

PREPARING FOR A VISA INTERVIEW

REVIEW THE FOLLOWING QUESTIONS:

- Have you ever been arrested for a crime anywhere in the world, including drunk driving or other alcohol related offense?
- Have you ever been convicted of a crime anywhere in the world?
- Have you ever been cautioned for a crime anywhere in the world?
- Have you ever been removed from or deported from the United States?
- Have you ever been denied entry into the United States?
- Have you ever overstayed beyond the period authorized by U.S. immigration?
- Has your any prior visa application been denied? If yes, please keep details such as date of interview, type of interview etc. handy.

If the answer to any of the above questions is **yes**, please contact our law firm.

THE INTERVIEWER MAY ASK THE FOLLOWING QUESTIONS DURING THE INTERVIEW:

- What is your educational background?
- How many years of experience do you have?
- How is your education/experience related to the job offered?
- What will be your job duties in the United States? (Read the support letter filed with the petition).
- Who will be your supervisor?
- Tell me about your United States employer. How many offices do they have? How many employees do they have in the United States?
- Will you be placed at a third party client site? (Your H-1B petition and the support letter will indicate whether you will be placed at a third party client site). If **yes**, where would you be working? Do you have an end client letter and a LCA for that location?

The consular officer's initial responsibility is to determine visa eligibility. Try to sound confident (yet humble) during the interview without being arrogant.

DO YOUR HOMEWORK

- Review the petition.
- Understand the basic requirements for the visa classification sought.
- The consular officer will review the company website and will question you on the business as well as your role in the business.
- Review the consulate website: Procedures change often; check the website before each applicant interview to ascertain the documents required.

Also know what you can and cannot bring into the consulate. Mobile phones, PDAs, cameras and any other electronic devices, including iPods and remote entry automobile key "fobs" are generally prohibited.



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INTERVIEW PROCESS:

- Dress formally.
- Do not fabricate any documents including but not limited to experience letters. The consulate can contact your previous employer to verify your employment.
- Practice speaking in proper English if you are not habituated to communicate in the English language.
- Answer the questions confidently. However do not sound rude or over confident. Do not get surprised by strange questions. Keep your presence of mind.
- The visa interview is conducted by a visa officer with a bulletproof glass separating the visa applicant and the officer.
- Please provide only those documents that are requested by the officer. If you do not have any document or information, please state it to the officer.
- The third country nationals should not appear for a visa interview if you have entered the United States on a B-1/B-2 visa. If you have over stayed your visa or there are other complexities in your visa application, please avoid visa stamping in Canada or Mexico.
- Do not overburden the visa officer with too many documents. A select list of important documents is much more advisable than a big stack of irrelevant documents.
- Check the local website on the day prior to visiting the consulate for an interview. The consular procedures change frequently and the consular website is the best resource to update oneself for the changes to the consular procedures.
- Talk to some relative/friend/co worker who has previously appeared for a visa interview. S/He may be able to guide you regarding the peculiar features of a particular consulate. For instance s/he may inform that the visa wait lines are huge and there is no overhead shelter. Therefore it may be advisable to carry an umbrella during the rainy season!
- One should visit the consulate one day prior to the visa interview during the day time to gauge the amount of time taken from the hotel/home where you are stationed. At times it may be noticed that due to peak traffic times, the taxi takes one hour for a short drive.



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STARS & STRIPES LOUNGE IN MUMBAI AND CHENNAI:

The applicants appearing for a visa interview at Mumbai or Chennai consulate in India can opt to avail the optional services of the Stars & Stripes Lounge. This facility allows you to wait in a comfortable room until the visa interview time. You can also keep your belongings at this lounge as you are not allowed to take any personal belongings at the consulate except your visa related documents. More information can be obtained from:

<http://www.vfs-usa.co.in/applnforms/Lounge.aspx>

221 G:

Upon your interview the consular officer has the right to request further documents from you and keep your case on hold. The officer may hand over a 221(g) form/letter which is colored in blue/pink/yellow/green. The officer will check the items you need to submit. The requested documents are normally required to be submitted at your nearest VFS center or at the consulate. You may not be requested to appear again for an interview and a decision may be made based on the documents submitted. Upon submission of the documents, the consulate can at times take weeks and even months to make an adjudication.

FURTHER INSTRUCTIONS TO FOLLOW:

- Please thoroughly review the filed H-1B petition and particularly the H-1B Support Letter. The job duties stated on the support letter are one of the most crucial aspects of the H-1B petition.
- If you have changed work locations in the United States after filing of the H-1B visa, please make sure that you have a certified LCA for the new location.
- For Information Technology companies: The consulate is regularly requesting an end client letter. Please try to obtain an end client letter in advance before the visa stamping to avoid delays. If you are working on premises and not consulting, try to obtain a letter from your project manager explaining the project. The letter should explain that the instant position is not an "IT Consulting Position".
- For Information Technology companies: If you are unable to obtain an end client letter, the following documents can be submitted in lieu of the end client letter. However the visa post will make the final decision whether these documents are acceptable: 1) Vendor letter evidencing job title, duties and right to control 2) Non confidential emails between you and the end client which evidences your job duties. 3) Photographs of the end client premises and of the office building. Do not forget to take a photograph of the directory of the building which shows all the offices in the building including the end client's office. 4) Entry badge with your name/photograph.



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- If the post requests confidential company documents, request your company to hand over the documents in a sealed envelope.
- The H-4 interview requires the original H-1B approval (Form I-797) of the main H-1B holder.
- Do not submit any letter not authorized by the client. The post will most likely check with the client if the letter was authorized.
- Do not submit all the requested documents on the 221G letter with delays. Significant delays in submission of the documents leads to doubts over the authenticity of the documents and the position.
- Do not submit the requested documents on the 221G letter in separate envelopes post marked on different days. Try to submit all the documents in one envelope. If you are instructed to submit documents in an email, try to submit all the documents in one single PDF document.

PIMS:

In November 2007, the Department of State (DOS) started the Petition Information Management Service (PIMS) program. Before an H, L, O, P, or Q visa can be issued, a consular officer must confirm the petition's approval by obtaining a positive PIMS records check. According to U.S. Citizenship and Immigration Services (USCIS), it typically sends approval notices and submitted documents to the KCC by Federal Express on a daily basis. Hs and Ls are uploaded within 48 hours and applications for change of status within 120 hours. The current system was intended to increase efficiency, decrease paperwork, and prevent fraud.

VISA WAIT TIMES

The typical wait time for your visa to be processed refers to the time it typically takes for your visa to be ready for pick-up or delivery by courier after the Consular Officer has made the decision to issue the visa. These estimates do not include time required for administrative processing, which may affect a small number of applications. If necessary, this additional processing is usually resolved within 60 days of application, though some cases may take longer. When administrative processing is required, the timing will vary based on individual circumstances of each case. The link to review the visa wait times is:

http://travel.state.gov/visa/temp/wait/wait_4638.html



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COMPLETION OF DS-160:

The DS-160, Nonimmigrant Visa Electronic Application, is an application for a nonimmigrant visa. The DS-160 is submitted electronically to the Department of State via the Internet. Consular Officers use the information entered on the DS-160 to process the visa application and, combined with a personal interview, determine an applicant's eligibility for a nonimmigrant visa. (The final step after completing the DS-160 is to print the confirmation page with the bar code that appears on the screen.)

<https://ceac.state.gov/genniv/>

TIPS ON DS-160:

- Complete the DS-160 application form only in English. Make sure that all information on the form is correct. The applicants who do not complete the DS-160 in English or who select the wrong gender on the form will be required to edit or submit a new DS-160.
- All NIV applicants (except those applying for K, N, S, T and U visas) are required to personally sign and submit the electronic DS-160 Nonimmigrant Visa Application Form. The applicant's information is checked to confirm their identity and background. In order to save time and money, it is important that clients thoroughly review their DS-160 to ensure all information is correct prior to the electronic submission. This is particularly important if other representative drafts the DS-160 on their behalf.
- The DS-160 "times out" after 20 minutes without user activity, and your data will be lost. To safeguard against data loss, click the "Save" button frequently and download the file. Select a place on your computer to save the application file, browse to that location, and click the "Save" button on the "Save As" window.
- The completed DS-160 application form will generate an alpha-numeric barcode confirmation page. Print this page using a laser printer. Ink-jet or dot-matrix printers do not provide sufficient resolution to print a usable barcode.
- Once you have printed the barcode confirmation page, hit the "Back" button and email yourself the same so you have a backup copy. The emailed file will be in PDF format, and thus requires Adobe Acrobat to view or print.

The VFS, India has some good FAQs on the DS-160 form which can be reviewed at:

http://www.vfs-usa.co.in/usindia/applds160_faq.html



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PHOTOGRAPH REQUIREMENTS:

Nonimmigrant visa applicants must submit their photograph that meets the required specifications while completing the visa application form DS-160. Applicants are advised to also carry a copy of their photograph to the Embassy / Consulate on the day of the interview. Nonimmigrant visa applicants scheduled at the Mumbai Consulate need to submit their photograph along with their application packet to the VFS Application Centre in Mumbai, Ahmedabad or Pune. Immigrant visa applicants need to submit their photos at the VFS Application Centre along with their documents. The details regarding the photograph requirement can be reviewed at:

http://travel.state.gov/visa/visaphotoreq/visaphotoreq_5334.html



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