



Transcript for the March 26th 2014, Webchat Nonimmigrant Visas

Q. I have a 10year visa allowing me to visit USA as tourist, UK passport runs out this summer but American visa valid for further two years. Is it acceptable to travel to USA on my new UK passport and taking with me my out of date UK passport that contains my USA visa (valid till 2016).

A. Hi, provided that the visa is not damaged when your passport is cancelled and that you will be traveling for the same purpose as that for which the visa was originally issued, you may travel with your new passport and the cancelled passport (of the same nationality) containing your valid visa. The final decision to admit or deny all travelers rests with immigration officials at the port of entry.

Q. Hi I was given a 10 year ban in 2004 for being an over stay ,if or when may I apply for a visitor visa

A. You can apply for a visa at any time. If the consular officer determines that you are ineligible for a visa, they may recommend a waiver of the ineligibility. Applicants requiring a waiver should expect their application to take approximately 6 months to be processed.

Q. hello , me and my wife want to travel next month to the USA for 5 days and my wife has regisitered ESTA coz she is EU citizen but me from non- EU country should i apply for B2 visa or can i register ESTA as a family member of UE/EEA ?

A. If you are not a national of a visa waiver country (even if you are a family member of someone who qualifies), you will require a visa before travelling to the United States. Information about applying for a visa is available from the Embassy website - <http://london.usembassy.gov/niv/apply.html>

Q. Dear Consular Officer, I have already visited US four times with and without my family to see my relative there during 2001-2010. Each time my stay in US was less than 6 weeks. I did not need to apply for visit visa as a British citizen under Visa Waiver Program. But this time couple of weeks ago I've applied on ESTA online but my "Travel Not Authorized". I think this is because I've ticked the answer "Yes" to a Question. Yes my visa was refused when I had a Pakistani Passport. Do I still need to come for visa interview to US Embassy in London and fill up the form. Could you please advise and let me know how much I have to pay for visit visa as a British National and how long this process takes if I apply next Month. Thanks-kind regards

A. If you have not been authorized for travel under the Visa Waiver Program, you will be required to obtain a visa before travelling to the United States. If you are traveling for tourism, a B-2 visa is appropriate.



Q. Am posting a question in advance. Am a UK citizen currently on a J-1 in the US. Expires in late April- Have a DS-2019 from my institution. Will be in the UK in early April. Presumably I should apply for my renewal in person in London rather than in the US?

A. It's not possible to renew a visa in the United States. If your visa has expired and you depart the United States, you should be prepared to apply for a new visa before you re-enter.

Q. Hi, I have put in all my forms for an immigration visa and my readiness for interview form, I haven't heard anything at all and it has been a month. I then sent an email to the embassy asking when I may hear, they said everything was up to date as of February 20th and I should hear within the next month. I went back to the DS-260 status update and it now says it is ready as of March 7th?? Does this mean I have to put in another ready for interview form? Thank you for any help that can clarify what if anything I should be doing to get my interview.

A. Immigrant visa applicants have to complete the appropriate form (DS-160 or DS-260) and also the notification of applicant readiness, which is accessed through the Embassy website. If you have submitted this notification, and attended a medical, you can expect to wait approximately 6 weeks for an interview to be scheduled. If it has been more than 6 weeks, you can contact the Embassy using our contact form - http://london.usembassy.gov/immigrant-visas/iv_contact_page.html

Q. Hi, At the outset, thank you for answering queries on the Webchat . I am an Indian Passport holder and Resident of UK. In my old passport issued at Bangalore, India with Surname field left Blank. I have a 10 year multiple entry B1/B2 Visa stamped on this passport with Given Name: FNU and have visited US several times on this Visa. I have now a new Renewed Indian Passport issued at Birmingham, UK, It shows my Given name and Surname which is the same as my husband's Surname. I am planning to travel to USA shortly. Will I have any problems? I will carry both my passports, old and Renewed. Will it be ok? Do I have to get a new US Visa from London or the old Visa is still valid till its expiry on 22 April 2019. Thank you for your clarification.

A. If you have changed your name due to marriage, you may still be eligible to use the visa in your old passport. You should carry your old passport, with the valid, undamaged visa, your new passport (of the same nationality) and a copy of your marriage certificate. The final decision to admit or deny all travelers rests with immigration officials at the port of entry.

Q. I am a UK Citizen, British Passport holder and UK Company Director. I am a photographer and in possession of a current U.S 'I' Visa. Do I require any further visas or permissions to photograph a wedding in the United States?

A. If you are being paid from a U.S. source, you may need an employment based visa in order to work as a photographer in the United States. Are you being paid from the U.S?

Q. I have received approved petition for an immigrant visa. My wife submitted the petition early as your website gave the impression that it would take 10 months for the petition to be approved. However, I will not be ready to travel to the US until November 2015. I believe that it is too early to submit my immigrant visa application just now. If I applied at the end of 2014 would the petition still be valid?



A. If you have received a letter from the Embassy in London, confirming that your case has been received and is ready to be processed, you have 12 months in which to complete the necessary forms. If you do not submit the required forms and medical within 12 months of the date of the letter from the Embassy, steps will be taken to terminate the case.

Q. Hello! Thanks for the opportunity! My British fiancée has two prior convictions, but no jail time nor arrests were ever made. The whole thing was an honest mistake and the court agreed, which is why the sentence was so light. Since there was no intent to defraud (hence the "without dishonesty" sentence), these aren't a CIMT, are they?

A. Any traveler who has ever been arrested, cautioned or convicted should apply for a visa and allow a consular officer to adjudicate their eligibility. Information about applying is available here - <http://london.usembassy.gov/niv/apply.html>

Q. Good afternnon. I'm wondering can you tell if an arrest for criminal damage is classed as a CIMT? This arrest resulted in no charge and no further action was taken. Thank you for your time.

A. If you've been arrested, you should apply for a visa and allow a consular officer to adjudicate your eligibility. See above for information about how to apply.

Q. hello my friend is Turkish citizen but UK residence with a valid UK visa. he applied for a tourist visa and went for his interview first week of march. how long does it take for embassy to reply as to whether he got approved or not? how long does the process take? thank you in advance :)

A. Standard processing time for a nonimmigrant visa is approximately 5 working days. If an application is likely to take longer, the applicant is advised at the time of their interview.

Q. My family is travelling to the USA this summer for a holiday. We know we have to apply for ESTA's. One member has had a 9mth driving ban, 18mths ago. We are not planning to hire a car whilst in the USA. Is it ok for him to apply for the ESTA in the normal way?

A. If, in the course of the driving ban, your family member was arrested, cautioned or convicted, he should apply for a visa. We recommend that applicants apply well in advance of their planned travel, and do not make non-refundable travel plans until their application has been fully processed and they have the visa in hand.

Q. hello there. i am student in uk and planning to make holiday in usa so please can say how much bank balance do i need to apply it? Any minimum requirement

A. There's no set amount of money that you need to have in order to demonstrate your eligibility for a visa. You should be prepared to discuss with the consular officer how you intend to support yourself during your travel, and it may be helpful to bring along bank statements. Please note, however, that additional documents are not always required by the interviewing officer.



Q. My husband and I were planning to visit my sister in US on December 2014. How early can I apply for visa? Thanks.

A. You can apply for a visa at any time. We recommend that you apply well in advance of your planned travel, to avoid disappointment.

Q. I would like to know what will i have to do to get a work visa for the United States. i live in the UK i am from here too.

A. If you wish to work in the U.S you'll need an employment based visa. The United States does not have a 'casual work' visa, and applicants generally require a bona fide job offer from a U.S> employer before they can apply for the visa. The U.S. employer would be required to file a petition with the U.S. Citizenship and Immigration Services, which must be approved before you can apply.

Q. Hi; I went for my non-immigrant B2 visa interview in December, and I still havent heard anything back - I have a police caution from 9 years ago for possession of a controlled substance, I have no other cautions and am a completely changed character now. I was advised that the US government was reviewing their policy on UK police cautions and all applications were on hold whilst these reviews were ongoing. I have since learned that people who have similar cautions have had their visa's granted and some went for interviews after I did, has this review on UK police cautions been completed yet? I am wanting to take my 7 yr old to florida this May. Thank you in advance for your help.

A. If you've been advised that your application is under review, you will be contacted as soon as the review has been completed. We understand that it may be frustrating, but there is no way to expedite the review.

Q. Hi, thank you very much for the Webchat. i have applied for a B1/B2 tourist visa. If you have been asked to send your passport in for visa issuance, after Administrative Processing, does that mean that you will definitely get the visa? If so, how long will it take to get my passport back (from when I drop it off at DX) and is it advisable to book flights? Thank you

A. If you have been requested to submit your passport, you should do so as soon as possible. You should not make final travel plans until the application has been fully processed and you have the visa and passport in hand.

Q. Hi...i just wanted to enquire if electronic hand-held tablets will be allowed into the embassy? Thanks

A. The security information is available from the Embassy website - http://london.usembassy.gov/visas_security.html. If your item is on the list of prohibited items, please don't bring it with you

Q. I have applied for an I-130 Visa for my British wife. We are now in the final stages of rounding up civil documents/ACRO reports. My question is related to the medical exam for my wife. I am a retired military member currently living near RAF Lakenheath and we have an



assigned US Air Force Family Practice doctor assigned to us. Is it possible that the US Air Force doctor could do the medical exam for the I-130 instead of us travelling down to London?

A. No, the medical must be performed by the Embassy approved panel physician, who have been certified by the CDC to conduct medicals for immigration purposes. The Embassy cannot accept medical reports from the applicant's personal physician.

Q. Hi. I've been with my husband 14 years and been married 3 years this October. We have two sons together 9 and 3. 18 months ago my husband left for america to try for the military but he didn't meet the requirements in time so he started working. I'm not sure what to do as we cannot live without him no longer and dont know if there is any help we can get to join him. He is American and im English. life without him is too much for our sons. We don't understand what visa to apply for or is there anyway to join him asap. is there any help that you could offer to rejoin us again soon. We are a very strong and loving couple and value our family immensely. We can't live apart no more. Please help.

A. If you wish to reside permanently in the United States, you will need an immigrant visa. Your husband must file a petition for you with the U.S. Citizenship and Immigration Services (USCIS). You should note that it can take approximately 12 months from the date the petition is filed, for the application to be fully processed.

As your husband is a U.S. citizen, your children may have a claim to citizenship through him.

Information about claiming citizenship is available from the Embassy website,

http://london.usembassy.gov/cons_new/acs/passports/index.html

Q. Would convictions of "Failure to notify council of a change in circumstances (for the purpose of obtaining benefit" be considered a CIMT? The maximum sentence for each would have been 3 months of confinement for the first, 3 months of confinement for the second. No jail time was actually served.

A. We can't adjudicate eligibility without an in-person interview. If you have been arrested and convicted, you should obtain the correct visa before travelling to the United States. Information about applying is available from our website - <http://london.usembassy.gov/niv/apply.html>

Q. Dear Sir, I am an UK Citizen and I am going for a conference in US in July, I wish to have a tour a week after conference, I would like to bring my wife, who is a Chinese passport holder, so do we need both to apply visa or just she would need to? If i can use VWP and ESTA, when she applies would she need to provide my details such as passport and conference invitation? Thank you

A. Provided that you will not receive any remuneration from a U.S. source while in the United States and that you will not undertake employment, you may be eligible for a B-1 visa or, if you are otherwise qualified, may travel visa free under the Visa Waiver Program. Check your eligibility here - <http://london.usembassy.gov/niv/vwp.html>. As your wife is a Chinese national, she will always require a visa before travelling. If she will travel only for tourism, a B-2 visa is appropriate

Q. I am currently employed by a UK Company on digital media work that can be accomplished from anywhere in the world. After I have entered the US on my Fiancé Visa, my UK employer



has invited me, subject to US approval, to continue working for their UK operation for a transition period. It is important for you to understand that if I do not do this job, it would not be done by anyone else in the US, but by a new UK hire, in the UK. If I agreed, I would continue to be paid a UK salary via the UK tax system, into a UK bank account.

A. If you're currently in the United States, you need to contact the U.S. Citizenship and Immigration Services (USCIS) office having jurisdiction over your place of residence. Only they can advise you on your eligibility to work in the situation you have described.

Q. : Hi there, just wondering if you can help me. If I have an 'I Visa' that expires in 2018, can I go in and out of the US on it for work as many times as I want? I got it last year for a work trip and am going again this year. Just wondering if I have to inform anyone that I plan to use it again or get any additional paperwork, or can I just go straight in with it? It says 'M' under 'entries'.

A. Provided that the activities you are going to undertake in the United States are acceptable under the I visa, you may use the visa for multiple entries. Each time you enter the U.S. you must satisfy the immigration officials that your intended activities are commensurate with the I visa category.

Q. Hi. In relation a DCF filed IR-1 visa, can you provide some more details on the type of evidence that can be provided show acceptable proof of intent to re-establish a residence in the United States.

A. You can provide evidence including but not limited to - proof of finding a job in the U.S., finding a place to live there, enrolling your children in local schools, giving up any other residence abroad. Any information you present at the time of your interview will be reviewed by the consular officer and you will be advised of anything else is necessary.

Q. Hello, my fiancé and I have submitted an I-129F form and the online status is currently on 'post-decision activity' on the UCIS website, but we were unable to contact the NVC by phone, and I have not received a reply from the Embassy on whether the package was received. I am now unsure, whether I should just go ahead and start to schedule the medical appointment without having received any information from the Embassy. Who could help with a status update?

A. No, don't schedule the medical until you have received a letter from the Embassy, confirming that your case file has been received. Please note that it can take 8 weeks for files to be transferred following the approval of the petition. You can expect to receive a letter from the Embassy advising you of the next steps, about 8 weeks after the approval notice

Q. Two questions please: Firstly, once I have my B1/B2 non-immigrant visa I think I can spend up to 6months in the US at any one time. But after 6 months, how long do I have to stay out before I can then come back to the US? e.g. is one night sufficient or do I have to stay out for 6 months. Basically, is it that my stay duration can't be for more than 180 days in any 365 day period?

A. There's no set period of time that you have to remain outside the United States before applying to re-enter. However, each time you enter the United States, you must be able to



demonstrate that you are a bona fide visitor and a residence abroad which you have no intention of abandoning. If Immigration officials believe that you are mis-using the visa, or attempting to reside without an immigrant visa, you will be refused entry and returned home at considerable personal expense.

Q. Hello. I am a U.S. Citizen married to a UK citizen. Assuming my spouse obtains a permanent resident status (green card) through DCF and enters the U.S. with the green card within 6 months, how long does he have to stay physically in the U.S. Can he return almost immediately to the UK for as long as he wants?

A. Your spouse would be expected to make his permanent residence in the United States. If, after obtaining a Green Card, he leaves the U.S. for more than 12 months, he will lose his status as a resident and would be required to make an entirely new application, including a new petition.

Q. Hello and firstly thank you for taking the time to assist us. Here is my question. Applicants for certain visas are required to provide police certificates if they have lived in another country for more than one year. I cannot find documentation that settles the ambiguity here; does this mean that certificates are required for all contiguous periods of residency exceeding one year or that certificates are required for more than one year of total residency?

A. Immigrant visa applicants in London are required to provide a police certificate for the UK, their country of nationality (if different) and any country where they resided for more than 12 months consecutively

Q. Hello! Is it possible for the spouse of a US citizen to apply for a Green Card while living abroad? Do you have to have concrete plans to live in the US in the near future in order to apply?

A. Once issued an immigrant visa, the applicant should expect to immigrate to the United States within 6 months, or before the visa expires.

Q. I'm a UK citizen married to a US citizen. We have 2 kids, both US citizens, also. For the 25+ years we've been married, we've been resident in the UK. What would I need to be able to work in the US temporarily?

A. If you wish to work in the U.S. temporarily, you will need an employment based visa. Information about employment based visas is available from the Embassy website - <http://london.usembassy.gov/niv/work.html>

Q. Hi, I am applying for a J-1 and will get my DS-2019 shortly. During the process will you need to have my passport for any amount of time during the process (for example after the interview) or will I keep it the whole time?

A. Yes, we will need your passport for visa issuance for approximately 5 working days. If you have planned travel within that time, you can advise the consular officer at the time of your interview



Q. I have my ILR to live here, but my husband and I may eventually like to move back to the states. How would I go about doing that?

A. The alien spouse would need an immigrant visa, and the U.S. citizen spouse would need to file a petition for them. Information about immigrant visas is available from our website - <http://london.usembassy.gov/immigrant-visas.html>

Q. Hello! I'm going to apply for an immigrant spouse visa this summer. I understand it may take up to a year and a half to get it approved and was wondering if I will be able to enter the US (on a tourist visa) while I'm waiting?

A. If you want to travel for a brief visit, then return to a permanent residence abroad, you can travel as a tourist. However, if you want to reside permanently, you will need to be in possession of an immigrant visa at the time you enter. If you try to immigrate without the correct visa, you will be refused entry and returned home at considerable personal expense.

Q. Hi, I have lived in the UK all of my life and I'm a British Citizen. I'm engaged to an american and we want to visit america first and then hopefully live out there. However I have a criminal record. I've seen the ACPO form, the DS-160 form but I do not know which visa to apply for. I have never attempted to get a visa before as I've never considered moving to america, I just need help from the beginning. Thanks

A. If you're moving permanently, you'll need an immigrant visa. Your fiancé will need to file a petition for you, which must be approved before you can start the process of applying for the visa. Information about filing a petition is available from USCIS - www.uscis.gov

Q. I had an interview scheduled for my VISA interview March 13th but mailed two letters stating that I would have to reschedule (due to a family emergency), but I have not heard anything from the London embassy and I have no method of contact to get a new date. How can I make contact to learn my new date so I can schedule my flight back to England? IMMIGRANT

A. You should use our contact form, so we can advise you about your case. We can't answer case specific questions in this chat

Q. Hi...thanks for the response...just one more question...i have my interview next week on Tuesday, April 1st...and have also applied for the courier delivery thru <https://ais.usvisa-info.com/en-gb...> will be travelling for holidays on April 18th and have booked the tickets also...will the passport and documents arrive before this?...thanks again...

A. Standard processing time for a nonimmigrant visa is 5 days. If it's likely to take longer, you'll be advised at the time of your interview.

Q. Hello, My husbands immigrant visa interview has been scheduled for April 1st. Kindly let us know how soon his passport and other documents will be returned to us, we have scheduled to go on vacation April 18th.

A. Immigrant Visa applicants can expect to wait approximately 15 working days for their documents to be returned.