

16-855

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to restate and update certain requirements related to A-1 and A-2 visa applications, either as part of an initial visa application or for requests for a change into such visa status. This circular note supersedes the note previously issued on this topic, dated June 11, 2014.

When an individual applies for a new A-1 or A-2 visa outside the United States, or requests a change into A-1 or A-2 nonimmigrant visa status within the United States, the sending government must provide a diplomatic note that contains the following information:

- the government official's or employee's name, date of birth, position and title, place of assignment or visit, purpose of travel, a brief description of his or her duties, travel date, and the anticipated length of the tour of duty or stay in the United States; and
- the names, relationships, and dates of birth of any dependents and other members of household who will be accompanying or joining the government official or employee.

For foreign government officials and employees who are assigned to an embassy, consulate, or miscellaneous foreign government office in the United States for 90 days or more and who will be accredited by the sending government, the “place of assignment or visit” must be the embassy, consulate, or miscellaneous foreign government office where the individual will be serving. The diplomatic note submitted on behalf of such accredited officials or employees must generally originate from the sending government’s foreign ministry, and not from an embassy, consulate, or miscellaneous foreign government office located in the United States.

In the case of a career official or employee currently assigned outside of the United States and outside of the sending State, the Department may accept a note from the embassy or consulate at which the individual is currently assigned, provided the note certifies that the sending government’s foreign ministry supports the visa application.

Where an official or employee is traveling to the United States for official activities for less than 90 days, the diplomatic note may be submitted by an appropriate foreign government office, such as the governmental office that employs the official or employee. All such notes should come from the relevant office of the sending government, and not from an embassy, consulate, or miscellaneous foreign government office located in the United States.

Consistent with immigration laws and regulations, the Department may require additional documentation to establish whether a particular applicant qualifies for an A-1 or A-2 visa.

While this circular note focuses on A-1 and A-2 visa application requirements, a note with the same information must also be submitted with any C-3, G-1 through G-4, and NATO-1 through NATO-6 visa application and with any request for a change into such visa status. A note is also required for A-3, G-5, and NATO-7 visa applicants. Such a note, however, is generally not required for routine renewals of A-1, A-2, G-1 through G-4, or NATO-1 through NATO-6 visas in the United States.

### **A-1 and A-2 Visa Eligibility**

The Department wishes to remind and inform the missions of the requirements regarding A-1 and A-2 visa eligibility.

To be eligible for A-1 or A-2 classification based on assignment as permanent members of diplomatic or consular missions, foreign government officials and employees are expected to perform services for the foreign government on an essentially full-time basis (at least 35 hours per week) and to reside in the metropolitan area of the mission where the individual will be serving. Such officials and employees in A-1 or A-2 status may be employed only by the

foreign government which provided the diplomatic note described above, and not by any other entity or individual.

A-1 visa classification is appropriate for career diplomatic agents at embassies and career consular officers at consulates, age 21 years or older. Acceptable titles for diplomatic agents include Ambassador, Minister, Minister-Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, Attaché, and Assistant Attaché. Acceptable titles for consular officers include Consul General, Deputy Consul General, Consul, Deputy Consul, Vice Consul, and Consular Agent.

Individuals who will be working at an embassy or consulate, but who do not hold a diplomatic or a consular officer title, must instead apply for an A-2 visa. A-2 visas are appropriate for other foreign government officials and employees, including those working as administrative, technical, and service staff at embassies; consular employees and service staff at consulates; service staff engaged in duties owed to the sending government in furtherance of the official functions of the mission pertaining to the maintenance of the residence and representational duties performed at the residence of the head of a diplomatic mission or the principal officer of a consular post; and qualifying miscellaneous foreign government office personnel.

Individuals employed by a particular mission member in a domestic or personal capacity, such as to cook, clean, or take care of children in the private residence of a mission member do not qualify for an A-2 visa, regardless of whether the sending government or the mission member pays the employee. Rather, such individuals must qualify for and obtain an A-3 visa.

To be eligible for A-2 visa classification for temporary travel of less than 90 days, foreign government officials and employees must be traveling to the United States to engage solely in official activities on behalf of the foreign government.

To qualify for an A-1 or A-2 visa, applicants must be accepted by the President or by the Secretary of State, whether they are assigned to a foreign mission in the United States or traveling temporarily for official activities.

Members of the immediate families of A visa holders are generally expected to travel to the United States on the same visa classification as the principal official or employee whom they are accompanying or following to join.

Department of State,

Washington, June 3, 2016.

A handwritten signature in black ink, appearing to be the initials 'JG' with a stylized flourish extending to the right.