

9 FAM 42.67 Procedural Notes

(TL:VISA-547; 05-28-2003)
(Office of Origin: CA/VO/L/R)

9 FAM 42.67 PN1 Executing Immigrant Visa Application

(TL:VISA-547; 05-28-2003)

When the consular officer is satisfied that the application, including any necessary corrections, represents the applicant's complete answers to the questions asked, the applicant must sign the application before the officer. The officer shall then administer the oath, sign the application, and indicate consular title in the designated place. The applicant must sign *the application* the way *he or she* normally signs in the script or characters of the applicant's own language. If the applicant's normal signature is in other than the Roman alphabet and the applicant is capable of it, the applicant may also add the signature in the Roman alphabet.

9 FAM 42.67 PN2 Administering Oath or Affirmation

(TL:VISA-547; 05-28-2003)

a. *When administering an oath*, the consular officer shall stand, raise the right hand, and ask the applicant to do the same. The officer shall then repeat the following words:

“Do you solemnly swear that the statements made by you in this application and interview are true and correct to the best of your knowledge, so help you God?” The applicant shall swear, “I do.”

b. In administering an affirmation, the procedure is the same but the words shall be varied as follows:

“Do you sincerely affirm that the statements made by you in this application and interview are true and correct to the best of your knowledge.”

9 FAM 42.67 PN3 If Advisory Opinion Required

(TL:VISA-421; 06-03-2002)

If an advisory opinion is to be obtained from the Department in a particular case, the consular officer shall refuse the visa under [INA 221\(g\)](#), retaining Form DS-230, *Application for Immigrant Visa and Alien Registration*, and each relevant document for the A-Z file. The post shall include the file copy of the advisory opinion request or, if the request is classified, cross-reference the file copy. In a case where an advisory opinion is being sought, the application fee is valid until a final decision is reached and the post shall not charge a new application fee. [See [9 FAM 42.67 N2.](#)]

9 FAM 42.67 PN4 Issuance Fee Payment

(TL:VISA-185; 02-26-1999)

Upon completion of the interview, the consular officer shall inform the applicant whether or not a visa will be issued and, if so, direct the applicant to the cashier for payment of the \$65.00 issuance fee. [See [9 FAM 42.81 Regs/Statutes](#) and [9 FAM 42.81 Notes](#) if a visa is refused.]

9 FAM 42.67 PN5 Final Action

9 FAM 42.67 PN5.1 Issuing or Refusing Visa

(TL:VISA-185; 02-26-1999)

Once an application has been executed, the consular officer must either issue the visa or refuse it. A consular officer cannot temporarily refuse, suspend, or hold the visa for future action. If the consular officer refuses the visa, he or she shall inform the applicant of the provisions of law on which the refusal is based, and of any statutory provision under which administrative relief is available. [See [9 FAM 42.81 Procedural Notes](#) for the refusal procedure and [9 FAM 40.6 Exhibit I](#) for waiver relief.]

9 FAM 42.67 PN5.2 Issuing Visa

(TL:VISA-59; 05-15-1992)

After the alien pays the issuance fee, the post shall prepare Form OF-155B, *Immigration Visa and Alien Registration*. The post shall attach Form DS-230, *Application for Immigrant Visa and Alien Registration*, and supporting documents thereto. The correct procedure for attaching documents to Form OF-155B is outlined in [9 FAM](#) 42.73 PN4. The issuing officer shall then sign the visa. The post shall hand the signed visa, with all the documents properly attached, to the alien.

9 FAM 42.67 PN5.3 Issuance Procedures

(TL:VISA-59; 05-15-1992)

See 9 FAM 42.73 Related Statutory Provisions and [9 FAM](#) 42.73 Notes.

9 FAM 42.67 PN5.4 Visa Refusals

(TL:VISA-59; 05-15-1992)

See 9 FAM 42.81 Related Statutory Provisions and [9 FAM](#) 42.81 Notes.

9 FAM 42.67 PN6 Terminating Registration under INA 203(g)

(TL:VISA-32; 05-30-1990)

See 9 FAM [22 CFR 42.83](#) Related Statutory Provisions.

9 FAM 42.67 PN7 Fingerprinting Visa Applicants

9 FAM 42.67 PN7.1 Fingerprint Requirement

(TL:VISA-547; 05-28-2003)

An applicant must be fingerprinted if a check of the FBI's NCIC-III database reveals a name check hit as the FBI will only provide a summary of the applicant's record after a fingerprint comparison. The post must use Form FD-258, Applicant Fingerprint Card.

9 FAM 42.67 PN7.2 Fingerprinting Fees

(TL:VISA-547; 05-28-2003)

Posts shall collect a fee of \$85.00 for the taking of fingerprints.

9 FAM 42.67 PN7.3 Proper Fingerprinting

(TL:VISA-547; 05-28-2003)

The consular officer in charge of visa operations at each post shall instruct personnel taking fingerprints to follow closely the instructions on the reverse of the fingerprint card and to familiarize themselves thoroughly with the correct fingerprinting techniques described by the FBI. (See 9 FAM 42.67 Exhibit I – FBI publication, “Techniques for Taking Good Fingerprints”.)

9 FAM 42.67 PN7.4 Fingerprinting to Confirm NCIC Hit

(TL:VISA-547; 05-28-2003)

When taking fingerprints to confirm an NCIC hit, post should use the form of the applicant’s name and date of birth that appears on the application. Do not use the name on the NCIC Index Record.

FAM 42.67 PN7.5 Procedures for Taking Fingerprints

(TL:VISA-547; 05-28-2003)

Fingerprinting procedures are as follows:

- a. *Verify the identity of the person being fingerprinted;*
- b. *Have the visa applicant sign the Form FD-258, Applicant Fingerprint Card, type in any aliases; and have the person taking the fingerprints sign and date the card;*
- c. *Print each finger in the correct sequence (the card indicates right and left hand). Using light pressure, roll each finger from nail to nail to ensure legibility. If the prints are illegible, the FBI will reject them for processing, causing a delay in the processing of the applicant’s case and unnecessary expense for the Bureau; and*
- d. *Complete the lower blocks by taking simultaneous impressions as noted on the card. (The best impressions are obtained when the applicant’s fingers are clean and dry.)*

e. To avoid delays, verify that the prints are clear, complete and legible before the applicant leaves the building. Posts should refer to the FBI publication "Technique for Taking Good Fingerprints."

9 FAM 42.67 PN7.6 Preparing the Fingerprint Card

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The employee taking the fingerprints must prepare the card for mailing as indicated below:

- (1) Use the Form FD-258, Applicant Fingerprint Card;
- (2) Use black ink for the hand-written portion;
- (3) Posts should be sure to put their post code (post's three-letter abbreviation) in the OCA block.
- (4) The ORI block must show USNHNVCOZ for IV cases and USNHNVC1Z for NIV cases; and
- (5) Complete all required fields on the card. These fields are:
 - (a) Subject's name (last, first, middle) and any aliases;
 - (b) Subject's date of birth. If a date of birth is unknown, use 01/01 with an approximate year of birth; and
 - (c) Sex and descriptive data of applicant.

FAM 42.67 PN 7.7 Mailing the Fingerprint Card

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a. Posts should sent the completed fingerprint card to National Visa Center, NVC at the following address:

National Visa Center
Fingerprint Unit
32 Rochester Avenue
Portsmouth, NH 03801

b. Courier mail service should be used in situations when pouch mail would not meet fixed travel requirements of the visa applicant and if courier mail is cost effective. Note that multiple fingerprint cards can be placed into the courier envelope to reduce cost per application.

c. *NVC will scan the fingerprint cards and transmit the data and images electronically to the FBI. A response will come back within 24-48 hours. NVC will be able to track submitted fingerprints and will follow up if responses are not returned as expected.*

d. *The FBI will send a printout of the information resulting from the fingerprint check to NVC for forwarding to post.*

9 FAM 42.67 PN7.8 Ordering Fingerprint Cards

(TL:VISA-547; 05-28-2003)

a. *Standard stock Form FD-258, (Blue Ink) may be ordered from the General Services Division of the Bureau of Consular Affairs (CA/EX/GSD).*

b. *If post prefers to use the treated (inkless) version of Form FD-258, posts should request the cards directly from:*

DACTEK INTERNATIONAL INC
8117 Orion Avenue
Van Nuys, CA 91406
Phone: 818-787-1901
Fax: 818-988-9776