

PRESENTED AT

48th Annual Conference on Immigration and Nationality Law

October 24-25, 2024

Austin, TX

**Under the CEAC:
Navigating the Choppy Waters of the NVC**

Miriam Garza-Lee

Kelli J. Stump

Author Contact Information:

Miriam Garza-Lee

Chavez & Valko LLP

Fort Worth, TX

mgarza-lee@keyvisa.com

817.332.1100

Kelli J. Stump

Stump & Associates, P.C.

Oklahoma City, OK

kelli.stump@stumpimmigration.com

405.217.4550

Under the CEAC: Navigating the Choppy Waters of the NVC

Summary of the National Visa Center and the Consular Electronic Application Center

The National Visa Center (“NVC”) serves as an intermediary agency between U.S. Citizenship and Immigration Services (“USCIS”) and U.S. embassies and consulates abroad. The NVC’s primary responsibility is to collect and organize the required documentation for visa applications to prepare the case file for the consular officer’s review and ensure that all necessary fees are paid. By completing these preparatory tasks, the NVC streamlines the consular officer’s role, reducing the likelihood of missing or incomplete documentation by the time of the visa interview. This allows consular officers to focus on the substantive aspects of the visa application, facilitating a more efficient adjudicating process.

Attorneys must communicate effectively with the NVC to avoid delays and foster a smoother interview process for clients. Proactive measures such as regularly monitoring the case status updates on the Consular Electronic Application Center (“CEAC”), promptly responding to NVC requests, and providing required information and documentation in a clear and concise manner prevent unnecessary delays. Understanding how to navigate the NVC’s procedures—such as utilizing the CEAC, NVC Public Inquiry Form system, and knowing the appropriate times and methods for contacting the agency—can significantly streamline the consular processing timeline, benefiting both the applicant and the attorney.

The NVC’s role is purely administrative. The agency’s work involves checking off procedural requirements to finalize a case file for consular officer review. The NVC does not engage in legal decision-making; its role is clerical and procedural. The authority to make final decisions regarding visa eligibility rests with the consular officer, who assesses the merits of the application based on the evidence and documentation prepared by the NVC.

There are tasks that applicants must still complete outside the CEAC in anticipation of the visa interview. These include, when applicable, scheduling and attending an Appointment Support Center (“ASC”) appointment for biometric data collection and undergoing medical examination by an approved physician. These tasks are closely linked to the NVC’s process, as they generally need to be completed before the consular interview and often require confirmation application submission on the CEAC to schedule the necessary appointments. Proper coordination of these steps, along with timely communication in the NVC helps organize the client’s file for the consular officer’s review and final decision.

NVC’s Role Differs Between Immigrant and Nonimmigrant Visas

Navigating the NVC and CEAC is a different experience depending on whether you are pursuing an immigrant or nonimmigrant visa.

The NVC plays a more substantial role for immigrant visa cases: managing the collection of required civil documents, affidavit of support forms, and visa fees before the case is forwarded to the consular officer. The NVC ensures that the visa application is complete and that all necessary documents are uploaded and reviewed through the CEAC prior to sending the case to the consular officer.

In contrast, the NVC's involvement for nonimmigrant visas is more limited. Applicants typically submit their DS-160 application through the CEAC, and the NVC does not play a significant role in document collection or file preparation. Instead, nonimmigrant visa applicants usually interact directly with the embassy or consulate to schedule the interview, pay the associated fees and provide the necessary documentation at the time of the interview without prior submission to the NVC.

Completing the Immigrant Visa Application and Uploading Civil and Affidavit of Support Documents on CEAC

The immigrant visa application process includes paying required fees, completing the visa application, and submitting the affidavit of support along with civil documents through the CEAC. The NVC then reviews these submissions to determine if the case is documentarily qualified, meaning all necessary documents and forms have been received and are complete. Once qualified, the case is placed in the queue for an interview appointment at the appropriate U.S. embassy or consulate. It is important for attorneys to be well-versed in this process, to properly guide their clients and prepare them for the immigrant visa interview. Often, clients are departing to their interviews after living in the United States for decades, so it is important for every corner of the case to be vetted and reviewed by the attorney prior to the client's departure. The following outlines the detailed steps involved in this process.

Access the CEAC

When filing the I-130 Petition with U.S. Citizenship and Immigration Services ("USCIS"), it is essential to specify the U.S. consulate or embassy where the petition should be forwarded. Upon receiving the petition approval notice, attorneys should promptly verify that the petition is enroute to the NVC. Errors can occur where USCIS mistakenly retains the petition for adjustment of status instead of transferring it for consular processing. Early detection of such errors increases the chances of resolving them without needing to file a form I-824 for a case transfer. If a Form I-824 is nevertheless necessary, expedited processing should be requested due to the USCIS error. Once the I-130 petition is approved by USCIS, the NVC provides login information for the CEAC, typically via mail or email within a few weeks. This login consists of the NVC case number and the invoice identification number.

Pro tip: The NVC has continuously encouraged e-filing the I-130 because of the quick transfer time directly from USCIS and because fewer mistakes occur when properly indicating the U.S. Embassy or Consulate for Immigrant Visa Processing on the I-130. E-filing should keep communications electronic to the attorney email address, thus preventing delays with regular mail.

Pay the Visa Processing Fees

Before the application can be accessed and completed, the immigrant visa and AOS fees must be paid through electronic bank transfer on the CEAC website. It typically takes up to a week for these payments to process and reflect as "paid" on the CEAC. Clients must have sufficient funds available to avoid rejected payments due to overdraft issues.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Under the CEAC: Navigating the Choppy Waters of the NVC

Also available as part of the eCourse

[2024 eConference on Immigration and Nationality Law](#)

First appeared as part of the conference materials for the 48th Annual Conference on Immigration and Nationality Law session "Under the CEAC: Navigating the Choppy Waters of the NVC"