

**MYTHS ABOUT CONSULAR PROCESS FOR U.S. VISAS –**  
**WHAT IS YOUR B&G SPOT?**  
**PART III**

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There are a lot of myths and misconceptions that people have relating to the U.S. visas this is especially the case for India who apply for visas and receive random denials on bases of 221(g) & 214(b). This is part III of the series of Articles about the common myths that relate to various types of visa processing.

***1. If you have traveled in the past to countries other than the U.S. then you will automatically get the U.S. visa.***

**FACT:** Not true. The U.S. visa requires that the applicant meet certain qualifying criteria. Once these criteria have been met, then the visa will be issued to the applicant. Just because you have visas for other countries or that you have visited other countries prior to an application for your U.S. visa, it does not mean that your case for the U.S. visa is any stronger. However, it should be noted that the Consular Officials may be more inclined within the time permitted to issue the visa if the applicant has traveled to other countries (such as Canada or European countries) and then returned to their home country.

***2. If you had a U.S. visa in the past, obtaining a renewal of that visa is guaranteed.***

**FACT:** This is a myth. It is not necessarily the case that your U.S. visa will be automatically renewed. The visa may not be granted if a renewal is sought if the conditions and situation surrounding the applicant have, for some reason, changed. Each time that a visa applicant applies for a visa, the visa applicant must be able to provide facts and circumstances that warrant the issuance of the visa. If, for example, the visa applicant overstayed his/her visa or the applicant acquired a criminal record, or violated some other visa rule any other rules, such circumstances may have an adverse impact upon a next or subsequent visa application.

Recently, the DOS announced a new pilot program to waive the nonimmigrant visa interview requirement for certain nonimmigrant visa renewals. Under the program, slated to run for two years, certain visa renewals that are more than 12 months but less than 48 months post-expiration will be eligible for renewal without a consular interview for the same visa category.

The visa interview waiver is available to foreign nationals who have previously had their 10-printfingerprint scan collected. The new program will not be available to visa applicants who were previously denied a visa or who were or are listed in the Consular Lookout and Support System

(CLASS) or require a Security Advisory Opinion. The interview waiver will not be available to visa applicants who may have failed to comply with U.S. immigration laws or who are applying in a "high-threat" or "high-fraud" location for Consulate processing. Again, it should be noted that only certain types of visas are eligible for this benefit.

The American Embassy in New Delhi recently posted information on their website about the new pilot program to waive the nonimmigrant visa interview requirement for certain nonimmigrant visa renewals as follows:

- A. Under a new initiative, in select circumstances, qualified foreign visitors who were interviewed and thoroughly screened in conjunction with a prior visa application may be eligible to renew their visas without undergoing another interview; and
- B. This pilot program permits Consular Officers to waive interviews for qualified nonimmigrant applicants worldwide who are renewing their B-1/B-2 visas within forty-eight (48) months of the expiration of their previously held visa, and within the same classification as the previous visa; and
- C. Our embassies and consulates have been instructed to begin implementing this pilot program immediately; and
- D. This pilot program does not entitle any applicant to a waiver of personal appearance. Consular officers will retain the authority to interview any applicant who they determine requires a personal appearance.

We believe that the Interview Waiver Pilot Program has been implemented by all the consular posts in India. It is not clear what special or additional parameters may be placed on the program by each Consulate Office. We highly recommend that visa applicants check the websites for the various Consulate Offices to check about the implementation requirements of the new pilot program.

***3. If you have overstayed your visa in the U.S. and you apply for a B-1/B-2 visa extension, your visa will be canceled.***

**FACT** This is not entirely true. First of all, try not to overstay the date certain on your I-94 Form. It is highly recommended that, if you may feel that you are going to overstay, try to apply for an extension of your status in the U.S. Most importantly, you should leave the U.S. within the designated stay period (before the expiry date on the Form I-94). Overstaying the "date certain" on your I-94 Form can lead to serious problems.

Any overstay can lead to cancellation of your present visa. It may have:

- A. Adverse effect on your next visa application, and;

- B. More extensive questions and answers at the port-of-entry (POE) on your next trip to the U.S. You could be denied entry if you cannot satisfy the officer at POE. You must keep all the documents and copies of your extension/Form I-94 if you applied for an extension during any of your prior trips.

***4. The U.S. government does not care about business travelers and does not understand how important these travelers are to the U.S. economy.***

**FACT:** Consular Officials seek to assist all legitimate business travelers. All U.S. Embassies and Consulate Offices have established procedures to expedite interview appointments for qualifying business travelers. The State Department's Business Visa Center helps to facilitate visa application procedures for U.S. companies and convention organizers who invite employees or current and prospective business clients to the United States. However, the applicant is still required to demonstrate that he/she maintains a bonafide nonimmigrant intent.

***5. You need to know someone in the Embassy to get a visa.***

**FACT:** This is a myth. The applicant's qualifications as presented during the visa interview are the basis on which the Consulate Officers make their visa decisions. The decision has nothing to do with "who" you know.

Embassy and Consulate Officials are prohibited, by law and regulation, from providing unofficial assistance to visa applicants. Knowing someone in the Embassy will not help you to obtain a visa.

***6. Understanding the visa application process is extremely difficult.***

**FACT:** Nothing could be further from the truth. Applicants can easily understand the visa application process by accessing information on the U.S. Embassy or Consulate website. The U.S. government works to ensure that the visa process is as open and transparent as possible. Some who call themselves "visa facilitators" profit by making the process appear to be very complicated. If the applicant requires assistance, the applicant should approach an experienced and ethical Immigration Attorney or Immigration Lawyer in the U.S.

***7. The Consulate will only give visas to rich people.***

**FACT:** This is a myth. An applicant's income is not as important as how well he or she demonstrates his/her intent to comply with the U.S. Immigration laws, including, his or her return to his home country after a brief visit to the United States. Consular Officers are trained to look at the totality of the facts presented during a visa interview. The Consular Officer does not look at how much money an applicant has, when determining eligibility. However, someone who is married, with children and with a well-established

business (including long-term employment) and with substantial assets and income is likely to be in a better position to prove his/her nonimmigrant intent.

**8. *No matter how many invitation letters you bring, you will be refused.***

**FACT:** The fact is that the face-to-face interaction with a Consular Officer, albeit brief, is more important than any document that a visa applicant can show. No particular document can qualify someone for a U.S. visa. While an invitation letter is sometimes useful, Consular Officers are trained to focus on the totality of facts and circumstances presented during the personal interview with the visa applicant when making eligibility decisions.

**9. *The wait time for an appointment is so long that I will have to cancel my trip.***

**FACT:** Consular Officials do all that they can do to ensure that travelers make it to the United States in time for meetings, classes, programs, and other events. During the busy summer season, when an increasing number of applicants wish to travel to the U.S., appointment wait times grow. Consular Officials work to address this problem and to encourage people to apply in the many months when wait times are not too long. Every U.S. Embassy and Consulate worldwide provides mechanisms to expedite appointments in emergency medical, humanitarian, business and student cases. Presently, the wait time for visitor applicants is between 3 to 10 days, but this wait time can grow during the summer season. There is more waiting time for O and V visa groups, especially Mumbai which has to handle large number of applicants coming to the U.S. for entertainment performances and film shootings. It is advisable for such groups to plan their events and shooting schedules sufficiently in advance to get the visa petition approved by USCIS and for the Consular Officials to complete the visa processing.

*To be continued...*