

Examples of Rewritten Department Regulations

This excerpt below, sourced from the Department of State's regulations, demonstrates various Plain Writing tenets, including:

- ✓ Uses pronouns as subjects
'You' to refer to the reader
- ✓ Uses active voice
Passive voice often leaves unstated one of the more critical regulatory questions—who is responsible for the action or who received the action
- ✓ Uses short sentences
Address one subject in each sentence
Aim for no more than 20 words per sentence
- ✓ Uses strong verbs
Strong verbs drive the desired action required in a sentence
- ✓ Uses precise word placement
To reduce ambiguity, keep subjects and objects close to their verbs
Modifiers (such as "only," "always," "just") can change the meaning of a sentence
'If' for conditions
- ✓ Uses consistent terms
'May' for a discretionary action
'Should' for a recommendation

9 FAM 202.1-2 VISA-RELATED ISSUES WITH U.S. CITIZENS

(CT:VISA-611; 06-27-2018)

a. Processing Visa Applications for Aliens Who May Have a Claim to U.S. Citizenship:

*(1) **Nonimmigrant Visa Applicants:** You may not issue a visa to an individual who has been determined to be a U.S. citizen. However, if a nonimmigrant visa applicant with a possible claim to U.S. citizenship is unable or unwilling to delay travel until he or she has been able to obtain documents to establish that status, as determined by the post's citizenship and passport officer, you may presume that the applicant is an "alien" pursuing a nonimmigrant visa application. If you find the presumed alien eligible to receive the visa then you may issue the visa.*

*(2) **Immigrant Visa Applicants:** Under [22 CFR 40.2\(a\)](#), a U.S. citizen is not eligible to receive an immigrant visa. If an immigrant visa applicant has a possible claim to U.S. citizenship, post's citizenship and passport officer must resolve the citizenship issue before you may take final action on the visa application. If the matter cannot be resolved that same day, the visa officer should deny the immigrant visa application under [INA 221\(g\)](#) pending resolution of the citizenship issue. Any doubts regarding the applicant's U.S. citizenship status must be resolved before the visa officer may take final action on the visa application.*

This excerpt below, sourced from the Department of State's regulations, demonstrates when passive voice is applicable for Plain Writing.

This excerpt concerns background on issuing a type of visa based on the North American Free Trade Agreement (NAFTA). Explains that previous trade agreement, the U.S. –Canada Free Trade Agreement (U.S.-CFTA) was no longer effective when NAFTA came into force.

- ✓ Note that there is no real actor here, so passive voice is not hiding any action. If this explanation used active voice, it would be convoluted, i.e. "After it entered into force, NAFTA superseded and suspended the U.S.-CFTA."
- ✓ A legitimate use of the passive voice is when you want to emphasize a particular point.

The point here is not the operation of treaty and law that resulted in the suspension of U.S.-CFTA. It is the fact that U.S.-CFTA is no longer in effect.

9 FAM 402.17-2(A) Background

(CT:VISA-350; 04-20-2017)

- a. *On December 17, 1992, the Presidents of the United States and Mexico and the Prime Minister of Canada entered into the North American Free Trade Agreement (NAFTA). The North American Free Trade Agreement Implementation Act (NAFTA Implementation Act), Public Law 103-182, implementing the agreement was signed into law on January 1, 1994. To comply with this Agreement, INA 214(e) was added in order to provide for the admission to the United States of Mexican and Canadian citizens who are coming to engage in professional activities.*
- b. *Chapter 16 of NAFTA, entitled "temporary entry for business persons" was designed to facilitate the movement of business persons among the United States, Canada, and Mexico. This chapter contains the visa-related provisions relating to the temporary entry of business persons. NAFTA allows investment, trade, and professional commerce services to take place, and thus affects four nonimmigrant visa (NIV) categories in the U.S. Immigration and Nationality Act: Temporary Visitors for business (B-1); Treaty Trader and Investors (E); Intra-company transferees (L), and NAFTA professionals (TN).*
- c. *The U.S.-Canada Free Trade Agreement (US-CFTA) created a class of professional nonimmigrants (TC) but did not provide authority for visa issuance. NAFTA has modified and adopted the TC professional category and treats this new admission category (TN) as if it were a nonimmigrant visa (NIV) classification under INA 101(a)(15), thus authorizing the issuance of visas to both Mexicans and Canadians. (TD visas are issued to spouse and minor children of TN principals.) The US-CFTA was suspended when NAFTA entered into force. The TN category must not be confused with the H-1B visa classification. It is a separate and distinct category. Similarities do exist, however, since this category was derived from the H-1B classification.*