

Key Takeaways from Liaison Meeting and Tour of the National Visa Center

On February 9, 2023, in Portsmouth, New Hampshire, the [AILA DOS Liaison Committee](#) met with representatives of the National Visa Center (NVC). The meeting was a welcome resumption of communication efforts between AILAs representatives and the NVC. Official Q&As have been posted on AILA's website. Below are additional takeaways and information gathered during the committee meeting with the NVC and the general Q&A session with the National Visa Center that included other AILA members. This information should be read in conjunction with the [official Q&As](#), available on AILA's website.

1. Communicating with NVC

NVC suspended the phone line due to shifting resources to Afghan SIV cases last May. Phone line contact may resume in the future in some fashion, but the NVC is transforming its phone system to VOIP and will be undergoing a technical transition. They will reevaluate when this is complete. For now, there are three forms of communicating with NVC:

- a. Public Inquiry Form: NVC strongly urges using the Public Inquiry Form for most inquiries, questions, and issues. NVC reported a response time of several days to inquiries submitted through the Public Inquiry Form. Currently, the Public Inquiry Form response time is five days.

The Public Inquiry Form [can be found here](#). Attorneys should indicate under "Who are you?" on the form that the inquiry is from an attorney. This will send the inquiry to a special internal box for review. If a response is not received or the matter needs to be escalated after the Public Inquiry Form has been utilized, resend through the same portal and indicate "ATTENTION PI SUPERVISOR" on the inquiry at the start of the body of the message. Please reference previous attempts of communication and lack of response from NVC, and include copies of such inquiries. NVC response times are [posted online here](#).

The only time the Public Inquiry Form should not be used is in relation to expedite or research requests. These situations are discussed below.

- b. Expedite requests: For expedite requests, members should email NVCExpedite@state.gov and include the case number, as well as petitioner's name and date of birth in the body of the email. Supporting documentation, such as medical records for an expedite request, should also be included to corroborate a request based on humanitarian considerations. These requests are forwarded directly to the consular posts without input or analysis by NVC, and ultimately, the post will make the expedite decision. If the post approves the expedite request, the post will take over and schedule the interview directly. NVC noted that the expedite requests should be "short and sweet," briefly describe why the request is being made, and attach any relevant supporting documentation. For example, if requesting a case transfer to another post

while the case is still at NVC, attach documentation of the applicant's ability to travel to the receiving country along with the reason for the transfer request.

- c. Research requests: When the NVC has not received a petition from USCIS causing case creation delays of more than 60 days after petition approval, members should submit such research requests to: nvcresearch@state.gov, along with the petition approval and case identifying information. The NVC research contact email initiates communication between NVC and USCIS to track missing case files.

2. Visa Process and Role of NVC

The role of the NVC is administrative in nature. It collects documents and petitions to construct a complete case file. While there is uniformity for many documents, each post has supplements that provide instructions for the post's preferences. These should be referenced during the preparation of document submission to the NVC and for interview preparation. If there are any discrepancies between the required documents posted by NVC and reality, AILA members should submit these examples through the Public Inquiry Form so NVC can review and update them, if warranted.

In-person interviews will remain as a requirement due to statutory mandates. The INA requires an in-person interview. In addition, the applicant must complete biometrics and take an oath, both of which require the applicant to appear in person. Therefore, remote interviews are not feasible at this time. Applicants attending Interviews should bring any updated or necessary documents to the interview for efficiency. This includes updated forms such as revised DS-260s, affidavits of support, financials, etc.

CSPA issues are up to the post to resolve, but NVC will look to see when a derivative paid fees for purposes of locking in dates.

Termination: The NVC has the ability to see when someone has logged in to CEAC, when fees have been paid when the case is documentarily qualified, and visa availability (for the one-year contact rule). NVC also confirmed that an I-824 can count as seeking to inquire for purposes of the one-year contact rule.

Resources to Improve IV Case Handling: DOS is working on reducing 221g refusals. Posts with 50-60% 221g refusals (also called a "G rate") means that the visa operations need more work, such as further training or modifications to procedural matters. DOS and NVC engage in a lot of data analytics to see the rate and reasons for 221g refusals. Consular officers should provide information as to why someone receives 221g. Mock interviews were encouraged for clients, and NVC feels they are very important in client prep for their interview.

Post-specific process: Varies depending on workload. Prescreening can happen on the day of the interview or weeks in advance, and then they get notified to update taxes, documents, etc.

Policy questions have to go through DHS. DHS has primary authority over policy issues, which is the reason for delays in answering policy questions or the implementation of recommendations at times. NVC cannot take action on a case if a query is pending with DHS.

3. G-28

AILA members reported not receiving case creation emails or Welcome Letters even where they filed the immigrant visa petition. NVC confirmed that if an executed G-28 was filed with the immigrant visa petition filed and approved by USCIS, the data is transferred to the NVC with the case file, and the attorney should be attached to the case. If there is an issue, ensure the correct attorney email address was included in the G-28 filed with the petition. Otherwise, executed G-28s should be submitted through the Public Inquiry Form if the attorney representative is not attached to the case or when the representative information needs to be modified.

4. Fraud Unit

The NVC has a fraud unit; USCIS has an FDNS unit on site.

The role of the fraud unit is not adjudicatory in nature but rather to spot indicators that warrant further investigation by the consular section. For example, a petitioner who has submitted several marriage-based applications might warrant a caution notice to the consulate for reference. Particular attention is paid to the relationships of the petitioners and beneficiaries (for example: a petitioner submits a document that indicates cohabitation with an ex-spouse). The unit will not review or adjudicate the validity of a specific document. It coordinates with the various posts as well as the FDNS unit within USCIS.

5. Scheduling

There are approximately 134 embassies that give NVC appointment dates and times. Posts are responsible for reporting open IV interview slot times to NVC. These appointment dates and times vary in time and turnaround based on the size and resources of the particular consulate. On average, most consulates provide advance notice of two months prior to the interview. This advance notice allows applicants to properly plan for the interview date.

NVC is unable to estimate when cases will be scheduled; however, DOS is working on platforms to provide more transparency in the process, including data on expected wait times. The agency hopes to launch this next year.

6. Case Transfers to Alternative Consular Posts

NVC has the ability to reassign a case as long as the case is still at the NVC and has not yet been scheduled for an interview and transferred to post. Once an interview has been scheduled, AILA members should first contact the alternate post to obtain approval to receive the case and then reach out to the assigned post to request that the case be transferred to the new post.

7. I-601A Waivers

USCIS notifies NVC when an I-601A has been filed. NVC then processes and collects documents. Once USCIS makes a decision on the I-601A petition and the case is documentarily qualified, then the case will be scheduled for a consular interview. USCIS recently changed its platform as to how they notify decisions to the NVC, and the NVC was not aware of this change. The result was faulty communication concerning I-601As for a few months leading to this meeting, but NVC is working out the bugs.

Cases should not go into termination if an I-601A remains pending. As has been the practice for several years, if a wrongful termination occurs, AILA members should contact NVC via the Public Inquiry Form, which should result in the case being reinstated. NVC understands that waivers have been taking several years for adjudication and will not require new documents if a case is documentarily qualified once USCIS approves an I-601A

8. Documents

If a case is still at NVC (e.g. not yet scheduled for interview), documents can continue to be uploaded to the applicant's file. All documents uploaded will travel with the file to post, so this is a good way to ensure the documents stay with the case. Otherwise, if an interview has been scheduled, updated forms and documents should be brought to post at the time of the interview. If necessary, the consular officer will re-open the DS-260 for amendments.

9. Reinstatements

For reinstatement requests, NVC acts as a go-between for document collection and then sends the reinstatement requests to post with documents that have been provided. The post makes the decision on whether to reinstate. Requests for reinstatement must be submitted within one year of termination. Receipt of a termination letter should not go ignored even if issued in error. Immediate contact with the NVC is recommended.

10. Afghan (SIV) process

This process affected all work areas at NVC as resources were shifted to assist with these cases. Once chief of mission (COM) approval is given, the case returns to NVC to resume normal visa application processing and schedule an interview at post. NVC's role is administrative, working closely with the CARE Team to address concerns regarding document availability and identify what posts are available for interview.

11. Medicals

To reduce the risk of overbooking limited medical exam slots, NVC recommends waiting until a visa interview appointment has been set before scheduling the medical exam. Prematurely scheduling medical exams can take away exam slots from applicants with fast-approaching interviews and deny them time processing of the visa application due to the missing medical,

which necessarily means the case must be refused under 221(g) pending receipt of the medical exam. This means more work for posts.

12. Port-au-Prince

NVC advised that the consular post in Port-au-Prince, Haiti would resume IV cases in March 2023. It is a challenge to designate a different post for Haitians because of language challenges. Haitian applicants wanting to process at a post other than Port-au-Prince need to show they are allowed to enter and stay in the preferred country for post-transfer. Transfer requests should be submitted to NVC via the Public Inquiry Form.

13. IV Cases Shifting to Adjustment of Status with USCIS

When an immigrant visa petition was originally filed and designated for consular processing, but then is later shifted and filed as an adjustment of status with USCIS, USCIS is supposed to request the approved immigrant visa petition back from NVC. This is not always the case. If an adjustment of status application is filed for an approved immigrant visa petition that was previously designated for consular processing during the adjustment filing or anytime afterwards, members should notify USCIS of the change and request that they request it the IV petition back from NVC. NVC will not automatically know or receive information that an adjustment of status application on an IV case has been filed with USCIS. Absent affirmative notice to NVC, the case will remain active with NVC, eventually resulting in the petition entering the termination process, even after green card issuance. If the applicant has already adjusted status to LPR, the best practice is to notify NVC via the PIF that the applicant has already adjusted status. NVC can then return the IV petition to USCIS. This may also help reduce cases pending interview at NVC and potentially lower wait times.

In addition, where possible, NVC recommends e-filing the immigrant visa petition. Where the underlying I-130 petition is electronically filed with USCIS, once approved, the data/file transfer from USCIS to NVC and case creation process is much quicker than paper-filed cases. Paper-filed cases are mailed to an NVC office in Virginia for screening and then scanned and uploaded into the NVC system for case creation and initiation.

14. Document Review

All required documents must be uploaded and submitted before the NVC will open the file and review the documentation for sufficiency. NVC noted that oftentimes applicants upload the documents but do not actually submit them, so NVC is not alerted to review the case. Documents unavailable or inconsistent with reciprocity guidance should be flagged by uploading a letter or short statement explaining why the particular document is unavailable, not required, etc. In instances where the NVC continues to request unavailable documents (e.g. W-2s for petitioner who does not have W-2s), escalate through the Public Inquiry Form process, and attach any relevant supporting documentation.