine that an applicant is documentarily qualified must:

- (1) Be used consistently throughout the immigrant visa processing district;
- (2) Have the prior approval of the Visa Office if prescreening procedures will be used; and
- (3) Be rigorously monitored to ensure that the goals of fairness, efficiency and adequate internal controls are met.

9 FAM 42.63 PN9.2-2 Individual Declaration Versus Prescreening

(TL:VISA-583; 10-14-2003)

a. In many countries, consular officers may determine that self-attestation by visa applicants is adequate evidence of being documentarily qualified. In other words, by returning the Form DS-2001, *Notification of Applicant Readiness*, its electronic equivalent or other communication with post, the applicant may declare that he or she is documentarily qualified and prepared for interview.

b. In other countries, consular managers may determine that a prescreening mechanism of some sort is appropriate. In considering the implementation of a prescreening mechanism, consular managers should address the following *questions*:

(1) How high is the overall INA 221(g) refusal rate in immigrant visa processing? To what extent could this rate be reduced by more rigorous prior review of the documents submitted in connection with the application to ensure that the applicant really is "documentarily qualified?"

(2) Will implementation of a prescreening mechanism reduce the number of times the applicants enter the consular section, thus improving both customer service and security?

(3) Prescreening will add time at the beginning of the immigrant visa process prior to formal application and interview. How does the length of this additional prescreening time compare to the average amount of time and effort expended to resolve INA 221(g) and other refusals? (Note that the fact that prescreening takes more time than resolving a refusal is not necessarily an argument against implementing this type of strategy. Added time taken up with mailing documents back and forth is arguably less burdensome on both post and the applicant than time spent waiting in line and in waiting rooms, often in a city other than the place of normal residence.)

(4) If post has processing backlogs, does time spent processing unqualified applicants delay processing for qualified cases?

(5) At lower volume posts, do consular managers find that the small number of cases makes it difficult to realize economies of scale? Would prescreening streamline the process?

(6) In the immigrant visa process, the burden of preparing for interview rests primarily upon the applicant. In considering a prescreening process, is post making an effort to ensure that post does not do work on behalf of the applicant?

(7) What is the real cost to the U.S. Government of any additional screening process?

9 FAM 42.63 PN9.2-3 Immigrant Visa Prescreening Strategies

(*TL:VISA-397; 04-17-2002*)

a. When immigrant visa prescreening appears justified, one of three mechanisms should be used:

(1) Document review and interview scheduling by the National Visa Center;

- (2) Document review by post prior to interview; or
- (3) Document review/case preparation through a travel agency or voluntary agency program.

b. Regardless of which mechanism is utilized, posts must coordinate prescreening programs with the Visa Office (VO) and should not begin without prior authorization. Among other things, CA/VO will require a written Standard Operating Procedure with details on internal controls and exceptions handling and the opportunity to review any new forms or information sheets that post plans to utilize. Posts should bear in mind regulations concerning use and approval of nonstandard forms.

9 FAM 42.63 PN10 National Visa Center (NVC) Document Review and Interview Scheduling

(TL:VISA-397; 04-17-2002)

Based upon management considerations, the Visa Office has directed the National Visa Center (NVC) to review documents and schedule interviews for all immigrant visa processing posts. The goal of this program is two-fold: to shift the overwhelming majority of clerical responsibilities from post to the NVC, while facilitating communication with the petitioner, attorneys and applicants residing in the United States. Further questions concerning this program should be directed to CA/VO/F/P and NVC.

9 FAM 42.63 PN11 Post Document Review Prior to Interview

(TL:VISA-397; 04-17-2002)

a. In a document review system at post, applicants are asked to obtain documents required for immigrant visa interview and then submit them by mail, courier or drop box to post for review. (If at all possible, applicants should not appear in person with these documents until actually scheduled for interview.) Under such a procedure, applicants are considered "documentarily qualified" only when they have demonstrated that they have in their possession all of the documents required.

b. It is important in such a prescreening procedure that detailed standard operating procedures (SOP) provide guidance to Foreign Service national (FSN) screeners to limit misunderstandings and accusations of impropriety. Specifically, the SOP must provide:

- (1) Written standards for documents submitted;
- (2) Escalation procedures in cases when, despite repeated appearances at the consular section, the applicant remains unprepared;

(3) Procedures for handling multiple secondary documents submitted in lieu of requested primary documents;

(4) Procedures for documenting contacts with applicants or their agents as the documents are submitted and reviewed. These logging procedures should be as terse as meaningfully possible and should utilize the comments feature in the modernized immigrant visa application; and,

(5) Provisions for regular officer oversight of the process, including regular detailed audits of individual cases and questions to applicants at time of interview concerning their experience with the prescreening process.

9 FAM 42.63 PN12 Travel or Voluntary Agency Programs

(TL:VISA-397; 04-17-2002)

a. Although formal travel agency programs have been used at some posts for many years in nonimmigrant visa processing, it is also possible to establish formal programs with voluntary agencies or travel agents to provide case preparation assistance in immigrant visa cases. Post may find that voluntary agencies with experience working in the area of refugee resettlement have particular expertise in this area. Due to the greater importance of the immigrant visa process, and the involvement in most cases of US citizen family members or employers, oversight and control is even more important than is the case in nonimmigrant visa processing.

b. In designing such a program, consular managers must keep several points in mind.

(1) It must be made very clear to applicants and their agents that the Department does not endorse or require participation in any private screening program. Care must be taken to ensure that applications received through travel or voluntary agencies do not receive preferential treatment, either in terms of expedited processing or degree of scrutiny exercised.

(2) Posts may provide an information sheet describing the availability of such services. This information sheet must include a statement stressing that seeking such services is entirely voluntary and reiterating the fact that the Department of State does not endorse a particular program. This information sheet must be submitted to CA/VO for approval prior to initiating such a program.

(3) No particular service provider can be provided with preferential treatment. Any service provider, whether non-or for-profit, which requests to participate in such a program, should be given identical access to the potential customer pool, subject to review by post Fraud Programs Manager. Any training, monitoring, or feedback provided to one service provider, must be offered to other providers equally.

9 FAM 42.63 PN13 Immigrant Visa Appointment Package

(TL:VISA-583; 10-14-2003)

a. The Immigrant Visa Appointment Package consists of:

(1) The Immigrant Visa Appointment Letter, which is a letter giving instructions for immigrant visa applicants to make formal application for an immigrant visa (this letter is generated automatically by the immigrant visa (IV) system or by the National Visa Center (NVC));

(2) Form DS-230, *Application for Immigrant Visa and Alien Registration*; and

(3) Form DS-2053, *Medical Examination for Immigrant or Refugee Applicant (local form)*.

b. The post or the NVC must send the Immigrant Visa Appointment Package to aliens who have been determined to be documentarily qualified and for whom an appointment has been scheduled. Posts shall not schedule appointments for applicants chargeable to a numerical limitation prior to receipt of allocations of visa numbers from the Department.

c. Since the NVC will send only one copy of Form DS-230 to each principal applicant, posts should provide a copy of Form DS-230 for each dependent with the Immigrant Visa Appointment Package, if appropriate.

9 FAM 42.63 PN14 Follow-Up and Notification of Possible Termination of Registration

(TL:VISA-583; 10-14-2003)

a. To comply with the provisions of INA 203(g) [see 9 FAM 42.83] in cases where applicants have not responded to the instruction package for immigrant visa applicants within one year, posts must send a follow-up package to include notification of possible termination of registration. In the case of an applicant whose priority date has not been reached on the one-year anniversary, the post should send this follow up package when the applicant's priority date is reached.

b. Post may choose to initiate the termination process by mailing only the notice of possible termination of registration, a form letter automatically generated by the automated immigrant visa processing system. If the applicant responds requesting that registration not be terminated, then the follow-up instruction package for immigrant visa applicants outlined below should be sent. Alternatively, post may choose to send the instruction package as an initial mailing. The follow-up package consists of:

- (1) Notice of Possible Termination of Registration;
- (2) Form DS-2001, *Notification of Applicant Readiness*; and
- (3) Form DS-230, *Application for Immigrant Visa and Alien Registration*.

9 FAM 42.63 PN15 Response to Follow-up and Notification of Possible Termination of Registration

9 FAM 42.63 PN15.1 Applicant Advises Documentarily Qualified

(TL:VISA-397; 04-17-2002)

If the applicant's response to the follow-up package is to return Form DS-2001, *Notification of Applicant Readiness*, and Form DS-230, *Application for Immigrant Visa and Alien Registration*, the post shall process the applicant in the same manner as any other applicant who responds to the instruction package for immigrant visa applicants, i.e., background checks will be conducted, a number will be requested, a medical exam will be scheduled, and the applicant will be sent an appointment letter.

9 FAM 42.63 PN15.2 Applicant Fails to Respond

(TL:VISA-397; 04-17-2002)

If the applicant does not comply with the follow-up instructions within one year, the consular officer shall initiate proceedings to terminate the alien's immigrant visa registration. [See 9 FAM 42.83.]