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Demystifying the U.S. Visa Process

U.S. Department of State

U.S. Consulate General Toronto

Today's Presentation

- What is a visa?
 - Who needs a visa?
 - What kind of visa do you need?
 - How do you apply for a visa?
 - What to expect on/after your interview day?
 - Questions?
-

What is a Visa?

- A visa is:
 - A permit to apply for entry to the U.S.
 - A visa does NOT:
 - Guarantee entry into the United States.
 - Determine the length of time you may stay in the United States.
-

Who's involved in the two step process?

- U.S. Department of State → Consular Officer
 - Grants or refuses a visa.



- U.S. Customs & Border Protection → CBP Officer
 - Located at all U.S. ports of entry, including Pearson International and all land borders.
 - Makes final determination regarding admissibility each and every time you apply for entry.
 - Limits the duration of stay in U.S.



Who Needs a Visa? – Not Canadians

- Canadian citizens are visa exempt.
 - Canadian citizens do not require a visa to enter the United States **in most non-immigrant categories.**
 - Canadian citizens should present themselves, along with their valid passports and supporting documentation, directly at a port of entry.
 - Canadian citizens **do** need to appear at the U.S. Consulate for an interview **if** applying for Fiancé (K), diplomats (A & G), treaty traders (E1), and treaty investors (E2) visas.
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Who Needs a Visa?

Almost everyone else

- Permanent residents of Canada
 - International students in Canada
 - Work Permit holders in Canada
 - Visitors in Canada
 - Refugee status holders in Canada
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Who Needs a Visa?

Visa Waiver Program

- Citizens or nationals of some countries may travel to the U.S. for tourism or business for up to 90 days **without** obtaining a (B1/B2) visa. *Canada is not a visa waiver country.*
 - Visit <https://esta.cbp.dhs.gov> to complete on line request for travel authorization.
 - Travelers must have e-passports
<http://www.cbp.gov/travel/international-visitors/visa-waiver-program>.
 - Travelers must not have been previously found ineligible for a U.S. visa.
 - For additional restrictions please visit
https://help.cbp.gov/app/answers/detail/a_id/74/kw/travel.
-

What Kind of Visa Do You Need?

Visa Classifications

- Traveling to attend job interviews, meetings, workshops, etc.? Apply for a B-1/B-2 visa.
 - Traveling to visit relatives, sightseeing or shopping? Apply for a B-1/B-2 visa.
 - Studying in the United States? Apply for an F-1 visa.
 - Conducting an internship or participating in a summer work program? Apply for a J-1 visa.
 - Long-term employment in the U.S.? Apply for an H1B.
-

Key Point (For Most Visa Types)

214(b): The Assumption of Immigrant Intent

- What does a visa denial under INA section 214(b) mean?
 - This law applies only to nonimmigrant visa categories. If you are refused a visa under section 214(b), any or all of the points listed below may apply.
 - Did not sufficiently demonstrate to the consular officer that you qualify for the nonimmigrant visa category for which you applied.
 - Did not overcome the presumption of immigrant intent, required by law, by sufficiently demonstrating that you have strong ties outside of the U.S. that will compel you to leave the United States at the end of your temporary stay.
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What Kind of Visa Do You Need?

Academic Study

- F-1 visa is for students going to a college, university, or language school in the U.S.
 - School issues a signed I-20 to the student.
 - Student must register in the SEVIS database and present proof of SEVIS fee payment.
 - SEVIS = Student and Exchange Visitor Information System
 - www.fmjfee.com
 - Must overcome INA 214(b).
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What Kind of Visa Do You Need?

Internships

- J-1 visa is for exchange programs, including some internships or training programs.
 - See <http://j1visa.state.gov/>.
 - Sponsor institution or third party issues DS-2019 and DS-7002 (Trainee/Internship Placement Plan).
 - Participant must be registered in the SEVIS database and present proof of payment.
 - Must overcome INA 214(b).
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J-1 visas and the “two-year rule”

- The INA 212(e) “two-year rule” applies if:
 - The program is funded by the U.S. or home government;
 - The field is on the skills list for the home country (available on travel.state.gov); OR
 - The program is graduate medical education or training sponsored by ECFMG.

Someone subject to the 2-year rule must return to their country of nationality or last permanent residency for two years before they are eligible to apply for an H-1B or L-1 visa, or legal permanent resident status in the United States. This rule also applies to J-2 dependents.

What Kind of Visa Do You Need?

Employment – H-1B Visa

- Temporary employment for up to 6 years in a specialty occupation.
 - Requires completion of at least a bachelor's degree in the specialty, or equivalent experience.
 - Must meet degree or experience requirement by time of filing (usually first five business days of April each year).
 - **214(b) does not apply.**
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What Kind of Visa Do You Need?

Employment – H-1B Visa (continued)

- Employer's responsibility to complete the petitioning process:
 - Files I-129 Petition with U.S. Department of Homeland Security
 - Files Form ETA-9035, Labor Condition Application with U.S. Department of Labor
 - Receives I-797 approval form
 - Employee's responsibility to apply for the visa.
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What Kind of Visa Do You Need?

Employment – TN Status

- NAFTA “visas” for citizens of **Canada** or **Mexico**.
 - Must be for work in a designated professional occupation (list of occupations available on travel.state.gov); specific degree/licensing requirements apply.
 - Need job offer letter and proof of qualifications.
 - Canadian citizens should apply directly at the Port of Entry without first obtaining a visa.
 - Mexican citizens need to apply for TN visa.
 - Admitted for a maximum of 3 years initially.
 - Must overcome INA 214(b).
-

How Do You Apply for a Visa?

- Determine purpose of trip. Gain admission or get hired; obtain requisite paperwork.
 - Complete on-line application form (DS-160) at <https://ceac.state.gov/GENNIV/>.
 - Pay your application fee and make appointment for visa interview at <http://canada.usvisa-info.com/>.
 - Prepare for interview/gather required items:
 - DS-160 confirmation page with photo
 - Passport valid 6 months after travel date
 - Possible reciprocity fees (see travel.state.gov)
 - Supporting documentation (as discussed)
 - Attend your visa interview at the Consulate.
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How Do You Apply for a Visa?

Complete Application Form Online

Visa application forms available online at <https://ceac.state.gov/GENNIV/> or at travel.state.gov. The DS-160 **must** be completed online. Please follow all online instructions and **bring** your bar-coded confirmation page to your interview.



The screenshot shows the CEAC website interface. At the top, there is a header with the U.S. Department of State logo and the text "U.S. DEPARTMENT of STATE CONSULAR ELECTRONIC APPLICATION CENTER". A language selection dropdown is set to "English". The main heading is "Online Nonimmigrant Visa Application (DS-160)". Below this is a button for "FAQs". A tooltip language section indicates that most of the application has been translated. The "Welcome!" section provides an overview of the process. The "Get Started" section prompts the user to select a location for the application, with a dropdown menu currently showing "- SELECT ONE -". A note mentions that some locations require a passport-type digital photograph, with links to "Test Photo" and "Photo Standard Guide". The "Important: Before You Start" section lists four steps: 1. Learn about Types of Visas, 2. List of Documents and Information you will need, 3. Browser Requirements, and 4. How to complete the application. At the bottom, there are two buttons: "START AN APPLICATION" and "UPLOAD AN APPLICATION".

U.S. DEPARTMENT of STATE
CONSULAR ELECTRONIC APPLICATION CENTER

Select Tooltip Language
English

Online Nonimmigrant Visa Application (DS-160)

Apply For a Nonimmigrant Visa

FAQs

Tooltip Language: [View Tool Tip Help]
Most of this application has been translated. To see the translation point your mouse over any sentence on the page.

Welcome!

Get Started

On this website, you can apply for a U.S. nonimmigrant visa. Filling out the application on our site is the first step in the process. After you submit your application, you can move on to the next steps, such as signing up for an interview.

Select a location where you will be applying for this visa
- SELECT ONE -

Some locations require you to upload a passport-type digital photography of yourself.
[Test Photo](#) | [Photo Standard Guide](#)

Important: Before You Start

1. [Learn about Types of Visas](#)
2. [List of Documents and Information you will need](#)
3. [Browser Requirements](#)
4. [How to complete the application](#)

Other people can assist you with your visa application. Note that under U.S. law (22 C.F.R. 41.103) you must electronically sign and submit your own application unless you qualify for an exemption. Even if someone else helped you,

Select a location and make sure you have the documents and information you will need.
START AN APPLICATION

Select a location then select an application that you previously saved on your computer.
UPLOAD AN APPLICATION

Also remember...

- Eye glasses are not allowed in visa photos.

Acceptable Visa Photos



Unacceptable Visa Photos



How Do You Apply for a Visa?

Visa Appointment & Information

- General visa information and appointments may be obtained from our call center. Hours of operation are 8am - 8pm EST, Monday-Friday, except holidays.
 - If calling from Toronto area – (437) 887 1448
 - If calling from the United States – (703) 249 4643
 - <http://canada.usvisa-info.com/>
-

How Do You Apply for a Visa?

Visa Application (MRV) fees

- Visa Application (MRV) fees are paid at the time of scheduling your visa interview appointment.
- *Visa fees are non-refundable regardless of the outcome of your application, even if you fail to attend your visa interview.*
- *Current visa fees are:*

B1/B2; C1 US\$160.00

F/M/J; TN/TD US\$160.00

Petition-based US\$190.00

How Do You Apply for a Visa?

Visa Reciprocity Fees

- Citizens of some countries have to pay an additional fee only if the visa is granted.
 - This fee, if required, is paid at the U.S. Consulate.
 - Please visit <http://travel.state.gov/> to find out if a reciprocity fee applies to nationals of your country.
-

Visa Interview Day

What not to bring to the Consulate



This list is not all-inclusive. Any items deemed suspicious may be denied entry

Visa Interview Date

What to expect...

- External line – dress appropriately!
 - Security Check – Review list of prohibited items
 - Interpreter/Assistant – Must bring government issued ID. Not allowed to bring their own children
 - Greeter check in process
 - Intake/Fingerprint/Interview lines
 - Interview lasts roughly two minutes
 - Three possible interview outcomes
 - Do not make travel arrangements until passport/visa in hand!!!
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Visa Application Option Interview Waiver (IW)

- IW for renewals:
 - ❑ Held previous visa and is applying for the same visa classification;
 - ❑ Visa expired less than 12 months ago and is in the applicant's possession;
 - ❑ Applicant resides in Canada and holds Canadian LPR status or valid study/work permit.
 - ❑ If an interview is required the applicant will be notified.
-

Visa Application Option Interview Waiver (IW)

- IW based on age:
 - ❑ 1st time applicants or renewal applicant under the age of 14 or over the age of 80.
 - ❑ Applicant must present proof of status in Canada.
 - ❑ For children under age 14 – at least one parent must have a valid visa or hold a Canadian passport.
 - ❑ If an interview is required the applicant will be notified.
-

Visa Application Tip:

STEM graduate students

- Regardless of what type of visa you are seeking if you are a graduate student in STEM (Science, Technology, Engineering, Math) disciplines, it may also be helpful to bring a current resume, a description of your current and past research, and a list of your scientific publications to the interview.
-

Visa Application Tip:

Chinese B Visa Holders and EVUS

- Important Reminder: All travelers holding People's Republic of China passports with 10-year U.S. B1/B2, B1, or B2 visas must enroll in the Electronic Visa Update System (EVUS) program. For more information on this program, please visit www.cbp.gov/EVUS.
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Key Points: Important to...

- Provide accurate and complete information on your application form.
 - Understand what paper work is required depending on purpose of travel
 - Understand 214(b) -- the assumption of immigrant intent.
 - Apply early- don't make travel plans until you have a visa!
-

Key Points (contd.)

- Appointments fill several weeks in advance.
 - Most visas can be processed within one week, but some require months of processing.
 - Typical reasons for processing delays are mandatory administrative reviews and waivers of ineligibilities.
 - Every applicant's situation is unique.
 - An approval notice or interview appointment does not guarantee the issuance of a visa.
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Additional Resources

- <https://ca.usembassy.gov/>
 - <http://travel.state.gov>
 - <http://canada.usvisa-info.com/>
 - <http://www.cbp.gov/>
 - <http://www.uscis.gov>
 - <http://www.ice.gov/sevis>
 - <http://j1visa.state.gov/>
-

Questions?

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