

## Immigration Service Processing Locations - Consulate Procedure

11-12-12

### Processing Locations:

USCIS will cable the I-797 Approval Notice to a Processing location designated on the USCIS Form I-129 petition for Temporary Non-Immigrant Worker. The Processing Location will be one (or more) of the following:

- a) port-of-entry (POE)
- b) pre-flight inspection (PFI)
- c) U.S. Consulate

If an artist is a Canadian citizen, the USCIS Form I-797 Approval Notice, together with a copy of the petition and a valid passport, is all that is required to enter the USA as a Temporary Non-Immigrant Worker. Hence, for Canadian citizens the USCIS Processing Location will be either a POE if arriving in the USA by ground (i.e. Champlain, NY) or PFI if arriving by flight (i.e. Pierre-Elliott-Trudeau Airport, Montreal) or both as the artist requires.

Multiple processing locations:

If more than one processing location is required – for example a POE for Canadian personnel and a consulate for non-Canadian personnel, your petitioner will designate the consulate and the I-797 Approval Notice will list this as the designated processing location. However, within 72 hours the approval will be in the government's PIMS (Petition Information Management System) data base. At that point, the officers at a POE or PFI will have access to the case and will verify the approval in the computer system for those entering through a secondary processing location.

If artist is **not** a Canadian citizen, he/she will have to apply for a visa to be issued into their passport at a U.S. Consulate following receipt of the I-797 Approval Notice. It is very important that companies with personnel that must obtain a visa from a Consulate plan well ahead. It occurs too often that a company lets slip this last step in the process and find themselves on tour or otherwise unavailable for the Consulate procedure at their home base.

### Consulate Procedure:

Each U.S. Consulate requires "x" number of days advance notice to schedule an interview and "x" number of days to process and issue a visa (during which time the Consulate will retain passports).

The following web link allows you to check visa wait times for all consulates.

[http://travel.state.gov/visa/temp/wait/wait\\_4638.html](http://travel.state.gov/visa/temp/wait/wait_4638.html)

While there are the posted Consulate time lines, there are many instances of Consulates taking upwards of 30 days to process visas if there are questionable circumstances regarding a beneficiary which results in additional background checks. Those from some countries (some obvious, others not) can expect to experience additional security checks.

Therefore, it is highly recommended that you allow 4 weeks from first entry date for Consulate procedure, even with those Consulates that require only a couple days advance notice to schedule interviews and process visas.

It is possible, at time of filing, to request more than one Consulate. If a company has personnel that will apply at different Consulates, on the USCIS Form I-129 one designates the consulate at which the majority of personnel will apply. Consulate officers will verify the I-797 Approval Notice(s) through the PIMS date base.

You can usually schedule Consulate interviews as soon as you receive the USCIS Form I-797 Receipt Notice. This will have the case number (upper left corner of I-797 and begins with either EAC or WAC). Before contacting the Consulate – read all the information for that particular Consulate regarding visa procedures. If a group, we recommend you try to contact the Consulate by phone to inquire about arranging for a "group" appointment.

Individual Consulate web site links: <http://usembassy.state.gov/> (once in a particular web site, go to the visa section)

Always check the Consulate's website for any and all requirements on forms, fees and documents needed. Check it often for updates and change in procedures. No two consulates run exactly alike.

If there is a particular Consulate you think you will be dealing with on a somewhat regular basis, establish a relationship with an officer at that Consulate. Keep a record of the officers you meet for future use – try to get direct phone lines etc.....

## Consulate Procedure: cont'd

### CONSULATE STEPS:

1. Complete the [DS-160 online application form](#).

The DS-160 incorporates the prior application forms (the DS-156, DS-157 and DS-158) into one comprehensive form.

Among other things, it asks for a list of:

- all countries the applicant has visited in the past 10 years
- the applicant's 2 prior employers not counting the present employer
- all professional/social/charitable organizations, past and present, to which the applicant contributed or belong, or for which the applicant worked
- the name, address and telephone number of the applicant's secondary school

Take this form seriously. Applicants should prepare for the DS-160 in advance of completing the form online. See [Prep\\_for\\_DS160.pdf](#)

2. Pay the visa application fee ([MRV fee](#)). This can usually be done by credit card through the Consulate's web site or by telephone. In some cases, one must go to a designated bank to pay the fee in that country's currency.

3. Applicant(s) then goes online or call to schedule their appointment(s)

Notes:

- Canadian Consulates: most now use U.S. Visa Info Services to make appointments: [http://usvisa-info.com/en-CA/selfservice/ss\\_country\\_welcome](http://usvisa-info.com/en-CA/selfservice/ss_country_welcome)
- Note: some Consulates (Mexico, Bolivia, Brazil....) use an Applicant Service Center (ASC). An ASC is a facility contracted by the U.S. government to provide visa related services including answering visa-related questions, collecting applicant information, scheduling interviews, collecting biometric data (photo and fingerprints) and assisting applicants in choosing a location where the passport and visa can be picked up. If an ASC is used, the applicant will answer a series of questions to determine whether they should go to both an Applicant Service Center and Consulate or just to the ASC.

4. Interview:

Be thoroughly familiar with your petition prior to the interview. For the most part, interviews are short, their goal to verify the information you have provided on all forms.

Consular officers may wish to ask for more details about your proposed activities in the USA:

- how traveling to the USA
- who is paying for travel
- where staying
- who are some of the presenters
- what types of venues etc
- except for O-1B applicants, be prepared to address questions of nonimmigrant intent that may arise
- applicants from non-Western countries had best be prepared to document their home country ties.

Note that officers can ask anything they wish - they will deny entry to those that can't answer questions satisfactorily.

Be courteous and make eye contact with your interview officer and all you meet at the consulate.

Giving vent to anger or frustration, no matter how justified, will not help.

For most interviews beneficiary will need:

- Copy of USCIS Form I-797 Approval Notice (artists are no longer required to present original I-797 approval notices at interviews)
- Passport – and any old passport(s) if it has past U.S. visas
- Copy of complete petition with itinerary, performance contracts etc
- Envelopes
- Photos – the following link has specifications: [http://travel.state.gov/visa/visaphotoreq/digitalimagereq/digitalimagereq\\_5327.html](http://travel.state.gov/visa/visaphotoreq/digitalimagereq/digitalimagereq_5327.html)

Should you wish an additional 10 days added to the visa period (for holidays or visiting with friends...) – ask the Consulate at the time of interview and it may be granted.

When issued your visa – do not leave the Consulate without checking for errors: name, classification and visa period dates. If any fact is incorrect – demand a re-issue.

## Consulate Procedure: cont'd

### Documents and Fees:

#### Fees:

There are two types of Consulate fees:

    Visa Application fee: \$190.00usd (as of 04-13-2012)  
    and  
    for nationals of certain countries, an issuance fee

To find out if you must pay an issuance fee go to: [http://travel.state.gov/visa/fees/fees\\_3272.html](http://travel.state.gov/visa/fees/fees_3272.html)

There is no issuance fee for Canadians.

The issuance fee is charged if the country from which the beneficiary comes from charges U.S. citizens a similar issuance fee.

Be sure to always check for consulate updates and fee changes: <http://usembassy.state.gov/>

### I-94 Arrival/Departure card

The I-94 Arrival/Departure card is issued when you first arrive in the USA. This becomes almost more important than the I-797 Approval Notice (for Canadians) or the visa issued into the beneficiary's passport (if non-Canadian). It is proof of lawful entry, and when given up at the last departure of the U.S., it is entered into the system to check that the beneficiary has not overstayed their visa period.

In order to receive the actual I-94 card, one must complete Form 6059B, the declaration form, and the I-94 form itself.

Neither of the forms can be completed until one arrives at the port of entry or pre-flight inspection.

As with the Consulate interview, beneficiary should have copy of I-797 Approval Notice and copy of the petition. Beneficiary should be familiar with the petition: where going, staying, types of venues etc.

At this time, one may also request additional holiday time, up to 10 days. If granted, passport control will issue the I-94 accordingly.

BEFORE YOU LEAVE PASSPORT CONTROL: check that name, classification and visa period dates are correct. There have been instances of officers stamping the I-94 with B-1 rather than O-1 or P-1, or the departure date is incorrect ..... these errors can cause all manner of problems.

IF DURING YOUR VISA TIME PERIOD YOU LEAVE THE USA AND ARE RETURNING FOR ADDITIONAL DATES – DO NOT GIVE UP YOUR I-94 CARD UNTIL YOUR LAST DEPARTURE FROM THE USA.

Note: Canadian citizens are sometimes not issued an I-94. If your visa includes more than one entry into the USA, it is recommended you request an I-94. This will make subsequent entries easier.