



MEMORANDUM

TO: Foreign Nationals Seeking a Nonimmigrant Visa Stamp
FROM: Seyfarth Shaw Business Immigration Group
RE: How to Complete the Form DS-160

PURPOSE

This memorandum provides foreign nationals applying for a visa stamp at a U.S. Consulate or Embassy abroad general information on how to complete the required visa application form (Form DS-160).

BEFORE COMPLETING THE FORM DS-160

What is the Form DS-160?

- The Form DS-160 is the online application submitted electronically to the Department of State website. Completing the Form DS-160 is the first step in the visa application process. The consular officer at the U.S. Embassy or Consulate will use the information entered on the DS-160 to process your visa application and, combined with a personal interview and review of your social media accounts, determine your eligibility for a nonimmigrant visa.
- This form is an interactive document and will "time out" if the application has been idle for 20 (twenty) minutes. Many of the questions appearing are a direct result of responses provided to earlier questions.
- You can complete the form in more than one session by saving the form and then returning to complete it.

How should I prepare for completing the Form DS-160?

- **Gather your documentation ahead of time.** To complete the Form DS-160, you will need to have access to information covering general biographic data (dates of birth, marriage, divorce, and the like) as well as passport information, educational history, military service, travel history from your last five trips, employment experience, trainings and similar events.
- **Keep track of your travel history.** If available, you should have travel information as well, including entry and exit dates (dd/mm/yyyy) of your most recent five entries to the United States, as well as a complete list of all countries visited during the past five years. If you are unsure of a specific date, you should provide an estimate, using the first day of the month (Ex: You recall a short B-2 visit in July of 2016, but your passport was lost and you are unsure of the exact entry date - you should complete date field as 01/07/2016).

You will need to provide this information for yourself as well as for each accompanying family member.

- **Provide accurate and complete prior employment information.** It is very important that you record your employment history accurately and completely. Government agencies are now sharing data and documentation extensively and in a way that could impact you. For example, if you neglect to list on the DS-160 a job that you held and you later need to use that job experience in order to qualify for an immigration benefit, the government agency that decides the benefit request may review your DS-160 and then deny the benefit request because you did not list the employment experience.
- **The Department of State requires social media account information.** You will need to provide information about any and all social media accounts you have used within the last five years. You must indicate the social media account name and URL as well as your username or handle for the account. You are not required to provide the password. This applies to your dependent family members as well. You should update all of your social media profile(s) to ensure that it is accurate and reflective of your current status and situation.

Will my current passport be sufficient for me to apply for a U.S. visa?

You will need to obtain a new passport before you pay any visa fees or book an appointment if:

- Your passport is going to expire in less than 6 months after the time you enter the United States. (You will not be admitted to the U.S. beyond the expiration dates of your passport, so it is best to have it valid beyond the planned stay.)
- The film on the biographic data pages of your passport (i.e., page with your photo and back page with your parents' information) is separating from the pages in your passport, or
- Your passport is otherwise torn, damaged, mutilated or has been washed or laundered.
- Your passport does not have at least two blank pages.

Any other tips for helping me complete the DS-160 application?

- Save your Application ID number as soon as you begin the application. You will need this number if you want to access the form later.
- You will need to attach an electronic passport-sized photograph at the end of the application. You can access acceptable photograph specifications [here](#).

ANSWERING THE DS-160 QUESTIONS

- FOR VISA-SPECIFIC QUESTIONS (FOR EXAMPLE, QUESTIONS ABOUT L-1 VISAS) PLEASE SEE RELATED CORRESPONDENCE SENT BY YOUR SEYFARTH TEAM

I am applying for an F, M, or a J visa, am I permitted to work in the U.S. under these visa categories?

- Employment may be permitted under these visa categories, but 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.

I am traveling as part of a project for my employer in the U.S. Should I use the “group or organization” function?

- When answering “Are you traveling as part of a group or organization?” please indicate “no.” Each employee in your project team will submit an individual visa application. This is true even if you are part of a larger project team.

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How do I answer the question about “have you made specific travel plans?”

- Answer this question honestly. If you have not made travel plans, answer “no.” If you have made travel specific travel plans, then it’s fine to list the validity dates we specify in your application (July 24, 2019 to July 23, 2022) as your intended dates of travel.
- If your travel dates change after you submit the DS-160, this won’t be an issue.

I have previously been denied a U.S. visa and/or have had a USCIS denial. What information do I need to indicate on the DS-160?

- When answering “Have You Ever Been Denied a U.S. Visa or Entry into the U.S., or Had a U.S. Visa Canceled?” you should answer “yes” if you were ever previously denied a visa stamp in your passport by a consular officer at a U.S. Embassy or Consulate outside of the United States OR if you tried to enter the U.S. and at the airport (or land border) you were not permitted to enter. For example, you can say, “Beneficiary submitted a [visa classification, e.g. H-1B, L-1, TN, etc.] application to the U.S. Consulate in [City, Country]. The consular officer indicated the application was not clearly approvable.”
- Previous denials by U.S. Citizenship and Immigration Services (“USCIS”) or not being selected for an H-1B petition in the annual H-1B CAP lottery do not count as having a visa refused.

An I-140 Immigrant Petition was filed for me, do I include it in the DS-160?

- You should check Yes on the Form DS-160 if a Form I-140 Immigrant Petition for Alien Worker has ever been filed on your behalf.
- You should check Yes if you have filed a Form I-140 Immigrant Petition for Alien Worker on your own behalf under the “Alien of Extraordinary Ability” or “National Interest” categories.
- You should be prepared to explain the outcome of any such petition.

I am unsure of my intended salary, length of stay, and/or address where I will be residing in the U.S. What information should I put on the DS-160?

- If you have questions regarding information such as your salary in U.S. dollars, please reach out to your HR/talent acquisition representative or your U.S. project manager.
- If you do not yet know the address of where you will reside while in the U.S., you should answer the question regarding the address at which you will reside in the U.S. “no.”
- To answer the question regarding the length of your stay in the U.S., generally your timeframe would be consistent with the anticipated length of your underlying visa petition, of your work permit request, or of the project/initiative that you are working on in the U.S.

How do I answer the question about who will pay for my trip?

- If you are personally paying for the trip, please indicate as such. Otherwise, please indicate that the “Current Employer” will pay for your trip.

What U.S. contact information do I provide?

- Provide the name and contact details for either your U.S. Manager or your U.S. Human Resources Contact.

What address should I use for my worksite address? My employer’s headquarters or the specific office where I will be assigned?

- You will list the address where you will perform services rather than the address of the your U.S. employer’s headquarters. In circumstances where you will work at more than one location, please contact immigration counsel for additional guidance.

I am bringing dependent family members to the U.S. How do I include them in the application process?

- If you are bringing dependents (legal spouse and unmarried children under age 21) to the U.S., all applicants ages 14 or older will need to appear at the Consulate and have his or her own, separate appointment and DS-160 confirmation page. Applicants under 14 must have a completed DS-160 and pay the MRV fee but do not need to appear at

the Consulate (please check consular website to confirm). As your family will accompany you to the U.S., each non-U.S. citizen member of your family will need to apply for a derivative nonimmigrant visa based on your principal status (i.e. H-1B, L-1, etc.) in order to enter the U.S. as your dependent.

- Do not use the “group” visa request option to book appointments for family members. Begin your own application and then use the “Add Dependent” function to book additional appointments for your qualifying family members. “Group” appointments are for unrelated people travelling at the same time for the same project or purpose, such as to participate in a group training. We recommend that you schedule appointments for all family members for the same time so that you can present your materials together.
- Dependents of L and E visa holders are eligible to work in the United States (and under certain conditions, H-4 dependents of H-1B visa holder are also eligible). Once your 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 Employment Authorization Document (“EAD”) 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 your dependent applicant to complete a section regarding intended U.S. employment. If your dependent chooses “homemaker” as current employer, the s/he will not be prompted to complete the intended employer data later in the form.

AFTER COMPLETING THE FORM DS-160

I’ve submitted the DS-160 electronically on the website. What are the next steps?

- Once you have submitted the DS-160, you will receive a confirmation page with a barcode that you need to print and bring to your interview. Consular staff will use this barcode to scan your data directly into the Consulate’s computerized file system. This will expedite the application process.
- Once you have completed the DS-160, you must pay the visa fee. In order to pay the required fee you will need to create a user account at <https://ais.usvisa-info.com>. [Most, but not all, U.S. consulates utilize this fee payment system. If you do not see your location on the webpage, you will need to visit the webpage of the specific U.S. consular post at which you will apply in order to obtain further instruction.] Once the user account is created, you will need to take the following steps:
 - Enter the DS-160 confirmation number for you and for each dependent family member applying for a Visa
 - Complete the courier document return process
 - Pay the Nonimmigrant Visa (MRV) application fee(s)
 - Save Nonimmigrant Visa (MRV) application fee payment confirmation page

- Once you book the consular appointment, notify your Seyfarth contact with the date and location of your interview appointment.