



**Transcript for the June 28, 2012
Nonimmigrant Visa WEBCHAT**

Q. I hope I'm not breaking any web-chat protocols asking a few quick questions at once. They are all related to one another and I can ask them separately if required. My questions are: 1. Can a British citizen - who lives and works in the UK - make multiple entries to the US to visit his/her American fiancée under the VWP provided the total cumulative time in the US is under 90 days' duration in the preceding 12 months? 2. Is there likely to be "any concern" at US Border & Customs with a UK national entering the US on vacation so often, albeit that it is within the VWP tolerance? 3. If so, should a British citizen apply for a B2 Visa instead of entering under the VWP? 4. Can a returning British citizen get married in the US entering under the VWP or does s/he need a Fiancée Visa? Thanks.

A. If travelling visa free under the Visa Waiver Program, there is no set period of time you must remain outside the U.S. before applying to re-enter. However, the final determination on each traveler's eligibility to enter the U.S. rests with immigration officials at the port of entry. If they believe that you are mis-using the VWP or that you are trying to reside in the U.S. illegally, you will be denied entry.

If you want to get married in the United States and then return to the UK, you can do so on a B-2 visa or, if otherwise qualified, under the Visa Waiver Program.

Q. I am an Indian passport holder living in the UK on an indefinite leave to remain status (permanent resident status). Last year I was granted a tourist visa for the US. This year I have got a new Indian passport and I have also updated my surname on the new passport to reflect my husband's surname. The question is I intend to travel to US this year in September for tourism. I have called up the US embassy in the UK and asked if there is any challenge with the above. I was told that as long as the US visa is not tampered or cut, have both passports and also marriage certificate to prove marriage/change of surname there should be any issue with travelling. I comply with all the points above. I would like to reconfirm this is the case? Thank you.

A. yes, provided that your valid visa has not been damaged or voided and that the passport in which it was issued is the same nationality as your new passport, you may continue to use that visa when travelling to the U.S. As your surname has changed, you should carry with you a copy of your marriage certificate. The final decision to admit or deny all travellers to the U.S. rests with immigration officials at the port of entry.

Q. How long are waivers of ineligibility taking these days?

A. If a case requires a waiver of ineligibility, the applicant can expect a processing time of approximately 22 weeks. We advise all applicants that they should not make final travel plans until their application has been fully processed and the visa issued.

Q. I'll be travelling to the USA for 90 days with my wife, who will be conducting research there. I am self-employed in the UK and do digital animation work (from home) for UK-based clients as well as clients in other countries, including the USA. Will I be able to continue working for my UK clients whilst in the USA without a work visa? Will I be able to continue working for my international and US clients whilst in the USA? I intend also to conduct business meetings and networking whilst there which I understand is allowed?

A. If you will travel to the United States to meet with colleagues and attend business meetings, then a B-1 visa is appropriate. The B-1 visa is not appropriate for undertaking gainful employment or productive activity in the United States. There is no provision under U.S. visa law for individuals to



work remotely while they are in the United States.

Q. HI I LIVE IN THE UK, AND I HAVE BEEN ARRESTED WITH A CAUTION AS THE FINAL DECISION, DO I NEED A VISA WAIVER

A. If you have been arrested, convicted or cautioned, we recommend that you apply for a visa before attempting to travel to the United States. Information about applying for the visa is available on our website: <http://london.usembassy.gov/nonimmigrant-visas.html>

Q. My son will be a continuing student when he transfers to a new US college in August. He received his I-20 document from the new college, but there was a typing error in section 5, where the "report to school no later than date" was recorded as 12th August 2014. The year should have been 2012. I phoned the college on 20th June and they advised that they would have to get the date amended through SEVIS and send another I-20 document. Can you advise how long it should take for the amendment to be made? Could you also confirm, that as my son is continuing his education in the US, by transferring from a 2 year college to a 4 year college, and he has maintained his status, that a new SEVIS fee does not have to be paid. The original SEVIS fee was paid in 2010, when he began as a new student at US college and he still has the original fee receipt.

A. If an error has been made by the school and they need to amend the date with SEVIS, then the school should contact the Immigration and Customs Enforcement (ICE) agency, which administers the SEVIS Program. Your son can address his question about the fee to them as well. Contact details are available from their website, www.ice.gov.

Q. My partner and myself are both academic in a UK university. We would like to go on a sabbatical to the US for a maximum period of 9 months. Both our salary will continue to be paid by our UK university during our stay. Which type of visa would we require: 1- Me, french, academic, employed by a UK university, will not take any other paid work in the US, 2- My partner, italian, professor employed by a UK university, might work as an external consultant for a US company through our UK university employer, might give paid lectures for Our US university host, 3-our daughter, french and italian, 10 years old, will attend a local US primary school

A. If you are going to travel to the United States for more than 90 days, you will require a visa. If you will travel as a tourist and will not work in the U.S., a B-2 visa is appropriate. Travellers are typically admitted to the United States for up to 6 months at a time, as determined by Immigration officials at the port of entry. Please note that if your partner intends to work as a consultant in the United States, or give lectures for which he will receive remuneration from a U.S. source, he will require the appropriate employment based visa. Information about employment based visas is available from the Embassy website: <http://london.usembassy.gov/work.html>

Q. I currently have a B1/B2 visa issued in London which expires 30 September 2012. I would like to travel to the USA mid September 2012. My intended stay in the USA will be less than 90 days. As my current visa expires 30 September can I travel on the visa waiver programme rather than having to renew my B1/B2 visa?

A. the validity period of the visa refers to the time in which you may apply to enter the U.S., it does not have to be valid for the entire length of your planned stay in the U.S. If your visa is valid on the day you plan to enter the United States, you may use the visa you currently have.

Q. Hi, I have a B1/B2 visa issued in 2005 that expires in 2015. It is in an expired passport, but I have a new passport from the same country that is valid until 2017. I understand that I can present both



passports at the US border. Is there any chance that my visa is no longer valid as it was issued back in 2005? Is there anywhere I can check whether it's still valid or not?

A. The expiry date for your visa is printed on the visa page in your passport. Provided that the visa was not damaged when your old passport was cancelled, that your new passport is the same nationality as the one in which the visa was issued and that your purpose of travel is the same, you may continue to use your valid visa when travelling on your new passport. You must carry both your old and new passports with you when travelling. The final decision to admit or deny all travellers rests with immigration officials at the port of entry.

Q. Can you please advise I am British citizen with Pakistani origin I have a Pakistani passport with an American visa expiring September 2013. However, now that I have a British passport I need your advice. In Feb this year I was convicted of drink driving I have paid my fine in full and I have completed all of my community service. I want to visit next month last time I visited in Nov 2008 can you please advise which route I should take. My parents are US citizen.

A. If you have been convicted of a crime you may wish to apply for a new visa, as your circumstances have changed since your last visa was issued.

Q. I am a British citizen with B1/B2 visa. I am travelling to the United States for three weeks for rotational training with the company I am employed by. Is my B1/B2 visa sufficient?

A. If you are travelling to the United States to receive internal training from your employer and will not receive any remuneration from a U.S. source or undertake gainful employment, you may do so on a B-1 visa. If you already hold a valid B1/B2 visa, you may travel using that visa. The final determination to admit or deny all travellers rests with immigration officials at the port of entry.

Q. WOULD I BE REFUSE ENTRY TO THE USA IF I HAVE CAUTION, I WAS TOLD BY POLICE OFFICE THAT A CAUTION IS NOT CRIMINAL CONVICTION, BUT I WOULD LIKE TO KNOW WHAT MY OPTION ARE BECAUSE ITS SEEM A ITS A GREY AREA

A. If you have been arrested or cautioned, we recommend that you apply for a visa and allow a consular officer to adjudicate your case. As this office does not pre-adjudicate visa applications, we are unable to advise on the likely outcome of an application.

Q. Can I apply for a B-1 from within the US? I am currently here on a J-1 and will only be returning for 4 days before I would return, which I believe is not enough to attend an interview and receive delivery of my visa (if granted).

A. There is no provision under U.S. visa law for individuals to work remotely while in the United States. If you wish to work for a U.S. based company, you would require the appropriate employment based visa. Information about employment based visas, including how to apply, is available from the Embassy website: <http://london.usembassy.gov/work.html>

Q. Hi, me and my partner were planning a trip to the US next March with friends. I'm not sure if we need visas or not. I suspect we do, but lots of online info means I'm unsure. Short history: I was arrested and charged in 1991 with minor crime. Since 1991 I have travelled to New York twice ('98 and '04) without being asked any question regarding past arrests and as I didn't realise I needed one, it was without a Visa. My partner was arrested for breach of the peace in 1997 (before I knew him), though not charged. I know the US doesn't recognise our Rehabilitation of Offenders Act, but the



travel.state.gov site under 'ineligibilities' indicates that arrests over 5 years old and that were non custodial would not bar someone from being granted a Visa. Do we need to apply for a Visa?

A. If you and your partner have been arrested, cautioned or convicted of any crime, we recommend that you apply for a visa and allow a consular officer to adjudicate your case. We cannot pre-adjudicate visa applications; the final determination on your eligibility for the visa can only be made by a consular officer at the time you apply.

Q. And am I correct in thinking that payment of \$160 is for the application, which if rejected would not be refunded?

A. Yes, if you apply for a tourist visa, the fee is \$160, which is non-refundable regardless of the outcome of the application.

Q. HI I WOULD LIKE TO USA FOR HOLIDAY FOR 2 WEEKS AND NEED TO APPLY FOR NONIMMIGRANT VISA.I ALREADY BOOK A HOTEL FOR MY FIRST WEEK BUT FOR THE SECOND WEEK CANT DECIDE BECAUSE I WANNA RENT A CAR AND TRAVEL AND FOUND A HOTEL LATER IN THERE..MY QUESTION IS FOR MY VISA INTERVIEW DO I HAVE TO SHOW WHERE EXACTLY I WILL BE STAYING OR IS IT OK TO SAY JUST WHERE I WILL BE VISITING FOR MY SECOND WEEK

A. No assurances regarding the issuance of visas can be given in advance. Therefore, final travel plans or the purchase of non refundable ticket should not be made until a visa has been issued and you are in receipt of the passport. If you do not have an address for the second week of your travel, that's fine. You should however be able to explain your plans to the consular officer.

Q. I have applied for e-2 visa at London embassy, can you please advise the time for visa approval, and is it possible to track the progress online.

A. If you have an ongoing application, we suggest that you contact the Embassy's Operator on 09042 450 100 (£1.23/min, plus network extras) for information. We cannot provide case specific information during this webchat.

Q. Is there a visa that a more junior member of staff could have to work in the US for 6 weeks? We are a uk company with a subsidiary and a branch in the us.

A. If any member of staff will travel to the United States to work in the U.S. branch, they will require the appropriate visa. Information about employment based visas is available from our website: <http://london.usembassy.gov/work.html>

Q. Going back to an earlier question question, as it applies to me, too: Does he *have* to have a new visa? Couldn't he travel on the Visa Waiver, now that he's British?

A. No, a person who has been convicted of a crime, including drink driving, is not eligible to travel visa free under the Visa Waiver Program. We recommend that any person who has been arrested, cautioned or convicted applies for a visa before attempting to travel to the United States.

Q. what the timescale for E-2 processing visa at london embassy ?

A. Applicants applying for an E-2 visa can expect processing time, as stated on our website, of approximately 90 days.



Q. I work for BP international based in London. I need to go to the US to participate in a two-week marine science course. My Q is what type of visa I need t?

A. We suggest that you contact the Operator to provide them with more details about your planned travel to the United States. You can call them on 09042 450 100 (£1.23/min plus network extras)

Q. I will be going to New York for a meeting but I don't have the confirmed dates so I can't book the flights yet. Do I have to wait til I have my tickets before I can get my ESTA?

A. No, you can register for ESTA at any time. However, we recommend that you apply well in advance of your planned travel, in case you experience any difficulty with the registration process.

Q. I'd also like to do some sightseeing when I'm in New York. Is that OK on ESTA, and where can I get tourist information from?

A. Yes, tourism is fine under the Visa Waiver Program with an ESTA. We suggest that you visit <http://www.discoveramerica.com/>, which has lots of resources about visiting the United States.

Thanks everyone for participating, the transcript of this webchat will be up on our website in a few days. We will be back with another webchat soon!