

Frequently Asked Questions

Background: On January 31 the United States imposed immigrant and diversity visa restrictions that suspends the entry of Kyrgyz immigrants in order to protect the security and welfare of the United States. The Presidential Proclamation will be implemented in an orderly way. No visas will be revoked under the Proclamation. The Proclamation does not apply to individuals who are inside the United States or who had a valid visa on February 21, 2020.

IMMIGRANT VISAS

Does the Proclamation apply to dual nationals?

This Proclamation does not restrict the travel of dual nationals, so long as they are traveling on the passport of a non-designated country.

Our embassies and consulates around the world will process visa applications and issue nonimmigrant and immigrant visas to otherwise eligible visa applicants who apply with a passport from a non-designated country, even if they hold dual nationality from one of the restricted countries.

Does this apply to U.S. Lawful Permanent Residents (LPRs)?

No. As stated in the Proclamation, lawful permanent residents of the United States are not affected by the Proclamation.

Will you process waivers for those affected by the Proclamation? How do I qualify for a waiver to be issued a visa?

As specified in the Proclamation, consular officers may issue visas, on the basis of a waiver, on a case-by-case basis, when they determine: that issuance is in the national interest, the applicant poses no national security or public safety threat to the United States, and denial of the visa would cause undue hardship. If the consular officer determines, after consultation with the Visa Office, that an applicant does not pose a threat to national security or public safety and the other two waiver requirements have been met, a visa may be issued with the concurrence of a consular manager. The Proclamation includes a list of circumstances in which waivers may be appropriate, on a case-by-case basis, if the visa applicant is otherwise eligible and meets the standards for a waiver. There is no separate application for a waiver. An individual who seeks to travel to the United States should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is eligible for a waiver.

What is a “close family member” for the purposes of determining if someone is eligible for a waiver?

Section 201(b) of the INA provides a definition of immediate relative, which is used to interpret the term “close family member” as used in the waiver category. This limits the relationship to spouses, children under the age of 21, and parents. While the INA definition includes only children, spouses, and parents of a U.S. citizen, in the context of the Presidential Proclamation it also includes these relationships with lawful permanent residents (LPRs) and aliens lawfully admitted on a valid nonimmigrant visa in addition to U.S. citizens.

I received my immigrant visa but I haven’t yet entered the United States. Can I still travel there using my immigrant visa?

The Proclamation provides specifically that no visas issued before the effective date of the Proclamation will be revoked pursuant to the Proclamation. It does not apply to nationals of affected countries who have valid visas on the date it becomes effective.

I recently had my immigrant visa interview at a U.S. embassy or consulate overseas, but my case is still being considered. What will happen now?

If your visa application was refused under Section 221(g) pending updated supporting documents or administrative processing, you should proceed to submit your documentation. After receiving any required missing documentation or completion of any administrative processing, the U.S. embassy will contact you with more information.

I am currently working on my case with NVC. Can I continue?

Yes. You should continue to pay fees, complete your Form DS-260 immigrant visa applications, and submit your financial and civil supporting documents to NVC. NVC will continue reviewing cases and scheduling visa interviews overseas. During the interview, a consular officer will carefully review the case to determine whether the applicant is affected by the Proclamation and, if so, whether the case qualifies for an exception or may qualify for a waiver.

What immigrant visa classes are subject to the Proclamation?

All immigrant visa classifications for nationals of Kyrgyzstan are subject to the Proclamation and restricted. An individual who wishes to apply for an immigrant visa should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is eligible for an exception or waiver per the

Proclamation. A consular officer will carefully review each case to determine whether the applicant is affected by the Proclamation and, if so, whether the case qualifies for an exception or a waiver.

I sponsored my family member for an immigrant visa, and his interview appointment is after the effective date of the Proclamation. Will he still be able to receive a visa?

All immigrant visa classifications for nationals of Kyrgyzstan are subject to the Presidential Proclamation and suspended. An individual who wishes to apply for an immigrant visa should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is eligible for an exception or waiver per the Proclamation. A consular officer will carefully review each case to determine whether the applicant is affected by the Proclamation and, if so, whether the applicant qualifies for an exception or a waiver.

DIVERSITY VISAS (DV)

I received my Diversity Visa but I haven't yet entered the United States. Can I still travel there using my Diversity Visa?

The Proclamation provides specifically that no visas issued before the effective date of the Proclamation will be revoked pursuant to the Proclamation, and it does not apply to nationals of affected countries who have valid visas on the date it becomes effective.

I recently had my Diversity Visa interview at a U.S. embassy or consulate overseas, but my case is still being considered. What will happen now?

If your visa application was refused under Section 221(g) pending updated supporting documents or administrative processing, please provide the requested information. The U.S. embassy will contact you with more information.

Will my case move to the back of the line for an appointment?

No. KCC schedules appointments by Lottery Rank Number. When KCC is able to schedule your visa interview, you will receive an appointment before cases with higher Lottery Rank Numbers.

I am currently working on my case with KCC. Can I continue?

Yes. You should continue to complete your Form DS-260 immigrant visa application. KCC will continue reviewing cases and can qualify your case for an appointment. You will be notified about the scheduling of a visa interview.

What if my spouse or child is a national of one of the countries listed, but I am not?

KCC will continue to schedule new diversity visa (DV) interview appointments for nationals of the affected countries. A national of any of those countries applying as a principal or derivative DV applicant should disclose during the visa interview any information that might qualify the individual for a waiver or exception. Note that DV 2020 visas, including derivative visas, can only be issued during the program year, which ends September 30, 2020, and only if visa numbers remain available. There is no guarantee a visa will be available in the future for your derivative spouse or child.

RELATED QUESTIONS

Does this Proclamation affect follow-to-join asylees?

The Proclamation does not affect V92 applicants, follow-to-join asylees.

I am applying for a K (fiancé) visa. My approved I-129 petition is only valid for four months. Can you expedite my case?

The National Visa Center already expedites all Form I-129F petitions to embassies and consulates overseas. Upon receipt of the petition and case file, the embassy will contact you with instructions on scheduling your interview appointment.

I've heard that the Department of State does not grant waivers of the Proclamation. Is this correct?

This information is incorrect. As specified in the Proclamation, for nationals of countries covered by the Proclamation who are otherwise eligible for a visa and who do not qualify for one of the Proclamation's exceptions, a consular officer may issue a visa with a waiver on a case-by-case basis, when they determine: that issuance is in the national interest, the applicant poses no national security or public safety threat to the United States, and denial of the visa would cause undue hardship. There is no separate application for a waiver. An individual who seeks to travel to the United States should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is eligible for a waiver.