

What is nonimmigrant intent?

To qualify for a visitor or student visa, an applicant must meet the requirements of sections 101(a)(15)(B), (F), (J) or (M) of the Immigration and Nationality Act. The Department of State (DOS) will not issue a visa to those who do not meet the requirements. The most frequent basis for such a refusal concerns the requirement that the prospective visitor or student possess a residence abroad he/she has no intention of abandoning. One common way that applicants can prove the existence of such a residence is by **demonstrating that they have ties abroad that would compel them to leave the United States at the end of the temporary stay. The law places this burden of proof on the applicant.**

During the visa interview, officers look at each application individually and consider professional, social, cultural and other factors. For younger applicants (such as students) who may not have had an opportunity to form many ties, consular officers may look at the applicant's specific intentions, family situations, and long-range plans and prospects within his or her country of residence. Each case is examined individually and is accorded every consideration under the law.

WHAT IS SECTION 214(b)?

Section 214(b) is part of the Immigration and Nationality Act (INA). It states:

Every alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for admission, that he is entitled to a nonimmigrant status...

WHAT CONSTITUTES "STRONG TIES"?

Strong ties differ from country to country, city to city, individual to individual. Some examples of ties can be a job, a house, a family, a bank account. "Ties" are the various aspects of your life that bind you to your country of residence: your possessions, employment, social and family relationships.

As a U.S. citizen or legal permanent resident, imagine your own ties in the United States. Would a consular office of a foreign country consider that you have a residence in the United States that you do not intend to abandon? It is likely that the answer would be "yes" if you have a job, a family, if you own or rent a house or apartment, or if you have other commitments that would require you to return to the United States at the conclusion of a visit abroad. Each person's situation is different.

Our consular officers are aware of this diversity. During the visa interview they look at each application individually and consider professional, social, cultural and other factors. In cases of younger applicants who may not have had an opportunity to form many ties, consular officers may look at the applicants specific intentions, family situations, and long-range plans and prospects within his or her country of residence. Each case is examined individually and is accorded every consideration under the law.

IS A DENIAL UNDER SECTION 214(B) PERMANENT?

No. The consular officer will reconsider a case if an applicant can show further convincing evidence of ties outside the United States. Your friend, relative or student should contact the embassy or consulate to find out about reapplication procedures. Unfortunately, some applicants will not qualify for a nonimmigrant visa, regardless of how many times they reapply, until their personal, professional, and financial circumstances change considerably.