

9 FAM Appendix K, 200 MANAGEMENT

(TL:VISA-626; 05-18-2004)
(Office of Origin: CA/VO/L/R)

9 FAM 201 Senior Management Control

(TL:VISA-626; 05-18-2004)

It is essential that chiefs of mission and principal officers assume responsibility for the implementation and supervision of visa referral systems at posts. *In many countries nonimmigrant visas (NIV) are a highly valued commodity, one which serves as a useful or necessary tool for other sections in the mission. However, laxity and non-compliance with established referral guidelines can lead to abuse, fraud and malfeasance. Similarly, informal pressure on interviewing officers is inappropriate, and in some cases would constitute an abuse of power. To avoid such problems, senior management of the mission and consular section must work together to ensure the integrity of the referral system.*

9 FAM 202 Clear Written Policy

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It is senior management's responsibility, in conjunction with the consular section, to develop a formal written visa referral policy and system. The policy should be tailored to the individual and special circumstances of each mission, *but must include key elements from this Appendix, including:*

- (1) The objectives of the referral program, mechanisms for its use (forms, procedures for dropping off cases, etc.), and criteria for referral cases;*
- (2) Accountability for referral cases (scanning referral forms, tracking number and quality of referrals), and possible sanctions for abuse of the system;*
- (3) Necessity of avoiding informal pressure on consular officers; and,*
- (4) Appropriate mechanism for providing case-related information to the consular section.*

9 FAM 203 Monitoring of Referral System

(TL:VISA-626; 05-18-2004)

Post's written referral policy must be provided to all officers, and newly arriving officers must be briefed in detail on the program. In addition, use of the referral system is an appropriate topic for discussion at country team meetings and sessions between consular section chiefs and chiefs of mission (CM) or principle officers. Regular review of reports generated through the NIV system on referring offices, agencies and individuals should provide useful information and help prevent fraud and malfeasance. Adjudicating officers should periodically check directly with referring officers to verify referrals and signatures.

9 FAM 204 Abuse of the Referral System

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a. Referring and approving personnel in all sections of the mission (including consular) will be held accountable for abuse of the referral system. Such abuse may result in a warning, suspension, or loss of referral privileges, depending upon the seriousness of the abuse. In case of flagrant abuse, the case may be referred to DS or DG/HR/ER for appropriate action. Federal courts look seriously at referrals, and have prosecuted individuals for complicity in false immigration schemes based on signed referral forms.

b. The chief of the consular section must inform the chief of mission or Deputy Chief of Mission (DCM) and regional security officer (RSO) in writing of any instance in which an agency, office or officer abuses the system or is responsible for referring significant numbers of mala fide or unqualified applicants. The chief of mission should be prepared to review the case and impose such penalties as they and the chief of the consular section believe appropriate.