

evaluate a visa case.

**9. CAN THE AMBASSADOR OR THE CONSUL
GENERAL INFLUENCE THE CONSULAR OFFICER TO
REVERSE A DECISION?**

No. Immigration law delegates the responsibility for issuance or refusals of visas to consular officers overseas. They have the final decision on all visa cases. By regulation, the U.S. Department of State has the authority to review consular decisions, but this authority is limited to the interpretation of law. It is the applicant who can influence the consular officer to change a prior visa denial only through the presentation of new convincing evidence of strong ties.

**10. MY VISA APPLICATION WAS TURNED DOWN.
HOW DO I RE-APPLY?**

You may re-apply at any time. However, in most cases it is better to wait until your personal circumstances have changed significantly before reapplying. Quick re-applications which are not properly documented will likely result in a second refusal.

You will have to follow the same procedures as before that are outlined on our website.

You will have to fill out a new application form, pay the application fee, schedule an appointment through the call center and come to a visa interview. When you re-apply your case will be evaluated by a different consular officer. Our recommendation for the applicants is to wait six months before they re-apply.

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QUESTIONS &

ANSWERS

IMMIGRATION

LAW

214(B)

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1. WHAT IS SECTION 214(b)?

Section 214(b) of the U.S. Immigration and Nationality Act states: “Every alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa that he is entitled to a non-immigrant status” By law, the burden of proof is on the applicant to demonstrate that he/she qualifies for a visa and is not an intending immigrant. The intentions of the applicant will be determined by the consular officer at the time of the interview. The most frequent basis for such a refusal concerns the requirement that the applicants possess a residence abroad and have no intention of abandoning it. Applicants prove the existence of such residence by demonstrating that they have ties abroad that would compel them to leave the U.S. at the end of a temporary stay.

2. WHAT ARE “STRONG TIES”?

“Ties” are those aspects of life that bind people to their place of residence, including, but not limited to assets, family relationships, employment, education etc. As each person’s situation is different, consular officers will evaluate each application individually and consider professional, social, financial, familial and other factors.

3. IS A DENIAL UNDER 214(b) PERMANENT?

No. If an applicant can bring further evidence of ties outside the U.S., he/she may re-apply following the same procedures as before. Unfortunately, some applicants will not qualify for a visa, regardless of how many times they re-apply, until their personal, professional, and financial circumstances change considerably.

4. I HAD ALL REQUIRED DOCUMENTS, BUT MY APPLICATION WAS TURNED DOWN.

Officers refer to documents only if they can provide additional insight into the case. The application form contains all the information needed to evaluate a visa case. If there are additional documents required, the officer will indicate that during the interview.

5. DO I NEED A LETTER OF INVITATION ?

No. Such letters are not mandatory because they do not establish the applicant’s ties to their home country. U.S. law requires each applicant to qualify for a visa in his/her own right.

6. WILL BRINGING ALL REQUESTED DOCUMENTS GUARANTEE THE ISSUANCE OF MY VISA?

No. Qualification for a visa is based mainly on a brief oral visa interview conducted by a consular officer. Documents play only a supporting role in the visa interview and only need to be shown when the consular officer asks for them. The only documents that are relevant to a visa application are those that show an applicant’s circumstances meet the requirements of the law. There is no standard list of documents that guarantee the visa issuance in advance of an interview.

7. CAN I SPEAK AGAIN WITH THE INTERVIEWING CONSULAR OFFICER AFTER MY APPLICATION WAS DENIED?

No. Consular officers cannot discuss aspects related to visa applications after a visa denial or in advance of the visa interview. The law is very restrictive.

8. WHY ARE THE VISA INTERVIEWS SO SHORT?

Consular officers interview dozens of applicants each day and they are trained to focus on the relevant information without delay. As we mentioned, the application form provides the consular officer with all necessary information to