

Visa Application Fundamentals For Romanians and Their U.S. UU Partners

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Visa Vocabulary

Visas for entry into the United States are required by the United States government for all Romanian citizens. Visas fall into one of two general categories, Non-Immigrant or Immigrant. This document deals solely with Non-Immigrant visas, but it will be useful to this discussion to understand the broader context of immigration law.

Immigrant visas allow for work permits, permanent residency, and eventual citizenship in the United States. Without special skills and/or close relatives already in the U.S. opportunities for the average Romanian to get an immigrant visa are limited. They are eligible to enter the “diversity lottery” which randomly selects a small number of applicants from a pool of countries which are underrepresented in the United States population. The chances of being selected are not a lot better than that of winning your local state lottery.

We instead will concern ourselves with Non-Immigrant visas for the remainder of this discussion. There are four types that might apply to your Transylvanian Unitarian visitor.

- **The J1 visa** is typically utilized by students for summer employment in the United States. The visa is usually good for a maximum of 4-5 months and allows for legal employment in the United States during that period. Applicants must be at least 20 years old, speak English, and be a student in good standing at an accredited educational institution in Romania. Often these institutions already have relationships with agencies that facilitate the J1 visa process. The US Consulate will only deal through agencies for this type of visa. Your applicant should select their agency carefully as there have been numerous reports of fraud and misrepresentation by some agencies. These agencies screen the students, locate summer jobs in the US and then act as intermediary for the necessary paperwork to procure the J1 visas. Once the students receive their visas from the US Embassy, the agencies provide a round-trip ticket from Romania to the US. The typical fee for a job, visa, and airline ticket is usually between \$1,000 and \$1,500. Questions about this program are best addressed to the U.S. and Romanian agencies which specialize in exchange programs.
- **Student visas** allow for study in the United States. In general the prospective student will need a letter of admittance from the institution that she plans to attend and be able to prove that she has the means to pay any tuition costs and to support herself (without working) while studying in the U.S. Questions about these visas should be addressed to the institution(s) where the applicant plans to study.
- **Transit visas** may be need in those cases where the applicant needs to travel elsewhere besides the United States. An example would be that of a Romania who travels by plane to New York but then needs to take a train or car in order to visit their partner church in Toronto, Canada.
- **Tourist visas** allow for a fixed length visit to the United States (usually 3 months). This is the entry visa for which the vast majority of our co-religionists apply. Applicants with outstanding

credentials or special circumstances may be granted multiple entry visas that are valid for up to 10 years.

Immigration Law & 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.

The difficulty in obtaining visas for our Romanian partners is not with their government. It is with ours. U.S. Immigration law stipulates that every visa applicant is to be considered a potential immigrant unless he/she can prove to the consular officer that he/she has compelling reasons to return to Romania at the conclusion of their visit. The most compelling reason is proof of property that would be left behind.

How to Apply for a Tourist Visa to the United States

All visa applications are now completed on line by visiting the website of the US Embassy in Bucharest at <http://romania.usembassy.gov/visas/non-immigrant.html> . Applicants must first go to the Bank of Transylvania and pay an application fee (currently \$140) and a PIN number fee (currently \$11) which allows them to speak to the US Consulate call center. Following the completion and submission of the DS-160 form the applicant must print the confirmation page and then contact the call center to make an interview appointment. Complete step-by-step instructions can be found on the Embassy website.

The applicant will need both a letter of invitation and a letter of support from their US partner. Samples of both these documents are posted on the UUPCC website at www.uupcc.org . These should be originals (not fax copies), printed on your UU congregation's letterhead, and signed by someone who is serving in an official partner church capacity such as the minister of your church or the chair of your partner church committee. Remember to use Romanian place names when referring to towns and villages in Transylvania.

The invitation letter is the most important document (other than a valid passport) in the applicant's portfolio. This is the only document that the Consulate officer is guaranteed to read and review. It should be a formal letter of invitation addressed to the applicant. You should state the dates of the visit to the United States, and that you and/or your congregation will be responsible for the applicant's support and safe-keeping during the period of their stay. If the applicant will be visiting multiple churches, all of the churches should write letters of invitation. The word "Unitarian" should be prominent on the letterhead (worth printing a new letterhead if it is not). The invitation letter should describe the objectives of the visit to the United States, name(s) of the individual(s) who will be hosting the applicant, the home address where the applicant will stay, guarantee all expenses, and state the understanding of the inviting party that the applicant will return to Romania at the conclusion of their visit. Because this may be the only document reviewed by the officer it should reference all the other attached information. This will likely include one or more letters of support, a letter from the Unitarian Bishop's office, and a letter from the UUPCC.

The letter of support is longer and personalized for the particular circumstances of the applicant. It should be addressed to the Consul General of the US in Bucharest. Consuls General are on a three year rotation schedule so you should check the US Embassy in Bucharest's website to get the current name. The letter of support should state the reason for the applicant's travel to the United States and itemize any and all ties that the applicant has to Romania. This is your opportunity to make the case that your applicant will return to Romania after visiting your congregation. If the applicant's personal situation (young, poor, jobless, childless, unmarried or divorced, etc) suggests that they would be inclined to remain in the US you should address the issue upfront. You should list any property (land, house, car), salary, educational level, and any other biographical details that would lead the consular officer to believe that your visitor will honor the terms of his/her visa. It advances the case of your applicant if they intend to leave behind minor children during their visit to the US. Separation from family, however, is not necessarily compelling absent other evidence. If your applicant is the minister of your partner congregation and your church provides a stipend be sure to mention this in your support letter. The actual documentation of the facts that you stipulate in your letter are the responsibility of the applicant. He/she will need to bring any bank statements, salary information, titles to property, etc to the Embassy when appearing for the interview. If the applicant is a lay-person, he/she should have the written support of the Transylvanian Unitarian church.

Going to the U.S. Consulate in Bucharest

Once the applicant has been given their appointment time they will need to make preparations to come to the U.S. Consulate. A new US Embassy complex is currently under construction near the Banessa airport and shopping complex north of downtown. It is anticipated that this complex will open sometime in the late fall of 2011. For the present the United States Consulate in Bucharest is located in central Bucharest near the Intercontinental Hotel. The Intercontinental is easy to find as it is the tallest building in the city. There is a very visible security presence around the Consulate which includes armed security officers and concrete barriers. The applicants will need to show their papers from the Banca Transylvania and web confirmation page in order to pass through the screening checkpoint. They will be required to relinquish all electronic devices including cell phones as these are not allowed inside the Embassy. Once inside they will sit in a waiting area until their name is called for the interview.

The Interview

The interview with the consular officer is the most critical component of the visa application process. The applicant should bring with them their letters of invitation and support and any documents that provide proof of income or ownership of property. Based upon the UUPCC's previous track record, the Consulate officials will expect your applicant's paperwork to be in order.

The applicant will have 3-5 minutes to convince the officer that their trip to the United States is necessary (for example, the trip allows for the completion or furtherance of an important task related to the PCC mission), and that they will honor the terms of their visa. The applicant should practice ahead of time with someone who has been through the process successfully. The interviews are conducted in either English or Romanian. If the applicant is fluent in neither, it is best to bring an interpreter. In meetings with the Consul General we have requested and been given permission for interpreters to be present. The applicant will need to advise the Consulate ahead of time that an interpreter will be present. This should be done by email to visasbucharest@state.gov. The subject line of the email should read "REQUEST FOR SPECIFIC INFORMATION".

A few further words about the interview which is so crucial to success. The applicant should appear confident – not anxious – be persistent, and be sure of the trip details (dates, names, etc) as well as the objectives of the visit. It is best to front-end load the interview (eg: “Hello, I am Mr. Kovacs and I am the lay president of my congregation in XX. I have been invited by my partner church in XX to visit them to participate in a special dedication of XXX and to meet with.....Here is my letter of invitation and these letters are from the Unitarian Bishop, and the UUPCC....”)! The applicant must be able to describe strong economic and social ties to Romania and make a convincing case that he/she will return at the conclusion of their visit to the U.S. (“I own a farm and a house in Harghita county. This is the deed. My wife is a school teacher. Here is her income statement. We have two minor children who will stay with their grandmother while we are in the US. Here are their papers.”)The applicant must further understand that it is the job of the consular officer to ask difficult and probing questions, and that the only effective response is to remain calm and not to take it personally.

Successful Applicants

Successful applicants that do not wish to remain overnight in Bucharest can (for an additional fee) opt to have their passports delivered to their home address via a secure courier service.

The UUPCC and the Transylvanian Unitarian Church are working together to build the credibility and reputation of our respective organizations within the US Consulate. We need the assistance of all successful Unitarian applicants and their American hosts.

It is the responsibility of each successful applicant to write a personal letter to the US Consul General in Bucharest upon their return to Romania. The letter should thank the Consulate for granting the visa and inform them that you have returned to Romania as promised. The letter should be postmarked in Romania as proof you have honored the terms of your visa. American hosts should also write a letter to the Consul General stating that your visitor has returned to Romania and describing the fruits of the visit. If possible please enclose a photo of the visitor and US hosts engaged in some fun or productive activity. At present here are only four Consulate line officers who conduct the personal visa interviews. They rotate out of Romania every two years. Your letters will help to sustain the institutional memory of the US Consulate staff and reinforce our message that Unitarian applicants can be trusted and should be given the benefit of the doubt.

It is the obligation of each and every successful Unitarian applicant to honor the terms of their tourist visas and return to Romania at the conclusion of their visit. Overstaying your visa term is a very serious offence and will negatively impact the applications of other Unitarians in Romania for years to come. American hosts should not encourage visitors to violate the terms of their visas with offers of work or continued hospitality beyond the period of the official partner church visit. Tourist visas do NOT allow a visitor to work legally in the US.

Refusals

Despite the PCC’s spotless track record with our applicants, the U.S. Embassy turns down a significant minority of our co-religionists. In particular these are rural lay people without bank accounts or jobs outside of agriculture. Young, single applicants are routinely denied, and should set

their expectations accordingly. The current Consul General stated to us directly that an “unmarried, unemployed 25 year-old male would receive the most scrutiny”.

There is currently no formal appeal process for applicants who have had their visas denied. (This can sometimes change with new Consuls General. Consul General James Gray is set to depart Romania in August 2011). Applicants must reapply and go through the process again (and pay another set of fees). The first interview is by far the best opportunity for success, but if the applicant can present NEW information that was not considered during their first interview and/or demonstrate a CHANGE in their personal circumstances then it may be worth another try.

You may wish to contact John Dale (jdaleuupcc@yahoo.com), the UUPCC’S in-country representative for assistance with denials. He will review your case, and should it merit another try, he will work with you to repackage the most compelling information and provide a supporting letter on PCC letterhead.

Please do not call your Senator, Congressman, or the U.S. Consulate to complain. This is counter-productive, as the Embassy believes it is carrying out the will of Congress pursuant to section 214(b) of the INS statutes.

Useful Names & Numbers

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