# 9 FAM 41.61
# PROCEDURAL NOTES

*(CT:VISA-1078; 10-17-2008)*
*(Office of Origin: CA/VO/L/R)*

## 9 FAM 41.61 PN1 LIMITATIONS ON VISA FOR WHICH BOND HAS BEEN REQUIRED

### 9 FAM 41.61 PN1.1 Visas Limited When Bond Required

*(CT:VISA-1078; 10-17-2008)*

Consular officers should limit visas for which a bond has been required and posted to one entry and 6 months validity. This will enable the *Department of Homeland Security (DHS)* to cancel bonds upon request without communicating with the visa-issuing post.

### 9 FAM 41.61 PN1.2 DHS Notified When Visa Canceled

*(CT:VISA-1078; 10-17-2008)*

In some cases the sponsor may request, prior to the alien's departure, that the alien's visa be canceled in order to withdraw the bond. The consular officer, after physically canceling the visa, should notify by letter the *DHS* office at which the bond was posted so that the bond may be canceled and the money released. The letter should contain the applicant's full name, date and place of birth, nationality, the amount of the bond, the applicant's "A" serial number (shown on *DHS* notification of bond posting), and the date on which the visa was actually canceled. An appropriate notation should be made on the reverse *side* of Form DS-156, Nonimmigrant Visa Application. *If the applicant utilizes Form DS-160, Nonimmigrant Visa Electronic Application, the consular officer should make the appropriate notation in the nonimmigrant visa (NIV) application to show that the visa was canceled. (See 9 FAM 41.103 N2).*

# 9 FAM 41.61 PN2 FULL VALIDITY STUDENT VISAS ISSUED

*(CT:VISA-1078; 10-17-2008)*

As a rule, F-1 and M-1 visas issued to qualified applicants, other than those described in *9 FAM 41.61* PN1, should be issued with validity in accordance with the appropriate host-country reciprocity schedule.

# 9 FAM 41.61 PN3 ENGLISH LANGUAGE ABILITY

*(TL:VISA-323; 10-10-2001)*

a. If a school has admitted an applicant on the basis of the applicant's TOEFL or other English language test scores, the officer should not reevaluate the school's decision, even if the applicant seems to know less English than the TOEFL score indicates, unless the officer suspects the applicant obtained the results through fraud. Many students do well on the TOEFL, but seem to forget their English when confronted with a face-to-face interview with a consular officer.

b. If the school is aware of a student's lack of English proficiency and has made arrangements for the student to study English before enrolling in regular courses, then the lack of English skills is not relevant.