A to Z's of Consular Processing: Trends, Strategies and Pitfalls for IV and NIV

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Consular Processing Strategy

- WHEN to choose consular vs. in-country filing?
 - NIV considerations
 - IV considerations

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Consular Processing

STEPS:

- 1. Prerequisite to Visa Issuance
- 2. Identifying the correct U.S. Consulate
- 3. Complete the DS-160 nonimmigrant visa application
- 4. Schedule an appointment and determine local U.S. Consular Requirements
- 5. Assemble the visa application and determine the visa fees
- 6. filing the application: interviews (or waiver), approvals, and anticipate delays
- 7. Using the visa to enter the U.S. and additional entry requirements and considerations

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Step 1

Prerequisite to Visa Issuance: I-797 Approval (unless presenting a nonimmigrant visa directly at a U.S.

Consulate or port of entry, i.e. TN, E, or some L visa applicants)

- no I-94 if consular notify

Department of Homoland Security U.S. Citizenship and Immigration Services 1-797A, Notice of Action (The Univer States of America) BAC- 11-146-12345 PETITION POR A NONIMMIGRANT WORKER April 20, 2011 US EMPLOYER HANDICIAN July 26, 2011 PAGE 1 of 1 Notice Type: Approval Notice Class: L1A JEREMY FUDGE BERRY APPIEMAN & LSIDEN LLP 3232 MCKINNEY AVE STE 500 DALLAS TX 75204 Class: L1A Valid from 08/19/2011 to 08/17/2013 Picase see the additional information on the back. You will be notified separately about any other cases you filled.

U.S. CITIZENENTP & IDMICRATION SVCS
VERMONT CAUSE CONTENT
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78 LONG Detach This Half for Personal Records 551925597 11 Receipt # RAC- 11-145-12345 I-94# 551925597 11 Receipt Number FAC-: 11-145-12345 Immigration and NAME TRAVELER. JOE CLASS LIA Naturalization Service VALID FROM 08/18/2021 UNTIL 08/17/2013 Departure Record Petitioner: US EMPLOYER 15 Fee Gerre Nare 6/11/1980 UNITED KINGDOM

The above petition has been approved, and notification has been sent to the listed consulate. You may also send the tear-off bottom part of this notice to the worker(s) to show the approval. Please contact the consulate with any questions about visa issuance. TRIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

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Step 2

- · Identifying the correct U.S. Consulate
- Third country national (TCN) considerations
- · Special carve-out for Canadians



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Step 3 - DS-160

Complete the DS-160 nonimmigrant visa application:

- Prerequisite before booking visa appointment
- Common questions
- Disclose social media handles
- Dependents must complete one separately
- See DoS for sample and additional resources

Step 4

Schedule an appointment and determine local U.S.

Consular Requirements

- Timing Updates (processing times are improving until there is another rush over the holidays)
- Interview Waiver updates
- Portal and Website updates
- Expedite Requests

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Title search: A to Z's of Consular Processing

Also available as part of the eCourse 2023 eConference on Immigration and Nationality Law

First appeared as part of the conference materials for the 47^{th} Annual Conference on Immigration and Nationality Law session "A to Z's of Consular Processing"