

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

RECEIPT RAC: 11-448-12345		DATE: 11/29 PETITION FOR A NONIMMIGRANT WORKER EMPLOYER BENEFICIARY JOE TRAVELER
RECEIPT DATE April 20, 2011	RECEIPT BY JERRY RAY	NOTICE Notice Type: Approval Notice Class: L1A Valid from 08/18/2011 to 08/17/2013
WORK DATE July 26, 2011	PAGE 1 of 1	
JEREMY FUGO BERRY APPLEMAN & LEIDEN LLP 3212 MCINNEY AVE STE 500 DALLAS TX 75204		
The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and the ground underneath. Any change in employment requires a new petition. Since this employment authorization stems from the filing of this petition, separate employment authorization documentation is not required. Please contact the USCIS with any questions about tax withholding.		
The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker, OR if the worker is not in the U.S., the left part is for him or her. The left part is for him or her. A person granted an extension of stay who leaves the U.S. must currently obtain a new visa before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for Form I-820. Applicants for Action in an Approved Application of Petition. With this notice to request that we verify a consulate, port of entry, or flight information office of this approval.		
The approval of this visa petition does not guarantee that the alien beneficiary will, subsequently be admitted to the United States, or for an extension, change, or adjustment of status.		
THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.		

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVCS
VERMONT SERVICE CENTER
75 LOWER WELDED STREET
SOUTH ALBANY VT 05478-1001
Customer Service Telephone: (800) 375-5283
Form I-797A (Rev. 09/07/93)

Detach This Half for Personal Records

Receipt # RAC- 11-448-12345
I-94# 551925597 22
NAME TRAVELER JOE
CLASS L1A
VALID FROM 08/18/2011 UNTIL 08/17/2013
PETITIONER: US EMPLOYER

551925597 11
Receipt Number RAC-11-448-12345
Immigration and
Naturalization Service
I-94
Departure Record Petitioner: US EMPLOYER

TO: JERRY RAY
FROM: USCIS
DATE: 4/20/11
UNITED STATES

Form I-797A (Rev. 10/13/09)

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. **THIS 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



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

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 \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: A to Z's of Consular Processing

Also available as part of the eCourse

[Immigration Practice Essentials: Adjustments, Consular Processing, and Affidavits of Support](#)

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