



EMAIL BULLETIN

**SOME THIRD COUNTRY NATIONAL (TCN) VISA APPLICANTS TO BE ACCEPTED AT U.S. CONSULATES IN MEXICO & CANADA; TCN ACCEPTANCE PREDOMINANTLY LIMITED TO "RENEWALS" WHERE THE ORIGINAL VISA WAS ISSUED IN HOME COUNTRY**

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The U.S. Consulate in Ciudad Juarez has announced that certain Third Country National (TCN) nonimmigrant visa applicants will be accepted. The announcement specified that the post will accept applications for a second visa of the same type as one initially issued in the applicant's home country. This means, for example, that an H-1B visa applicant whose initial H-1B visa was issued in his or her home country will be eligible to apply for a new H-1B visa at the U.S. Consulate in Ciudad Juarez. Applications by B-1/B-2 applicants with a B visa annotated as "prospective student" may apply for an F-1 visa at the post in Ciudad Juarez; applications for F-1 visas by visitors without this annotation on their B-1/B-2 visas will not be accepted. Similarly, applications by B visa holders seeking to apply for any other type of nonimmigrant visa will not be accepted at this time.

Similarly, the U.S. Consulates in Matamoros, Nogales, and Nuevo Laredo have confirmed acceptance of TCN nonimmigrant visa applications in most categories except B, E, K, and V, but add that E visa applications may be accepted under some circumstances with advance submission of documents for review. The U.S. Consulate in Ciudad Juarez announced a continuation of its policy of not processing TCN E visa applications.

All of the above-listed posts have stressed that TCN applicants with "special processing requirements" should not apply at these U.S. Consulate posts. "Special processing requirements" can include additional security checks, such as those required of individuals from a country designated as a "state sponsor of terrorism" (Cuba, Iran, Iraq, Syria, Sudan, North Korea, and Libya). "Special processing requirements" can also refer to applications by individuals who have failed to maintain their nonimmigrant status when most recently in the United States. Similarly, provisions of the Immigration & Nationality Act require individuals who have overstayed their status in the United States to apply for future nonimmigrant visas at the U.S. Consulate in their home country.

The U.S. Consulate in Tijuana has announced acceptance of TCN nonimmigrant visa applications in all categories, except the E visa category.

A change in law in 2002 mandated that a denial of a visa application at a "border post" legally necessitates the applicant's return to his or her home country directly from either Canada or Mexico, without returning through the United States. Therefore, third country processing always entails some risk of increased costs, inconvenience and time away from work. This type of application should always be reviewed, and in some situations, accompanied, by qualified immigration counsel.