



Transcript for the January 29th 2014, Webchat Nonimmigrant Visas

Q. Hi, i am on PSW (Post Study Work) visa and which will expire on 21 July 2014 and i am planning to visit USA for tour because i have annual holidays and i am working permanent full time in Transport for London as a Bus driver. i have sufficient funds and i booked hotel in New York as well. but still i got refusal???? why and what's the reason behind?

A. Unfortunately, we can't answer case-specific questions during this webchat, for privacy reasons. If you feel that your refusal was not explained in the letter you were given at the time of your refusal, you can contact the Embassy via the online contact form: http://london.usembassy.gov/niv/contact_page.html

Q. Hi i am from the uk & never been to the usa but i will love to move there but i cant work in cold weather i am disabled i need somewhere its hot most of the time is it possible for me to get a visa to live there

A. If you want to work in the United States, you will need to obtain an employment based visa before travelling to the United States. In general, applicants must have a bona fide job offer before they apply, as the employer will be required to file a petition for you with USCIS which must be approved before you can apply.

Q. Has the US Government clarified their policy regarding criminal cautions in the United Kingdom? I am asking with specific regard to P-1 visa's as well as potential travel as a tourist. Thanks.

A. Currently U.S. Government policy is under review regarding criminal cautions in the United Kingdom. Applicants having a caution may experience lengthy delays during the application process. Apply as soon as possible and don't make final travel plans unless you have received a visa. These delays will affect applicants who may have already received a visa in the past after disclosing the caution. This applies to all visa categories.

Q. I was just wondering if there were any updates with the reviews regarding police cautions? I went for my interview in December for a b2 non-immigrant visa when I was told it had to be put on hold whilst the current guidelines were reviewed. I am due to take my 7yr old son to Florida in May and I still haven't heard anything.

A. Currently U.S. Government policy is under review regarding criminal cautions in the United Kingdom. Applicants having a caution may experience lengthy delays during the application process. Apply as soon as possible and don't make final travel plans unless you have received a visa. These delays will affect applicants who may have already received a visa in the past after disclosing the caution.

Q. Question regarding 212(e) for J-1 visa: I wanted to clarify the right way to read the exchange visitor master skills list to determine if I am subject to 212(e) 24 month residency requirement.



My permanent residence and citizenship is Indian and conducted research at University of Texas at Austin as a J-1 research scholar. My field of research was neuroscience (subject code 26.1501). The federal register says that Indian nationals conducting research in subjects under Group 26 are subject to 212(e), but the subject code 26.15(neuroscience) itself is not present on the master skills list. Does this mean that this subject is not in short supply in India? Am I subject to 212(e)? Thanks.

A. We recommend that you check j1visa.state.gov for information about J-1 exchange programs and their requirements. If an applicant is subject to 212(e), their visa is annotated at the time of issuance.

Q. Hello, My name is Arianna I'm Italian but I'm living in UK, I'd like visit new York for holiday for ten days...but I'm not sure if I need of VISA and if i can have any problems leaving from London. My passport is Italian. Can you help me please. Thank you very much

A. Information about the Visa Waiver Program is available from the Embassy website: <http://london.usembassy.gov/niv/vwp.html>. If you are not eligible to travel visa free, you will require a B-2 (tourist) visa in order to travel to the United States. If you are physically present in the UK, you may apply for a visa from the Embassy in London.

Q. Hi i filled a i130 but did not declare a traditional marriage i did because its not a legal marriage, but uscis is now asking me for divorce certificate of that marriage, i have a customary court dissolution letter.

A. You may wish to contact the USCIS office where the petition was filed in order to clarify what documents are required, if your previous marriage was not civilly recognized. Contact information for all USCIS offices is available from their website, www.uscis.gov.

Q. Hello I am a Trinidadian living in the UK. I do have a residence card as I am under a sponsorship visa from my company. I was previously a student here and on a post study work visa. I want to apply for my US visa, I have had one in the past but it expired. I did make a trip to New York then to visit family. What type of visa should I apply for and how should I go about it?

A. What would be your purpose of travel to the United States? The type of travel will determine what kind of visa you require.

Q. My husband and i want to move to Florida to work and live permanently and we have been informed by companies that we need to prove that we are eligible for a Visa. Could you please let us know how we would actually go about this, do we need to apply for a Visa first off or do we have to provide you with proof that a company would employ us as we were given the impression that the companies need proof of a Visa first.

A. If you wish to live in the United States permanently, you will require an immigrant visa. Information about the different types of immigrant visas is available from the Embassy website: <http://london.usembassy.gov/immigrant-visas.html>. If you do not have any immediate relatives to petition for you, you may wish to consider an employment based visa. In general, you must have an offer of employment before applying for the visa, as the employer is required to file a petition for you with USCIS.



Q. dear Sirs, I am studying in UK and having a student visa which gonna expire in June. In my recent semester break I want to visit my uncle and Ant in New York who are USC. I was just wondering that if I can apply for a US visa in UK while I have less than 6 months leave.

A. If you are physically present in the UK, you can apply for a visa at the Embassy in London. At the time you apply, you will be required to demonstrate that you have strong social, economic and financial ties outside the United States. You may find it difficult to demonstrate ties to the United Kingdom if you are intending to leave the UK shortly

Q. Hi! Thank you so much for doing this webchat. Do you have any information about the current time it is taking to receive the next pack of forms (with LDN#) after i-130 approval?

A. After the petitioner has received the Approval Notice, the applicant can expect to wait approximately 6-8 weeks before receiving a letter from the Embassy, containing instructions as to the next step in your application.

Q. I am travelling from the UK to the Carribbean via Atlanta. I will not be leaving Atlanta airport. I have an Iranian visa in my passport. Will this cause any problems at the airport in Atlanta?

A. Travel to Iran will not, of itself, affect your eligibility to travel to the United States. You should be prepared to discuss your travel to Iran, if asked by Immigration officials.

Q. I am a Cypriot, resident in UK. I have a valid B1/B2 visa on my expired passport (corners of the identifying pages clipped but visa page is intact). My current passport expires 2024. I have been invited for a job interview in a university. Is my B1 visa suitable for this purpose? I am staying only 2 days and return tickets and accommodation will be provided by the university. If I offered the position, would I need to get H1B? What is the average process time for this type visa?

A. If you have a valid visa in an expired passport and the visa has not been damaged, you may continue to use this visa when travelling to the United States with your new, valid passport. If you will travel for a job interview only, a B-1 visa would be acceptable. If you are offered the job, the employer may wish to contact the U.S. Citizenship and Immigration Services (USCIS) to help them determine what visa would be appropriate for you. USCIS will also be able to advise their up-to-date processing times for that visa type.

Q. My parents are Green Card holders and have lived outside the U.S. for a couple of years. What form do they need to fill up as they want to reinstate their visa to enable them to go back to US?

A. Karen, relating to your previous message, we try not to share personal information, for privacy reasons. If your parents have been outside the United States for more than 12 months (2 years if holding a re-entry permit), they have lost their entitlement to status and will be required to make a new application for an immigrant visa if they wish to return to live in the United States. Information about immigrant visas, including how to apply, is available from our website: <http://london.usembassy.gov/immigrant-visas.html>.



Q. I know that I can apply for Visa waiver programme but I am not too sure with my partner's situation as she has a Pakistani passport. She has been advised that if she applies for Naturalisation and British passport now there is no chance of it all being completed by July. My question to you is this that can she apply for a visa from your embassy with her Pakistani passport with her home office document confirming her indefinite leave to remain in the UK. Obviously we will provide evidence of the wedding, our ties in the UK i.e. jobs etc. I am really worried that she may not be able to go and that would be big disappointment for her, myself and all our family especially her younger sister who is getting married. I certainly would not like to attend her sister's wedding without her. Please advise whether we should apply together and which visa and please also confirm that in the event she is refused, will you provide the reason and will we have an opportunity to reapply for her.

A. If your partner has a Pakistani passport, she will require a visa in order to travel to the United States. We recommend that she applies well in advance of her planned travel date and does not make irreversible travel plans until she has the visa in hand. Each application is considered on its own merit at the time of the applicant's interview. We can't pre-adjudicate visa applications, so are unable to speculate on the likely outcome. If an applicant is refused a visa, we do advise why.

Q. Good-afternoon. I have been issued an US business visa in 2008, valid until 2018. I have already travelled to the US once, in 2008. The visa was issued on my maiden name and now I have a new passport, with my married name. I intend to go back to the US in March and I was wondering whether I could still use my current valid Visa (I am still the same person...) if I present the US Immigration Officers with my two passport and the marriage certificate? Or would I have to come to the Embassy and get a new visa? Thank you very much for your kind reply.

A. If you have changed your name due to marriage, you may travel using your current, valid passport, a copy of your marriage certificate and the valid visa in your previous passport, provided that the visa was not damaged when the passport was cancelled. The final decision to admit or deny all travelers to the United States rests with Immigration officials at the port of entry.

Q. Hi, I applied through London and my case has been in Admin Processing for 22 months. Is it advised to reapply since I have a wedding to go to in June?

A. Reapplying for a visa will not speed up administrative processing. You may wish to contact us - http://london.usembassy.gov/niv/contact_page.html for assistance

Q. Hello Sir., I have an Indian passport currently working in UK on UK work permit for a global company, our company has offices both in US and UK. I need to go to our US Office for 2 weeks to get trained on some new services that i have to learn come back and roll out for our UK office. So which Visa should i apply for ..?

A. If you will travel to the U.S. for training via your employer, you may be eligible for a B-1 visa, provided that you will continue to be paid and employed abroad and that you will not engage in the day-to-day activities of the U.S. company while in the United States. The final decision on your eligibility can only be made by a consular officer at the time you apply.



Q. My friend had a caution in 2002, he was told at the embassy if he updated his caution to a conviction he could get a waiver and travel to the USA for his booked performance, if he was to accept the updated status to a conviction could that be undone should the laws regarding cautions change?

A. Currently U.S. Government policy is under review regarding criminal cautions in the United Kingdom. Applicants having a caution may experience lengthy delays during the application process. Apply as soon as possible and don't make final travel plans unless you have received a visa. These delays will affect applicants who may have already received a visa in the past after disclosing the caution. We cannot recommend that your friend attempt to upgrade his caution

Q. I am an entertainer of traditional folk song and music. Do I require a P3 temporary work visa to perform in the USA. If so what is the process involved please?

A. Artists and entertainers, either individuals or a group who are to perform, teach, or coach in the United States under a program that is culturally unique may apply for P-3 visas. If you believe that you meet these criteria, your employer (or agent) in the United States should file a petition for you with USCIS. Processing times vary, but it can take approximately 6 months to obtain a P visa.

Q. In the November webchat it was mentioned that the US government is reviewing policy regarding UK police cautions. Can you provide an update and indicate when processing will resume on affected visa applications?

A. The policy remains under review at this time. Please be assured that you will be contacted as soon as the review is completed and processing can continue for those affected by this review.

Q. Hello, I'm planning to travel to NY to visit my friends there so I'm filling out the DS-160 application, however in my form under 'Work/Education/Training', it only asks for 'Present' employer. When I click 'Next' it goes straight to 'Security and Background'. It doesn't ask me info on 'Previous employer' and Additional Work/Education/Training or my 5-year travel history. This is different from my husband's application which has the two subcategories. Is there something wrong with my form?

A. The DS-160 form is dynamic, and the questions reflect the information we require from each applicant. If the form has not required more than one employer, that is not an error

Q. Hi, I am going to the US in July, can I apply the visa from now? I am holding Chinese passport but residence in the UK.

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

Q. Hi! I'm in the UK on a tier 2 visa, working for a UK company. My UK visa will expire soon and i do not want to renew anymore and i just plan to wait for my employment based petition immigrant visa to be due. Can i process here as a third country national or do i have to go back to my home country to process the visa?



A. If you are physically present in the UK, you can process your immigrant visa application through the Embassy in London. We cannot advise about remaining in the UK, you may wish to contact the Home Office for information. If you depart the UK, you should contact the Immigrant Visa Unit as soon as possible to provide your new address. Your case will then be transferred to the Embassy or Consulate having jurisdiction over your new place of residence.

Q. Hi, I am a french citizen living in the UK since 2005. I have been given a National insurance number both in France and in the UK. Which National Identification Number should I be using?

A. The UK National Insurance number is not considered a National Identification Number for the purpose of applying for a visa. If you are a French citizen, you should provide your French details.

Q. : I received my CR1 visa in my passport today, but opened the big white envelope stating "To be opened by the United States Immigration or Public Health Service Officer" without knowing it is supposed to be kept closed. Am I able to send back the documents to the Embassy to be resealed?

A. You should contact the Embassy as soon as possible via the Contact form - http://london.usembassy.gov/niv/contact_page.html

Q. Hello back in 2010 I needed to get an emergency visa application done and was able to get that done in 24 hours, is that still an option

A. If you have a genuine emergency situation, you can request an expedited appointment to apply for a visa. Information about doing so is available via our YouTube video - http://www.youtube.com/watch?v=lhcdWS05Fyw&feature=c4-overview&list=UUFxBhKIGsJ_Ek71dlkFMkYQ. Please note that it is not possible for the Embassy to issue a visa on the same day as the application.

Q. When my son goes to university in the USA with a student visa does he need to hold a return ticket when he goes through immigration in the USA?

A. If your son holds a student visa, it's not required that he holds a return ticket at the time he enters the United States.

Q. Hi, I hold Chinese passport but am permanent residence in the UK. I am planning to travel to the US in July for conference and holiday. Before that, I have plans to travel to other countries from April to July. Could you please kindly advise if I start my application now, will I be able to get the visa before April?

A. The Embassy can't guarantee that a visa will be issued to any applicant by a specific date; we recommend that you apply well in advance of the time you intend to leave the UK.

Q. Hi, I have tried few times of the numbers on the embassy website in order to get advise on visa application but it is automatic information all the time. Would you possibly provide a telephone number that we could ring for advise on Visa? Many thanks.



A. The best way to get visa advice is to contact us using the online form - http://london.usembassy.gov/niv/contact_page.html

Q. I am a Ghanaian resident. Visiting the UK at the moment. My sister wants me to visit the USA before I go back to Ghana. Is it possible to apply here or in Ghana? I have a visitor visa in the UK. Thanks

A. If you are physically present in the UK, you may apply here for a visa. Please note that when you apply, you must demonstrate strong social and economic ties outside the United States. If you are generally resident in Ghana, the consular officer in London may be unable to adjudicate your ties to a third country.

Q. Hi I have an old caution on record and understand there is a new policy for granting L1 visas to such applicants. Do you have an approximate timescale?

A. Currently U.S. Government policy is under review regarding criminal cautions in the United Kingdom. Applicants having a caution may experience lengthy delays during the application process. Apply as soon as possible and don't make final travel plans unless you have received a visa. These delays will affect applicants who may have already received a visa in the past after disclosing the caution. If you wish to apply, we recommend that you do not make final travel plans until the application has been fully processed and your visa issued.

Q. I am Chinese but permanent resident in the UK. I am going to the US for a conference which will last for 4 days and will give a speech in the conference (all attendance required to give a presentation). After the conference, I am planning to stay in the US for 2 weeks for holiday. Please could you kindly advise what type of visa I should apply...

A. Based on the information you have provided, you may be eligible for a B1/B2 visa, which would allow you to enter for both business and tourism.

Q. Hi, I am applying for an immigrant visa (green card). My wife and I reside in the UK currently so my wife will use her UK income and our savings on the I-864 Affidavit of Support?

A. No, only income from a U.S. based source can be counted on the I-864 form. If your wife is not earning any U.S. based income, she must list her income as zero. She can take into account her assets (savings, property etc.), but you may require a joint sponsor.

Q. Hi. As a Brit, if I was to blog about a cycle trip in the US would that count as a travel purpose not permitted on a Travel Visa? Would it require a journalist/media (I) visa?

A. Provided that you will not be paid to blog while in the United States, a B-2 visa may be appropriate, if you are planning to visit the United States for more than 90 days.

Q. Hi! I am a Philippine citizen who has a Philippine spouse who recently gave birth here in the UK. I have a pending EB-3 petition which has been given an LND case number by the NVC but it is still at the NVC upon checking as my visa is not yet current. What do you need so I can include my newborn child in the petition?



A. You should contact the Embassy using the contact form - http://london.usembassy.gov/niv/contact_page.html - to provide us with your case number and the name of your new child. We will then advise you further.

Q. Hi there.....I am a British citizen coming to London to renew my passport as it is full. I am a crew member on charter yacht currently in the Caribbean, going to US Virgin Islands. I am required to obtain a B1/B2 visa and C1/D and at the moment I do not have pages for it. Whilst in London, can I make an appointment with the Us Embassy in London to do all visa work in one week, can I book it before I have new passport Many thanks

A. You can book the appointment before you have your new passport; just provide your new passport details to the Consular officer at the time of your interview. However, if your new passport is not issued in time for your visa interview, you cannot attend the Embassy without it.

Q. Hi there.....apologies for asking but can I make an appointment for a B1/B2, C1/D vsa, and have it fast tracked?

A. There's no way to expedite visa issuance; applicants should expect to wait about 5 days for their visa.

Q. Thank you, as a follow up.. Our savings are in UK accounts. Are these ok to declare or it only US savings?

A. No, you can use UK savings when completing the I-864

Q. I am a british female in a same sex civil partnership with a female american, am I able to apply for an immigrant visa before our civil partnership is converted into a marriage in the UK?

A. In order to qualify for an immigrant visa, the applicant must be married to a U.S. Citizen of Lawful Permanent Resident. If the union is not considered a legal marriage under the jurisdiction under which it was performed, the applicant cannot qualify for an immigrant visa.

Q. If I am going to the us for both attending conference and holiday, should I apply B1or B2 visa? in the application form, the purpose of the application only allow me to select one type?

A. If you select either B1 or B2, you can then select B1/B2 at the next step

Q. Hi there, I am an Australian Citizen and need to get my E3 visa renewed. Can I do that in London? I was told that you have to do that in Australia or Canada but can't find any doc to support that.

A. If you're physically in the UK, you can apply here. See our earlier answers for more information.