

9 FAM 42.71 Notes

(TL:VISA-586; 10-23-2003)
(Office of Origin: CA/VO/L/R)

9 FAM 42.71 N1 Schedule of Fees

(TL:VISA-538; 05-14-2003)

The Secretary of State has prescribed a fee for the processing and issuance of the immigrant visa. An additional application fee is charged for persons selected for the Diversity Program. The fees are specified in 22 CFR 22.1.

9 FAM 42.71 N2 Collection of Fees

9 FAM 42.71 N2.1 Processing Fee

9 FAM 42.71 N2.1-1 *Collecting the Processing Fee*

(TL:VISA-586; 10-23-2003)

a. A single fee is charged combining the costs of processing and issuance of the immigrant visa. An individual registered for immigrant visa processing at a post designated for this purpose by the Deputy Assistant Secretary for Visa Services must pay the processing fee. The fee must be paid when the individual is notified that a visa is expected to become available in the near future and he or she is requested to obtain the supporting documentation needed to apply formally for a visa.

b. For cases processed through the National Visa Center (NVC), this fee will be collected during initial processing by NVC. Posts will collect the visa processing fee only for those cases in which the petition is filed at post or in which the visa file otherwise indicates that the fee has not yet been collected.

9 FAM 42.71 N2.1-2 *No Second Processing Fee*

(TL:VISA-586; 10-23-2003)

The post shall not collect a second *processing* fee if the:

(1) Previously refused alien is issued a visa on the basis of the relief provided in INA 212(g), (h) or (i), or any similar provision of law or if evidence is presented to overcome the refusal within one year of the date of refusal;

(2) Alien requests a reopening of the case within one year from the date the visa was originally refused [see 22 CFR 42.81(e)];

(3) Visa was previously refused because the medical examination disclosed that the alien might be ineligible under INA 212(a)(1) and the examining physician requested that the applicant undergo follow-up examinations or tests prior to making a final decision;

(4) Visa was previously refused solely for the absence of a document which is available only from a U.S. Government agency, and if it is apparent that the failure of the alien to present the document was due to the U.S. Government agency's delay in providing it;

(5) Final decision on the application is delayed pending the receipt of an advisory opinion from the Department or the completion of investigations initiated by the Department or the post; or

(6) Original refusal was based on a consular error.

9 FAM 42.71 N2.2 No Collection of Issuance Fee

(TL:VISA-586; 10-23-2003)

Although immigrant visa fees formerly took the form of separate processing and issuance fees, these have now been combined into a single processing fee collected in the initial stages of processing. No issuance fee is required.

9 FAM 42.71 N3 Refund of Immigrant Visa Processing Fee

(TL:VISA-586; 10-23-2003)

The visa processing fee is refundable only, if the principal officer or the officer in charge of the consular section determines:

(1) Notification that a visa was available to an applicant was sufficiently erroneous so as to preclude the applicant from being processed for a visa;

(2) The visa was issued in error; or

(3) The visa could not be used as a result of U.S. Government action over which the alien had no control and for which the alien was not responsible.

9 FAM 42.71 N4 Diversity Visa Fees

(TL:VISA-285; 05-17-2001)

See 9 FAM 42.33 N10 and sub-notes.

9 FAM 42.71 N5 Applicant with Possible Claim to U.S. Citizenship

(TL:VISA-466; 10-01-2002)

Under 22 CFR 40.2(a), a U.S. citizen is not eligible to receive an immigrant visa. If an immigrant visa applicant has a possible claim to U.S. citizenship, the visa officer should refer the applicant to the post's citizenship and passport officer for a resolution of the citizenship issue. If the matter cannot be resolved that same day, the visa officer should deny the immigrant visa application under INA 221(g) pending resolution of the citizenship issue. Any doubts regarding the applicant's U.S. citizenship status must be resolved before the visa officer may take final action on the visa application. [See 9 FAM 42.12 N4 (2)(b) and 9 FAM 40.2 N1 (b).]