

Consular Corner

December 2010

by: Liam Schwartz*

In the spirit of the holidays, we offer three stories of compassion, charity and goodwill, all in a consular context.

The first story, involving an event which began on Christmas Day seven years ago, is the finest Foreign Service Officer ("FSO") blog entry of 2010, one which perfectly captures the essence of consular work.

Overpaid?

by: [*Four Globetrotters*](#)

"Digger over at Life after Jerusalem posted an [an interesting article on federal pay](#), which addressed the common misconception that federal workers are overpaid. A fringe benefit of the Wikileaks scandal is that Americans are getting to see first hand what we in the Foreign Service do.

I'm actually ok with this pay freeze. This is a tough time for all Americans, and I'm happy to do my part. And of course, I recognize that in this economy I'm extremely lucky to have a job I love, and one for which I am compensated adequately. But overpaid? Not by a long shot.

As a warning, the rest of this post might be troubling to some. It's not funny. It's tragic. It's heartbreaking, and when I think of it, I cry. But I want to share anyway, because those of you who are in the process of joining the Foreign Service deserve to have as complete a picture as possible about the job you are about to enter. You need to know what might one day be asked of you.

Christmas Day, 2003. I was sitting at home with my family, having just enjoyed watching my son and daughter open their gifts. It was a beautiful day, the weather was warm and we were going to go spend some time on the beach later that afternoon.

Around 2:00 p.m. the phone rang. It was Washington, D.C. Ops Center was on the line and I found myself speaking to the Assistant Secretary for Consular Affairs.

A/S: 'There's been a plane crash in the neighboring country. We received a call from an American citizen who says he is one of the wardens in your post. His wife and two children are on the plane. We need you to go into the Embassy to pull up copies of their passports and then call us back.'

I called up one of my FSNs and made it into the Embassy within 20 minutes of

the phone call. We pulled up the warden records and retrieved the passport information. The woman, almost my age, like me slightly chubby. The little girl, seven years old, long hair, crooked smile plastered across her face, missing both her front teeth. The little boy, four years old, picture taken after what looked like a self-inflicted hair cut, grinning broadly into the camera.

I called Washington back to confirm.

A/S: 'The consular officer in the neighboring post is on leave. The back-up consular officer is there, but we need you to go help out. I spoke to your Ambassador and he said that it is up to you. This will be very difficult and if this is something you don't think you can do, we can contact another post to see if they can help out.'

I wanted to go. These were MY people. They deserved to have their consular officer take care of them.

It was too late to start the journey to the neighboring post, so I left the following morning as soon as the sun came up. By 9:00 a.m. I had arrived. I had made contact with the warden whose family was on the plane, so after checking in with the Embassy and coordinating with my colleague, I went out to meet him.

I found him sitting in the back corner of a smoky coffee bar, sobbing, holding a cigarette precariously in his right hand, an ashtray full of cigarette butts in front of him. I knew that the plane had crashed on take off. The plane had clipped a building at the end of the runway and crashed into the beach, the main part of the fuselage had gone into the ocean. There were 143 people on board and there had been about 25 survivors. He begged me to find his family. 'Go to the hospital,' he told me. 'They might be there. Please,' he sobbed, 'find them.' He couldn't do it.

He handed me a wad of pictures of his family and put his head down on the table.

I first went to the hospital to see if I could find out any information on the survivors. The director of the hospital confirmed that there had indeed been survivors, but that he had not seen any young children or women.

'Is there another hospital I can check?', I asked.

'No, this is it. You can check our morgue and you can check these other places. That's where they've taken all of the bodies that have been recovered,' he replied.

I walked slowly down a hallway that seemed never ending. I was surrounded by people screaming and jostling. Smells I can't even begin to describe. Everything felt like it was in slow motion. I walked into the morgue and saw bodies stacked on top of each other, a large pile of clothes in the corner, people sorted by gender, males on one side, females on another, children in the middle.

I found the morgue attendant, identified myself as a consular officer from the U.S. Embassy, and handed him pictures of the three people I was searching for. 'You can go look. Women are over there, kids are there. Let me know if you identify any of your people so we can make arrangements,' he said.

It wasn't my first time seeing a dead body. Unfortunately, I had done that my first tour when I had to identify an American citizen murder victim in a morgue. But this was unlike anything I'd ever imagined.

Most of the bodies were intact and it was fairly easy to ascertain quickly if any of the bodies matched my three people.

They didn't. I was relieved and then immediately sick to my stomach. This meant I had to keep looking. I walked outside into the warm air and gasped for air before I started violently vomiting. I could taste death in my mouth and actually welcomed the taste of the vomit.

With a shaky hand I handed the driver the names of the other places we had to go to. We had just left the best morgue in town. There was no telling what these other places would bring. I'll spare you the descriptions.

I found the little girl first. I went back to the cafe to let her father know. 'I'm so sorry,' I said, as he started wailing, a primal angst that cannot be described.

I found the little boy that afternoon.

The wife I didn't find until the following day, but at that point could only make a tentative identification. It had been two days in a sub-Saharan African morgue. I requested that he ask for her dental records, and passed those on. The identification was confirmed.

The French government sent down a team of morgue experts with all of their equipment and they made arrangements to repatriate all of the bodies. I went to the airport to make sure caskets number 54, 77 and 96 were on the flight. I bid my consular colleague, who herself had been through hell looking for other Americans, farewell.

And then I went home. I hugged my children so tightly, my husband was afraid I'd hurt them. I hadn't showered in four days, I hadn't slept because every time I closed my eyes I saw corpses and I couldn't eat. A psychiatrist from Washington called to speak to me, make sure I was ok. He gave me his home phone number. 'Call, doesn't matter what time it is.' He prescribed some medication so that I could sleep and gave me some medicine for anxiety.

This was seven years ago this month, and time has made it easier to deal with what was ultimately diagnosed as PTSD. I still have nightmares sometimes. But

I would do it all over again.

One of the things I took from ConGen training was the following: 'There is no substitute for personal appearance.' This means that when at all possible, we need to be physically present to help our American citizens in their time of need. Whether that's going down to do a jail visit, or helping an Amcit file a police report for a stolen passport, or identifying their remains and notifying their families, when at all possible, do it in person.

My story is only one of many. My colleagues around the world have many similar stories to share. I couldn't even imagine what it must have been like in Haiti earlier this year. But we do it, because we love our country and we take our responsibilities seriously. The vast majority of us are highly educated, intelligent, dedicated professionals. Sure there are things that can be improved. That's the case with any organization. But overpaid? I think not."

<http://fourglobetrotters.blogspot.com/2010/12/overpaid.html>

Our second story, relating to volunteer services at an Indian orphanage, illustrates the kindheartedness of a United States immigration attorney.

"Small Things With Great Love"

By: [Nita Upadhye, Esq.](#)

"Incredible India. That is what the tourist posters say and anyone who has visited the wonders of this mystical land would agree. Five million foreign tourists flock to India annually to visit the magnificent holy temples, traverse the surreal Himalayan mountain range, photograph the remarkable beauty of the Taj Mahal. India is a feast for the senses. It is also a land of heartbreaking tragedy, with over 456 million people earning an income below the international poverty line of \$1.25 per day and over 25 million orphans.

On 14th March 2010, I boarded a flight in London for a two week service project at an orphanage in Chennai, India through Global Volunteers, a US-based volunteer organization. As an American of Indian descent, I had made numerous family trips to India but my goal on this occasion was to see the layers of India I had never been exposed to on previous visits to the subcontinent. I also wanted to escape the bubble of London life and feel that I was doing something to help the poor and needy of the world.

I landed in Chennai International Airport and climbed into a rickety minivan for a dusty ride to the volunteer guest house in a suburb of Chennai, the capital city of Tamil Nadu. After an enthusiastic welcome by a swarm of mosquitoes, I spent the day participating in an orientation seminar and acclimatizing to the searing heat before starting my placement at Assisi Illam, a day care/orphanage. I was assigned to play educational games with and provide love and hugs to the children. The orphanage was established four years ago to serve orphaned, semi-

orphaned, abandoned and underprivileged children. There are 35 children in day care and 20 at the orphanage. Assisi is linked to the St. Thomas Hospital and run by Franciscan nuns. Sister Rose runs and manages the day care/orphanage and is assisted by Sister Virgin. Their work is tireless and inspirational. Until then my exposure to Indian culture had been of Hindu temples and traditions but I learned that over 17 million Indians are Catholics which represents approximately 2% of the population.

On my first day at the orphanage I walked in to a sea of shining little faces and they were so beautiful I had to catch my breath. I came armed with puzzles, colouring books, reading books, and crayons. The children's energy, enthusiasm and whole-hearted commitment to life were life-affirming. It was truly humbling to be around that kind of joy.

In the evenings I went with the other volunteers to SEAM (Southeast Asian Mission), a home for teenaged children. Walking along a busy, bustling road which appeared to be a main artery through Chennai, we passed sacred cows, bicycle vendors, barefoot children, betel leaf paan shops, tea shacks, ladies selling fragrant garlands of jasmine flowers, and a big wagon of coconuts to reach a grim looking crumbling cement building. As soon as we arrived, the children came out looking immaculately clean with hair braided and faces glowing. We helped these young people with homework and basic computer skills which they all seemed to enjoy. We also talked to them about their hopes and dreams for the future. In a country with a vast highly educated young population, competition to reach university level education is fierce. Our goal was to instill hope that their lives could be better if they focus on their education but it was plain to see that they face an uphill battle.

The end of my volunteer assignment was bitter-sweet. It was a wonderful experience but I left wondering what I had actually 'accomplished.' Gradually I have come to accept that I served as a small link in the chain of volunteers who collectively can make a difference to needy children by sharing smiles, songs and hugs – one child at a time. As I left the sultry air of Chennai and made my way through the airport for the long journey to London plagued by mosquito bites and an upper respiratory infection, battered in body but not spirit, Mother Theresa's simple words came to mind: "We can do no great things, only small things with great love."

(Originally printed in "When in Rome," AILA Rome District Chapter Newsletter Q3/2010).

Our third story depicts the goodwill which can sometimes characterize the interaction between consular officer and visa applicant.

Happy holidays to all!

How Not to Get a US Visa

By: [Grace D. Chong](#)

"I never had problems getting a visa, but horror stories about being denied by the US Embassy was discouraging. So be it, I had no reason to go back to the US again.

Then JB and Gianina had Adrian—that little wallop of a kid who leads us around by the nose. 'Come to Michigan and have more time with Adrian,' JB would invite his father and me each time he and his family came home for a vacation.

JB sure knew the magic word.

So I made a decision to apply for a new US visa, cajoling Tony to do likewise, but he said he is through with things like that—meaning, he has lost his good humor.

It took one month to finish my application on-line. And another three to summon some energy to make an appointment for interview.

Friends advised showing this and that document, which would have covered my whole life. JB said bring photos of you and Adrian. I listened to JB and to myself. Somehow, I felt compelled to bring five of my books.

Wearing my faux pearls, I marched to the US Embassy with Adrian's photos and five books, no documents.

There I made instant friends. Two lovely young ladies were to my right and another two to my left, all anxious and nervous.

Sitting on orange chairs then on blue then on black (as the queue moved), I watched hopefuls turn around from a row of glass-covered booths with their passports and sad, sour faces. Denied, denied, denied, denied, denied.

I immediately wrote in my mind an email to JB and Gianina: *Sorry, I'd have wanted to come but . . .*

'Hello!' the consul, with blonde hair, and not much older than my eldest son, chirped. 'Have you been to the US before?'

'Many times, I went to school there,' I replied.

'Oh? Where?'

'Columbia and Chicago Art Institute.'

'Why do you want to go to the States again?'

'To visit Adrian, my three-year-old grandson. He's adorable!'

'Adrian's father, what does he do?' he was nosy.

'He's a physician in Grand Rapids,' I replied.

'And what do *you* do?' he probed.

'I am an author. Wanna see some of my books?' I grinned.

His eyes lit up. 'Yes, please.'

Hmmm, a closet writer, I thought, and fanned all five proudly. He pointed to *Gifts of Grace 3*, which I slotted into his teeny window. He read the back cover.

Knows his blurbs, I murmured.

He then tackled the inside pages and started reading . . . and reading . . . flipping the page . . . and reading . . . chuckling . . . and reading . . .

Finishing the whole book? I wanted to ask, but knew better.

Finally he looked up, 'Is your husband traveling with you?'

'Nope! He has no patience for the visa application process,' I said. *Oooops, that wasn't a very nice thing to say.*

He laughed.

'How long do you intend to stay there?'

Now, that question unnerved me. I wasn't sure, I have not decided. 'Ahhhhgh . . .' I babbled, all spaced out. *Oooops, I just dug my grave.*

'That's good enough for me!' he laughed again, throwing my passport in his drawer and closing it with a thud.

Before I could ask, 'That's it?!' he said in earnest, 'God bless you, Ma'am.'

Ma'am? Walking out of there, I said a little prayer, *May God's grace be upon you, Mr. Whatever-your-name-is."*

Changes to the Foreign Affairs Manual (FAM)– Monthly Report

After a prolific 11 months, the State Department published only a few changes to Volume 9 (Visas) of the FAM in December.

Medical Examinations of Nonimmigrant Visa Applicants (9 FAM 41.108)

Medical examinations are not generally required of nonimmigrant visa (NIV) applicants. Consular officers may require NIV applicants to undergo a medical examination if there is reason to believe that they may be subject to a statutory inadmissibility under INA 212(a)(1).

The FAM notes at 9 FAM 41.108 relating to medical examinations of NIV applicants who have DUI arrests or convictions have been modified to reflect changes that the Centers for Disease Control and Prevention (CDC) made in June 2010 to the Technical Instructions for Physical or Mental Disorders with Associated Harmful Behavior and Substance Related Disorders.

Pursuant to these CDC changes, consular officers must now refer NIV applicants to panel physicians when they have "a single alcohol-related arrest or conviction with the last five years."

This FAM update reflects two changes: (1) The term "drunk driving" has been replaced by "alcohol-related," presumably because some arrests or convictions for "reckless driving" and similar violations may actually involve alcohol. (2) The time period has been extended from three to five years.

H-1B Workers (9 FAM 41.53)

The Department has clarified policy in the H-1B nonimmigrant context regarding pending and expired labor certifications. Per this clarification:

(1) USCIS has indicated that a labor certification that remains valid and which was filed 365 days prior to the H-1B applicant exhausting this total H-1B period is sufficient to obtain a one-year extension of H-1B status.

(2) Some labor certifications are pending for more than one year due to audits, and therefore many H-1B visa applicants are obtaining one-year H-1B petition approvals without a pending employment-based immigrant petition or an adjustment-of-status application.

(3) An alien whose application for adjustment of status has remained adjudicated for 180 days or more may change employers within the same or similar occupational clarification without having to obtain approval of a new petition.

Are You Smarter Than A Consular Officer?

1. What is the national pass rate for the United States naturalization test?
 - a. 12%
 - b. 32%
 - c. 52%

- d. 72%
- e. 92%

2. The regular H-1B cap returned to 65,000 in FY 2004. What was the regular H-1B cap immediately prior this change?

3. May a U.S. Consul perform a marriage ceremony for American citizens abroad?

4. According to the INA, how long must an adopted child reside with, and be in the legal custody of, the adoptive parents in order for him/her to meet the definition of "child" for immigration purposes?

5. If a foreign national in H-1B status applies for a change of employer and begins working at the new company before the I-129 petition is approved, can he/she leave the United States and reenter the country on the old H-1B visa?

6. According to INA 212(e), for what visas or immigration statuses are certain J visa holders ineligible until they have resided in their home countries for two years?

7. Under which of the following statuses is a foreign national **not** eligible to bring a domestic employee to the United States on a B-1 visa?

- a. H
- b. L
- c. E
- d. B
- e. LPR

8. Barring specific authorization by the State Department, U.S. visas may **not** be placed in travel documents issued by which of the following entities?

- a. Bhutan
- b. Cuba
- c. Iran
- d. North Korea
- e. The West Bank and Gaza

9. Immigrant visa numbers for persons born in Macau are chargeable to which country?

- a. China
- b. Nepal
- c. Portugal

10. This artist, credited with creating the popular image of Santa Claus in 1862, was appointed by President Theodore Roosevelt as U.S. Consul General to Ecuador. He died a hero in 1902 when he remained in Guayaquil during an outbreak of yellow fever to lead the evacuation of US citizens from the area. Who

was he?

Top Ten Visa Wait Times at U.S. Consular Posts, December 2010*

After 17 straight months reporting the same 42 days, Montreal's wait times suddenly surged to 71 days. Indeed, the last time Montreal's wait time was anything but 42 days was back in June 2009. Montreal is joined in this month's Top Ten list by seven other consular posts from the Americas Region.

| # | Country | Consular Post | Visa Wait Time | Increase/decrease from Last Month | Top 10 Position Last Month |
|----|-----------|-------------------------------|----------------|-----------------------------------|----------------------------|
| 1 | Cuba | Havana (US Interests Section) | 999 days | Unchanged | 1 |
| 2 | Venezuela | Caracas | 154 days | - 16 days | 2 |
| 3 | Brazil | Sao Paulo | 101 days | - 8 days | 4 |
| 4 | Brazil | Brasilia | 90 days | + 23 days | 8 |
| 5 | Argentina | Buenos Aires | 72 days | + 2 days | 7 (tie) |
| 6 | Canada | Montreal | 71 days | + 29 days | 10 (tie) |
| 7 | Brazil | Rio de Janeiro | 66 days | - 48 days | 3 |
| 8 | Nigeria | Lagos | 64 days | - 6 days | 7 (tie) |
| 9 | China | Shanghai | 49 days | + 18 days | New listing |
| 10 | Brazil | Recife | 48 days | - 34 days | 5 |

** Updated to December 7, 2010, and based on published Department of State

data. The "visa wait time" is the estimated time in which individuals need to wait to obtain a nonimmigrant visa interview appointment at a given consular post.

Top Wait Times by Region:

| | | |
|--------------------------------------|----------------------|------------|
| The Americas (excluding Cuba) | Venezuela/Caracas | (154 days) |
| Africa | Nigeria/Lagos | (64 days) |
| East Asia and Pacific | China/Shanghai | (49 days) |
| Central and South Asia | Pakistan/Karachi | (35 days) |
| Europe and Eurasia | Montenegro/Podgorica | (34 days) |
| Middle East and North Africa | Yemen/Sanaa | (32 days) |

Answers to "Are You Smarter Than A Consular Officer?"

- 1) e.
- 2) 195,000
- 3) No.
- 4) 2 years. See [9 FAM 40.1 N2.4-1](#).
- 5) Yes, but the traveler must hand carry a copy of the receipt showing that the new petition was filed in a timely fashion. See [9 FAM 41.53 N8.4-2](#).
- 6) H, L, permanent residence, or immigrant visas.
- 7) e. See [9 FAM 41.31 N9.3-4](#).
- 8) d. See [9 FAM 41.113 N4.1](#) and [9 FAM 41.113 N4.2](#).
- 9) c. <http://www.state.gov/documents/organization/87527.pdf>
- 10) Thomas Nast

Quote of the Corner

“There’s nothing like the satisfaction of doing your job, serving your country and helping American citizens living abroad, and knowing you’re a form of protection for your family and friends back home. I never experienced that kind of satisfaction before I came to work for the State Department.”

[Vice Consul Jen McAndrew](#), Embassy Tel-Aviv

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