AMERICAN CONSULATE GENERAL
IMMIGRANT VISA UNIT
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APPOINTMENT PACKAGE FOR IMMIGRANT VISA APPLICANTS – (PACKET FOUR)

You have informed our office that you have all the documents needed in support of your application for an immigrant visa. We have, therefore, scheduled you for an interview at our office. All members of your family immigrating with you, irrespective of age, must appear in person with you for the interview. Each person immigrating, irrespective of age, requires a separate visa. If you cannot keep your visa appointment, please notify our office immediately. Please quote your BMB case number in any communications with our office.

The following documents should be presented at the visa interview for each applicant.

1. APPOINTMENT LETTER: *attached.*

2. BIOGRAPHIC DATA FORMS: *attached* forms DS-230, Parts I, II. Separate forms should be completed for each applicant. When completing the form please include all names used by each applicant, including any names used in the past. In particular, married women must be sure to include their full name as used before marriage, after marriage, and any other aliases. Please use the exact spelling and name order indicated in the applicant's passport. Please do not sign Form DS-230 Part II; you will be requested to sign this form during the visa interview.

3. MEDICAL REPORT: *see attached information.* All applicants, regardless of age, must undergo a medical examination. The applicants should contact the panel facility DIRECTLY to make an appointment for the examination.
IMPORTANT: The results of the medical examination will be of great help during the applicant's stay in the United States. To help the panel physician make as thorough a report as possible applicants should discuss their medical history and current conditions, such as pregnancy, diabetes, hypertension, any other conditions as well as medications taken, with the panel physician. We strongly suggest that applicants take all their old medical records with them for the medical examination.

4. PASSPORT: Each applicant must have a valid passport. The passport must be valid for travel to the United States and must have at least six months validity beyond the issuance date of the visa. The passport should reflect the correct name and date of birth of the applicant. If the applicant's exact date of birth is known, an estimated date of birth (e.g. 01-Jun-1970) is not acceptable. The visa is issued in the name given in the applicant's passport. A female applicant does not compulsorily have to change her name to her married name. Those applicants whose passports are issued in their maiden names will have their visas issued in their maiden names. Applicants should bring all current and former/expired passports with them to the consulate for their interview.

5. BIRTH CERTIFICATE: Each applicant must submit an original and a clear photocopy of his/her birth certificate and any required secondary evidence (see below). The certificate should include the applicant's name, date & place of birth, the names of both parents, an annotation by the issuing office indicating that it is an extract from its official records, and the seal of the issuing office, i.e. the municipal authorities or the village authorities (gram panchayat or talati-cum-mantri). The certificate must be in the original, official language of the state in which you were born. If your birth was not recorded, please submit a "no record of birth registration" letter from the relevant municipality or village authorities along with secondary evidence (see below). If your birth record has been destroyed or the municipality or village authorities will not issue one, submit a letter from the municipality or village authorities stating so along with secondary evidence (see below). If your name is not mentioned in the birth certificate, submit the certificate along with secondary evidence (see below). If any details are missing in the birth certificate or if there is a discrepancy regarding your date of birth or name, submit the certificate along with secondary evidence (see below). If your birth was registered more than three years after you were born, you must submit the certificate along with a magistrate's order concerning the late registration. If any documents were issued in a local language, you must submit the document as well as a notarized English translation.
Examples of secondary evidence (which should also include your name, date and place of birth; names of both parents; and the seal of the issuing office): a baptismal certificate, an adoption decree, a school record, a notarized affidavit from a close relative (a parent, a close relative, a neighbor or friend who was present at the time of your birth) on the appropriate stamp paper which must be sworn before a First Class Magistrate. The person making this affidavit must state how he/she knows your family and how he/she knows the facts of your birth.

6. POLICE CERTIFICATES: Each applicant aged 16 years and older must submit a police certificate that includes information regarding the applicant including all arrests, the reason for the arrest(s) and the disposition of such cases. (A) Indian citizens residing in India for six months or more since turning 16 years of age must present Indian police clearance certificates from both their district police station and the local area passport office. Applicants whose passports were issued within six months of the visa interview may present just the passport office certificate. These certificates are valid for one year from the date of issuance. (B) If an Indian citizen who has lived in India for at least one year after the age of 16 currently resides outside India, he/she must obtain a certificate issued by the Indian Embassy or Consulate where he/she lives. These certificates are valid for only one year from the date of issuance. (C) Foreign police certificates: applicants who have resided in any other country for one year or more after the age of 16 may also be required to submit police certificates for these countries. Applicants may inquire with our Immigrant Visa Unit regarding police certificates for these countries or look up the information at www.travel.state.gov/visa/reciprocity/index.html (D) U.S. police certificates are not required for applicants who have lived in the U.S.A. (E) Non-Indian immigrant visa applicants residing in India should obtain police certificates from the district police station serving their area of residence.
Note: The police certificates should be valid on the day the visa applicant is interviewed. We suggest that applicants obtain new police certificates if their current certificates are no longer valid.

7. DEPORTATION: Any applicant who has been deported from the United States must submit all documents relating to the matter.

8. PRISON RECORDS: Applicants who have been convicted of a crime must submit court records, prison records, records regarding the disposition of the case and any additional

information regarding the crime, regardless of the fact that he/she may have subsequently benefited from an amnesty, pardon or other act of clemency.

9. MILITARY RECORDS: A certified copy of any military record is required. The record should contain a complete record of the applicant's service and conduct while in service. It must show any conviction of crime before a military tribunal. A discharge certificate is required upon discharge, retirement, or resignation from military service.

10. PHOTOGRAPH: *See attached sheet.*

11. MARRIAGE CERTIFICATE: Any applicant who has ever married must provide an **original and a clear photocopy** of the marriage certificate(s) for all marriages of the petitioner and for the visa applicant. Persons who married before 1955 must attempt to register their marriage. Failing this, they must submit affidavits on appropriate stamp paper sworn before a First Class Magistrate by one parent of the groom and one parent of the bride giving the names of the bride and groom, the date and place of the marriage ceremony, the name of the person who performed the ceremony. Persons married in 1955 and later must submit a marriage registration certificate. Certificates issued by the appropriate authorities or recognized religious organizations are acceptable if they are legally valid in India. If any of these documents were issued in a local language, a notarized English translation is required in addition to the original. If you and your spouse are applying for visas, you should submit an original and two clear photocopies of each certificate.

12. TERMINATION OF PREVIOUS MARRIAGE: All applicants who have divorced or whose spouses have died must provide an **original and a clear photocopy** of proof of the legal termination of all previous marriages of the petitioner and/or visa applicant (death certificate of spouse, divorce decree). Divorce between Hindus, Christians, and Parsis must be documented by a court order. Divorce between Muslims must be documented by a certificate from the Kazi or the head of the Jammat. If any of these documents were issued in a local language, a notarized English translation is required in addition to the original.

13. EVIDENCE OF RELATIONSHIP TO THE PETITIONER: We strongly suggest that all applicants bring extensive documentary evidence of the relationship between the petitioner and the primary beneficiary and between the primary beneficiary and any derivative beneficiaries. **Failure to do so could greatly delay your application while your application is investigated.** Some examples of such evidence are family and other photographs (old and recent) showing the parties together, letters, cards, correspondence, and telephone records.

14. AFFIDAVIT OF SUPPORT:
Note: Only U.S. consular officers, DHS officers and U.S. notaries are authorized to notarize forms I-864, I-864A, and I-134.

A) Immediate relative and family preference category

Each immigrant visa applicant needs to satisfy the consular officer that he/she will not become a public charge. In all immediate relative, family preference applicants, and employment-based applications in which a close family member owns 5% or more of the petitioning business, the petitioner must submit a completed affidavit of support (Form I-864) to show that the sponsored applicant(s) will not become a public charge. A form I-864 submitted within six months of the sponsor's signing the form is valid indefinitely.

i) If form I-864 and its supporting documents have already been submitted to the National Visa Center (NVC), the documents will be forwarded to our office by the NVC and will be reviewed by the consular officer during the visa interview. While the form I-864 submitted to the NVC could be valid indefinitely (see above), the supporting documents submitted with this form are not. Many applicants' cases are needlessly delayed because their forms I-864 are not accompanied by current supporting documentation. **To avoid this problem, we strongly recommend that all applicants needing form I-864 bring to the initial interview a copy of the petitioner's most recent tax documents, proof of employment, bank letter, and proof of U.S. citizenship or legal permanent residency.** See paragraph ii below for details regarding these documents.

ii) If the petitioner did not submit form I-864 to the NVC, the applicant must submit the following from the petitioner (sponsor):

- ○ Form I-864.
- ○ Documentary evidence that the petitioner/joint sponsor is a U.S.citizen /U.S. permanent resident (e.g. clear photocopy of birth certificate / certificate of naturalization / U.S. passport / both sides of green card, as applicable).
- ○ Federal tax returns (form 1040) with all supporting schedules for the **three most recent taxable years from the date of interview**. An applicant applying in May 2005 should provide 1040 forms for 2004, 2003, and 2002. Failure to provide a 1040 form for the most recent taxable year will delay your application.
- ○ W-2 forms for the three most recent taxable years, if applicable.
- ○ Job letter or pay stubs (should be less than 12 months old on the day of the visa interview).
- ○ Bank letter (should be less than 12 months old on the day of the visa interview).
- ○ If self-employed include self-employment schedules filed with income tax returns or financial records such as a bank statement for the business accounts.
- ○ Current proof of all assets (including ownership, location and value of each asset together with evidence of liens, mortgages and liabilities for each asset) reported in the I-864.
- ○ If the petitioner did not file a tax return, the applicant should submit a written explanation from the petitioner explaining why he/she had no legal duty to file the return.
- ○ If the petitioner filed a late or amended tax return, he/she should submit evidence of this.
- ○ If the petitioner does not have copies of his/her tax returns, an Internal Revenue Service (IRS) summary of this should be submitted.

iii) If the petitioner's income or assets do not exceed 125% of the federal poverty guidelines, he or she must submit the complete form I-864 of an additional sponsor willing to assume

financial responsibility for the sponsored immigrant(s). This additional form I-864 must include all the supporting documentation indicated in section **ii)** above. **If the additional sponsor lives in the same household as the petitioner, he/she is considered a household member, and cannot fill out a separate I-864.** The household member must execute an I-864A, as described below.

iv) If a sponsor wishes to qualify using the income or assets of a spouse or resident of his/her home, in addition to the above documents he/she should also submit form I-864A for each additional contributor. The additional contributor should sign the form I-864A as the household member. Each household member should submit a form I-864A along with all the required documents outlined in paragraph **ii)** above.

v)(a) Applicants are responsible for providing sufficient copies of the form I-864. Beneficiaries of immediate relative (IR) petitions must provide one original signed and notarized I-864 and one complete set of original supporting documents. **(b)** Beneficiaries of family-preference (F) petitions must provide one original signed and notarized form I-864, one complete set of original supporting documents for the principal alien for whom the petition has been filed and a photocopy of only the form I-864/I-864A for each dependent who will attend the interview and travel with the principal alien. **(c)** If the dependent(s) will follow the principal alien to the United States at a later date each dependent must submit an original signed and notarized I-864 or I-864A and a complete set of original supporting documents.

B) <u>Employment Preference category</u>

i) In employment preference visa categories a notarized offer of employment from the petitioner is required. If a relative has filed the visa petition as described in paragraph A) above, a form I-864 and all accompanying documents are required.

ii) For follow-to-join applicants in the employment preference visa categories, the principal applicant must submit a notarized affidavit of support (form I-134), a job letter or pay stubs, a bank letter, and forms 1040 and W2 for the latest taxable year. These documents must be less than 12 months old when submitted to this office.

C) <u>Returning resident (SB-1) and diversity visa (DV) applicants:</u>

A sponsor who is a U.S. citizen or LPR must provide a notarized affidavit of support (form I-134), a job letter or pay stubs, a bank letter, forms 1040 and W2 for the most recent taxable year and proof of U.S. citizenship or permanent resident status. These documents must be less than 12 months old when submitted to this office.

<u>15. FEES:</u> Currently there is one consolidated immigrant visa fee of $335 for each applicant. Prior to this each fee consisted of two parts – an application fee of $ 260 and an issuance fee of $ 65. Those applicants who have already paid the $335 fee to the NVC do not need to pay this fee again but should submit the receipt to our office as confirmation of this payment. An applicant who has paid the $260 application fee to the NVC should pay the visa issuance fee of $65 at our office. Visa fees are not refundable; they must be paid through a rupee bank draft drawn on a nationalized or foreign bank. The bank drafts must be made payable to the American Consulate General, Mumbai, and should be payable in Mumbai. The current consular rate of exchange is US $1 = Indian rupees 46. As this rate of exchange can change, we recommend that applicants check the current consular rate of exchange at our website at

http://mumbai.usconsulate.gov/wwwhfees.html or contact the Consulate ahead of their interview to obtain the current consular rate of exchange.
Note: The above fee is separate from the fee charged when an immigrant visa petition, form I-130 or form I-140, is filed.

16. FOLLOW-TO-JOIN APPLICANTS: Sometimes spouses or unmarried children of the principal visa applicant (the person for whom the immigrant visa petition was filed) intend to stay in India longer than the principal applicant and immigrate at a later date. In such cases, the principal applicant should submit (a) his/her marriage certificate (and a clear photocopy) for his/her spouse, (b-i) original and a clear photocopy of each child's birth certificate, (b-ii) a recent passport size photograph of each child.
Note: Documents issued in a local language should be submitted along with a notarized English translation of each.

17. IMPORTANT
We encourage visa applicants to submit all the requested documents at their first interview to increase their chances of visiting our office just once.

Photocopies and/or faxed copies of documents that are submitted, including those used to identify a person (e.g. green card, passport) should be clear; the image and the information mentioned in the copies should be clearly visible.

Due to security concerns only those items and documents relating to a person's application are permitted into our office premises. These may be placed in an unsealed, transparent plastic bag and brought into our office. The following are examples of items NOT PERMITTED inside our office: bags, briefcases, ladies handbags, mobile phones, pagers, tape recorders or players, calculators, cameras, torches, flashlights, radios, compact disc players, cassettes, electronic items, smoking items (including cigarettes, lighters, matches, and match boxes), sharp instruments, sealed bags, and sealed envelopes. The only SEALED item permitted inside our office is the visa applicant's medical report. This medical report MUST REMAIN SEALED. Please note that our office does NOT provide facilities for the storage of those items not permitted inside our premises.

We recommend that visa applicants come to our office no earlier than 15 minutes ahead of their visa interviews as the road outside our office gets crowded.

We recommend that persons escorting visa applicants who have an interview be kept to a minimum as the road around our office gets crowded.

Please inform our office immediately of any change that may affect your visa application, such as, your change of address, your change of marital status, the death of the petitioner, birth or adoption of any children by you.

The visa interview
All applicants are interviewed on the day of the interview - the consular officer takes the applicant's oath and fingerprints, reviews the documents and advises the applicant of the decision reached. Applicants who are refused visas are given a letter of refusal which explains the reason for the refusal and the action that needs to be taken in order for the visa to be issued. For those applicants who are issued visas, the visas are affixed inside each passport and the applicant is given a sealed envelope which should be handcarried, UNOPENED, to the United States and submitted to the immigration inspector at the U.S. port-of-entry.

We make every effort to complete the visa interview as soon as possible. However, it is possible that applicants may have to spend several hours at our office on the day of the interview.

No assurance can be given in advance that a visa will be issued. The consular officer can make that decision only after the visa application and documents are reviewed, and the applicant has been personally interviewed. Applicants are therefore advised not to make travel arrangements, not to dispose of property, not to give up his/her job until the visa has been issued.

Validity of an immigrant visa: An immigrant visa is valid for a maximum period of six months from the date the visa is issued. Applicants must travel and apply for admission to the United States within that six months period. A visa may not be transferred from one person to another, or used by any person other than the person to whom issued.

Immigration Procedures at the Port of Entry: Applicants should be aware that a visa does not guarantee entry to the United States. The visa specifies the period during which the bearer may apply at a port of entry to enter the United States. It is the Department of Homeland Security – Bureau of Citizenship and Immigration Service office (DHS-BCIS), and not the consular officer, who authorizes the traveler admission to the United States. The DHS officer will allot the applicant an alien registration number which will be included in the applicant's passport. The alien registration card (green card) will later be sent to the applicant at his/her U.S. address. Applicants whose medical reports classify them as Class A, Class B tuberculer need to present their x-rays to the officials at the port of entry and should therefore HAND CARRY the x-ray films to the United States.

18. Additional Information:

Abandoned Applications: Section 203(e) of the Immigration and Nationality Act requires that an intending immigrant pursue his/her visa application within one year from the date he/she is informed that it is possible to do so. This is our notice to you that it is now possible for you to pursue your application for a visa.

If you fail to do so within one year from the date of the attached letter, cancellation procedures can commence in regard to your application.

Conditional status – Generally, visa applicants are granted "conditional status" at the time of visa issuance if the basis for immigration is a marriage to a petitioner who is a U.S. citizen or a U.S. permanent resident and the marriage was entered into less than two years prior to the applicant's admission to the United States as an immigrant. If, at the time of admission to the United States the applicant will not have celebrated the second anniversary of his/her marriage, which is the basis of the immigrant status, the applicant will be subject to the provisions of section 216 of the Immigration and Nationality Act. Under the provision, the applicant will be granted conditional permanent residence by an officer of the Department of Homeland Security (DHS) at the time of his/her admission to the United States. As a result, the applicant and petitioning spouse must file a joint petition with the DHS to have the conditional status removed. The petition must be filed within the 90-day period immediately preceding the second anniversary of the date the applicant was granted conditional permanent resident status. If a petition to remove the conditional basis of status is not filed within this period, the applicant's conditional permanent residence status will be terminated automatically and the applicant will be subject to deportation from the United States.

Children about to reach 21 years of age: Generally, unmarried children under 21 years of age, of visa applicants, can be issued immigrant visas based on the immigrant visa petition filed for their parent. The child should be unmarried and under 21 years of age when he/she enters the United

States as an immigrant. Children of mothers, fathers or spouses of U.S. citizens must have separate immigrant visa petitions filed on their behalf.

We encourage applicants to e-mail inquiries to our office. Please mention your BMB case number in any correspondence with our office regarding your visa case. Our e-mail address is mumbaiiv@state.gov.

Any false statement or concealment of a material fact could result in your permanent exclusion from the United States. Please do not make any travel plans until the visa is issued to you.

Revised: 30 November 2004