

9 FAM Appendix E, 200 TYPES OF CORRESPONDENCE

(TL:VISA-408; 05-15-2002)

9 FAM 201 TELEGRAMS

9 FAM 201.1 Use of Telegrams Encouraged

(TL:VISA-269; 05-02-2001)

a. Posts should use telegrams in answer to a telegram, whenever an urgent response is required, or whenever it is deemed advantageous to the efficiency of the section's operations. It is usually advantageous to send a telegram whenever its use will significantly reduce the time required to resolve a particular matter, and when the brevity of the material to be transmitted and the absence of attachments make the use of a telegram practical.

b. The Department does not have hard and fast rules about when telegrams should or should not be used, and leaves the choice up to the consular officer and the post. Some common uses of telegraphic traffic are:

- (1) Congressional responses;
- (2) Clearances between posts;
- (3) Washington agency name-checks, including post-checks,

EXAMPLE: VISAS EAGLE or VISAS HORSE MESSAGES;

(4) Security advisory opinions, e.g., VISA DONKEY or VISAS BEAR messages. Security advisory opinion requests and namechecks must be by telegram and must use the correct telegraphic format (See 9 FAM Appendix E 302 for telegraphic indicators and formats); and

- (5) Advisory opinions other than security.

9 FAM 201.2 Preparing Telegrams

(TL:VISA-408; 05-15-2002)

a. The caption line of telegrams concerning visas should have "VISAS" or "VISAS (plus code-word)".

b. A distribution slug indicating the symbol(s) for the division(s) or office(s) in CAVO which will be responsible for action on the message should follow "VISAS"; e.g., VISAS FOR CAVO/P. If possible, the substance of each message should be limited to the functional responsibilities of just one particular CAVO unit. See "Who's Who in the Visa Office" for an organizational breakdown of the Visa Office. If other bureaus should be provided a copy of the telegram, the bureau symbol of the country concerned should be added following "VISAS"; e.g., VISAS EAGLE, EUR/EE.

c. The prefix "CVIS" and the alien's name must be included in the "TAGS" line in all individual visa cases:

EXAMPLE: TAGS: CVIS (DOE, John);

d. The type of case (such as NIV, IV, or PAROLE) in addition to the subject matter must be included in the "SUBJECT" line:

EXAMPLE: SUBJECT: NIV CASE-FRAUD; and

e. In addition to including the telegraphic code (such as ALPHA or GIRAFFE) in the caption line (not on the "SUBJECT" line), the code-word should start the text of the telegram [see 9 FAM Appendix E, 300 for telegraphic code words]. For example,

EXAMPLE: VISAS LAMBDA

TAGS: CVIS (DOE, John)

SUBJECT: IV CASE-FAMILY 4TH PREFERENCE APPLICANT

VISAS LAMBDA DOE, John MARCH 02, 1955,, DUBLIN, IRELAND (4).

9 FAM 201.3 Telegraphic Correspondence with INS

(TL:VISA-405; 05-XX-2002)

Posts should address telegrams sent to an INS district director or officer-in-charge at a port of entry according to the following examples:

(1) **EXAMPLE:** Unclassified Telegram:

TO: HQINS WASHDC IMMEDIATE

FROM: AMEMBASSY ANKARA

E.O. 12958: N/A

TAGS: CVIS (DOE, JOHN ELLIS)

SUBJECT: ADJUSTMENT OF STATUS CASE

REF: NONE

HQINS PASS ELECTRICALLY DD/INS CHICAGO.

VISAS DECEMBER JOHN DOE, etc.

(2) **EXAMPLE:** *Classified* Telegram:

CONFIDENTIAL

TO: HQINS WASHDC IMMEDIATE

INFO: SECSTATE PRIORITY

AMCONSUL PALERMO

AMEMBASSY ROME

FROM: AMEMBASSY MANILI

E.O. 12958: ADS DECLASSIFY UPON RECEIPT

TAGS: CVIS (DOE, JOHN ELLIS)

SUBJECT: FRAUDULENTLY DOCUMENTED TRAVELER

REF: STATE 123456

HQINS DECLASSIFY UPON RECEIPT AND SEND ELECTRICALLY TO DD/NEW YORK CITY AND OIC/JOHN F. KENNEDY IT'L AIRPORT ASAP. SUBJECT ARRIVING JFK/NYC ON FLIGHT AL123, etc.

9 FAM 201.4 Telegraphic Correspondence when FBI is Addressee

(TL:VISA-269; 05-02-2001)

Required use of 'dot.dot' automated cable format for SAOs:

All posts should now be using the automated "dot.dot" cable format for all security advisory opinion cables, and all other cables that show the FBI as an addressee. All NIV and IV DONKEY, EAGLE, BEAR, HORSE, and PEGASUS cables must be submitted in "dot.dot" format, including MANTIS cables.

Use of this format permits the FBI and other addressees to speed their processing of these cables because names and other details about visa applicants are presented in a format recognizable by automated systems. Essentially, this format consists of a number of standard fields; each designated by a three-letter abbreviation preceded by a space and two periods. Addition of text-only paragraphs following the dot.dot portion of the cable is appropriate, and, in many such cables, necessary to provide key details about the applicant. VLO 'positive' indicates the applicant has a class hit, which the SAO should consider. The hit itself must be included in the cable.

Dot.dot abbreviation expanded field name:

..CAB: cable (gives type, and informs other systems cable is automated)

..BOA: begin applicant information

..NAM: applicant's surname and given name

..NAT: nationality

..DOB: date of birth

..SEX: applicant's gender

..VLO: visa lookout (positive, negative, unknown)

..COB: country of birth

..OCC: occupation

..EMP: employer

..PPT: type of passport

..VIS: visa class

..PPN: passport number

..ETD: estimated departure date

..LOS: length of stay

..NOE: number of entries

..RID: NIV or IV case number

..EOA: end of applicant information

Sponsor information in dot.dot format:

..BOS: begin sponsor information
..SNM: name of sponsor
..SSA: sponsor's street address
..SCT: sponsor's city
..SST: sponsor's state
..SZP: sponsor's zip code
..SCP: sponsor contact person
..STE: sponsor contact telephone number

Other data fields:

..PUR: purpose of visit
..ITN: itinerary

9 FAM 202 MEMORANDA

9 FAM 202.1 Use of Memoranda

(TL:VISA-408; 05-15-2002)

Posts should use the Form OF-10, *Memoranda* in communicating with either the Department or another post when use of a telegram is judged not advantageous or practical, and when time permits. Posts should submit the original and a copy to the Department or to the interested post. If there are multiple addressees, the post should transmit a copy to each, rather than relying on the Department to do so.

9 FAM 202.2 Preparing Memoranda

(TL:VISA-408; 05-15-2002)

a. Subject Line. The subject line must always bear the approved major subject heading "CVIS". This is to be followed by one of the sub-headings listed in 9 FAM Appendix E, 202.3 below. If a specific case does not appear to fit any of the sub-headings, it may be submitted under the individual's name. The description "Immigrant" or "Nonimmigrant" should precede the name in an individual case.

EXAMPLE: SUBJECT: CVIS-Immigrant case of *John Doe*

b. Reference Lines. Reference lines should be provided if pertinent. The fact that a case involves congressional interest should be included at the beginning of the text; two spaces down from the subject or reference line and should mention the congressman's name.

EXAMPLE: SUBJECT: CVIS-Immigrant Case of *John Doe*

REF: State 161330

CONGRESSIONAL INTEREST-Senator *Robina*

c. Distribution Symbol. In the heading of the message preceding the text, posts should include the symbol of the unit in CA/VO which will be responsible for action on the message.

EXAMPLE: TO: Department of State (CA/VO/L/R)

9 FAM 202.3 Sub-headings Used in Memoranda

(TL:VISA-269; 05-02-2001)

a. Advisory Opinions: Ineligibility Other Than Security. Correspondence regarding the possible ineligibility of visa applicants under INA 212(a)(1), (2), and (4) through (9). All correspondence seeking specific interpretations of law or regulations for application to actual visa cases.

b. Advisory Opinions: Security. Correspondence regarding the possible ineligibility of visa applicants under INA 212(a)(3). Since all of these cases must be submitted initially by telegram, posts should use memoranda only for the transmission of lengthy supporting materials or further data which can only be sent by pouch.

c. Advisory Opinions: Classification and Foreign State Chargeability. All correspondence raising questions about the proper classification as immigrants or nonimmigrants or the proper foreign state chargeability of visa applicants under INA.

d. Advisory Opinions: Other. All correspondence seeking specific interpretations of law or regulations for application to actual visa cases other than those listed above. This would include, for example, topics such as release of information from visa files, applicability of INA 212(e), etc.

e. Deportation. All correspondence relating to deportation matters and/or transmitting enclosures from the Department of Justice relating to individual deportation cases.

f. Foreign Comment on U.S. Immigration Policy. Reports of any comments or reactions abroad, by individuals, press, or governments to U.S. immigration policy, including existing or proposed legislation, and on the administration's position as expressed, for example, in a Presidential message or in testimony by the Secretary of State.

g. Fraud. All reports regarding operations of persons known or suspected to be engaged in fraudulent visa practices. This does not cover individual cases on which an advisory opinion is required before eligibility under INA 212(a) may be determined. Reference should be made to the ringleader, if known, or to the group involved in such activities and not to any individual applicant. Posts should slug such reports for CA/FPP, not for VO.

h. Immigrant Visa Control. All discussion of the allocation and use of visa numbers, the status of foreign states or categories, the numerical control system as a mathematical or mechanical concept, post problems of priority dates or waiting lists, preparation and submission of the Monthly Report of Qualified Immigrant Visa Applicants and Annual Report of Applicants Entitled to Status. This subhead does not include questions on foreign state chargeability.

i. Operations. All correspondence relating to the internal administration of the visa function at a specific post or at posts in a specific country including:

(1) Problems arising from actions or requirements of the host government;

(2) Reports on reciprocity under INA 221(c) and 281;

(3) Relations of an operational nature with other government agencies, including investigations performed on their behalf (e.g., INS, USPHS, or their representatives);

(4) Effect of personnel, supply or equipment problems on visa output;

(5) Recommendations for awards;

(6) Correspondence on individual cases involving INA 243(g) waivers; and

(7) Correspondence on material contained in appendices.

j. Private Bills. All correspondence relating to proposed, pending, or enacted private legislation.

k. Procedures. All correspondence suggesting or reporting to the Department's methods used in doing visa work such as new forms or form letters devised which, if approved, could be of use to multiple posts in one area or even usable on a world-wide basis. For example, this sub-heading can be used for suggestions concerning improvement in visa filing systems, methods of channeling visa applicants, and how and why additional equipment or materials would result in a more efficient visa operation. Posts should use this subheading for procedural inquiries about the preparation or use of prescribed forms, but should not use it for suggesting changes in regulations, interpretive notes, or in forms prescribed by law.

l. Regulations and Notes. All correspondence concerning the organization, clarification, or interpretation of regulations and notes (substantive as distinguished from operational and procedural questions). Consular officers should not use this subject heading for correspondence on materials contained in appendices [See "Operations" above] other than 9 FAM Appendixes A and B.

m. Request for Investigation. All requests for investigation of fraud or suspected fraud concerning any aspect of a visa case or group of cases which can be investigated in the United States. In order that an effective investigation may be conducted, the original documents presented must be forwarded, with a statement of the post's reasons for suspecting that fraud may exist. The original request should be sent to the INS office having jurisdiction over the case (Attn: ADDI for Investigations) and a copy to CA/FPP.

n. Review. All visa correspondence submitted for review in the Department before release to other persons or agencies.

o. Statistics. All correspondence relating to reports or statistical analyses of visa performance; preparation and submission of Form OF-186A, Semiannual Report of Nonimmigrant Visas Issued and Refused.

9 FAM 202.4 Using Code Indicators for Standard Visa Texts in Memoranda

(TL:VISA-269; 05-02-2001)

The telegraphic indicators (code words) appearing in 9 FAM Appendix E, 300 may be used in addition to the memoranda sub-headings. The use of the appropriate indicator facilitates distribution within the Visa Office.

9 FAM 203 FORMS

9 FAM 203.1 Form OF-221, Two-way Visa Action Request and Response

(TL:VISA-408; 05-15-2002)

Posts should use Form OF-221, *Two-way Visa Action Request and Response* to obtain waivers of ineligibility from the appropriate INS district director. [See 9 FAM 40.301.] The preparer must complete each item on the form, inserting a dash if an item is not pertinent to the case. Waiver requests require narrative statements. A cable or memorandum to the appropriate INS office may be used instead of Form OF-221, but all of the information called for on that form must be included.

9 FAM 203.2 Form OF-227, Memorandum of Action in a Visa Case

(TL:VISA-408; 05-15-2002)

a. Form OF-227, *Memorandum of Action in a Visa Case* has been developed to provide to an interested Member of Congress notice of the issuance of a visa and to reduce the time spent in preparing Congressional correspondence when the only information to be conveyed is the fact of the visa issuance. The use of Form OF-227 obviates the need for an individual telegram or letter in many cases; however, it is not intended to eliminate telegrams or letters. If the Member of Congress has specifically requested an individual reply or if there is information to be provided other than the fact of visa issuance, the post should normally contact the Member of Congress by e-mail, fax or telephone.

b. Instead of the Form OF-227 posts should send a VISAS ANTELOPE telegram when the Department has made the inquiry on behalf of a Congressional office and has requested that the reply be sent to the Department, or when there is other high-level interest. Posts should omit the code when responding directly to the congressional office, since congressional offices do not know its significance. [See *example in Exhibit I.*]

c. Form OF-227 may not be used to report:

- (1) Refusal of a visa;
- (2) Intermediate steps in processing, except the scheduling of an appointment; or
- (3) Issuance of a visa to the beneficiary of a pending or enacted private bill. [See 9 FAM Appendix I, 500.]

d. Form OF-227 generally serves no useful purpose in nonimmigrant visa cases since, in all probability, the alien will have already arrived in the United States by the time the form reaches the Member of Congress.

e. Form OF-227 must be addressed to the Member of Congress by name. Form OF-227 is no longer available from GSA in its original 5-copy carbon-interleaved format. The clerk preparing the reply to the first inquiry received from a Member of Congress should reproduce the Form OF-227 from the Forms Facsimile Handbook, complete it except for dates, make four copies of the completed Form and type the address of the Member of Congress on two air mail envelopes. The Forms OF-227 and the envelopes should then be placed with the correspondence concerning the case. It is important that the correspondence be conspicuously marked to indicate congressional interest. Any further action on such a case is to be initialed by an officer;

(1) When an appointment for formal application is scheduled, the clerk who prepares the appointment letter shall complete line 6 of Form OF-227 on all copies. The clerk should then take the first two copies of Form OF-227, complete line 8 on both copies and place them in one of the previously prepared envelopes. That envelope should accompany the appointment letter to the mail drop the same day. If the appointment is made by a receptionist, a suitable modification of procedure will be necessary;

(2) When the visa is issued, the clerk should complete lines 7 and 8 on all remaining copies of Form OF-227, place two copies in the remaining prepared envelope and attach it to the top of the visa file sent to the signing officer. After signing the visa, the officer must make sure that the envelope is dispatched in the next mail; and

(3) Responsibility lies with the chief of the visa unit or section to see to it that the form is mailed on the day the specified actions are taken, and that it is mailed directly to the interested Member of Congress by the most rapid means available.