



Embassy of the United States of America  
100 Duke & Young Streets, Kingston, Georgetown, Guyana

## **Installment 89**

### **Ask the Consul – The Non-Immigrant Visa Application**

It is important to answer all questions on your NIV application truthfully and completely. A previous arrest, overstay, or having family and relatives in the U.S. does not automatically disqualify you for a non-immigrant visa. Failing to provide correct responses to questions on the DS-156 application form or lying to the consular officer about your circumstances, however, may result in your being refused a visa and could impact future visa decisions.

**Q: I am applying for a non-immigrant visa (NIV) and one of the questions on the DS-156 application asks whether anyone has filed an immigrant petition on my behalf. If I answer yes, does that mean I can never visit the U.S.?**

A: The fact that you have an immigrant visa petition pending and plan to migrate legally to the U.S. someday does not necessarily disqualify you from obtaining a non-immigrant visa. However, the consular officer will need to review this matter during your visa interview and determine your qualifications for a non-immigrant visa and whether you legally overcome the presumption of being an intending immigrant.

**Q: The NIV application asks whether I have ever been refused a visa. If I was refused in Barbados but not in Guyana, do I still need to answer yes to that question?**

A: Yes. If you were refused a U.S. visa at any time, regardless of whether it was in Guyana or another country, then you need to mention the date, place and type of visa that you were refused. Properly answering question 31 on the DS-156 will enable the consular officer to evaluate your current circumstances and determine whether you have overcome your previous refusal and can now be issued a visa.

**Q: I previously went to the U.S. on a tourist visa and lived there for several years. Do I need to mention that on my application?**

A: Yes. If you had a prior overstay, were ever denied entry into the U.S., or were deported you need to include this information on your application. If you overstayed

your visa many years ago, it may not disqualify you from obtaining a new visa now. However, failing to put this important information on your form will definitely impact negatively on the consular officer's decision to issue you a NIV. Answering truthfully will enable the consular officer to explore whether you continue to be ineligible for a visa or whether the problem that you previously faced is still relevant to your current application.

**Q: I was arrested when I was very young but the charges were dropped, do I need to check yes to the question number 38 if I have ever been arrested or convicted of any offense or crime?**

A: Yes. You should answer that question truthfully and the consular officer can then explore with you the nature of the offense and whether under U.S. law you are ineligible for a U.S. visa. Although documents are normally not examined, if you have court documents relating to your arrest and the disposition of your case, you may wish to bring those with you to your visa interview.

**Q: What are the most common mistakes made on the NIV application?**

A: Applicants will frequently forget to answer question 37 completely by failing to include all of their immediate family members that are currently in the U.S., whether living permanently or visiting there. Failure to accurately provide such important information gives the impression the applicant is hiding something and often results in his or her denial of a U.S. visa.

**Q: I am planning to travel with my minor children but their mother will not be going with us to the U.S., does she need to sign my children's applications?**

A: No, but it is often helpful if the children's mother attends the visa interview with you and your children. The children's birth certificates should also be presented. If the children's applications are approved, their mother will need to provide her consent to allow her children to travel with you but without her.

**Q: What can I do to avoid fraud or the appearance of fraud when I complete my NIV application?**

A: If someone else has completed the application on your behalf, make sure to look it over before signing and dating it. You are responsible for the answers on the form regardless of who assisted you with completing your application. Consular officers are trained to detect misinformation, and falsifying or neglecting to answer a question may result in being denied a visa. Educate yourself about the visa requirements at [www.travel.state.gov/visa/tempvisitors.html](http://www.travel.state.gov/visa/tempvisitors.html). If you know that you are not qualified for a visa, do not apply. It is possible that you could qualify in the future. A poor attempt at fraud now could destroy any legitimate chance you have of traveling to the United States in the future.

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*“Ask the Consul” is a bi-weekly column from the U.S. Embassy answering questions about U.S. immigration law and visa issues. If you have a general question about visa policy please email it to us at [AskGeorge@state.gov](mailto:AskGeorge@state.gov). We select questions every other week and publish the answers in Stabroek News and on our website at [http://georgetown.usembassy.gov/guyana/ask\\_con.html](http://georgetown.usembassy.gov/guyana/ask_con.html). For more information about visas please see <http://www.unitedstatesvisas.gov> or <http://georgetown.usembassy.gov/>.*

*Other than the questions we select, we DO NOT respond to questions sent to Ask the Consul. Please contact the visa inquiries unit (email [visageorge@state.gov](mailto:visageorge@state.gov) or call 225-7965 between 8 am and 4 pm Monday through Friday) if you have questions about a specific case.*