

## Visa Filing and Interview Information

In order to apply for a student visa, the university must have accepted the application and sent the appropriate documents. For example, the F-1 student visa requires the I-20 form, and the J-1 student visa requires the DS-2019 form. Students should always double-check the documents that they receive and immediately notify the university if they find an error. Following is a list of items to which students should pay particular attention:

- Check the spelling of names. When applying to the university, always write the name in capital letters to avoid the misinterpretation.
- Check the date of birth. U.S. universities follow the MM/DD/YYYY format.
- Check the program of study and the start of term date. If the student is not able to report on the specified date, then he or she should contact the university and defer the application until the next semester.

### What to Bring When Applying for a Visa:

**1. Passport:** The passport should be valid for at least six months beyond the visa application date. Any expired and/or other current passport(s) should also be presented. A record of previously issued nonimmigrant visas assists the consular officer in making a decision.

**2. I-20/DS-201 Form:** The I-20 or DS-2019 Form (issued by the school in the U.S.) is mandatory for all student visa applicants. Please sign the I-20 or DS-2019 form.

**3. Evidence of Prior Education:** Applicants should bring original transcripts of prior education. Applicants who are not applying immediately after completing their studies should also present evidence of their recent employment. Test score reports from any tests that have been taken, including TOEFL, GMAT, SAT, etc.

**4. Financial Assets:** Applicants should present **full and complete financial documentation** to show that they have sufficient funds to cover the cost of their educational fees and living expenses while in the U.S. Fixed deposit accounts, current accounts, savings accounts and/or promissory notes belonging to the applicant's financial sponsor may be presented. **Original documents should be presented** - most Embassies will not need to keep copies.

**5. Evidence of Your Residence Outside the U.S.:** When applying for a student visa, applicants are applying for a nonimmigrant visa. Before a nonimmigrant visa may be issued, an applicant must establish to the satisfaction of the Consular Officer that they are not an intending immigrants. Applicants can do this by showing evidence of their family, economic and other social ties to a country outside the U.S. No relative, employer, or friend can "guarantee" an applicant's return in place of such evidence. Regardless of who is sponsoring the trip, the consular officer must look at the individual situation and decide whether the applicant meets the requirements on his/her own merits. Please note that consular officers adjudicate visas on the basis of the U.S. Immigration and Nationality Act (INA). This law states that "Whenever any person makes application for a visa...the burden of proof shall be upon such person to establish that he is eligible." U.S. immigration law requires consular officers to deny an applicant's application if he/she fails to present convincing evidence that he/she is not an intending immigrant.

### Getting the Visa

Every visa official has a list of requirements that he or she looks for in a visa application. If they are met, then the visa will be granted. If not, the application will be rejected. It is how these requirements are met that makes a visa decision seem subjective. For instance, the requirement for a student will return to his or her home country after completing studies forces the student to give logical, thought-out evidence. On the other hand, if a student has nothing substantial to show, then the visa will not be issued.

**Presenting proper documents alone does not determine the visa approval or denial.** The visa officer knows that documents can be easily forged, so they can judge authenticity in less than a minute due to the large number of papers that they process every day. Therefore, presenting the individual case is the most important part in getting the visa. What the student says and how he or she says it matters a lot. Sometimes it can even make up for inadequate documentation. **Success in obtaining a visa depends on both the proper documentation and giving a good presentation during the interview.**

### **Key Factors**

- **Academic Performance:** U.S. universities have high standards and expectations of international students. Therefore, having a good academic record increases a student's chance of obtaining a visa.
- **Financial Capabilities:** U.S. universities are more expensive than most of the countries in the world. The U.S. government needs assurances that the student will not drop out of school or take a job illegally. I-20 or DS-2019 forms will list the amount for tuition and other expenses. It is the student's responsibility to provide solid evidence for any scholarships, grants, or loans that have been awarded. The student is also required to establish proof of his or her relationship with the sponsor, and to submit documentation of the sponsor's active and passive incomes.
- **Strong Ties to Home Country:** Under U.S. law, all applicants for non-immigrant visas are viewed as intending immigrants until they can convince the consulate officer that they are not. It is the student's responsibility to justify the visa application and provide convincing evidence that his or her intention is only to study in the U.S. The law states that the student must demonstrate sufficient economic, family, and social ties to his or her home country to ensure that the stay in the U.S will be temporary.

### **Positive Points for Applications**

- The student's proposed education or training would be very useful in the home country.
- The student is going for a highly valuable research-oriented education, such as drug discovery, or next generation technology.
- The student will learn international or U.S. business skills.
- The student will bring cultural or ethnic values and experiences to the U.S.
- The student has well-planned career goals with definite objectives.
- The student has chosen a university that will help him or her to attain those career goals.
- The student gives a good presentation of documents.
- The student gives simple, straight-forward, clear, and concise answers to the visa officer's questions.

### **Negative Points for Applications**

- The proposed education or training would not appear to be very useful in the home country.
- The intended education is already available in the home country.
- The student is not in very good academic standing.
- The student's intention is most likely to get a job and settle in the U.S.

- The student is financially incapable of studying in the U.S.
- The student has a poor presentation of documents.
- Financial support for education is completely based on university funding.

Visit <http://travel.state.gov/visa/index.html> for more information on all of the details about applying for a visa and ensuring that it is granted.

## **The Top 10 Interview Questions**

### **1. Why do you want to go to the U.S.?**

This is the most common question put to international students. Short explanations of the proposed education or research opportunities that are not available in the student's home country will convince the visa officer.

### **2. Why this university?**

Specific academic advantages or possible research facilities should be a student's primary reason for choosing the university. Students might have participated in research projects, so making notes about past experiences, or knowing a specific professor at the university will be advantageous to students going to the interview.

### **3. How did you find this university?**

Students can answer this question very easily. The Internet is the primary source for finding and doing more research on each and every university.

### **4. How many universities have you applied to?**

Most students try for three to five universities. Receiving a higher number of acceptances or rejections will not impact the decision about the student's visa.

### **5. Who is your sponsor?**

Parents or family funds primarily support international students. Students are required to provide their sponsor details with sufficient proof of financial capabilities for the sponsors. Sometimes, education loans and companies provide the financial support.

### **6. Why this program?**

Students should give a brief summary of their past academic experience and future career goals.

### **7. What is your father's occupation?**

If parents are the primary sponsors, many consulate officers try to find out the family background and their financial capabilities. Students are required to provide honest answers since the visa officers handle thousands of cases and are able to judge very easily whether or not a student is telling the truth.

### **8. How much is your or your sponsor's annual income?**

This question is also designed to understand students' financial situation.

**9. What are your post-graduate goals?**

Students should state what they intend to do after they graduate.

**10. What are the reasons to come back after your studies?**

Economic, family, and social ties are reasons for students to return to their home country after they graduate.

**Frequently asked questions for the Consular Officials**

**How do you decide whether or not to issue a visa?**

Section 214(b) of the U.S. Immigration and Nationality Act states: "Every alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for admission, that he is entitled to nonimmigrant status." To qualify for a visitor or student visa, an applicant must overcome the presumption of immigrant intent embodied in U.S. immigration law. The law places this burden of proof entirely on the individual applicant. Applicants must prove they have overwhelming ties abroad that would compel them to leave the U.S. at the end of a temporary legal stay. Failure to completely convince the adjudicating consular officer of one's intent to return to their home country will result in a refusal of a visa application under Section 214(b). The consular officer is also required to assess the applicant's credibility, including indications of possible deception that may cause the consular officer not to be satisfied that the applicant will lawfully comply with all the requirements of the non-immigrant visa (NIV) category in question. Failure to participate fully in the visa interview or to answer the visa officer's questions will similarly result in a refusal.

**What are strong ties?**

"Ties" are the various aspects of your life that bind you to your country of residence. Some examples include your job, your family relationships and property. Visa applicants are required to have substantially more ties to China (or the applicant's home country) than to the U.S. These ties must be significant enough to compel a visa applicant's return to China (or the applicant's home country).

**Why does the U.S. have such strict visa laws?**

The United States is an open society. Unlike many other countries, the United States does not impose internal controls on visitors, such as registration with local authorities. In order to enjoy the privilege of unencumbered travel in the United States, foreigners have a responsibility to prove they are going to return abroad before a visitor or student visa is issued. Our immigration law requires consular officers to view every visa applicant as an intending immigrant until the applicant proves otherwise.

**Is a denial under Section 214(b) permanent?**

No. If you have new information which was not presented to the interviewing officer at the time of your first application or if your overall circumstances have changed significantly since your last application and you can now better establish convincing ties outside of the United States, you may reapply.

### **Do refused applicants have to wait three to six months before reapplying?**

There is no time restriction on resubmitting an application after a refusal. If you have additional information or supporting documentation to present which is substantially different from your initial application you are encouraged to reapply. If your circumstances are unchanged and you will present only evidence which has already been reviewed recently by an officer, your chances of gaining approval on a second or third application are much lower. In such cases, it is probably better to wait until your personal circumstances have changed significantly before reapplying.

### **I presented all the documents I was told to bring, but my application was turned down anyway. What else should I bring?**

The problem is not the documents. Rather, your current overall situation (as supported by those documents) was not adequate to overcome the presumption that you are an intending immigrant. Remember, U.S. law says that you are an intending immigrant until you show that your overall circumstances would be adequate to compel you to return home after visiting the U.S.

### **Why are the visa interviews so short? I was refused after only a couple of questions and the interviewer hardly looked at my documents.**

The visa officers handle thousands of applications every year. Based on this experience, we are able to quickly review the application forms and supporting documents in order to narrow the range in which questions may need to be asked. Keep in mind, most of the information we need is already supplied on the application form itself, so there is usually no need for the officer to ask more than a few additional questions. We often need only to verify your identity or clear up one or two points. Also, if the interview were longer, you would end up waiting in line for a considerably longer time. In order to be fair to all applicants and to provide everyone an equal opportunity to establish eligibility, we must work quickly and efficiently.

### **I have been accepted by a U.S. school which issued me an I-20. Why isn't that enough for issuance of a student visa?**

The approved I-20 form is just one piece of information the interviewing officer must consider when deciding whether a visa may be issued. Remember, under Section 214(b) of the U.S. Immigration and Nationality Act, you still must prove that you will leave the United States after the purpose for which you entered the United States comes to an end. In student visa cases, the applicants may intend to stay in the United States for many months and even years pursuing a course of study. Consequently, we must consider your overall circumstances when deciding whether to approve a student visa. Student visas must be denied if it appears that the applicant's primary purpose of travel is not to obtain an education, but, rather, to facilitate an indefinite stay in the United States. The fact that a school has admitted a student to study and issued the student an I-20 is, therefore, only one factor we consider.

### **Who Can Influence the Consular Officer to Reverse a Decision?**

Immigration law delegates the responsibility for issuance or refusal of visas to consular officers overseas. They have the final say on all visa cases. By regulation the U.S. Department of State has authority to review consular decisions, but this authority is limited to the interpretation of law, as contrasted to determinations of facts. The question at issue in such denials, whether an applicant possesses the required residence abroad, is a factual one. Therefore, it falls exclusively within the authority of consular officers

at our Foreign Service posts to resolve. An applicant can influence the post to change a prior visa denial only through the presentation of new convincing evidence of strong ties.

**I will certainly return to my country because my parents are here. I am the only son in my family and I need to return so that I can take care of my parents. Why did the officer say I have insufficient ties to compel me to return?**

Our experience shows that being an only child has not deterred many travelers from remaining indefinitely in the U.S. While this factor may be one among others relevant to an individual's personal circumstances, it would not usually, in itself, be sufficient to establish eligibility.

**My company and my American friend have both written letters guaranteeing that I will return to my home country. Why isn't that considered to be enough proof that I actually will return?**

A guarantee letter, like other forms of written documentation, will be considered by the interviewing officer. However, a letter, by itself, does not establish the applicant's ties to a place outside of the United States. Similarly, pledges from highly placed persons that you will return to your home country do not automatically enable applicants to overcome section 214(b). This is because U.S. law does not permit visa officers to delegate to others their authority to evaluate the applicant's actual overall circumstances.

**Shouldn't I conceal the fact that I have close relatives living in the United States, that I have an application to immigrate on file, and that I have previously been denied a visa? What are the consequences if an applicant conceals or misrepresents information or submits fraudulent documents to the Consulate?**

The risks of fraud are serious. Applicants who provide incorrect information, conceal relevant facts, or misrepresent their cases may become permanently ineligible to enter the United States. All approved applications are checked against computer records to see if certain information on the application was truthfully presented. It is common for an applicant to have relatives in the United States or a petition to immigrate on file. These factors by themselves will not necessarily prevent approval of your application. Misrepresentation of these facts, however, risks causing your application to not only be refused but for you to become permanently ineligible from ever entering the United States.

**Must applicants take tests such as the TOEFL, SAT, GRE, and GMAT, in order to obtain a student visa? Is any particular score on these exams needed to get a visa?**

Applicants are generally not required to take any particular tests to qualify for a visa. However, we note that motivated and serious student visa applicants often take such tests when seeking admission to schools in the United States. The fact that a student has taken one or more of these tests may help show the seriousness of the applicant's study plans. Applicants are generally not required to take any particular tests to qualify for a visa. However, we note that motivated and serious student visa applicants often take such tests when seeking admission to schools in the United States. The fact that a student has taken one or more of these tests may help show the seriousness of the applicant's study plans.

**If my visa application is denied, would it help to have a high ranking official, or an American friend contact the interviewing officer?**

No. United States law assigns the responsibility for issuance or refusal of visas to consular officers overseas. They have the final say on all visa cases. Additionally, United States law is designed to insulate

the decisions in visa cases from outside influences. An applicant can influence a reversal of a prior denial only through presentation of new convincing evidence of strong ties.

**What can I do if I have a complaint about the application process or my case?**

All visa applicants are entitled to courteous, efficient, and consistent treatment. If you feel you were treated improperly during the processing of your visa application, you should write to the Consulate and describe the circumstances. Your concerns will be investigated and corrective action taken where justified.