9 FAM 41.103
NOTES

(CT:VISA-1224;   6-9-2009)
(Office of Origin: CA/VO/L/R)

9 FAM 41.103 N1 NONIMMIGRANT VISA APPLICATION FORMS

(CT:VISA-1224;   6-9-2009)

Form DS-156, Nonimmigrant Visa Application, and, when required, Form DS-157, Supplemental Nonimmigrant Visa Application, and DS-158, Contact Information and Work History for Nonimmigrant Visa Application, comprise the Nonimmigrant Visa Application. Previously known as the Form OF-156, Form DS-156 and Form DS-160, Electronic Nonimmigrant Visa Application, are the application forms prescribed under INA 222. Posts may obtain Form DS-156, from the Office of Directives Management (A/*GIS*/DIR) Intranet Web site. The form is also available to the general public at the consular affairs' travel Web site. Form DS-160 will be made available to the general public at Consular Affairs' travel Web site.

9 FAM 41.103 N2 FORM DS-160

(CT:VISA-1099;   11-04-2008)

a. The Department is offering a completely electronic nonimmigrant application procedure as an alternative to the submission of Form DS-156. The Department proposes to eventually eliminate the Form DS-156 entirely and replace it with the Form DS-160, an electronic form designed to be completed and signed electronically.

b. All information entered into the Form DS-160 will be made available to the consular officer at the time of the interview.

c. Consular officers must ensure that the Form DS-160 or, alternatively, Form DS-156, is properly and promptly processed in accordance with the applicable regulations and instructions.

d. Posts that do not have access to the Form DS-160 may continue to use the Form DS-156 until it is phased out completely.

9 FAM 41.103 N3 FORM DS-157, SUPPLEMENTAL NONIMMIGRANT VISA APPLICATION

(CT:VISA-1224;   6-9-2009)

a. Form DS-157, Supplemental Nonimmigrant Visa Application, is required to be submitted with Form DS-156 by all male nonimmigrant visa (NIV) applicants between the ages of 16 and 45, regardless of nationality or place of application. All A, G, and NATO applicants, except for A-3, G-5, and NATO-7 applicants, are exempt from this requirement. Male A-3, G-5, and NATO-7 applicants between the ages of 16 and 45 **must** submit Form DS-157. Posts may obtain Form DS-157 from the A/*GIS*/DIR Intranet Web site. The form is also available to the general public at Consular Affairs' travel Web site.

b. If the applicant is using Form DS-160, the supplemental information fields within the Form DS-157 are incorporated within the DS-160. All A, G, and NATO applicants, except for A-3, G-5, and NATO-7 applicants, are still exempt from this requirement. The supplemental information fields will be required to answer by any nonimmigrant visa applicant if they are automatically generated while completing the Form DS-160.

9 FAM 41.103 N3.1 Form DS-157 Used in Conjunction with Form DS-156

(CT:VISA-1099;   11-04-2008)

a. Posts may, at their discretion, require any NIV applicant to submit Form DS-157, in conjunction with Form DS-156.

b. If the applicant is using Form DS-160, the application will automatically require the applicant to complete the questions that were part of the Form DS-157 if the applicant meets the criteria.

9 FAM 41.103 N4 FORM DS-158, CONTACT INFORMATION AND WORK HISTORY FOR NONIMMIGRANT VISA APPLICANT

(CT:VISA-1224;   6-9-2009)

a. In order to implement the provisions of Section 501(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002, all applicants (including dependents) aged 16 and above who are seeking F and M visas are required to submit Form DS-158, Contact Information and Work

History for Nonimmigrant Visa Applicant, in conjunction with Form DS-156, Nonimmigrant Visa Application. In addition, all J visa applicants (and dependents) aged 16 and above seeking to attend an approved institution of higher education must submit Form DS-158. J-1 exchange visitors are normally not required to submit a Form DS-158, including alien physicians, camp counselors, government visitors, international visitors, professors, research scholars, short-term scholars, specialists, teachers, and trainees. Descriptions of Exchange Visitor Program categories can be found at 9 FAM 41.62. If an exchange visitor intends to take courses at an institution of higher education, a Form DS-158 is required.

b. Posts may obtain Form DS-158 from the A/*GIS*/DIR Intranet site. The form is also available to the general public at Consular Affairs' travel Web site.

c. If the applicant is seeking an F, M, or J Visa and using Form DS-160, the information fields within the Form DS-158 related to the applicant's contact information and work history are incorporated within the Form DS-160. The application will automatically require the applicant to complete the questions that were part of the Form DS-158 if the applicant meets the criteria.

9 FAM 41.103 N5 RETENTION OF FORM DS-156, NONIMMIGRANT VISA APPLICATION

(CT:VISA-1045;   09-29-2008)

See 9 FAM Appendix F for instructions on the retention and disposition of nonimmigrant visa forms.

9 FAM 41.103 N6 DEFINITION OF "MAKING A VISA APPLICATION"

(CT:VISA-1045;   09-29-2008)

a. For a nonimmigrant visa (NIV) applicant, making a visa application means submitting for formal adjudication by a consular officer a completed Form DS-156, with any required supporting documents including Forms DS-157 and DS-158, if necessary, or an electronically submitted Form DS-160.

b. An applicant must pay the required processing fee or provide evidence of prior payment of the processing fee when the application is received and accepted for adjudication by the consular officer.

9 FAM 41.103 N6.1 What Constitutes a Visa Application

(CT:VISA-1045;   09-29-2008)

Information submitted for the sole purpose of scheduling an appointment does not constitute a visa application. A Form DS-156, Nonimmigrant Visa Application, or a Form DS-160, submitted at the time an appointment is scheduled, however, does constitute an application if the scheduling process involves substantive actions or pre-screening.

9 FAM 41.103 N7 APPLICANT TO PROVIDE ALL NAMES BY WHICH KNOWN

9 FAM 41.103 N7.1 Applicant's Names to be Entered on Nonimmigrant Visa Application

(CT:VISA-1045;   09-29-2008)

a. An applicant's first, middle, and family names should be recorded on Form DS-156 or throughout Form DS-160 exactly as they appear in the applicant's passport. In addition, the application should include any other names by which the alien has ever been known; for example, maiden, religious, or professional name, or aliases. The applicant's name must also be provided not only in English phonetics but also in the native linguistic characters; that is, Chinese, Arabic, etc., if required for clearances.

b. In certain cultures, an applicant may not have a first name, but only a surname. In such cases refer to 9 FAM 41.113 PN1.3.

9 FAM 41.103 N7.2 All Names to be Included in Advisory Opinion Requests

(CT:VISA-1045;   09-29-2008)

All names by which an alien has been known should be included in reports or requests for advisory opinions submitted to the Department's Advisory Opinions Division (CA/VO/L/A).

9 FAM 41.103 N8 APPLICATION BY ALIEN UNABLE TO WRITE

(CT:VISA-1045;   09-29-2008)

a. If the applicant is illiterate or is otherwise unable to provide a signature, the placing of the applicant's mark in the space provided on Form DS-156 for signature is acceptable, if done in the presence of the consular officer.

b. If the applicant is using Form DS-160, and is illiterate or unable to complete the application, the applicant must be assisted by a third party. The third party must be identified in the application. The third party can assist the applicant in completing the application, but must instruct the applicant on how to endorse the application on his/her behalf by clicking on the "submit application" link to complete the application.

9 FAM 41.103 N8.1 When Forms Are Completed by Other Than Applicant

(CT:VISA-1045; 09-29-2008)

a. Form DS-156, Nonimmigrant Visa Application, for an alien under 16 years of age, or one who is physically incapable of completing an application, may be completed and executed by the alien's parent or guardian. If the alien has no parent or guardian, then the forms may be completed by any person having legal custody of, or a legitimate interest in, the alien.

b. If the alien is utilizing Form DS-160, and is under the age of 16 or physically incapable of completing an application, the alien's parents or guardian may execute the application on his/her behalf. If the alien has no parent or legal guardian, then the application may be completed by any person having legal custody of, or a legitimate interest in, the alien.

9 FAM 41.103 N9 CONSULAR OFFICER MUST INITIAL APPLICATION

(CT:VISA-1045; 09-29-2008)

a. The examining consular officer is required to initial all application forms. The initials indicate that the initialing officer determined the eligibility and proper classification of the applicant, unless the visa is refused and a notation of the refusal is made on the application.

b. If the applicant is using Form DS-160, the examining consular officer's review of the application will be recorded electronically. The consular officer's electronically recorded review of the application will indicate that the initialing officer determined the eligibility and proper classification of the applicant.

9 FAM 41.103 N10 LIMITING APPLICATIONS FROM PREVIOUSLY REFUSED APPLICANTS

(CT:VISA-1045;   09-29-2008)

Posts are not permitted to institute or continue a written re-application policy. (See 9 FAM 41.121.)

9 FAM 41.103 N10.1 Use and Filing of Nonimmigrant Visa Application Forms

(CT:VISA-1099;   11-04-2008)

a. Form DS-156, Nonimmigrant Visa Application, or Form DS-160, Electronic Nonimmigrant Visa Application, are the application forms prescribed under INA 222(c). All items on the Forms DS-156, DS-160, and on any supporting forms (Form DS-157, Supplemental Nonimmigrant Visa Application, and/or Form DS-158, Contact Information and Work History for Nonimmigrant Visa Applicant) must be completed. The supplemental Non Immigrant Visa Forms DS-157 and DS-158 are incorporated within the Form DS-160.

b. In addition to information concerning the issuance or refusal of the visa, the following information is to be included in the electronic record of the visa application in the NIV or Immigrant Visa Overseas (IVO) system:

   (1)   Record of clearances obtained, including the dates;

   (2)   Record of revocation and cancellation of visa;

   (3)   Any further information which would be helpful in reaching a decision if the alien reapplies for a visa (i.e., a note that the applicant is well and favorably known to the consular officer might eliminate the need for requests for other evidence of eligibility); and

   (4)   Record of re-issuance of visa (in the event a previous visa is spoiled or cancelled).

c. Notwithstanding information that may be recorded on Forms DS-156 or 160, you are reminded that electronic comments must be entered for each refusal, so that the database record contains an indication of the evidence that led the adjudicating officer to refuse the visa. The electronic record and the Forms DS-156 or DS-160 with notes are complementary and need not duplicate notes.

9 FAM 41.103 N10.2 When Form DS-156 or Form DS-160, Nonimmigrant Visa Application,

Constitutes Application

(CT:VISA-1045;   09-29-2008)

Form DS-156, Nonimmigrant Visa Application, when submitted at the time an appointment is scheduled, constitutes an application if the scheduling process involves substantive actions or pre-screening. Form DS-160, when submitted and signed electronically and viewed at the time an appointment is scheduled, constitutes an application if the scheduling process involves substantive actions or pre-screening. An example is a system where consular personnel pre-screen the Form DS-156 or 160 and determine whether or not an interview is required in each case. Aliens whose applications do not appear to be "clearly approvable" on the basis of the information provided are given appointments.

9 FAM 41.103 N10.3 Applicant Who Fails to Appear for Interview

(CT:VISA-1045;   09-29-2008)

If an applicant fails to appear for an interview, he or she should be refused under INA 221(g). You should note that in the NIV system that the "applicant failed to appear for an appointment." If the applicant utilizes Form DS-160, the same refusal annotation should be made; however, those comments will be placed in the NIV Application*.* The applicant's record in the nonimmigrant visas (NIV) system should be adjudicated to reflect the INA 221(g) refusal and closed. Posts are reminded that an applicant may not be refused under INA 214(b) without an interview.

9 FAM 41.103 N10.4 Open Cases and Fee Payment

(CT:VISA-1045;   09-29-2008)

There are a wide variety of off-site fee payment procedures. All applicants, however, should be able to demonstrate that they have paid the required fee(s). Cases should not be kept open in the NIV database merely to flag a case as "fee paid" if the case is inactive.

9 FAM 41.103 N10.5 Supplemental Data to Determine Eligibility

(CT:VISA-1045;   09-29-2008)

a. If additional data is needed to supplement the information contained on Form DS-156 so that the consular officer can determine the eligibility of an applicant, such data should be obtained by telephone, mail, or during the interview. Pertinent information should be recorded in the NIV

system.

b. Consular officers should avoid routinely retaining documents that may be submitted in support of an NIV application but which do not directly serve to establish the applicant's eligibility. These documents may be returned to the applicant or destroyed. Documents that are directly applicable to the case should be scanned into the Consular Consolidated Database (CCD) record.

9 FAM 41.103 N10.6 Affixing Photograph to Nonimmigrant Visa Applications

(CT:VISA-1099;   11-04-2008)

Photographs may be stapled or glued to Form DS-156, Nonimmigrant Visa Application. (See 9 FAM 41.113 PN1.2) If the applicant is using Form DS-160, the applicant will either have his/her photo taken at the time of interview or at the time when the applicant comes in for biometrics, or will electronically upload a picture file into the Form DS-160. In some cases, applicants using the Form DS-160 who are unsuccessful in uploading a photo may have to submit a physical photo to the consular section.

9 FAM 41.103 N11 TRANSLATING VISA FORMS

9 FAM 41.103 N11.1 Authorizing Translation of Nonimmigrant Visa (NIV) Forms

(CT:VISA-1099;   11-04-2008)

Posts may translate nonimmigrant visa (NIV) forms, including Form DS-156, Nonimmigrant Visa Application; Form DS-160, Electronic Nonimmigrant Visa Application; Form DS-157, Supplemental Nonimmigrant Visa Application; and Form DS-158, Contact Information and Work History for Nonimmigrant Visa Applicant, locally, provided the translation is accurate and the layout of the translated forms look as much like the English versions as possible. Department approval is not required for translation; however, posts must forward a copy of the translation to the Department (CA/VO/F/P).

9 FAM 41.103 N11.2 Availability of Translations of Nonimmigrant Visa (NIV) Forms

(CT:VISA-1099;   11-04-2008))

Posts may request copies of Form DS-156, Form DS-157, and Form DS-158

in the following languages from the posts indicated below. The Form DS-160 will be made available to the general public at Consular Affairs' travel Web site and translated into most common foreign languages.

9 FAM 41.103 N12 DELETION OF NONIMMIGRANT VISAS (NIV) CASES

9 FAM 41.103 N12.1 Efforts Made to Close Nonimmigrant Visas (NIV) Cases

(CT:VISA-1045;   09-29-2008)

a. Visa officers must follow 9 FAM 41.121 PN1.1 instructions to issue or refuse cases at the time of application. This allows cases to be closed out and minimizes the circumstances in which the question of deletion will arise.

b. In no case should you delete an actual case or refusal from the system. Even if the refusal is overturned, there must be a record of the original adjudication and subsequent decisions. Officers should use the overcome/waive functions in the NIV and IVO systems when appropriate. (See 9 FAM 40.6 N4.) You should only delete cases from the system when no visa application exists or a case is clearly a duplicate entered in error. An NIV record without an application can occur when cases have been data-entered but the applicants neither paid an application fee nor were interviewed. If an applicant has paid an application fee but not appeared for the interview, you should refuse that case under INA 221(g) pending a rescheduled interview, not delete the case from the system. Some posts may still have test cases in the system that were put in during IVO or NIV system installations. You may delete those cases. Only consular officers may authorize the deletion of a case. The accountable consular officer (ACO) or appropriate consular manager must review end-of-day reports daily to monitor deletions, paying close attention to the reason for deletion in each case.

9 FAM 41.103 N12.2 Deletion Does Not Purge Consular Consolidated Database (CCD) Records

(CT:VISA-1045;   09-29-2008)

Deletion of nonimmigrant visas (NIV) records is a tool to be carefully used at post to help ensure the accuracy of post records and the Consular Consolidated Database (CCD). Deleted cases are no longer visible to post. However, deleted cases remain in the CCD and can be retrieved and

reviewed by the Department.

9 FAM 41.103 N12.3 Procedures when Provisional Cases Created with Appointment Systems

(CT:VISA-1099;   11-04-2008)

Some posts, particularly those using third-party information service providers or banks to assist them with data-entry, may be implementing appointment systems in which provisional cases are created when an appointment is made. Posts may delete these provisional cases if the applicant fails to appear for his or her appointment only if an application has not been formally made. If an application has been made (see to 9 FAM 41.103 N5), consular officers must formally refuse the applicant under INA Section 221(g) even if he or she fails to appear for the interview. Provisional cases should not be created for purposes of showing fee paid status or to begin clearance procedures prior to actual application Posts using Remote Data Entry System (RDS) should pay careful attention to data quality prior to uploading cases to minimize the need to delete cases.

9 FAM 41.103 N12.4 Deletion of Duplicate Cases

(CT:VISA-1045;   09-29-2008)

From time to time post may find that duplicate cases have been created, either due to human error or problems associated with the database locking out an earlier case. If a single application has been entered more than once, it is appropriate to delete the duplicate cases. In fact, posts should take any steps necessary to ensure that the database accurately reflects applications submitted. Once a case has been printed on a visa foil, it cannot be deleted. A case in refused status cannot be deleted. In both instances, the automated visa processing system will not allow the deletion. Consular officers must take particular care to ensure that proper procedures are followed with overcoming previous refusals. If post discovers that a case has been "opened for overcome and/or waive" in error, the case should be re-refused under 221(g) with a comment or case note reflecting the error. The case should not be deleted.

9 FAM 41.103 N12.5 Applicants Refused if Visa Abandoned

(CT:VISA-1045;   09-29-2008)

If the case has been adjudicated (print authorized), but not printed, and the applicant subsequently changes his or her mind, deciding not to travel, the case should not be deleted, but should be refused 221(g) with case notes

indicating why the action was taken.

9 FAM 41.103 N12.6 Applicants Refused if Application Withdrawn

(CT:VISA-1045;   09-29-2008)

If an applicant withdraws a visa application while it is pending adjudication, the case should not be deleted but should be refused 221(g) with case notes indicating why the action was taken.

9 FAM 41.103 N13 REGULATIONS PROHIBITING PRIVATE ADVERTISING ON U.S. GOVERNMENT FORMS

(CT:VISA-1045;   09-29-2008)

a. U.S. Government printing regulations provide that:

"No Government publication or other Government printed matter, prepared or produced with either appropriated or non-appropriated funds or identified with an activity of the Government, shall contain any advertisement inserted by or for any private individual, firm, or corporation; or contain material which implies in any manner that the Government endorses or favors any specific commercial product, commodity or service."

b. Permitting the name and address of any carrier or travel agent or any private commercial slogan to appear on any U.S. Government form would represent a violation of the above regulation, even if the form was printed at private expense.

9 FAM 41.103 N14 INTAKE PROCEDURES FOR SUBMITTING APPLICATIONS TO CONSULAR SECTION

(CT:VISA-1045;   09-29-2008)

a. Completed visa applications, passports, photos, evidence of payment of machine readable visa (MRV) fee, and appropriate supporting documents may be submitted to the consular section for processing in a number of ways as discussed below. Regardless of the intake procedure following, consular officers must bear in mind the following:

    (1)   Intake procedures constitute an avenue for the transfer of physical

documents and, in some cases, electronic data to the consular section for processing. They are essentially mechanical and do not reflect on the applicant's qualifications for a visa. In other words, any value added by a third party service provider must take the form of clerical or communication support (for example, in typing forms or hand-delivering documents to the visa section). Care must be taken to avoid the appearance or implication of third party evaluation of visa applications.

(2)   Consular managers must carefully evaluate local operating needs and conditions to structure intake procedures that provide adequate oversight and internal controls. This is particularly important when control of issued visas is involved.

(3)   Regardless of the method of intake used, consular officers must ensure that all regular processing requirements, including personal appearance instructions outlined in 9 FAM 41.102 are met.

(4)   It is possible to use intake procedures that allow advance or unattended submission of documents even for applicants who must be interviewed. This may allow post to more effectively complete data entry and initial processing requirements prior to interview. Consular managers must carefully consider workload and accountability implications of such a process, however. It will normally be best to use such unattended intake procedures in cases where personal appearance of the applicant may be waived per 9 FAM 41.102.

b. Walk-in Applicants: In many posts, the majority of applications will be hand-carried by the applicants who may appear at the consular section with or without a appointment. Posts should normally assign document screening responsibilities to a foreign service national (FSN), who will be responsible for reviewing applications for completeness. Consular managers must establish procedures to ensure that completed applications are accepted and that FSN personnel do not inappropriately defer or refuse processing.

c. On-Line Applications and Bar-Coding: With the exception of posts that are using the RDS application, all applicants should be required to fill out the Form DS-156 using the Electronic Visa Application Form (EVAF) or the online Form DS-160. When an applicant uses the EVAF, he or she prints out the form. When an applicant fills out the Form DS-160, he or she prints the confirmation page. Both of these forms have a 2-D barcode which, when brought to the consular section are used to facilitate data entry. These on-line tools may be used to complement various intake procedures.

d. Applicants for whom personal appearance may be waived as discussed in

9 FAM 41.102 may submit applications through the mail, an on-site drop box, or through a bank or courier service which collects and delivers application materials to the consular section.

e. With any of the above procedures, consular managers must ensure that:

    (1)   Criteria for inclusion are clearly stated in writing and are in full compliance with 9 FAM 41.102;

    (2)   Post has developed explicit written standard operating procedures for accounting for and controlling documents; and

    (3)   Internal controls procedures have been developed to prevent manipulation of procedures by guards, courier service personnel, or other service provider.

f. Other business:

    (1)   Many applicants will choose to use the services of a travel agent or bank courier service to facilitate the visa application process. This will take various forms, from providing forms and information, to assistance in completing the application, to actual submission of the application. Consular managers must establish clear procedures in working with these companies to ensure that all processing requirements are met in the most efficient manner possible and that all appearance of impropriety is avoided. Outside agents provide post with an avenue for providing forms and information to the public and for mechanically delivering applications and passports to the visa section. They have no role in the visa review or adjudication process;

    (2)   Consular sections may not enter into exclusive arrangements with travel agents for any purpose and may not allow travel agency advertising in the consular section or imply endorsement of a particular travel agency or group of agencies. Lists of preferred agencies are not appropriate;

    (3)   Consular managers will generally find it useful to establish channels of communication to the business and travel industries, both to advise agents and airlines of changes in procedure and to provide periodic training as appropriate.

g. Remote Data Entry System (RDS): The Remote Data Entry System (RDS) is an application developed by Consular Affairs (CA) to allow third-party service providers such as courier services and bank fee collection agents to perform data entry for batches of applicants. The system requires consular section review of data prior to its being uploaded into the nonimmigrant visa (NIV) system but can save considerable time for consular sections. The Office of Consular Systems and Technology (CA/CST) can provide additional information on installing and managing

RDS. Posts may also consider advising smaller third-party service providers of the alternative to RDS offered by on-line form completion with 2-D barcode production, which has the advantage that no software installation or updating is required, only a connection to the Internet.

h. Referrals: Post must follow procedures outlined in 9 FAM Appendix K for cases submitted through the visa referral system.

9 FAM 41.103 N15 LIMITING APPLICATIONS FROM PREVIOUSLY REFUSED APPLICANTS

(CT:VISA-1045;   09-29-2008)

a. Posts may not institute a written re-application procedure. Such procedures interpose an unnecessary step in the visa process, which does not result in a visa adjudication and for which no fees are collected.

b. Applicants who have previously been refused under INA 214(b) may reapply at any time. Applicants must follow the same steps as first-time applicants: paying the MRV fee; submitting a new visa application form and photo; having their biometric data taken; and being interviewed by a consular officer.

c. You may use the visa appointment system to triage previously denied applicants by limiting the number of slots for them. Alternatively, you may schedule previously refused applicants on only a few days a month or only during traditionally lower-volume periods of the year (i.e., not during summer work-travel season or pre- holidays peak season). Consular managers must emphasize to line officers, however, the importance of making clear to applicants that they may reapply if they believe that they genuinely qualify since there is not formal appeal of a non-immigrant visa refusal.

9 FAM 41.103 N15.1 Processing Applications from Previously Refused Applicants

(CT:VISA-1045;   09-29-2008)

Posts may want to consider the following strategies to manage workload from previously refused applicants:

(1) Ensure that post is collecting MRV fees according to policy. A 214(b) refusal is a final adjudication. Using 221(g) to avoid decisions or hold open reapplication invites abuse. A new application and a new fee is required for reconsideration.

(2) Stress NIV statutory requirements and explain 214(b) during outreach. Dispel the notion that there is an element of luck in visa

processing and that applicants may be lucky the following week and be issued a visa. Emphasize the importance of facts. This may be a particularly useful tactic in countries aspiring to the Visa Waiver Program. Emphasize that repeat refusals contribute to the overall refusal rate in a country.

(3)   Use the appointment system to triage previously denied applicants by limiting the number of slots for them.

(4)   Alternatively, schedule previously refused applicants on only a few days a month or only during traditionally lower-volume periods of the year (i.e., not during summer work-travel season or pre-holidays peak season). (Consular managers must emphasize to line officers, however, the importance of making clear to applicants that they may reapply if they believe that they genuinely qualify since there is no formal appeal of an NIV refusal. Efforts to control previous refusals must not unduly restrict applicants' ability to reapply that invite alternatives and interventions.)

(5)   Review consular officers' interviewing techniques and emphasize the importance of clearly explaining 214(b) to refused applicants.

(6)   Revise the 214(b) handout (see exemplar in 9 FAM 41.121 Exhibit IV) and review practices to make sure every refused applicant gets a copy. Train officers to emphasize the need for applicants to wait until there has been a significant change in circumstances before re-applying.

(7)   Leave reapplication interviews until all the day's new cases are complete.

(8)   Possibly assign one experienced officer to all re-applications who can move through these promptly once new applications are complete.