

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
HOMELAND SECURITY INVESTIGATIONS**

**HSI Directive 14-03: Visa Referrals**

**Issue Date:** May 9, 2014  
**Effective Date:** May 9, 2014  
**Superseded:** U.S. Immigration and Customs Enforcement (ICE)  
Office of International Affairs Directive 15002.1  
(former number 19-0.0), "Visa Referrals," dated  
September 29, 2008.  
**Federal Enterprise Architecture Number:** 306-112-002b

**1. Purpose/Background.**

- 1.1.** This Directive provides policy and procedures governing Visa Referrals by Homeland Security Investigations (HSI) International Operations. A Visa Referral is a recommendation to the Department of State (DOS) from another agency to expedite processing for nonimmigrant visa (NIV) applicants. DOS is responsible for the issuance of NIVs into the United States. DOS issues policy, procedures, and guidance on NIVs and Visa Referrals in its Foreign Affairs Handbook (FAH), Foreign Affairs Manual (FAM), and Consular Management Handbook (CMH).
  - 1.2.** A Visa Referral is made when it is deemed that the visa issuance would promote U.S. interests. U.S. officers from any U.S. Government agency posted at embassies and consulates, including HSI International Operations employees assigned to HSI Attaché offices, may submit Visa Referrals to the DOS consular section. Although Visa Referrals provide for expedited DOS consideration and processing, they do not guarantee approval and issuance of a visa. The same standards of visa eligibility and clearance apply to all NIV applicants regardless of whether or not they are referred through this process.
  - 1.3.** Visa Referrals are a means for U.S. officers to promote goodwill with foreign counterparts; however, if not implemented properly, they could create risks in the visa process by providing expedited visa processing for potentially unqualified applicants. When referring NIV applicants to DOS, International Operations will submit Visa Referrals only for qualified applicants and will track the referral process.
- 2. Policy.** HSI International Operations employees may foster relations with foreign counterparts and associates by providing assistance with Visa Referrals. Visa Referrals from HSI seek expedited DOS consideration and processing that may encourage respect and cooperation from foreign partners. HSI International Operations employees involved in the Visa Referral process must follow

procedures defined by DOS in the FAM, FAH, and CMH, and the policy and procedures provided in this Directive. In addition, they must obtain approval from the appropriate International Operations Associate Deputy Assistant Director (ADAD) for Operations by demonstrating that the NIV applicant satisfies Class A or Class B Visa Referral criteria before sending Visa Referrals to DOS. The ADAD for Operations will determine whether the Visa Referral would support U.S. and ICE interests.

**3. Definitions.** The following definitions apply for purposes of this Directive only:

**3.1. (b) (7)(E)**

**3.2. (b) (7)(E)**

**3.3. A personal appearance** is when a visa applicant is required to visit a U.S.-designated post (e.g., embassy or consulate) in person to be interviewed as part of the visa application.

**3.4. A Referring Officer** is a U.S. Government employee within an embassy, including but not limited to the HSI Attaché, who accepts a Visa Referral and forwards it to HSI International Operations for approval and to DOS for processing.

**3.5. A Visa Referral** is a recommendation to DOS from another agency to expedite processing for NIV applicants. There are only two categories of Visa Referrals: Class A and Class B Referrals.

**4. Responsibilities.**

**4.1. The Executive Associate Director** of HSI is responsible for the oversight of the policy and procedures in this Directive.

**4.2. The Assistant Director** of HSI International Operations is responsible for the implementation of the provisions of this Directive within HSI.

**4.3. The HSI Attachés** are responsible for implementing the provisions of this Directive within their areas of responsibility. They serve as liaisons between the Visa Referral applicant, International Operations at Headquarters (HQ) (through the

country Desk Officer), and DOS throughout the Visa Referral process. They are also responsible for reviewing applications and deciding whether to deny the Visa Referrals or forward the applications to International Operations at HQ for further processing.

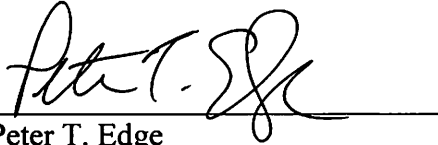
- 4.4. The International Operations **ADAD for Operations** is responsible for processing, tracking, and monitoring all Visa Referrals received by International Operations at HQ and for approving or denying their transmission to DOS. The ADAD for Operations is also responsible for maintaining retrievable information on Visa Referrals and the decisions and actions conducted on the referrals within International Operations.
- 4.5. The **Desk Officer** is responsible for coordinating all Visa Referral actions within International Operations at HQ and for transmitting to the requesting Attaché office the final decision to approve or deny the Visa Referral. The Desk Officer is also responsible for researching all appropriate databases and providing the results to the International Operations ADAD for Operations.
- 4.6. **Employees** assigned to foreign posts who submit Visa Referrals to DOS are required to follow Visa Referral procedures set forth by their Attaché, DOS, and this Directive. These employees may submit Visa Referrals to DOS only after receiving approval from International Operations at HQ.

## 5. **Procedures/Requirements.**

- 5.1. The Referring Officer will accept a Visa Referral from the applicant and submit the application to the Attaché office for review.
- 5.2. The Attaché will review the Visa Referral application. (Note: The Attaché may deny a Visa Referral on his or her own initiative at any time prior to forwarding the Visa Referral to DOS.)
  - 1) Should the Attaché deny the Visa Referral request, he or she must notify the appropriate Desk Officer in writing to articulate the findings.
  - 2) If the Attaché does not deny the Visa Referral request, he or she will forward the Visa Referral to the appropriate Desk Officer for processing prior to submission to DOS.
- 5.3. When notified of an Attaché's denial of a Visa Referral, the Desk Officer will provide this information to the International Operations ADAD for Operations for entry into the Visa Referral tracking system.
- 5.4. When an Attaché provides a Visa Referral application for further processing, the Desk Officer will submit the Visa Referral to the International Operations ADAD for Operations at HQ for a decision.

- 5.5. The Desk Officer will research all appropriate databases regarding the Visa Referral applicant. The Desk Officer will then develop a summary of findings and submit all information to the International Operations ADAD for Operations.
- 5.6. The International Operations ADAD for Operations will review the Desk Officer's findings and render a decision to approve the application for transmittal to DOS or deny the Visa Referral. The ADAD for Operations will include this decision and all relevant information in the Visa Referral database and communicate this decision to the Desk Officer.
- 5.7. The Desk Officer will transmit the International Operations ADAD for Operations' decision regarding the Visa Referral, in writing, to the submitting Attaché office.
- 1) If the ADAD for Operations approves the Visa Referral, the Attaché office may submit the Visa Referral to DOS, following all applicable procedures defined within the FAM (specifically 9 FAM Appendix K), FAH, CMH, and this Directive.
  - 2) If the ADAD for Operations denies the Visa Referral, the Attaché office must notify the highest ranking official within the Consular office of the Visa Referral request and denial, as well as International Operations' findings (if they may be shared with DOS).
- 5.8. Employees shall not disclose any communications or processes regarding Visa Referrals to applicants, including any derogatory findings.
- 5.9. Any employee who discovers or suspects abuses of the Visa Referral system or fraudulent findings must report relevant facts to the DOS Diplomatic Security through the Resident Security Officer and to the appropriate International Operations Desk Officer.
6. **Recordkeeping.** HSI International Operations will track all Visa Referral requests and their approval or denial in the Visa Referral database.
7. **Authorities/References.**
- 7.1. DOS Foreign Affairs Manual, 9 FAM Appendix K, dated 5/16/2002.
  - 7.2. DOS Consular Management Handbook, CMH-600, dated 3/4/2004.
  - 7.3. DOS Foreign Affairs Handbook, 7 FAH-1, dated 9/14/2006.
8. **Attachments.** None.

9. **No Private Right.** These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

A handwritten signature in black ink, appearing to read "Peter T. Edge", written over a horizontal line.

Peter T. Edge  
Executive Associate Director  
Homeland Security Investigations