

Elimination of the "Application Received" Stamp

R 130205Z JAN 07
FM SECSTATE WASHDC
TO ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE
RUEHTRO/AMEMBASSY TRIPOLI 1100
INFO RUEAORC/US CUSTOMS AND BORDER PROTECTION WASHINGTON DC 0884
BT
UNCLAS STATE 004819

E.O. 12958: N/A
TAGS: CVIS, OEXC, CMGT, DHS
SUBJECTIVE: End of an Era: Elimination of the "Application Received" Stamp During Visa Adjudications

REFS: (A) 1983 STATE 295747 (B) AIRGRAM A-126 JANUARY 29, 1981 and previous

1. For more than 25 years, consular officers have been noting visa refusals by stamping the back of an applicant's passport with "application received." Modern technology makes this step no longer necessary.

2. Upon receipt of this cable, posts should discontinue the use of the "application received" stamp. With issuance and refusal data now available to all posts through the CCD, there is no longer a need to alert interviewing officers to previous refusals by stamping the back of the passport. In addition, CCD information is now available at the POEs in secondary and to other DHS offices. Officers at posts in Canada and Mexico should ensure they follow the procedures in 9 FAM 41.121 in refusing applicants who would have eligible for automatic visa revalidation at POEs (see below).

3. FAM notes will be changed as follows:

-- Existing 9 FAM 41.121 PN1.2-13 and PN1.2-14 will be deleted.

-- 9 FAM 41.121 PN 1.2-15 will be amended and re-numbered as PN 1.2-13 as follows:

9 FAM 41.121 PN1.2-13 Additional Procedure when Refusing Applicants who Possess a Valid I-94

a. In addition to recording the refusal electronically, you should take additional steps in certain cases involving aliens who might seek to take advantage of the automatic visa revalidation provisions of 22 CFR (9 FAM) 41.112(d) but who are not eligible to do so due to their unsuccessful visa application.

b. On April 1, 2002, 22 CFR 41.112(d) was amended to remove applicants who apply for but do not receive visas from the provision for automatic extension of visa validity (and, in some cases, conversion of visa category) for persons entering the United States from contiguous territory provided they have a valid Form I-94, Arrival-Departure Record. Because applying for a visa automatically excludes applicants from using the revalidation option, you should collect any valid corresponding Form I-94 from the applicant. This action prevents refused applicants (including those subject to mandatory waiting periods, SAO checks, etc.) from attempting to use section 41.112(d) to enter the United States. In addition, in order to alert DHS to any such attempt, you should mark the back of the Form I-94 with the date and post name and return the form to DHS. If there is a DHS office at post, the Form I-94 must be turned over to that office. In other cases, the form should be sent as expeditiously as possible to ACS Inc. P.O. Box 7125, London, KY 40743 when using the U.S. mail or pouch, or to ACS Inc., 1084 South Laurel Road, London, KY 40744 when using another delivery method.

c. If the I-94 cannot be collected, you should reflect this in the case notes.

d. You may only revoke an unexpired visa if the grounds set forth in 22 CFR 41.122(a) and 9 FAM 41.122 are present.

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