

## Memorandum

<b>TO:</b>	Employees Seeking Nonimmigrant Visas
<b>FROM:</b>	Seyfarth Shaw Business Immigration Group
<b>RE:</b>	How to Complete Form DS-160

### I. INTRODUCTION

The purpose of this Memorandum is to provide visa applicants with a brief overview of the necessary nonimmigrant visa application form currently required by the U.S. Department of State.

### II. FORM DS-160

The Form DS-160 is the visa application form. It must be completed and submitted online to the U.S. Department of State (“DOS”) by the applicant; the DS-160 (together with detailed instructions for form completion and submission) can be found at (<https://ceac.state.gov/genniv/>). Although other persons (such as attorneys, secretaries, spouse, etc.) may assist the applicant in completing the DS-160, the applicant him- or herself **must** ultimately submit the form online. Exceptions to this rule include minor children and those with certain disabilities.

The Form DS-160 asks the applicant to provide biographical information as well as details regarding his or her employment history and previous trips to the United States for work or pleasure, regardless of the length of stay. Applicants should be prepared to list the entry and exit dates (dd/mm/yyyy) of his or her most recent five entries to the United States, as well as a complete list of all countries visited during the past five years. All fields on the Form DS-160 that require a date must be filled out in this format (dd/mm/yyyy); if the applicant is unsure of a specific date, he or she should provide an estimate, using the first day of the month (Ex: Applicant recalls a short B-2 visit in July of 2006, but his passport was lost and he is unsure of the exact entry date - he should complete date field as 01/07/2006).

It is essential that visa applicants answer all questions completely and accurately. Incomplete or inaccurate information may result in delay or denial of a visa application. Please note that the DS-160 is an interactive form, such that the questions generated on the Form will vary depending on the specific answers given in earlier sections of the Form. With this in mind, we offer the following suggestions to assist you in completing the form:

- **Saving the Form:**

The DS-160 offers two options for saving partial data into the Form for applicants who wish to begin the Form preparation on one day and submit the application on a future date. The Form will not allow an applicant to move from one page to the next unless all fields on the page have been completed. By moving from page to page using the “Next” button, all data typed into the page is saved to the DOS website and can be retrieved at a later date by entering the Application ID number provided on the top right corner of each Form page. Applicants will be prompted to answer a security question when beginning a new Form, and that answer will also be required (along with the Application ID) in order to retrieve a partially completed Form from the website.

The Form DS-160 can also be saved as a .dat file to an applicant’s local drive by clicking on the “Save” button at the bottom of each Form page. This allows the applicant to save the contents of the Form for periods longer than 30 days. The contents of the Form, whether partially completed or fully completed, can later be uploaded into the DOS website by following the prompts under “Upload a Previous Application”.

- **Making the Visa Appointment**

Procedures for securing a visa appointment are unique to each Consulate and Embassy. Applicants should visit the DOS website (<http://www.usembassy.gov/>) for a list of Embassies and Consulates and a link to their separate websites, where detailed visa appointment instructions, as well as current application fees, can be found. Once a visa appointment has been secured, the Consulate or Embassy will provide the applicant with a list of exhibits that he or she should bring to the interview.

- **Address and Phone Information**

The Form DS-160 asks the applicant to provide a home and a mailing address. The mailing address should be the address where the applicant will be staying during the visa application process. If the applicant is already employed or residing in the United States and is visiting abroad for purposes of applying for a new visa, the applicant should provide his or her U.S. address as the home address, and the home or hotel abroad as the mailing address.

- **Travel Information**

Applicants should select the appropriate visa category from the pull-down menu under “Purpose of Trip to the U.S.” Applicants should be sure to specify the intended dependent status of accompanying family members as prompted by the Form. Please note that a Receipt/Petition number is required to complete this section and move to the next page.

This section of the Form also asks the applicant to provide the address where he or she will reside in the United States. It is acceptable to complete the form as follows in situations where the applicant is not yet certain where he or she will reside: *Street Address - Undecided; City - Ex: Los Angeles Area; State - CA; Zip Code (if known) - Leave Blank*. Applicants should not enter the address of his or her proposed employer here.

- **Previous U.S. Travel Information**

The Form asks applicants a series of questions regarding their visa history, though

applicants are only required to provide details for his or her most recent visa, in the event he or she has been issued more than one. The Form also asks whether the applicant has ever been refused a visa or denied entry to the United States. Applicants who must answer Yes to this question should contact immigration counsel prior to submitting their Form online.

The Form also asks whether an immigrant petition has ever been filed on behalf of the applicant. Applicants should check Yes if a Form I-140 Immigrant Petition for Alien Worker has ever been filed on his or her behalf. Applicants who have filed a Form I-140 Immigrant Petition for Alien Worker on their own behalf under the “Alien of Extraordinary Ability” or “National Interest” categories should also check Yes. Applicants should be prepared to explain the outcome of any such petition.

- **Previous Work/Education/Training Information**

Please note that applicants should include employment abroad with parent/subsidiary/affiliate company as separate previous employment. The Form only requests data for the previous five years; however, if the applicant has been employed in the United States for five years or longer, the applicant should include his or her most recent employment abroad, even if it took place longer than five years ago.

When describing job duties, the applicant should be consistent with data provided in the company support letter signed by the petitioner.

Regardless of whether the applicant has previous employment experience, this section of the Form should prompt the applicant to provide educational history data. The online Form is temperamental and does not always populate this section properly. Please note that the applicant must be prepared to provide the names, addresses, dates of attendance, and subject of study for each school attended, beginning with Junior High school. Applicants should prepare an attachment with this information to bring with them to their visa interviews if the Form does not prompt them to provide it.

- **Additional Work/Education/Training Information**

Data captured in this section of the Form was previously collected on the Form DS-157. It requires the applicant to list the countries he or she has visited during the past five years and requests information related to previous military experience as well as affiliations with professional, social, and/or charitable organizations. This section of the Form should populate for all applicants 16 years of age and older; however, we have noticed a trend where the section does not populate on Forms where, as mentioned above, the section related to education does not populate. Applicants who are not prompted to provide this information should prepare an attachment with this information and be prepared to provide it during his or her visa interview.

- **Temporary Work Visa Information**

This section asks the applicant to provide details regarding the proposed employment in the United States. Please provide here the address where the visa applicant will perform services rather than the address of the petitioning employer’s headquarters. In circumstances where the applicant will work at more than one location, please contact immigration counsel for additional guidance.

- **Miscellaneous**

Applicants applying for F, M, or J visas must remember that, while employment may be permitted under these visa categories, it is only allowed under certain conditions. Applicants intending to work while in F, M, or J visa status should contact immigration counsel for further information before completing the Form DS- 160.

Dependents of L and E visa holders are eligible to work in the United States. Once the dependent arrives in the U.S., there is a separate application that must be filed with the USCIS prior to working. Dependent applicants who are already working in the United States pursuant to an EAD card should complete the DS-160 by selecting the appropriate occupation category in the section related to Present Work Information. The Form will then later prompt the dependent applicant to complete a section regarding intended U.S. employment. When the dependent applicant chooses “homemaker” as current employer, that applicant will not be prompted to complete intended employer data later in the form.

*If you should have any questions about the Form DS-160, please reach out to your immigration contact person at Seyfarth Shaw LLP. We will be happy to address your questions.*