

9 FAM 42.41 PROCEDURAL NOTES

(CT:VISA-1882; 09-12-2012)
(Office of Origin: CA/VO/L/R)

9 FAM 42.41 PN1 NOTIFYING BENEFICIARY OF APPROVED VISA PETITION

9 FAM 42.41 PN1.1 Beneficiaries of Immediate Relative or Preference Petitions

(CT:VISA-1882; 09-12-2012)

Upon receipt of an approved petition granting an alien immediate relative or preference status, the *National Visa Center* (NVC) *must* send the alien beneficiary the Packet 3 or Packet 3A notifying the beneficiary of receipt of the petition and advising the alien what steps, if any, to take in applying for a visa. (See 9 FAM 42.63 PN5.)

9 FAM 42.41 PN1.2 Beneficiaries of Orphan Petitions

(CT:VISA-1345; 10-14-2009)

Where required or when requested, U.S. Immigration and Citizenship Services (USCIS) will cable or fax directly to the post or the USCIS officer abroad information on immigrant petitions for orphans and approval of Form I-600-A, Application for Advance Processing of Orphan Petition. Upon receipt of the cable or fax, you will notify the petitioner of the steps to be taken for further processing of the case.

9 FAM 42.41 PN2 ATTACHING PETITION AND SUPPORTING DOCUMENTS TO VISA

(CT:VISA-1882; 09-12-2012)

See *9 FAM 42.73 PN3* and *9 FAM 42.73 PN4*.

9 FAM 42.41 PN3 TRANSFERRING PETITION TO ANOTHER POST

9 FAM 42.41 PN3.1 Transferring Files

(TL:VISA-170; 10-01-1997)

See 9 FAM 42.61 PN1.

9 FAM 42.41 PN3.2 Record of Transfer by Transferring Post

(TL:VISA-388; 04-09-2002)

All cases must be transferred using the procedures contained in the Automated Immigrant Visa Processing System. In no case should a paper file be transferred without following proper procedures in the automated system. (See 9 FAM 42.61 PN1.3.)

9 FAM 42.41 PN4 ADAM WALSH ACT CLEARANCE FROM USCIS OF PETITIONERS BEFORE APPROVAL OF PETITION

9 FAM 42.41 PN4.1 Petition Approval Process

(CT:VISA-1882; 09-12-2012)

After accepting a properly filed petition with the fee, you must review the petition to verify the relationship between the petitioner and the beneficiary. If the relationship appears valid, you must send the petitioner's biodata to the *National Visa Center* (NVC) to be forwarded to USCIS for a check under provisions of the Adam Walsh Act before approving the petition.

9 FAM 42.41 PN4.2 Provisional Immigrant Visa (IV) Case Should be Opened in Immigrant Visa Office (IVO)

(CT:VISA-1345; 10-14-2009)

A provisional immigrant visa (IV) case must be opened in Immigrant Visa Office (IVO) when the petition has been filed and the fee paid. This is done so that a unique case number can be generated. The case should remain in provisional status until NVC has returned the results of the Adam Walsh Act check from USCIS.

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9 FAM 42.41 PN4.3 Petitioner's Biodata Transmitted to National Visa Center (NVC)

(CT:VISA-1345; 10-14-2009)

- a. Until the process can be done electronically through the IVO system, post must e-mail the biodata of the petitioner in an Excel spreadsheet to NVC to forward to USCIS for the Adam Walsh Act check. Each petitioner's last, first, and middle name must be listed on a single row, and any aliases or versions of the name must be listed in separate rows on the spreadsheet. All entries must be in capital letters. The petitioner's name and the aliases will share the same unique identifier that is the post case number. The following columns must be used in this order:
 - A. Post 13 character case number
 - B. LAST NAME
 - C. FIRST NAME
 - D. MIDDLE NAME
 - E. Date of birth (MM/DD/YR)

DO NOT deviate from this format. Do not include any other information or columns. DO NOT include social security number, country of birth, beneficiaries' names, or background information. Do not use prefixes like Rev. or Dr. and suffixes like Jr. or Sr. Do not use apostrophes, accent marks, or other special characters including characters in foreign alphabets. Spaces may be used in last, first, and middle names. Hyphenated names should be entered first with the hyphen and then on another row as an alias with a space, replacing the hyphen. Names with apostrophes should be entered first without the apostrophe and no space, then as an alias with a space replacing the apostrophe.

- b. The spreadsheet must match the sample form below, although the columns may be adjusted in size to contain the complete last, first, and middle names. No names should be truncated in the spreadsheet. If the petitioner does not have a first or middle name, those columns should be left blank. Do not use notes like FNU or NMN.

Post Number	Last Name	First Name	Middle Name	DOB (MM/DD/YEAR)
XYZ2007002001	O BRIAN	JOHN	HENRY	01/03/1971
XYZ2007002001	O BRIAN	JOHN	HENRY	01/03/1971
XYZ2007002001	JONES	PAUL		03/01/1971
XYZ2007002003	ROJAS-DIAZ	MARIA	ANA	02/04/1976
XYZ2007002003	ROJAS DIAZ	MARIA	ANA	02/04/1976
XYZ2007002003	ROJAS	MARIA	ANA	02/04/1976

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XYZ2007002003	DIAZ	MARIA	ANA	02/04/1976
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- c. The spreadsheet must be e-mailed as an attachment to NVCAWA@state.gov. The subject of the e-mail should be in the following format: XYZAWA02-27-07A for the first list of the day and any subsequent lists of petitioners' biodata should be XYZAWA02-27-07B, etc.

9 FAM 42.41 PN4.4 Post Processing of Adam Walsh Act Namecheck Status

(CT:VISA-1345; 10-14-2009)

- a. National Visa Center (NVC) will forward to post the clearance response from USCIS. Each petitioner must have a response indicating clearly that the case, identified by the post case number, has cleared or did not clear the Adam Walsh Act process. The approved results memo for each petition transmitted to post by NVC should be scanned into the case and a copy attached to the petition. Only information for the petitioner for that individual case should be connected with a single case. For privacy purposes, Adam Walsh Act clearance response results for a different petitioner should not be included in a case.
- b. If the results memo returned from NVC for an individual petitioner reports that the case identified by post case number has "cleared" the USCIS check, you may approve the petition and begin processing the immigrant visa case.
- c. If the status returned for an individual petitioner identified by post case number is "not cleared" because of possible prior conviction of one or more of the cited crimes under the Adam Walsh Act or due to system limitations, post should invite the petitioner to the consular section for fingerprinting with the ink and card process. Mail the fingerprint card, the petition, and other relevant documents to the USCIS overseas office having jurisdiction over the post.
- d. If the petitioner ultimately clears the USCIS review under the Adam Walsh Act, the petition and documents will be returned to post for visa processing. If the petition is found not to be approvable, the USCIS office will notify post, and post should close the provisional case in the IVO system.

9 FAM 42.41 PN4.5 Form I-130 Petition for Alien Relative Fees

(CT:VISA-1345; 10-14-2009)

You should take fees for Form I-130, Petition for Alien Relative, filed at the USCIS office at post. You should not take fees for Form I-130 that are to be sent to domestic USCIS offices for processing. In those countries where constituent posts are served by a USCIS office at another post in the same country and USCIS will accept petitions by mail, you should take the fee and ask the petitioner to forward

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U.S. Department of State Foreign Affairs Manual Volume 9

Visas

directly to the USCIS office the petition, fee receipt, and documents listed on the Form I-130 instructions posted on the USCIS Web site. The petitioner is responsible for mailing his complete petition packet to the USCIS office in country. If there is a USCIS overseas office in the country, consular officers should not review the documents or otherwise advise the petitioner on the process.