



United States Department of State
Washington, D.C. 20520

October 10, 2018

Brian Carr
Via Email: carrbp@gmail.com

Dear Mr. Carr:

We are writing in response to your letter to the Office of Inspector General concerning the nonimmigrant visa case of Mrs. Rueangrong Carr. Your letter was forwarded to the Visa Office, Outreach and Inquiries Division for our reply.

Visa applications are adjudicated in accordance with the provisions of the Immigration and Nationality Act (INA). The authority to issue or refuse visas is vested solely in consular officers abroad by section 104(a) of the INA. For this reason, the Department of State in Washington, D.C. cannot overturn consular decisions. We reviewed Department consular records and confirmed that Mrs. Carr was refused a nonimmigrant visa under section 214(b) of the INA on August 29, at the U.S. Consulate General in Chiang Mai, Thailand. Section 214(b) explicitly presumes every nonimmigrant visa applicant to be an intending immigrant and places the burden of disproving this presumption on the applicant.

Consular officers examine each application individually to determine whether the applicant qualifies for visa issuance according to U.S. immigration law and regulations. When determining eligibility for a visa, the officer takes into consideration the applicant's entire situation, including family, community, professional and economic ties to the applicant's home country as well as prior travel history and any ties to the United States.

You have clearly stated your wish for Mrs. Carr to visit the United States and we take seriously the assurances you offer on her behalf. However, it is the applicant alone who must establish eligibility for a visa. A refusal under section 214(b) is not permanent and Mrs. Carr may reapply for a visa at any time. We recommend that individuals reapply only if new evidence to overcome the previous grounds of refusal is available. We assure you that any future application will be given every possible consideration consistent with U.S. immigration law.

The Appointment Wait Times you found on our website are only estimates and may differ from day to day. For example, the appointment wait time for a visitor visa in Chiang Mai today is 21 calendar days.

You have also stated your frustration at being denied access to Mrs. Carr's visa interview.

U.S. embassies and consulates abroad establish entrance policies based on space limitations, security considerations, and resource management. In general, embassies and consulates do not grant access to third parties in connection with visa applications. As a U.S. citizen, you would be admitted to the American Citizens Services (ACS) section or the Passport section if you required their services.

Lastly, there is no provision in U.S. law that specifically precludes issuance of a nonimmigrant visa to an applicant with a pending immigrant visa case. However, such an applicant must still demonstrate that he or she has clear ties to a continuing life overseas and evidence that he or she intends only a temporary visit to the United States. Such evidence is required to overcome the provisions of section 214(b) of the INA.

We hope this information is helpful.

Sincerely,



Cristin Heinbeck
Outreach and Inquiries Division
Visa Services