

9 FAM 42.63 PROCEDURAL NOTES

*(CT:VISA-1800; 02-08-2012)
(Office of Origin: CA/VO/L/R)*

9 FAM 42.63 PN1 PACKET SYSTEM

9 FAM 42.63 PN1.1 Importance of Standard Procedures

(CT:VISA-1598; 10-28-2010)

Immigrant visa (IV) 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, Department of Homeland Security (DHS), Consular Affairs (CA), and posts abroad have added electronic information resources that answer a wider range of questions. The importance of consistency and standardization remains, however, and consular managers should remember that the IV process remains confusing to many applicants, some of whom may not have regular access to the Internet.

9 FAM 42.63 PN1.2 General Guidelines

(CT:VISA-1598; 10-28-2010)

- a. 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.
- b. Three standardized instruction packages are now used in immigrant visa processing. They are discussed here in more detail 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).
- c. Although you must observe strictly the regulations defining “entitled to immigrant classification,” “documentarily qualified,” and “priority date,” you 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 you know 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.

9 FAM 42.63 PN2 IMMIGRANT VISA PETITIONS APPROVED BY DEPARTMENT OF HOMELAND SECURITY (DHS)

(CT:VISA-1598; 10-28-2010)

- a. Since October 1994, all immigrant visa petitions approved by the Department of Homeland Security (DHS) where an applicant is processing abroad at a U.S. embassy or consulate are sent to the National Visa Center (NVC).
- b. Upon receipt of the petition, NVC will enter the petition data into the Immigrant Visa Information System (IVIS) IV program. If the petition is active (immediate relatives and those with priority dates that fall within the qualifying dates set by CA/VO/F/I), NVC will send the applicant the “Agent Choice Letter” (ACL) and Form DS-3032, Choice of Address and Agent or instructions for accessing Form DS-261, Online Choice of Address and Agent. (See 9 FAM 42.63 PN5.) If the petition is inactive (oversubscribed categories with noncurrent priority dates), the NVC will send the applicants the “Notice of Registration as Intending Immigrant” (formerly Packet 3a) 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 for Immigrant Visa Applicants

(CT:VISA-1598; 10-28-2010)

When the applicant's petition is received, the NVC will send the applicant Form DS-3032, Choice of Address and Agent for Immigrant Visa Applicants, or instructions for accessing Form DS-261, Online Choice of Address and Agent. These forms permit the applicant to choose an "agent" to receive mailings from the NVC and assist in the paperwork or paying of required fees. The agent can be the petitioner, an attorney, a friend, or a nongovernmental or community-based organization. The agent cannot sign required documents for the applicant, but can assist with fee payments and document collection. The applicant may choose himself or herself as the agent and may have all mailings sent to an address abroad. The applicant's file will be held at the NVC until the signed Form DS-3032 is returned or Form DS-261 is electronically signed and submitted. If neither is returned within 1 year and a visa number is available, 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 for Immigrant Visa Applicants, or Form DS-261, Online Choice of Address and Agent for Immigrant Visa Applicants, Is Not Required

(CT:VISA-1769; 11-01-2011)

No Form DS-3032, Choice of Address and Agent for Immigrant Visa Applicants, or Form DS-261, Online Choice of Address and Agent for Immigrant Visa Applicants, is required if:

- (1) The alien is self-petitioning; or
- (2) A child is being adopted.

9 FAM 42.63 PN3.3 Responsibility of the Petitioner

(CT:VISA-1598; 10-28-2010)

- a. When the NVC sends Form DS-3032, Choice of Address and Agent for Immigrant Visa Applicants, or instructions for accessing Form DS-261, Online Choice of Address and Agent for Immigrant Visa Applicants, to the applicant, the NVC also will send an information packet to the petitioner, including a copy of Form DS-3032 or Form DS-261 access instructions to notify the petitioner that it has been sent. Included in the information packet is the Affidavit-of-Support (AOS) fee bill with instructions on how and where to make the payment. The NVC will notify the petitioner that no further action can be taken until the requested information or fee is received.
- b. The petitioner will be instructed how and where to pay the AOS processing fee. The petitioner will then be instructed to complete the AOS and return it to the NVC.

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

(CT:VISA-1598; 10-28-2010)

Once the AOS fee has been paid, NVC mails the Petitioner Packet to the petitioner, which directs them to the Web site ImmigrantVisas.state.gov for directions on what steps to take next. If the fee(s) are paid online, the agent will be provided with this information online after the fee payment has been confirmed (no mailing is necessary). The information provided to the petitioner includes instructions on where to go on the Internet to fill out and download Form I-864, Affidavit of Support Under Section 213A of the Act, to be completed and returned to the NVC.

9 FAM 42.63 PN4 SENDING INSTRUCTIONS FOR IMMIGRANT VISA APPLICANTS

(CT:VISA-1800; 02-08-2012)

When the applicant, or the designated agent, has returned Form DS-3032, Choice of Address and Agent for Immigrant Visa Applicants, or electronically submitted Form DS-261, Online Choice of Address and Agent for Immigrant Visa Applicants, NVC sends the IV application fee bill for each applicant to the designated agent. The IV fee bill letter instructs the applicant how and where to pay the IV fee bill. Once the IV fee has been paid, the NVC will mail the Instruction Package for Immigrant Visa Applicants to the designated agent. If the fee(s) are paid online, the agent will be provided with this information online after the fee payment has been confirmed (no mailing is

necessary). The information provided to the agent includes instructions on where to go on the Internet to fill out and download Form DS-230, Application for Immigrant Visa and Alien Registration, or the online Form DS-260, *Online* Application for Immigrant Visa and Alien Registration.

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

(CT:VISA-1598; 10-28-2010)

For posts where the NVC is reviewing local documents and scheduling the IV appointment, the agent or applicant will be instructed to return the completed forms to the NVC after the processing fees for visa application are paid.

9 FAM 42.63 PN4.1-1 Reviewing the Files

(CT:VISA-1800; 02-08-2012)

- a. The NVC will review Form DS-230, Application for Immigrant Visa and Alien Registration, or the online Form DS-260, *Online* Application for Immigrant Visa and Alien Registration, and Form I-864, Affidavit of Support Under Section 213A of the Act, for each case file. The NVC additionally collects the required civil documents and police certificates. This process is called "appointment post processing." When the file is complete, the NVC will schedule an appointment with a consular officer and send the IV appointment letter to every valid address associated with the case record before forwarding the case file and electronic record to the post. NVC will work directly with posts to ensure that posts' scheduling preferences are implemented. NVC performs the "appointment post processing" for all IV issuing posts (one post – Guangzhou, China – uses this process on a limited type of IV cases; for all other cases being processed in China, NVC will collect all the documents but not schedule the visa interview).
- b. Depending on the post, the NVC will either collect paper documents and forms or the case will be processed electronically (paperless). The petitioner and agent will email scanned images of the forms and documents to a designated email box at NVC. Information explaining that the applicant must bring the paper documents and forms to the visa interview is explicitly mentioned in the appointment letter.
- c. NVC will scan the original petition and documentation provided by USCIS.

NVC will attach the images provided by the petitioner and agent to the electronic case file. Post will have access to the information once the case has been scheduled for a visa interview. The IVIS record will also be placed in the electronic case file for downloading into the automated immigrant visa (IV) system.

- d. For those cases where the paper process exists, NVC requires that original (or certified copies from the issuing authority) documents be returned. This includes all civil documents.

9 FAM 42.63 PN4.1-2 Incomplete Cases or Cases Lacking Documentation

(CT:VISA-1800; 02-08-2012)

- a. If the case file is incomplete or lacks proper documentation, the NVC will send a checklist to the petitioner or agent indicating what changes are needed. The petitioner or agent will be told to return the required information to the NVC. After two reviews by the NVC, the file will be scheduled for an interview, even if it still contains errors or omissions (provided the petitioner has at a minimum submitted and signed Form I-864, Affidavit of Support Under Section 213A of the Act, and that all traveling applicants have submitted Form DS-230, Application for Immigrant Visa and Alien Registration, or the online Form DS-260, *Online* Application for Immigrant Visa and Alien Registration, and all required police certificates have been provided). If the petitioner or agent does not return the documents within 1 year and a visa is available, the NVC will initiate the administrative process for post to begin case termination.
- b. Under specific circumstances approved by VO, NVC will not schedule a visa interview until all requested documentation has been provided.

9 FAM 42.63 PN5 INSTRUCTION PACKAGE FOR IMMIGRANT VISA APPLICANTS SENT PROMPTLY WHEN QUALIFYING DATE REACHED

(CT:VISA-1598; 10-28-2010)

- a. The instruction packet for immigrant visa (IV) applicants (formerly known as "Packet 3") is described below. The National Visa Center (NVC) is responsible for the dispatch of virtually all instruction packets.

- 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 or NVC must 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

(CT:VISA-1598; 10-28-2010)

- a. If mailed from post, the automated immigrant visa (IV) system will automatically record the date that post prints the Instruction Package for Immigrant Visa Applicants cover letter. Posts should ensure that this letter and attachments are mailed as soon as possible after printing. If later copies of the Instruction Package for Immigrant Visa Applicants are provided to the applicant, record should be made in the comments field of the IV application to reflect this fact.
- b. The IVIS system used at NVC will also record the date the Instruction Package for Immigrant Visa Applicants is printed or downloaded from the Internet after the IV fees are paid (see 9 FAM 42.63 PN4).

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

(CT:VISA-1800; 02-08-2012)

- a. The Instruction Package for Immigrant Visa (IV) Applicants from post 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, or Form I-134, Affidavit of Support, as appropriate;
 - (4) Form DS-230, Application for Immigrant Visa and Alien Registration (one for each applicant), or instructions for accessing the online Form DS-260, *Online* Application for Immigrant Visa and Alien Registration; and

- (5) Supplemental information sheets, as appropriate, on police certificate and civil document availability by country.
- b. Posts may also include a local nonstandard form covering other post-specific matters not covered by material above.
 - c. For petitions filed at post, you must send the instruction package for IV 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) Form I-797, Notice of Action;
 - (2) A petition approved at post;
 - (3) Proof of derivative status; or
 - (4) Proof of entitlement to returning resident status.

You should also provide the 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.

- d. As noted in 9 FAM 42.63 PN4, the National Visa Center (NVC) will send the Instruction Package for Immigrant Visa Applicants to the agent (after receipt of the immigrant visa (IV) fee) when the petition is filed in the United States. If the fees are paid online, the agent will be provided with this information online after the fee payment has been confirmed (no mailing is necessary). The Instruction Package for Immigrant Visa (IV) Applicants that is mailed from NVC (generated by the Immigrant Visa Information System (IVIS)) informs the agent to go to the Internet for additional information on what actions are needed next. The URL provided is ImmigrantVisas.state.gov.
- e. Upon return of Form DS-230, Application for Immigrant Visa and Alien Registration, or electronic submission of the online Form DS-260, *Online Application for Immigrant Visa and Alien Registration*, the post must initiate all appropriate clearances called for in 9 FAM Appendix G—Clearance Procedures. The post must then file Form DS-230 in the post's immigrant A-Z files with the principal applicant's petition and other documents, and must hold the form until the applicant's formal immigrant visa interview with a consular officer. At the time of the applicant's

interview, you will attach Form DS-230 to make the complete application form, unless the applicant submitted Form DS-260, in which case no copy of the application will be placed in the A-Z files. The post must send additional Forms DS-230 or instructions for accessing Form DS-260 to derivative applicants along with the interview appointment letter and medical forms. (See 9 FAM 42.63 PN12, paragraph c. Also, see 9 FAM 42.63 PN11 for additional discussion of determination that an applicant is documentarily qualified.)

- f. The process taken at NVC for qualifying a case and scheduling an interview is noted in 9 FAM 42.63 PN4.1-1.

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

(CT:VISA-931; 03-10-2008)

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 (see 9 FAM 40.41 N3.2). For cases in which INA 213(A) does not apply (for example, nonimmigrant visas such as K-1 fiancé(e) visas), applicants may submit Form I-134, Affidavit of Support, or may submit alternative forms of evidence to overcome the public charge provisions of the law.

9 FAM 42.63 PN5.2 Acknowledging Receipt of Noncurrent Petition

(CT:VISA-1800; 02-08-2012)

- a. When the NVC receives an approved petition in a category for which immigrant visa (IV) numbers are unavailable, the NVC must send the "Notice of Registration as Intending Immigrant" (formerly Packet 3a), to the applicant confirming receipt of the petition and explaining further processing steps, as appropriate.
- b. Under the centralized IV process, posts should not receive petitions from the NVC that have not reached qualifying date.
- c. In the case of any applicant in an oversubscribed category, the NVC must 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 must include Form DS-230, Application for Immigrant Visa and Alien Registration, or instruction for accessing the online Form DS-260, *Online*

Application for Immigrant Visa and Alien Registration, with the letter of confirmation described in paragraph a of this section.

9 FAM 42.63 PN6 NOTICE OF "CONDITIONAL STATUS"

(CT:VISA-1598; 10-28-2010)

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 2 years 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 or information within ImmigrantVisas.state.gov 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

(CT:VISA-1598; 10-28-2010)

- a. Immigrant visa (IV) petitions related to "undeliverable" correspondence, particularly in cases where instruction packages for IV 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. You

should add a comment in the IVO system documenting the fact that correspondence was returned “undeliverable.”

- b. At NVC, the electronic case record will be updated to document the fact that the correspondence was returned “undeliverable,” but the physical letter can be destroyed after the update. If the Postal Service provides an updated address on the returned mail, NVC will update the address in IVIS and resend the letter.

9 FAM 42.63 PN8 CLEARANCE PROCESSING

(CT:VISA-1598; 10-28-2010)

- a. Routine post-to-post (Visas Alpha) clearance requests for all posts have been eliminated. However, clearance requests are still required when:
 - (1) A Consular Lookout and Support System (CLASS) check indicates derogatory information is on file at post; or
 - (2) Visa Reciprocity and Country Documents Finder specifically requires a clearance 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

(CT:VISA-1800; 02-08-2012)

- a. For petitions filed at post, 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 that they are prepared for interview; and
 - (2) The post has completed all required clearance procedures, 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 N3.6 regarding the reporting of documentarily-qualified applicants.)

- b. For petitions processed through the National Visa Center (NVC), an applicant is considered to be documentarily qualified when four facets of the processing procedure have been completed:
- (1) All required fees have been paid;
 - (2) The form DS-230, Application for Immigrant Visa and Alien Registration, or the online Form DS-260, *Online* Application for Immigrant Visa and Alien Registration, has been completed and returned for each traveling applicant;
 - (3) For cases in which INA 213(A) applies, a properly completed Form I-864, Affidavit of Support Under Section 213A of the Act, and supporting documents (see 9 FAM 40.41 N3.2) have been returned; and
 - (4) All required police certificates for each traveling applicant have been returned.

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

(CT:VISA-1598; 10-28-2010)

- a. 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 with post 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. Cases received from the National Visa Center that are not classified as expedited cases should be considered to have received notice of the applicant's readiness.
- b. NVC does not collect or use Form DS-2001, Notification of Applicant Readiness, as part of the qualification process. Please refer to 9 FAM 42.63 PN4.1-1 for more information.

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" for Cases where Petitions Were Filed at Post

(CT:VISA-1362; 10-28-2009)

Although different operating environments may call for flexibility in processes used to determine whether an applicant is "documentarily qualified," you must remember the importance of this concept in immigrant visa (IV) 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 IV processing district;
- (2) Have the prior approval of the visa office (VO) 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 for Cases where Petitions Were Filed at Post

(CT:VISA-1598; 10-28-2010)

- a. In many countries, you may determine that self-attestation by visa applicants is adequate evidence of being documentarily qualified for cases where the petitions were filed at post. In other words, by returning 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 (IV) 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 (IV) 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 pre-screening 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 (IV) Prescreening Strategies

(CT:VISA-1598; 10-28-2010)

- a. When immigrant visa (IV) 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 for cases where petitions were filed at post; or
 - (3) Document review/case preparation through a travel agency or voluntary agency program for cases where petitions were filed at post.
- 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, 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 POST DOCUMENT REVIEW PRIOR TO INTERVIEW

(CT:VISA-1598; 10-28-2010)

- a. In a document review system at post, applicants are asked to obtain documents required for immigrant visa (IV) 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 (SOPs) 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 PN11 TRAVEL OR VOLUNTARY AGENCY PROGRAMS

(CT:VISA-1598; 10-28-2010)

- a. The NVC will eventually handle scheduling, preprocessing, and document review for all IV-issuing posts. Some posts, however, may still be receiving IV case preparation assistance through formal programs with voluntary agencies or travel agents. 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 IV process, and the involvement in most cases of U.S. citizen family members or employers, oversight and control is extremely important.
- b. In overseeing such a program, consular managers must keep several points in mind:
 - (1) It must be made very clear to applicants and their agents that we do 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 VO for approval prior to initiating such a program; and
 - (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's fraud prevention manager. Any training, monitoring, or feedback provided to one service provider must be offered to other providers equally.

9 FAM 42.63 PN12 IMMIGRANT VISA (IV) APPOINTMENT PACKAGE

(CT:VISA-1800; 02-08-2012)

- a. The Immigrant Visa Appointment Package consists of 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)). *The instructions in this letter and the links that it provides advise applicants about preparations for the medical examination, obtaining original documentation, providing photographs, and reviewing visa guidelines.*
- 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 must not schedule appointments for applicants chargeable to a numerical limitation prior to receipt of allocations of visa numbers from the Department.
- c. **NOTE:** If the principal applicant was instructed to complete the online Form DS-260, *Online* Application for Immigrant Visa and Alien Registration, all derivatives should also be instructed to complete Form DS-260. There is an option to complete and/or modify Form DS-260 for derivative applicants associated with the online file for the principal.

9 FAM 42.63 PN13 FOLLOW UP AND NOTIFICATION OF POSSIBLE TERMINATION OF REGISTRATION

(CT:VISA-1800; 02-08-2012)

- 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 1 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 1-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 (IV) 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, or instructions for accessing the online Form DS-260, *Online* Application for Immigrant Visa and Alien Registration.
- c. All cases held at the NVC will have notifications of termination mailed directly to the applicant. The follow-up package mailed from NVC consists of:
- (1) Notice of Possible Termination of Registration; and
 - (2) A response request containing the following:
 - (a) Yes, I wish to pursue my immigrant visa application, please send me information on applying for my immigrant visa. I understand I will have to resubmit all required fees and documents in order to continue the immigrant visa processor
 - (b) No, I do not want to pursue my immigrant visa application for one of the following reasons:
 - I have adjusted status (please send a copy of both sides of your alien registration card);
 - I have received an immigrant visa through another petition and am now a permanent resident (please send us a copy of both sides of your alien registration card);
 - I am no longer interested in immigrating to the United States; or
 - Other (please explain).

9 FAM 42.63 PN14 RESPONSE TO FOLLOW UP AND NOTIFICATION OF POSSIBLE TERMINATION OF REGISTRATION

9 FAM 42.63 PN14.1 Applicant Advises Documentarily Qualified

(CT:VISA-1800; 02-08-2012)

- a. 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, or the applicant returns Form DS-2001 and electronically submits the online Form DS-260, *Online Application for Immigrant Visa and Alien Registration*, the post must process the applicant in the same manner as any other applicant who responds to the instruction package for immigrant visa (IV) 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.
- b. If the applicant's response to the follow-up package is sent to NVC, NVC will start the process of collecting forms and fees again as outlined in 9 FAM 42.63 PN4.

9 FAM 42.63 PN14.2 Applicant Fails to Respond

(CT:VISA-1598; 10-28-2010)

If the applicant does not comply with the follow-up instructions within 1 year and a visa is available, the consular officer or NVC must initiate proceedings to terminate the alien's IV registration. (See 9 FAM 42.83.)