

Memorandum

TO: Client Organizations and Foreign Nationals
FROM: Seyfarth Shaw Immigration Law Practice Group
RE: Forms DS-156 and DS-157

I. INTRODUCTION

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

II. FORM DS-156

The Form DS-156 is the basic application form. It asks the applicant to list biographical information and to explain his or her history of applying for visas to come to the U.S. In completing the DS-156 applicants should be prepared to list the dates of all previous visits to the U.S. and should know the dates of any previous visas which were granted to come to the U.S. If applicants run out of space on the form, they should continue their responses on an attachment.

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. With this in mind, we offer the following suggestions to assist you in completing the form:

- **Section 29 Have you ever been in the U.S.?**

Applicants who can answer Yes to this question must provide information on when they were in the United States (i.e., 3/2001 - 6/2002).

- **Section 30 Have you ever been issued a U.S. Visa?**

Applicants answering Yes to this question must provide the year they were issued the visa stamp, where the visa stamp was issued (i.e., Paris, Chennai, Vancouver), and what type of visa was issued to them (i.e., F-1, H-1B, L-2).

- **Section 32 Do you intend to work in the U.S.?**

Applicants should check Yes if applying for an H, L, E or O visa stamp. Applicants should further list the complete name and address of the U.S. employer upon entry to the United States.

Applicants applying for F, M or J visas must remember that while employment is 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 this section of the Form DS-156.

Dependents of L and E visa holders are currently 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 plan to seek employment under this provision may check Yes on the form and explain their intent to seek employment upon approval of the work authorization request that will be filed with the USCIS.

- **Section 33 Do you intend to study in the U.S.?**

Dependents of H, L, E and O visa holders are eligible to attend school in the United States as either part-time or full-time students so long as they are in valid dependent nonimmigrant visa status.

- **Section 36 Has anyone ever filed an Immigrant Visa Petition on your behalf?**

Applicants should check Yes ONLY if a Form I-140 Immigrant Petition for Alien Worker has been filed on your behalf. Applicants who have filed an 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.

- **Section 38**

Any applicant who can answer Yes to any of the bullet points listed under section 38 should contact immigration counsel immediately to discuss case specific details.

III. FORM DS-157

The Form DS-157 is the Supplemental Nonimmigrant Visa Application and is required of all male visa applicants, regardless of nationality, between the ages of 16 and 45; in addition, the Form DS-157 must be completed by all applicants, regardless of age or gender, with passports or travel documents from China (PRC), Cuba, Iran, Iraq, Libya, Russia, Somalia, Sudan or Vietnam. Be advised that, in addition to these two classes of people, officials from the Department of State may require any visa applicant to complete this form. For example, a 61-year-old grandmother from France could be asked to complete this form.

Applicants should be sure to allow extra time and take particular care to complete the form completely and accurately. In addition to asking applicants to state their official nationality, the form asks applicants to list any affiliations to ethnic or cultural groups, any and all names and name spellings ever used, all countries visited in the last 10 years, history of military service, and all post-elementary schools that have been attended.

If you have any further questions about the Forms DS-156 and DS-157, please do not hesitate to contact our office immediately.