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# Demystifying the U.S. Visa Process

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U.S. Department of State  
U.S. Consulate General Toronto

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# What's a visa?

- A Visa is:
    - a permit to apply for entry to the U.S.
  
  - A Visa does NOT:
    - guarantee entry into the United States
    - determine the length of time you may stay in the United States
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# Who's involved in the two step process?

- U.S. Department of State → Consular Officer
    - Located at U.S. Embassies and Consulates around the world
    - Conducts personal visa interviews
    - Grants or refuses a visa
  - Bureau of Customs & Border Protection Services → CBP Officer
    - Located at all U.S. ports of entry, including Pearson International and all land borders
    - Makes final determination regarding admissibility each and every time you apply for entry.
    - Limits the duration of stay in U.S.
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# Key Point

## 214(b) the assumption of immigrant intent

- What does a visa denial under INA section 214(b) mean?
  - This law applies only to nonimmigrant visa categories. If you are refused a visa under [section 214\(b\)](#), any or all of the points listed below may apply.
  - Did not sufficiently demonstrate to the consular officer that you qualify for the nonimmigrant visa category for which you applied.
  - Did not overcome the presumption of immigrant intent, required by law, by sufficiently demonstrating that you have strong ties outside of the U.S. that will compel you to leave the United States at the end of your temporary stay. (H-1B visa applicants, along with their spouse and any minor children, are excluded from this requirement.)
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# Visa Classifications - Alphabet Soup

## **Non-Petition Based Visas**

- Traveling to attend job interviews, meetings, workshops, etc? Apply for a B-1/B-2 visa.
  - Traveling to visit relatives, sightseeing or shopping? Apply for a B-1/B-2 visa.
  - Studying in the United States? Apply for an F-1 visa.
  - Conducting an internship or participating in a summer work program? Apply for a J-1 visa.
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# Visa Classifications - Alphabet Soup

## **Petition Based Visas**

- Hired by a U.S. employer as a foreign worker in a specialty field that requires the minimum qualification of a bachelor's degree? Apply for an H-1B visa.
  - Receiving training, other than graduate or medical education training, that is not available in your home country, or participating in a special education exchange visitor training program for children with physical, mental, or emotional disabilities? Apply for an H-3 visa.
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# Visa Application (MRV) fees

- Visa Application (MRV) fees are paid at the time of scheduling your visa interview appointment
- *Visa fees are non-refundable regardless of the outcome of your application, even if you fail to attend your visa interview*
- *Following are the current visa fees:*

<i>B1/B2; C1</i>	<i>US\$160.00</i>
<i>F/M/J; TN/TD</i>	<i>US\$160.00</i>
<i>H/L/O/P/Q/R</i>	<i>US\$190.00</i>





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# Visa Reciprocity Fees

- The reciprocal issuance fee is an additional charge paid by visa applicants from certain countries in certain categories and is based on similar fees U.S. citizens are charged for visas to visit those countries. The reciprocity fee is payable at the Consulate and is charged only if the visa is granted.
  - Please visit <http://travel.state.gov/content/visas/english/fees/reciprocity-by-country.html> to find out what reciprocity fees if any apply to nationals of your country.
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# Interview Waiver Program (IWP)

- IWP for Renewals:
    - ❑ Held previous visa and is applying for the same visa classification
    - ❑ Visa expired less than 12 months ago and is in the applicant's possession
    - ❑ Applicant resides in Canada and holds Canadian LPR status or valid study/work permit
    - ❑ Learn more: <http://goo.gl/lxUkQY>
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# Interview Waiver Program (IWP) for your children and grandparents?

- IWP based on age:
    - ❑ 1<sup>st</sup> time applicants or renewal applicant under the age of 14 or over the age of 79
    - ❑ Applicant must reside in Canada and hold Canadian LPR status, or valid study/work permit
    - ❑ For children under age 14 – at least one parent must have a valid visa or hold a Canadian passport
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## Interview Waiver Program (IWP) contd.

- Candidates NOT eligible to participate in IWP:
    - Nationals of Cuba, Iran, Syria and Sudan
    - Holders of visas previously annotated “Clearance received” or “Waiver of Ineligibility”
    - Answered “yes” to any of the security questions on the visa application (Form DS-160)
    - Previously refused a visa and have not since been issued a visa
    - Consular officers have discretion to request any applicant to present themselves for a personal interview
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## By the way...

- IWP also applies in other countries, so tell

- Your parents

- Your grandparents

- Your friends

- ...who had a U.S. visa issued before and are applying in the country where they reside.

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...and while we're talking about your parents...

- who are not residents of Canada
- are planning to visit you
- and might want to travel to the U.S. while they are here

**Please encourage them to apply for the U.S. visa in their home country**

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# Visa Waiver Program

## What is the Visa Waiver Program (VWP)?

- The VWP is administered by DHS and enables citizens or nationals of designated countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa.
  - Travelers must have machine readable passports with specified security feature.  
<http://www.cbp.gov/travel/international-visitors/visa-waiver-program>
  - Travelers must not have been previously found ineligible for a U.S. visa.
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# Visa Waiver Program (continued)

- Travelers arriving by air or sea must have travelled on an approved carrier.
  - Travelers must demonstrate sufficient funds to support themselves while in the U.S.
  - All VWP travelers are now required to obtain a travel authorization via the Electronic System for Travel Authorization (ESTA) prior to traveling to the U.S.
  - There is a US\$14.00 fee required by the Travel promotion Act of 2009.
  - Visit <https://esta.cbp.dhs.gov> to complete on line request for travel authorization.
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# Academic Study

- F-1 visa is for student visitors attending an institution of learning in the U.S.
  - School issues a signed I-20 to the student
  - Student must register in the SEVIS database and present proof of SEVIS fee payment
    - SEVIS = Student and Exchange Visitor Information System
    - [www.fmjfee.com](http://www.fmjfee.com)
  - Must overcome INA 214(b)
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# Internships

- J-1 visa is for exchange programs, including certain internships or training programs
  - See <http://j1visa.state.gov/>
  - Sponsor institution or third party issues DS-2019 and DS-7002 (Trainee/Internship Placement Plan)
  - Participant must be registered in the SEVIS database and present proof of payment
  - Must overcome INA 214(b)
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# J-1 visas and the “two-year rule”

## INA 212(e) “two-year rule” ....

- The two year residency rule applies if:
    - funded by U.S. or home government
    - field on skills list for home country
    - receiving graduate medical education or training sponsored by ECFMG
  - Someone subject to the 2 year rule must return to their country of nationality or last permanent residency for two years before they are eligible to apply for an H-1B or L-1 visa, or legal permanent resident status in the United States. This rule also applies to J-2 dependents.
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# Employment – H-1B Visa

- Temporary employment for up to 6 years in a specialty occupation requiring theoretical or practical application of highly specialized knowledge (extensions are possible)
  - Requires completion of at least a bachelor's degree in the specialty, or equivalent experience
  - Must meet degree or experience requirement by time of filing (usually first five business days of April each year)
  - **214(b) does not apply**
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## Employment – H-1B Visa (continued)

- Employer's responsibility to complete the petitioning process:
    - Files I-129 Petition with U.S. Department of Homeland Security
    - Files Form ETA-9035, Labor Condition Application with U.S. Department of Labor
    - Receives I-797 approval form
  - Employee's responsibility to apply for the visa
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# Employment – TN Status

- NAFTA “visas” for citizens of Canada or Mexico
  - Must be for work in a designated professional occupation (see all requirements); specific degree/licensing requirements apply
  - Need job offer letter and proof of qualifications
  - Canadian citizens should apply directly at the Port of Entry without first obtaining a visa
  - Mexican citizens need to apply for TN visa
  - Admitted for a maximum of 3 years initially
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## Dependents of Non-Immigrant Visa Holders (F-2, J-2, H-4 & TD)

- Dependents are children under 21 and spouses
  - Must show legal proof of relationship
  - Principal applicant must be in status
  - B-2 if only for brief visits
  - F-2 will need an I-20; J-2 will need a DS-2019; no-fee SEVIS registration
  - J-2 may obtain work authorization by USCIS, but F-2, H-4 and TD may not
  - May qualify on own for other types of visas
  - TD may be from any country
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# Visa Application Process

- *Gain admission or get hired; obtain requisite paperwork*
  - Complete on-line application form (DS-160) at <https://ceac.state.gov/GENIV/>
  - Pay your application fee and make appointment for visa interview at <http://canada.usvisa-info.com/>
  - Prepare for interview/gather required items
    - DS-160 confirmation page with photo
    - Possible reciprocity fees (see [travel.state.gov](http://travel.state.gov))
    - Passport valid 6 months after travel date
    - Supporting documentation (as discussed)
  - Attend your visa interview at the Consulate
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# STEM graduate students

- If you are a graduate student in STEM (Science, Technology, Engineering, Math) disciplines, it may also be helpful to bring a current resume, a description of your current and past research, and a list of your scientific publications to the interview.
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# Complete Application Form Online

Visa application forms available online at <https://ceac.state.gov/GENNIV/> or at [travel.state.gov](https://travel.state.gov) The DS-160 **must** be completed online. Please follow all online instructions and **bring** your bar-coded confirmation page to your interview.

The screenshot displays the CEAC website interface. At the top, the U.S. Department of State logo and 'CONSULAR ELECTRONIC APPLICATION CENTER' are visible. A language dropdown menu is set to 'English'. The main heading is 'Online Nonimmigrant Visa Application (DS-160)' with an 'FAQs' button. Below this, a 'Tooltip Language' section indicates that most of the application has been translated. The page is divided into two columns: 'Welcome!' and 'Get Started'. The 'Welcome!' column contains a paragraph explaining the application process and a list of four links: 'Learn about Types of Visas', 'List of Documents and Information you will need', 'Browser Requirements', and 'How to complete the application'. The 'Get Started' column features a location selection dropdown menu currently set to '- SELECT ONE -', a photo upload section with a 'Test Photo' and 'Photo Standard Guide' link, and two large buttons: 'START AN APPLICATION' and 'UPLOAD AN APPLICATION'. A note at the bottom of the 'Get Started' column instructs users to select a location and then an application previously saved on their computer.

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# Plan Ahead

- Appointments fill several weeks in advance
  - Most visas can be processed within one week, but some require months of processing
  - Typical reasons for processing delays are mandatory administrative reviews and waivers of ineligibilities
  - Every applicant's situation is unique
  - An approval notice or interview appointment does not guarantee the issuance of a visa
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# Key Points

- 214(b) the assumption of immigrant intent
  - Provide accurate and complete information on your application form.
  - Petition and non-petition based visa types (what paperwork do I need?)
  - Apply Early- don't make travel plans until you have a visa!
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# Visa Appointment & Information

- General visa information and appointments may be obtained from our call center. Hours of operation are 8am - 8pm EST, Monday-Friday, except holidays
  - If calling from Toronto area – (437) 887 1448
  - If calling from the United States – (703) 439 2319
  - <http://canada.usvisa-info.com/>
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# Additional Resources

- <http://toronto.usconsulate.gov>
  - <http://canada.usembassy.gov>
  - <http://travel.state.gov>
  - <http://canada.usvisa-info.com/>
  - <http://www.cbp.gov/>
  - <http://www.uscis.gov>
  - <http://www.ice.gov/sevis>
  - <http://j1visa.state.gov/>
  - **see handouts**
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Questions?

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