

9 FAM APPENDIX K, 300 EXEMPTIONS FROM CERTAIN PROCESSING REQUIREMENTS

*(CT:VISA-1370; 11-4-2009)
(Office of Origin: CA/VO/L/R)*

9 FAM APPENDIX K, 301 UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY (US-VISIT) AND NATIONAL SECURITY ENTRY/EXIT REGISTRATION SYSTEMS (NSEERS) EXEMPTIONS BASED ON A REFERRAL

(CT:VISA-1264; 08-04-2009)

- a. The chief of mission (COM), deputy chief of mission (DCM), or principal officer (PO) may exempt applicants referred as Class A referrals from National Security Entry/Exit Registration Systems (NSEERS) and/or United States Visitor and Immigrant Status Indicator Technology (US-VISIT) registration requirements provided he or she makes the request at the time the Class A visa referral is submitted.

NOTE: Authority to exempt persons from certain processing requirements has also been delegated to the permanent representative of the United States to the United Nations and to the Deputy Director of the American Institute in Taiwan.

- b. Exemptions from NSEERS and US-VISIT registration requirements should be **rare** and must be processed with supporting justification. Written justification for the exemption must be submitted on Form DS-4093, Chief of Mission Waiver of Certain Processing Requirements, which is submitted with the Class A referral (see 9 FAM Appendix K, Exhibit I Referral Submission Procedures section.)

NOTE: An exemption from US-VISIT processing requirements may delay a traveler by requiring exceptional handling after they wait in the normal immigration lines. US-VISIT processes at primary inspections are quick and unobtrusive and are the norm for United States admissions, even for travelers that may meet Class A referral criteria.

9 FAM APPENDIX K, 302 PROCEDURES FOR REQUESTING EXEMPTION FROM CERTAIN PROCESSING REQUIREMENTS

(CT:VISA-1370; 11-4-2009)

- a. If the COM, DCM, or PO decides a Class A referral applicant warrants a US-VISIT and/or NSEERS exemption, he or she **must** submit a completed Form DS-4093, Chief of Mission Waiver of Certain Processing Requirements, as part *of* the Class A referral packet at the time a visa is requested or attach it to the Class A referral if the individual already has a visa.
- b. The referred applicant **must** have a Consular Lookout and Support System (CLASS) name check run on him or her and the COM, DCM, or PO **must** explicitly state that the individual does not pose a security risk to the United States on the Form DS-4093. Processing requirements differ depending on whether the individual has a valid visa and on the results of the CLASS check as stated below.
- c. If the subject of the exemption request does not have a valid visa, then the US-VISIT and/or NSEERS exemption request (DS-4093) should be included as part of the Class A referral visa application packet (see 9 FAM Appendix K, Exhibit I for further details on Class A referral processing). Procedures in paragraph c should be followed.
- d. If the subject of the exemption request is in possession of a valid visa and the referral is being submitted for the purpose of a US-VISIT and/or NSEERS exemption, and no new CLASS hits are present, then procedures in paragraph c should be followed.
- e. If the subject of the exemption request is in possession of a valid visa and the referral is being submitted for the purpose of a US-VISIT and/or NSEERS exemption, and CLASS hits are present that were not present at the time of the original visa application, then the individual **must** reapply for a new visa and follow the procedures as a new applicant in order to be granted the exemption. It is not possible to clear the hits without a new application and required security advisory opinion (SAO), and the exemption **must not** be approved until the hits are cleared.
NOTE: Only individuals who meet **all** the requirements of a Class A referral may have a US-VISIT and/or NSEERS exemption request submitted. Individuals who **do not** meet Class A referral requirements **cannot** be processed for these exemptions. (See 9 FAM Appendix K, Exhibit I, for Class A referral criteria.)
- f. If the exemption is approved, the consular section must input the appropriate exemption code into CLASS, to notify Department of Homeland Security (DHS) Customs and Border Protection (CBP) officers

that the traveler is exempt from the processing requirements specified on Form DS-4093. (See Section 304 below for CLASS exemption codes.)

9 FAM APPENDIX K, 303 REQUESTS FOR VISA SERVICES (CA/VO) DEPUTY ASSISTANT SECRETARY (DAS) UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT) EXEMPTIONS

(CT:VISA-1370; 11-4-2009)

- a. If the traveler in need of an exemption of the United States Visitor and Immigrant *Status* Indicator Technology *Program* (US-VISIT) requirement is not eligible for an Class A referral at post, but will be part of an official delegation's consolidated motorcade (see paragraph (b)) traveling from the arrival airport, then the traveler may be eligible for an exemption by the Deputy Assistant Secretary (DAS) for Visa Services. Submission of consolidated motorcade US-VISIT exemption cases to Washington, DC, should be avoided if it is within post's ability to process the case locally. The Visa Services (CA/VO) DAS will consider these exemptions only in extraordinary circumstances and only after all possible means to exempt travelers at post have been considered.
- b. The consular section at post must coordinate with the Office of the Chief of Protocol (S/CPR) and the country desk, and provide the request and justification, along with the visit itinerary and list of applicants in need of the exemption, to Consular Affairs, Office of Field Support and Liaison (CA/VO/F/P) at least one week before the visit starts, whenever possible. The list of qualified travelers must contain correct names, dates of birth, country of citizenship, visa class, and passport number with issuance and expiration dates.
- c. In order to assist Diplomatic Security, the Secret Service, and other agencies with dignitary protection responsibilities with logistical arrangements, the CA DAS for Visa Services may exempt from US-VISIT processing requirements travelers who are part of an official delegation's consolidated motorcade. A consolidated motorcade consists of members of the press or other visitors not traveling on A or G visas who are going directly from the arrival airport with the official delegation of a foreign Government or international organization to a single location to cover/ attend a meeting or press conference. Consular Affairs authorizes this exemption to help Diplomatic Security, the Secret Service, etc. move people quickly and to keep the senior foreign Government officials or other very important people (VIPs) safe. This logistical security concern is the only basis for an exemption of such travelers by the CA/VO DAS.

No other justification qualifies.

- d. If the traveler in need of an exemption of NSEERS requirements is not eligible for a Class A referral at post, but will be part of an official delegation's consolidated motorcade (see paragraph (b) above) traveling from the arrival airport, then the traveler may be eligible for an exemption by the Undersecretary for Political Affairs. Submission of consolidated motorcade NSEERS exemption cases to Washington, DC, should be avoided if it is within post's ability to process the case locally. The U/S for Political Affairs will only consider these exemptions in extraordinary circumstances and only after all possible means to exempt travelers at post have been considered.

9 FAM APPENDIX K, 304 COMMUNICATING PROCESSING REQUIREMENT EXEMPTIONS TO THE PORT OF ENTRY (POE)

(CT:VISA-1264; 08-04-2009)

- a. The code for the corresponding processing requirement that is being exempted is entered into CLASS for the traveler by the consular section or, in the case of a CA/VO DAS exemption, by Information Management and Liaison (CA/VO/I). Entries into CLASS normally migrate within 30 minutes to Department of Homeland Security (DHS) Interagency Border Inspection System. CBP officers at all ports of entry (POE) will then see that the traveler is exempt from the specified processing requirements.
- b. US-VISIT CLASS codes are:
 - “**USVX**” – should be used for a person for a single visit. The USVX code will stay in CLASS and IBIS for three months and then self-delete.
 - “**USVY**” – should be used persons assigned to observer missions at the United Nations, but who do not receive “G” visas. It can also be used for representatives from the special administrative region of Hong Kong, from the Palestinian Authority, and from North Cyprus (“TRNC”) who travel frequently to the United States on official business. This code will remain valid for three years and then self-delete from CLASS.
 - “**USVZ**” – should be used for a very limited number of persons not receiving “A” or “G” visas but will serve United States interests for them to be exempted from US-VISIT procedures. For example, a person of international acclaim such as winners of the Nobel Peace Prize may meet this category. This code will remain in CLASS for ten years and then self-delete.
- c. NSEERS CLASS Code:
 - “**EXMT**” – should be used to exempt someone from NSEERS processing. This code will remain in CLASS for ten years and then self-delete.