



16 January 2014

To Whom It May Concern:

The American Immigration Lawyers Association (AILA) Rome District Chapter (RDC) submits the following comments in response to the 60-Day Notice and request for comments on the Online Application for Nonimmigrant Visa (DS-160). (78 FR 73233, 12/5/13)

AILA is a voluntary bar association of more than 12,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to comment on the interim final rule and believe that our members' collective expertise provides experience that makes us particularly well-qualified to offer views that we believe will benefit the public and the government. The RDC Chapter is an international chapter, which focuses on consular processing and with members from all over the world. Membership is in excess of 200.

We submit our summary on the DS-160 and possible improvements based on a request for comments from our members.

1. Only digits are permitted in contact number fields; it would be clearer for the consular officer and applicants to be able to see non-numeric characters, such as + () and -, especially for purposes of clarifying foreign numbers.
2. Apart from the 'Name in native language' section, the form only accepts alphabetic characters, thus preventing the insertion of accent marks, tildes, commas, hyphens and other-non alphabetic characters. Thus, it is not always possible to accurately render foreign names, corporate names and addresses.

3. The form often does not permit easy navigation between sections. For example, if after having completed all sections of the form you amend the travel date section, it will automatically prompt you to 'complete' additional questions and navigate you to a different section. However, the questions have already been completed, and you simply have to scroll through the section again so that the sidebar does not display any greyed-out sections. The same occurs when editing information on the Personal section, whereby any amendments trigger the form to jump to the security/background section, even though there are no additional fields to complete and the applicant must simply click 'Next' in order to have all sections greyed out. In addition, the form requires you to complete all questions on a particular page before you can navigate to another section. In this way, it does not permit partial completion of a page or allow for the user to hit 'back' if they accidentally click on the next section.
4. There seems to be a technical error with dropdown menus, whereby if you hit the backspace menu while completing the field (e.g. countries visited on the background section), an error message arises and forces the user out of the application.
5. AILA recommends inserting a comments box to allow an applicant to inform the consular officer of any other facts which should be considered when adjudicating the application. Sometimes, a 'yes' or 'no' answer is not appropriate, and it would therefore be useful to have an extra section to allow elaboration on specific questions.
6. It would be useful to be able to retrieve applications beyond the current 30-day period.
7. AILA believes it would benefit applicants to have a more pronounced warning advising that there are no additional changes permitted once the form has been submitted. Alternatively, it would be useful to allow applicants to amend their application using the same application ID, without having to start a new application.
8. For E-1 and E-2 applications, the employment details often have to be entered multiple times, as there is no shortcut option as with the L, H and O whereby 'US petitioner' can be selected. Thus, many applicants will have to enter the same employee address and contact details multiple times: (1) Under 'Person/entity paying for your trip' on the Travel section; (2) in the US Contact section; and (3) on the work address in US under the Temporary Work Visa section. For renewal applicants, they may also have to add the same address under (1) Work / Education / Training and (2) current work address on the E Visa section, for a total of 5 entries of the same information. AILA recommends adding a shortcut title, such as 'E-2 Sponsor,' to allow applicants to bypass having to re-enter the same information multiple times.
9. Similarly, it would be useful to have a shortcut available on a drop-down menu for B applicants to allow them to enter 'Current Employer' for Person Paying for your Trip, to avoid having to type out the address multiple times.
10. AILA has identified a technical glitch on the US Contact section, whereby if the applicant ticks 'Do not know' for the individual contact name or the company name and later tries to supply this information, the section is permanently greyed out and cannot later be changed.

11. Under the Travel Information section, when supplying the previous 5 visits to the US, the form does not allow for the insertion of any trips which have not yet occurred. Applicants are advised to submit their application well ahead of their visa appointment, yet many have travel to the US days before – indeed, sometimes the day before – their visa appointment, and are not allowed to enter their most recent US travel information until after the date has passed. By allowing applicants to add in planned US travel in this section before the date occurs, AILA believes it will help to avoid incomplete information (as applicants may just leave off this field) and the last-minute stress associated with completing the form so soon before the appointment date.
12. AILA recommends inserting additional options for the Purpose of Travel section in regards to the B option, to capture concessionary sub-categories of this visa class, such as B-1 in lieu of H-1B, B-1 Domestic Worker and B-2 Domestic Partner.
13. AILA believes it would be useful to allow representatives, including attorneys, to submit the DS-160 application on behalf of applicants. This is currently allowed for the DS-260, and AILA sees no reason why it cannot likewise apply to non-immigrant visa processing

AILA RDC Consular Committee Chair

A handwritten signature in black ink, appearing to read 'Charlotte Slocombe', with a stylized, flowing script.

Charlotte Slocombe Esq.