

February 20: U.S. Embassy London Webchat--Non-Immigrant Visas -- View Transcript

02-19-2008 13:09:05

U.S. Embassy London: Welcome to our webchat. You may begin sending in your questions now. The live webchat will take place on February 20 at 15:00 GMT.

02-20-2008 10:04:08

U.S. Embassy London: Good afternoon and welcome to our webchat. We'll get started in just a few minutes. We're looking forward to answering your visa questions!

02-20-2008 10:06:13

Marie Damour: Good afternoon and welcome to the inaugural "Ask the Consul" web chat, devoted to visa issues. We're pleased to have you with us this afternoon.

Today's web chat will focus on Non-Immigrant visas. We welcome your questions.

02-20-2008 10:07:29

Marie Damour:

Question: "I just submitted the visa application last week (for a meeting at Philadelphia during March 9th - 14th) and waiting for the processing. A embassy officer called me, she told me that the processing is going on as quickly as possible and I will get a 3-month-one-entry visa. Today my company just decide to let me attend another meeting on April 4th at San Francisco. What should I do? Apply a visa for the conference after I get my passport back (before the Philadelphia trip)? Apply a visa after the Philadelphia trip? Can I request a two-entry visa right now before I get my passport back?"

If the consular officer advised you that you have been approved for a single entry three month visa then it will not be possible to extend this validity period whilst processing is underway. We recommend that on your return to the United Kingdom you apply for a new visa in order to travel to the United States for the business trip in April. However, please remember not to make any final travel plans until you are in receipt of your passport and visa. We are not able to guarantee issuance in time to meet travel schedules.

02-20-2008 10:09:43

selinawang: Hello,I am a Chinese Junior High School student.I want to study in America some day. So my question is,what I should do ,what I should prepare to get the visa if I want to be an undergraduate student in America.Thank you.
Marie Damour: Selina, once you are accepted into the school or institution, the first step would be to approach them to obtain the Form I-20 Certificate of Eligibility for Nonimmigrant (F-1) Student. Schools and institutions which have received United States government approval to enroll foreign students have the authority to issue these forms. Once you have this form, you may apply for the F-1 visa through the US Embassy in London or the Consulate in Belfast. Full instructions are available on our website at:

http://london.usembassy.gov/cons_new/visa/niv/students.html

02-20-2008 10:11:31

mohammed youn nies: I want to know about people in America.

Marie Damour: There is a lot of information on U.S. history, culture, politics, etc. available on the Internet. A good place to start might be the Department of State's websites at: <http://www.state.gov/youthandeducation/> and <http://www.america.gov>

02-20-2008 10:15:34

Chat Participant: Hello there, my boyfriend and I want to get married in Las Vegas, what do we have to do?

Marie Damour: Marriage regulations vary from state to state. In general, marriage licenses are available from the County Courthouse in the area where you intend to get married. You will be asked for identification (your passport is acceptable), and evidence that both parties are free to marry if either has been married before (a divorce decree or death certificate). Some states require blood tests. These can only be performed in the state where you are to marry by a state registered physician. There is no blood test requirement in Nevada or the other popular holiday states of Colorado, Florida or New York. As for timing, it should be possible to complete all of the formalities during the course of a one or two week vacation.

For detailed information on the specific state you have in mind, please contact the Clerk of the County Court in Nevada. It may be available on the Internet or the British Telecom International Operator will be able to help locate the phone number. [Moderator's Note: <http://www.co.clark.nv.us/ClarkCountyCourts/index.html>]

If you will travel to the United States to marry and return to the United Kingdom, you will require a B-2 (holiday) visa, or you may travel visa free under the Visa Waiver Program if qualified. If you intend taking up permanent residence after the marriage ceremony, you will require a fiancé(e) visa.

02-20-2008 10:17:21

Chat Participant: I applied for a visa but my application was refused for lack of ties to the United Kingdom. The consular officer did not look at my documents. My question is can I reapply for a visa?

Marie Damour: Section 214(b) of the Immigration and Nationality Act states in part that all visa applicants are presumed to be intending immigrants until they can establish otherwise. Applicants typically confirm that they are bona fide visitors by demonstrating sufficiently strong social, economic, and financial ties to their place of residence to compel them to depart the United States after a brief visit. In making that determination the officer considers the applicant's personal circumstances, previous immigration violations, travel plans, financial resources and ties outside of the United States that will ensure his departure after a temporary visit.

Applying for a nonimmigrant visa is not primarily a document-based process. The main issue in determining if an applicant qualifies for a visa is intent, and documents alone cannot establish intentions. Each visa application is thoroughly examined and evaluated on its own merits. In some cases, documents can help establish an applicant's intent to return to the U.K. by showing that the applicant is well established here. In other cases, the circumstances are clear enough that documents are unnecessary. In making that determination the officer considers the applicant's personal circumstances, travel plans, financial resources and ties outside of the United States that will ensure his departure after a temporary visit. Often it is a question of time, and the best way to qualify for a visa is to reside in the United Kingdom for a longer period of time and to build further social and economic ties here.

02-20-2008 10:18:36

Chat Participant: Hello US Embassy, do I need a special visa to bring prescription medicine into the United States?

Marie Damour: There is no requirement to obtain a special visa in order to bring prescription drugs or medication into the United States during your visit.

However, the U.S. Customs and Border Protection Service does advise that travelers requiring medicines containing habit-forming drugs or narcotics (e.g. cough medicine, diuretics, heart drugs, tranquilizers, sleeping pills, depressants, stimulants, etc.) should:

- Have all drugs, medicines, and similar products properly identified;
- Carry only the quantity that might normally be used by an individual having a health problem requiring such drugs or medicine;
- Have either a prescription or written statement from your personal physician that the medicine is being used under a doctor's direction and is necessary for your physical well-being while traveling.

Further information and instructions on traveling with prescription drugs is available on the Customs and Border Protection link on the U.S. Embassy webpage: <http://london.usembassy.gov/ukcustom.html>

02-20-2008 10:22:22

Chat Participant: Hello, I was wondering what do I do with the green card (I-94/W)?

Marie Damour: If you have left the United States and you are still in possession of the I-94 or I-94W it is in your best interest to forward it to the appropriate authorities so that your record is corrected and that you do not experience any problems on future travel to the United States as a result. For further details please visit our website at:

<http://london.usembassy.gov/dhs/cbp/i94.html>

02-20-2008 10:23:45

U.S. Embassy London: Our speaker Marie Damour is continuing to answer your questions. Thanks for your patience.

02-20-2008 10:23:54

Chat Participant: Hi there, how do I tell if my passport is OK for travel to the US under the Visa Waiver Program?

Marie Damour: If traveling under the Visa Waiver Program, your passport must be valid for at least 90 days from the date on which you are admitted into the United States. If not, you will be admitted until the expiration date on your passport. (Note: Passport holders from Andorra, Brunei, and San Marino must be in possession of a passport valid for at least six months from the date of departure from the United States, even if traveling visa free under the Visa Waiver Program.)

Those travelers applying for admission with a non-immigrant visa are required to present a passport valid for at least six months beyond the holder's period of stay in the U.S. For some nationalities, this requirement is waived and the passport need only be valid for the duration of the trip. To see a list of these countries, please refer to our website:

http://london.usembassy.gov/cons_new/visa/niv/sixmonth.html

02-20-2008 10:25:54

Anne2: Hello.

I am from Germany

What vaccination and what health check up is needed for a J1 visum?

Is this also true for my 4 month old baby?

Can I apply for a date at the embassy although my DS2019 has not arrived yet?

What visa is the right one for my spouse in law, travelling between the US and Germany in this year?

My departure will be in April.

Marie Damour: Anne, please contact your program sponsor for information on the vaccination requirements for you and your child. With regard to the visa, provided you know that your DS-2019 is on its way to you, you may proceed with scheduling an appointment through our Operator Service on **09042-450-100** (1.20/min).

If your spouse is not going to reside with you in the U.S. but only come over for short visits, he may travel on a B-2 visa or visa free under the Visa Waiver Program, if otherwise qualified. If he will remain with you in the U.S. during your program, he will need to apply for a J-2 visa as will your child.

02-20-2008 10:28:29

brum82: I applied for a visa back in 2004 to visit USA for holiday, I was turned down. I got a criminal record when I was 20 for 2x obtaining services by deception and false accounting. I obtained a community punishment order of 100 hours.

this was a very stupid and immature offense that will live with me for the rest of my life and very upset and angry with myself, however I have been to university and had stable highly responsible job since this incident (now 25) and some 6 years since been charged.

What would you think the chance of being granted a visa now for a holiday would be?

Marie Damour: Thanks for your question. Each visa application is thoroughly examined and evaluated on its own merits. Since it is impossible to obtain all relevant facts until you have completed the application process, including an interview, we are unable to determine how likely it is that an applicant will receive a visa prior to the interview. You are welcome to apply for the visa, and will need to bring information on your convictions with you to the interview. Full details are available on our website here:

http://london.usembassy.gov/cons_new/visa/niv/add_crime.html

02-20-2008 10:31:44

ALI2: For a visit visa does applicant need I-34 from U.S. Citizen?

Marie Damour: For those participating in the chat, an I-134 is an Affidavit of Support form which is used as part of the Immigrant Visa application process. If you are applying for a temporary visa to visit a friend or relative in the U.S., they do not have to provide the I-134 to you for your application. Tourist visa applications are adjudicated on their own merits, not on the merits of the person they are going to visit.

02-20-2008 10:36:33

Fran2: Hello:

Here is a Chinese student currently studies in London at Cass Business School. The question is that my school offered me a study abroad 1-year course starting from this Sep. taking place in UIUC, and here I have got a 4-year UK student visa. Therefore, will that be difficult for me to get the visa and usually after applied how long I will be getting my visa?

Marie Damour: Although we accept applications from anyone physically present in the United Kingdom, it is often difficult for applicants who are not permanent residents in the U.K. to demonstrate that they have sufficiently strong ties to a third country, as consular officers in London or Belfast have no way of verifying or evaluating information from other countries. If you are only temporarily in the United Kingdom but know that you will be going to the U.S. eventually, you may wish to consider applying for a visa in China where you may be better able to establish your qualifications for a visa. However, if you have been here for some time, and do not plan to return to your home country before you intend to travel to the U.S., you are welcome to apply here in the UK.

02-20-2008 10:37:29

Mandy2: Dear Embassy,

I'm an overseas student from China and studying at City University of London now, I'm going to Atlanta next year as an exchange student, so what I need to prepare to apply the NIV?

Thanks a lot

Mandy

Marie Damour: Hi Mandy. For full details of how to apply for a J-1 (exchange) visa, please refer to our website -

http://london.usembassy.gov/cons_new/visa/niv/index.html

When you are ready to schedule an appointment, you should call our Operator Service on **09042-450-100** (1.20/min).

02-20-2008 10:42:55

sahra: who can I turn to for help? I made an appointment last year to get a visitor's visa I am a British national and I have visited the States many times previously. Unfortunately the last time I went to visit I got talked into staying for longer and went past my 90-days I think in total I had overstayed by 4 months. I came to the embassy and was refused my visiting visa due to the over stay.

I am now in a situation that someone I care deeply for was involved in a car accident in the USA and is now in critical condition and I really want to be there. I am uncertain as to what to do what necessary steps I can take especially in such a delicate situation as this where time is of the essence is there anything you can suggest that could help me?

Marie Damour: Sahra, As you have overstayed the maximum period of time granted to visitors under the Visa Waiver Program, you are no longer eligible to travel visa free; you are required to apply for a visa. I'm afraid I cannot advise you on the likely outcome of your application, but can only advise that we consider many issues when adjudicating visas for applicants who have previously violated U.S. immigration law. Some issues we consider include the nature of the violation, how recently it occurred, the applicant's current purpose of travel, etc. The only way that you will know for sure is if you make a visa application. I suggest that you call the Operator Assisted Information Service on **09042 450 100** (calls cost 1.20/min) to schedule an appointment to apply for a visa.

02-20-2008 10:46:08

cay: what length of time do you expect the results of a review to take after denial of a B2 visa?

If there was a refusal given to an applicant for a B2 visa at your embassy and the person truly believed that the decision of your office was unreasonable and/or grossly unfair would you personally as visa chief re-interview the party concerned and reconsider the documentation and the mitigation?

Marie Damour: Hi Cay, thanks for your question. All nonimmigrant visa refusals are reviewed by a supervisory officer at the time the decision is made. Without further details concerning the reason your visa was refused, I can't provide you with definitive guidance. However, a finding of ineligibility under Section 214(b) of the Immigration and Nationality Act cannot be appealed. It is not a permanent ineligibility. If you believe you can demonstrate that you qualify for the B2 visa, you may, if you wish, reapply. I must caution you, however, that unless your circumstances have changed since the last time you applied, it's unlikely that the decision will be different.

02-20-2008 10:47:59

Chat Participant: I will be visiting the U.S. in February next year to visit family, however I will be arriving via Canada. At the moment I do not have definite plans so this is just an enquiry regarding a visa.

I will be travelling to Vancouver to visit my cousin.

I will then travel to Seattle to visit another cousin, this journey will be either by train or road.

I will return to the U.K. from Vancouver. During my stay we will all be going on a cruise around the Hawaiian Islands either departing from Seattle or Vancouver.

In total my stay will be for approximately one month.

I have a current U.K. passport which was issued on 1 December 2005 and is valid until 1 February 2016. Will I need to obtain a U.S. visa for this trip?

In 2006 I visited Russia for 2 days on a cruise ship and have the relevant St. Petersburg stamp in the passport and I was wondering if this would affect my trip to the U.S.

I would be very grateful for a reply.

Regards Pamela Haydon

Marie Damour: Firstly let me address the issue of the Russian stamp in your passport. A visa, entry or exist stamp from Russia will in no way affect your eligibility to travel to the United States. Secondly, if you enter the United States by land from Canada you may be eligible to travel visa free under the Visa Waiver Program. For full details on the criteria for traveling, visa free, please visit our website at http://london.usembassy.gov/cons_new/visa/niv/vwp.html. A cruise to the Hawaiian Islands may also be covered by the Visa Waiver Program, if you hold a round-trip ticket for that portion of your journey.

Finally, all travelers under the Visa Waiver Program require individual machine readable passports. There are additional requirements depending on when the passport was issued. For a passport issued in December 2005, in addition to it being machine readable, it must contain a digital photograph.

02-20-2008 10:50:12

Chat Participant: Hello,

If I wish to attend a conference in USA, under what visa category do I need to apply?

Thanks

Indu

Marie Damour: Hi Indu,

Provided you will receive no payment from a U.S. source other than expenses incidental to your stay, you will require a B-1 visa, or if qualified, may travel visa free under the Visa Waiver Program. Full details on traveling visa free is available from our website -

http://london.usembassy.gov/cons_new/visa/niv/vwp.html

02-20-2008 10:51:28

Kuba: What about biometric passport?

Marie Damour: In order to travel to the U.S. under the Visa Waiver Program, passports issued on or after October 26, 2006, must include an integrated circuit chip capable of storing the biographic information from the data page, a digitized photograph and other biometric information.

If you are not traveling on the Visa Waiver Program but instead are applying for entry into the U.S. on a non-immigrant visa, you simply need to have an individual passport.

02-20-2008 10:58:27

cay: Can you explain why Amy Winehouse with multiple arrests and a conviction obtained a visa when others with lesser offences are refused?

Marie Damour: It's a good question, Cay, and you aren't the first to ask it!

While our privacy rules prevent me from discussing the details of any applicant's visa application, I hope that the following general information will help you understand how we reach decisions in cases like these. Applicants for visas overseas, or for entry to the U.S. under the Visa Waiver Program, must establish their qualifications under U.S. immigration law. Applicants who are addicted to illicit drugs or alcohol, for example, are ineligible on medical grounds. Applicants who have arrests or convictions in the U.S. or anywhere else in the world may face visa ineligibility on criminal grounds. When a consular officer suspects that someone is addicted to a controlled substance the first step is to require a medical evaluation by a physician designated by the Embassy. If no addiction is apparent the person may travel on a visa or the Visa Waiver Program. If the addiction is confirmed by the examining physician the applicant is ineligible to enter the U.S.

Under certain circumstances those found ineligible for a visa may apply for a temporary waiver of their ineligibility so that they can travel to the U.S. Factors included in the decision to recommend a waiver would include: the severity of the addiction or crime that created the visa ineligibility; whether the person is in an appropriate treatment program and likely to follow it while in the U.S.; the duration of the visit they intend to make; the reason for the trip; and any humanitarian considerations.

Although it is natural that the lives of celebrities generate media headlines, we see scores of applicants without high public profiles who are also processed under the criteria described above. I hope this information helps you to understand the complexity of these cases as well as the consistency of our ultimate decisions.

02-20-2008 11:00:16

David Rose: david Rose; is their any limits to the number of times you can travel under the VWP

Marie Damour: There is no limit to the number of visits you can make under the VWP. Please note, however, that each time you enter you have to demonstrate that you are only visiting for a temporary business or tourist purpose. If you want to work in the U.S., or start to spend more time in the U.S. than you do outside it, you may need to apply for a more appropriate work-based or residence (immigrant) visa.

02-20-2008 11:03:56

Ebrima: Dear Sir/Madam,

Am a foreign soldier serving in the British Army and i wanted to apply visa to visit the US in the near future, but i dont know if am eligible to apply i have applied for the an Emigrant visa but i was refused due to failing to provide my high school certificate which is out now.

Am asking if the previous application will not affect me applying for a holiday visa to the US?

Marie Damour: Hi Ebrima, the fact that you have previously been refused a visa to the U.S. is only one factor that will be considered as part of your application. An applicant may not qualify under immigration law for one particular category of visa, but may qualify for another. The only way you will know for sure is to apply.

02-20-2008 11:07:20

Marie Damour: Well folks, we've had some excellent questions posted during this very active webchat session! We appreciate the opportunity to chat with you and address many visa issues and concerns. If you have more questions, or we weren't able to answer one that you submitted, you may find more information on our website at <http://london.usembassy.gov>. A transcript of this session will be available on the website at http://london.usembassy.gov/cons_new/visa/index.html shortly.

Again, thank you for your participation.

Marie Damour, Consul, Visa Chief, U.S. Embassy, London
