

# Nonimmigrant Visas

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## **I was denied for a nonimmigrant visa because I'm considered 214(b). What is that?**

214(b) is a section of the Immigration and Nationality Act of 1952. This section of the law states that all nonimmigrant applicants are presumed to be intending immigrants. It is the applicant's responsibility to demonstrate that he or she is not an intending immigrant.

## **Do you have a guideline I can use to overcome 214(b)?**

There is no specific guidelines we can provide to applicants to overcome a 214(b) ineligibility. This is not a permanent ineligibility; however, we recommend that applicants wait until there has been a change in their personal situation before reapplying.

## **Can I appeal a 214 (b) decision?**

No. There is no appeal process for an applicant denied under this Section of the Immigration and Nationality Act (INA). Applicants may apply for a nonimmigrant visa only when their personal circumstances have changed.

## **Can I provide documentation stating that the applicant will return to Cuba after a temporary stay in the United States?**

No. Applicants themselves must demonstrate the day of their interview at the U.S. Interests Section that they are eligible for a nonimmigrant visa under the general provisions of the Immigration and Nationality Act (INA).

## **I am an American citizen. Why was my family member denied under Section 214(b)?**

All applicants, even family members of U.S. citizens, must demonstrate the day of their interview that they are eligible for the visa class requested under the general provisions of the Immigration and Nationality Act (INA). In addition, it is the totality of the applicant's circumstances and not one specific factor that determines the applicant's eligibility for a nonimmigrant visa.

## **I was denied under Section 212(f) of the INA. What does this mean?**

Section 212(f) of the Immigration and Nationality Act allows the President to prohibit entry into the United States of any alien or class of aliens whose entry he deems would be detrimental to U.S. interests.

## **Is ineligibility under Section 212(f) permanent?**

No. If the applicant chooses to apply in the future for a visa, the application would be adjudicated based on the evidence presented and the applicant's situation at the time of the new application.