

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

LEAVE BLANK (NARA use only)

JOB NUMBER N1-84-97-6

DATE RECEIVED 9/16/97

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.

DATE 6-4-98 ARCHIVIST OF THE UNITED STATES J. H. W. Paul

TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR)
WASHINGTON, DC 20408

1. FROM (Agency or establishment)
Department of State

2. MAJOR SUBDIVISION
All Foreign Service Posts

3. MINOR SUBDIVISION
Visa Records

4. NAME OF PERSON WITH WHOM TO CONFER
Marria Braden

5. TELEPHONE
647-6762

6. AGENCY CERTIFICATION

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,

is not required; is attached; or has been requested.

DATE 9/11/97 SIGNATURE OF AGENCY REPRESENTATIVE Kenneth J. Rosner TITLE Department of State
Records Officer

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	See attached.	N1-84-94-2, items 1a and b NN-171-172, item 1a NN-172-156, item 1 N1-84-91-2, item 1a(2) N1-84-92-2, item 2 N1-84-92-2, item 3 N1-84-91-2, item 1a(1) N1-84-92-2, item 1 N1-84-91-2, item 1a(3) N1-84-92-2, item 4 N1-84-78-5, item 1a(3) NC1-84-78-5, item 1b	

1. Visa Program Files. Consist of current administrative, policy, precedent and procedural information usually contained in telegrams and other instructions from the Department.

DISPOSITION: Destroy when superseded or no longer current and of no further reference value in accordance with 9 FAM, Part IV, Appendix F, Sections 504 and 505. (N1-84-94-2, items 1a and b)

2. Issued Visa Files. Consist of paper and electronic records of immigrant (OF-155A) and non-immigrant visas (OF-156) and supporting documentation on aliens to whom visas were issued. (NN-171-172, item 1a) and (NN-172-156, item 1)

a. Electronic Records. When directed, posts will transfer electronic records to a centralized corporate database for permanent storage and retrieval as needed. All electronic issuance records must be retained for 11 years for purposes of visa lookout accountability procedures (P. L. 103-236).

DISPOSITION: Disposition Not Approved.

Note: Posts should retain electronic issuance records on their database until transferred to the corporate database maintained by CA/EX/CSD.

b. Paper Immigrant Visa Files.

DISPOSITION: Destroy in accordance with 9 FAM Part IV, Appendix F (Files) 103 after visa form number reconciliation.

c. Paper Non-Immigrant Visa Files.

DISPOSITION: Destroy 1 year after issuance unless visa issued on the basis of A 212(d)(3)(A) waiver, in which case treat as visa refusal--**EXCEPT** case files for any periods when electronic storage was not available for VLA purposes, in which case posts should do the following: If sufficient space is available retain at post and destroy 11 years after issuance. If sufficient space is not available posts are required to contact CA/VO/F/P to make arrangements for storage of the records. Routine retention beyond one year requires Department (CA/VO/F/P) authorization.

3. Visa Refusal Cases. Consist of immigrant or non-immigrant applicants who have been refused visas, including refusal worksheets with related and supporting documentation.

a. Cases of Living Applicants.

(1) Category I Refusals. These refusals (including quasi-refusals) which are permanent, cannot be overcome solely by any actions of the applicant, and/or involve issues of national security,

public safety, or citizenship. Form OF-194 must be completed on all category I refusals. (N1-84-91-2, item 1a(2)), (N1-84-92-2, item 2), and (N1-84-92-2, item 3)

(a) Refusals under subsection 212(a)(3)(E) of the Immigration and Nationality Act (INA).

DISPOSITION: Destroy when applicant reaches 100 years of age and at least 10 years have passed since date of last visa activity.

(b) Refusals under INA subsections 212(a)(1)(A)(i) and (iii); (2); (3)(A), (B), (C), and (D); (6)(C)(i) (except quasi-refusals) and (ii) (E), and (F); (8); (9)(a) (if alien convicted of an aggravated felony), and (C); and 10(D) and (E); 222(g); Title IV of the Helms-Burton Act (22 USC 6021 et seq.); and any cases requiring the Department's opinion (code00).

DISPOSITION: Destroy when applicant reaches 90 years of age and at least 10 years have passed since date of last visa activity. For quasi-refusal cases under (6)(C)(i), destroy 5 years after date of last visa activity. (N1-84-91-2, item 1a(1) and N1-84-92-2, item 1)

(c) Refusals under INA subsection 212(a)(10)(C).

DISPOSITION: Destroy 20 years after date of last visa activity.

(d) Refusals under INA subsection 212f.

DISPOSITION: Destroy upon rescission of presidential proclamation suspending entry of the alien or group of aliens.

(2) Category II Refusals. These refusals (including quasi-refusals) which are not permanent in nature, can be overcome by subsequent action by the applicant, or involve ineligibilities which do not adversely affect national security or public safety. Reason(s) for refusal must be noted on the OF-156 in all category II cases. (N1-84-91-2, item 1a(3)), (N1-84-92-2, item 4), and (N1-84-78-5, item 1a(3))

(a) Refusals under INA subsections 212(a)(9)(A) and (B) (except involving aggravated felonies—see sub-paragraph a(1)(b) above).

(i) Paragraph A.

DISPOSITION: Destroy 5 years ((A)(i)), 10 years ((A)(ii)) or 20 years ((9)(A)) following a second or subsequent removal) after removal or departure (while removal order outstanding) from the U.S.

(ii) Paragraph B.

DISPOSITION: Destroy 5 years ((B)(i)(I)) or 10 years ((B)(i)(II)) following last departure from the U.S.

(b) Refusals under INA subsections 212(a)(4); (5); (6)(B) and (G); 212(a)(7)(B)(i); and (10)(A).

DISPOSITION: Destroy 5 years after date of last visa activity. 212(a)(7) refusals may be destroyed 3 years after date of last visa activity.

(c) Refusals under subsections 212(e) and 214(b).

DISPOSITION: Destroy 3 years after date of last visa activity. 214(b) refusals may be destroyed 1 year after date of last visa activity, depending on fraud levels and storage space at post. Retention beyond 2 years requires Department (CA/VO/F/P) authorization.

(d) Refusals under 212(a)(1)(A)(ii) and 221(g).

DISPOSITION: Destroy 1 year after date of last visa activity.

Note: The following ineligibilities are not applicable at the time of visa adjudication: 212(a)(6)(A) and (D); (7)(A) and (B)(i)(II); and 10(B).

b. Cases of Deceased Applicants.

DISPOSITION: Destroy upon notification of death of applicant. (NC1-84-78-5, item 1b)