



**Transcript for the January 21, 2015, Webchat
Nonimmigrant and Immigrant Visas**

Q: Hello, I am a German/Brazilian citizen. In February 2007, when only had a Brazilian citizenship I applied for a nonimmigrant visa for a touristic travel and the application unfortunately was denied under section 214(b) by the US Embassy in Frankfurt. In March I will have to fly to the US for business purposes. I'm living and working in London and I wonder if I would be eligible to participate at Visa Waiver Program and apply for it via ESTA under these circumstances? Or should I reapply for a nonimmigrant visa straight away? And if do so, which category of non-immigrant visa, should I apply for?

A: Anyone that has been refused a visa under Section 214(b) of the Immigration and Nationality Act is not prohibited from travelling under the Visa Waiver Program, if they are otherwise eligible. However, they are required to declare the refusal when they register under the Electronic System for Travel Authorization (ESTA) at <http://esta.cbp.dhs.gov> Information about this is available on our website at <http://london.usembassy.gov/niv/vwp.html> - the Visa Waiver wizard may help you decide if you're eligible.

Q: My immigrant case status is showing 'return to NVC' before that it was 'Administration processing'. I have contacted NVC. But, they told me, they did not receive my case. (a) Is it possible to say approximately how long it will take to receive return case by NVC? (b) What is the meaning Ceac case status: 'Return to NVC'? Case has been sent to NVC or USCIS?

A: For privacy reasons, we can't answer case specific questions here. Contact us via our nonimmigrant visa contact form at http://london.usembassy.gov/niv/contact_page.html if you require clarification of a status on the online case status report; if you already have, please wait for our reply.

Q: I am originally Hungarian I've got a husband and our two and a half year old son we all living in the UK at the moment. Within the next couple of years we would like to move to the U.S. if we would qualify for visa. My question would be: what time of visa would we need? many thanks kind regards.

A: Based on the information furnished, if you wish to travel to the United States in order to reside there indefinitely or permanently, you will each require a valid immigrant visa in order to travel. See our website at <http://london.usembassy.gov/immigrant-visas.html> for a list of the available visa categories.

Q: Hi. I have just received my permanent green card following my use of the temporary one within my passport for a trip to the States at Christmas. I am now back in the UK as I still have my house to sell and other loose ends to tidy up. I plan to make the final move to the US this year as soon as is possible. Does this slight delay until the final move present any issues for me or concerns for yourselves - I made the Christmas trip on a return ticket as this was my plan. I appreciate any entry to the country is at the discretion of the officers at the time but, given I will comply with the IRS reporting immediately, and will be making this move this calendar year ie I have no intention of being outside the US longer than a year (ideally making the move during the summer), are you aware of any possible issues for me when I do make the move? Thank you in advance. Chris

A: Detailed information about traveling to the U.S. as a Lawful Permanent Resident (LPR) and maintaining LPR status is available via the USCIS website at <http://www.uscis.gov/green-card/after-green-card-granted>



Q: Hello, my husband and I are currently in the process of applying for his immigrant visa. We are both living in the UK, so we are going through the US Embassy here in London. I am having some issues with the Affidavit of Support. I have only been in the UK for a little over a year and my last tax return (2013) has income from when I worked in the US. When I fill out the Affidavit as the sponsor, what am I to put as income and employment? I now work here in the UK, but my job will be expiring in February in anticipation for our return to the USA. Should I put my UK income even though I have not yet filed my US tax return for this year or should I put unemployed? Also, my husband will be continuing to work for his current company when he is in the USA. His income will be coming from the same source and he will continue to work for them for many years. Can we use his income on the Affidavit of Support, since he is the main income earner in our household?

A: As the primary sponsor for an immigrant visa applicant, you should only count income earned from a U.S. source when you complete Form I-864. If you have not earned any income in the U.S. you should list your income as zero. If you are unable to meet the income requirements to sponsor your husband, you may take into account your assets, including those held by your husband and any assets that you hold jointly. To count, assets must be able to be liquidated within 12 months and may include, but are not limited to, savings, stocks, shares and property. Any evidence of assets that your husband furnishes will be adjudicated by a consular officer during his visa interview. He may also wish to bring any printed evidence he has that his income will continue in the United States, to show to the consular officer if requested for review. Further information about Form I-864 is available on our website at <http://london.usembassy.gov/i864.html>

Q: i have an appointment on thursday 22nd Jan. I have a couple of questions...1) will 15 mins before the interview be OK for the arrival time? i have heard it takes a while to get into the building. 2) can I bring my mobile/cell phone with me? I realise i may have to switch it off when inside.

A: The appointment time is the time you should arrive; you don't need to add additional time.

Great question about bringing electronics to the interview- here is a video of our Ambassador giving the answer! <http://www.youtube.com/watch?v=TQMJW1AEKcY>

Q: what is the minimum validity of the passport required to enter the US

A: Hi, we get asked this question a lot. Check out our FAQs at http://london.usembassy.gov/niv/contact_page.html for detailed information about passport validity.

You haven't already you should check our website at <http://london.usembassy.gov/niv/index.html> to see if you may be eligible to travel under the terms of the Visa Waiver Program. Otherwise, you will need a valid nonimmigrant visa to visit the United States.

Q: : My husband and I have completed DS-160's for ourselves and our 3 year old daughter. When we log into the visa appointment service website to pay the application fees for the three of us and schedule an appointment, it asks the Personal Appearance Waiver question has she 'had a visa issued with the annotation 'clearance received'. None of us have previously had visas, so we cannot answer yes to this question for our daughter. Do we need to bring her with us to the interview? If not, how do we pay the application fee and arrange delivery for the three of us together? I have seen on a previous webchat transcript that we can submit her application at the time we attend our interview – does this mean that



she would be automatically entitled to a visa if we are granted with them? If so, do we just bring her DS-160 Confirmation and other required documents?

A: Hi Sarah, if your daughter has never been issued a visa, you can disregard the section of the question that relates to a visa annotation. Once you have completed the questions, you will receive instructions about how to proceed with your daughter's application. Typically, children under 14 are not required to attend in person; a parent applying for a visa is advised to bring the child's supporting documents with them to their visa interview. The decision on each applicant's eligibility for a visa is made by the consular officer following the visa interview.

Q: Hello, I attended an interview on October 3rd 2014 and was informed that I was being referred for a 5 year waiver of ineligibility, as I have previously been granted a 1 year waiver of ineligibility. I have not received any notification as yet and my batch number is not yet showing on the Administrative Processing Status? Please could you advise of the current processing times? I was supposed to be travelling in mid March to the States but I would like to know if I should cancel my holiday, as I don't want to throw any further money away by paying the balance for flights etc only to not get my Visa in time. Many thanks.

A: We can't answer case specific inquiries here. However, we do advise all applicants who require a waiver of ineligibility before a visa can be issued to them that if a waiver is recommended by a consular officer, they should expect the subsequent review process to take at least six months.

Anyone that has been told by a consular officer that their application is under review - including those awaiting the outcome of a waiver of ineligibility application - should not expect to see their batch number on the online case status report. Instead, they can expect to be contacted directly once the review is complete.

Timescales are provided for guidance only; we cannot guarantee an outcome by any set date. This is one reason why we advise all applicants against purchasing tickets or making final travel plans unless they have received their passport containing a valid U.S. visa appropriate for their purpose of travel.

Q: indi: Hi i am a british citizen and my husband is an indian citizen he lives here in the uk with me, at the moment he has a 2 year spouse visa. would he be eligible for the b2 visa, if so what docs would need, lastly he would need an interpreter could i act for him..... thank you for your help

A: Anyone physically present in the UK can choose to apply for a visa here. Detailed information about the visa application process is available on our website at <http://london.usembassy.gov/niv/apply.html>, with particular reference to Step 5 for information about the documents required on the day of the visa interview.

If a visa applicant is unable to speak and understand English, a request to be accompanied by a translator can be made via our contact our form at http://london.usembassy.gov/visa_contact_information.html. The request should include the name and native language of the applicant, the date and time of the visa interview, and the name and nationality of the proposed translator, plus their relationship to the visa applicant.



Q: Hello, I am undertaking a four week veterinary 'externship' at SeaWorld, Orlando this year. I am not being paid by SeaWorld and it is not affiliated with my university or any university in the US. This is a voluntary placement that I am doing in my holiday during university as I am currently a veterinary student in the UK. I do not know which visa would be best to apply for, I am also concerned as I am traveling in April this year, will I have enough time to apply and receive the required visa? Thank you very much, Kind regards.

A: We will need a little more information to best advise you. Please use our contact form at http://london.usembassy.gov/visa_contact_information.html to give us some extra information about the activities that you will be expected to undertake during your placement.

Q: I have a Chinese and a French passport but my French passport is currently being used to apply for a different Vsa, will it cause a problem if I use my Chinese one to apply for a non-immigrant visa for the US?

A: If you plan to travel to the United States on your Chinese passport, you should ensure you complete the application Form DS-160 with details of that passport. The decision on your eligibility for a visa will be a matter for the consular officer following your visa interview. We advise all applicants against purchasing tickets or making final travel plans unless they have received their passport containing a valid U.S. visa appropriate for their purpose of travel.

Q: I was requested to send Police Certificate via post. What postal address and attn should I use and what information do I need to include?

A: If you're not sure how to proceed with an ongoing visa application, please contact us via our form at http://london.usembassy.gov/niv/contact_page.html for clarification.

Q: My question is regarding the ESTA application and a specific question within that. In short I went USA back between Dec 2001 to Dec 2002 on B1/B2 visa as on Pakistani national and we stayed there one year with six months extension period and we went back to Pakistan within that period. During this time my daughter was born has a U.S. Passport. I attempted to re enter the U.S. in Mar 2003 but was unfortunately refused entry. I returned to the Pakistan. Now I am now a British passport holder and Last year Oct (2014) I flew to Canada to visit friends. During this trip we made a road trip to Chicago via Buffalo. On entry to the U.S. I was interviewed and allowed entry. I spent 4 days in the USA and now want to submit an ESTA application. However I am not sure whether I should tick yes or no to the box asking if I have been deported before given the fact that it was over 10 years ago and that I was allowed to enter last year. Please advice.

A: Anyone that has been refused admission to the United States at a U.S. Port of Entry should apply for a visa if they wish to travel to the United States at any time in the future. Information about the application process in the UK is available via our website at <http://redirect.state.sbu/?url=http://london.usembassy.gov/niv/apply.html> , with particular reference to Step 2.

Q: I've heard that I have to have \$1000 when I get to the border, is that right? Does it have to be cash, or can my credit cards count?



A: Hi, we get asked about finances a lot. When applying for a visa as well as when traveling to a U.S. Port of Entry to apply for admission, you may wish to bring any printed evidence you have that you have access to sufficient funds to cover your expenses in the United States in case it is requested for review. However, there is no set amount of funds that you are required to possess, and there is no set form that the evidence of your funds should take.

The decision on admission to the United States is made by U.S. immigration officers at the Port of Entry; no assurances can be given in advance.

Q: When you hold a valid J1 visa that was applied long back as a visiting student, can you use the same for attending conferences in US or do you have to apply for B1 visa separately?

A: Hi, everyone traveling to a U.S. Port of Entry to apply for admission requires the appropriate nonimmigrant status for their purpose of travel. Based on the information you have furnished, you should apply for a B-1 visa unless you are otherwise eligible to travel under the Visa Waiver Program. Please see our website at <http://london.usembassy.gov/niv/index.html> for more information.

Q: i came to the embassy on 5/01/2015 and was told i was granted a non immigrant visa, i have not heard anything since,ive contacted the courier and emailed yourselfs but without response,what is the normal wait period for the visa to arrive?

A: We can't answer case-specific inquiries here. We suggest you check your emails, including any junk or spam folders, for the response to your inquiry.

However, we must stress that we cannot guarantee the outcome of a visa application by any set date. This is one key reason why we advise all applicants against purchasing tickets or making final travel plans unless they have received their passport containing a valid U.S. visa appropriate for their purpose of travel.

Q: My husband's visa has been issued and he must enter the US by May 12th to activate it (our understanding is that when he arrives customs will process, he will fill out forms, and begin the process for issuance of his greencard). We will likely travel to the US in Feb/march to start this process but will need to come back to the UK until we find jobs in the US. I just want to make sure it is okay to leave the US again (we plan to return by summer), will the US continue to process his greencard while he is back in the UK, and do we need to be aware of any forms or processes we need to respect as we prepare to repatriate to the US?

A: If your husband has been issued an immigrant visa, we suggest that he reviews our website at <http://london.usembassy.gov/newimmigrants.html> for information about entering and leaving the United States.

Q: I have lived in uk for over 20 years and am now applying for an IV for my Husband. I have discovered I should have been filing tax forms. Can you recommend a company to help me with the Streamlined procedure?

A: Did you know the Internal Revenue Service (IRS) has a field office in London? Detailed information and contact details is available on our website at <http://london.usembassy.gov/irs/>



As you appear to be referring to Form I-864, Affidavit of Support, we suggest that you review our website at <http://london.usembassy.gov/i864.html> , with particular reference to the Frequently Asked Questions which provide important information about tax returns. Note that if you file a petition for your husband with the United States Citizenship and Immigration Services (USCIS) Field Office in London, then Form I-864 and any supporting documents will be required only on the day of the visa interview.

Q: hi if someone has been refused a non immigrant tourist visa under sections 212(a)(2)(A)(i)(11) 212(a)(6)(C)(i) 214(b) will they be able to apply for a waiver of ineligibility and be allowed to travel to America as a tourist

A: Detailed information about the nonimmigrant visa application process is available on our website at <http://london.usembassy.gov/niv/apply.html> We suggest you refer in particular to Step 2 and to our YouTube video.

If a consular officer determines during a visa interview that the applicant requires a waiver of ineligibility in order for a visa to be issued, the consular officer will decide whether or not to recommend a waiver of ineligibility. If a waiver is recommended, a review process begins which typically takes six months.

Q: Can you please advise if I can be sponsored under a family sponsor, if they are a half sister.....we have the same mother, different fathers. Many Thanks, Aaron.

A: The Immigrant Visa Unit at the Embassy is not involved in the process until such time as they have received an approved petition in the visa applicant's name from the United States Citizenship and Immigration Services (USCIS). Therefore, if your sister has any questions about the immigrant visa petition process after reviewing our website at <http://london.usembassy.gov/immigrant-visas.html> , she should contact USCIS directly.

Q: Hi again, I've just looked at your web site and it says "Successful applications take 3 - 5 workdays to process before the passport is handed to the courier for delivery; a further 2 days should be allowed for delivery. "and yet I've waited 17 days now?

A: The timescale you have referred to is relevant only for individuals that are advised during their interview that the application has been successful. If a consular officer advises an applicant that a review of their application is required, that additional administrative processing is necessary, or if additional documentation has been requested, then the 3-5 day timescale does not apply.

All timescales are only for guidance, since processing varies in each individual case. This is why we advise applicants to avoid making irrevocable travel plans until the application process is fully complete and they have their passport in hand containing a valid visa appropriate for their travel.

Q: I have applied for a B1/B2 visa in order to travel across the States for 6 months. If I am not entitled to a B1 visa when I come for my interview, can I be issued with a B2 visa on its own?

A: Hi, the decision on eligibility for a visa is a matter for the consular officer following a visa interview. You should discuss your purpose of travel at that time.

Q: : Hi I have submitted my application and booked an appointment but as I've printed off my confirmation I have noticed a spelling mistake, how do I contact someone to fix this please



A: If you have made a mistake on your nonimmigrant visa application Form DS-160 and you are unable to correct it then you should complete and submit a new form. The new form will supersede the previous form. Make sure you print your new DS-160 confirmation page and bring it to your visa interview. If you've already scheduled your visa interview with your previous DS-160 number, you should tell the consular officer during your visa interview that your DS-160 number changed since you booked your interview.

Q: Hello, I am a dual US/ UK citizen currently living in the UK. In the next couple of years my British husband and I would like to move to the US. He will need an immigrant visa. How far in advance of travel should we start the process? What are the average processing times? And once we receive an immigrant visa does it have to be used immediately, is there a specific validity period for entering the US or can we postpone travel for 6 months, etc? Finally, while the immigrant visa is being processed can my husband still enter the US on a tourist visa? Can he travel outside the UK? Will you be holding his passport? Many thanks

A: Hello. The average timescale for an IR-1 (Immediate Relative) immigrant visa application as the spouse of a U.S. citizen is 10-12 months. Timescales vary in each case, however, so we strongly advise all applicants against purchasing tickets, resigning from employment or selling property unless they have received their passport containing a valid U.S. visa appropriate for their purpose of travel. The maximum possible validity period of an immigrant visa is six months.

As with all visitors, immigrant visa applicants that travel to the U.S. as the holder of a valid nonimmigrant visa or under the terms of the Visa Waiver Program are required to demonstrate that they are traveling for a visit only, after which they will return to their place of permanent residence abroad. The beneficiary of an immigrant visa petition may find this difficult to establish.