

PERTH, AUSTRALIA U.S. CONSULATE GENERAL

by Jaime Wang *

TIME DIFFERENCE

Perth is 13 hours ahead of Eastern Time in the winter and 12 hours in the summer.

KEY PERSONNEL

Kenneth Chern, Consul General

COMMUNICATIONS

Street Address

U.S. Consulate General Perth
16 St. George's Terrace; 13th Floor
Perth WA 6000

Telephone/Fax

Main: (+61) (8) 9202-1224

After Hours: (+61) (8) 9476-0081

Fax: (+61) (8) 9231-9444

NIV Fax: (+61) (8) 9325-5914

Automated Visa Info Line: (24 hours—in Australia)
1902-941-641 (AUD \$1.05 per minute; AUD \$2.75 per
minute to speak to live consultant 8:00 am–7:00 pm EST)

Live Visa Info Line: (9:00 am–5:00 pm—in Australia) 1-
800-687-844 (AUD \$11 charge, plus AUD \$5.50 if re-
questing an information packet)

E-mail Addresses

ACS: perthACS@state.gov

NIV: perthvisas@state.gov

Websites

<http://perth.usconsulate.gov/perth/index.html>

<http://usembassy-australia.state.gov/perth/>

DHL, Federal Express, and UPS are all reliable. The consulate is responsive to e-mail, telephone, and fax inquiries; however, due to numerous e-mails it is preferable to send a fax to the consular section, to which the consu-

lar officer will reply by e-mail. Business hours for telephone inquiries are Monday through Friday between 8:30 am–4:30 pm, except on American and Australian holidays (see list of holidays below).

ATTORNEY REPRESENTATION

Perth is a small consular section compared to other posts. The right to counsel is honored, although not common. Attorney participation will be determined on a case-by-case basis. Unlike other posts where applicants interact with the consular officers through a window, applicants at the Perth post are interviewed in a cubicle with a consular officer.

UNLAWFUL PRESENCE BARS: DETERMINATIONS OF INADMISSIBILITY UNDER INA §§212(a)(9)(B)(i)(I) AND (II)

There are no specific procedures that focus on triggering unlawful presence bars and determinations are case-specific.

NONIMMIGRANT VISAS

Processing Times and Procedures

All applicants the age of 14 and above and the age of 80 and below are required to appear in person at the consulate to submit their visa applications and be interviewed by a consular officer. Children under 14 years old do not need to appear in person if their application is submitted in conjunction with a parent's application. Please schedule only one appointment per person or family. Applicants should print out a copy of the appointment receipt to bring to the interview.

All applicants that are subject to the interview requirement are required to schedule an appointment using the Internet-based Visa Point appointment system <http://aus.us-visaservices.com/Forms/default.aspx/> for a nonrefundable fee of AUD \$14 (Visa, Mastercard, Credit, or Debit). The applicant must purchase a personal identification number (PIN) online by using a credit card. The PIN will allow him or her to access the website multiple times. The applicant can continue to access the website until two days before the scheduled appointment. If the appointment is rescheduled, the PIN expires two days before the new appointment. If no appointment is scheduled, or the appointment is cancelled, the PIN will expire 90 days from the date of purchase. One PIN is valid for the applicant and up to four or five immediate family

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members who reside in the same household. If it is impossible to attend the interview on the date scheduled, one can cancel and/or reschedule the appointment through the Visa Information service. If after attempting to schedule an appointment through the online system there are no appointments available before the intended dates of travel, please schedule an appointment for the first available slot, and then send an e-mail which includes name, reason for travel, intended travel dates, and the date/time of the scheduled appointment to PerthVisas@state.gov. The Consulate will attempt to accommodate all reasonable requests for emergency appointments if possible.

Walk-in applicants are not accepted. Currently, the consulate's normal operating hours are from 8:30 am through 4:30 pm Monday through Friday, which is subject to change at any time, depending on the availability of the consular officer and/or support. Applicants should apply two to three weeks in advance to secure convenient appointment dates. If the application is complete, the visa will be issued in about 24 hours. Applicants must submit the following:

- **Completed nonimmigrant visa (NIV) application.** Completed Electronic Visa Application Form (EVAF) available at <http://evisaforms.state.gov> or Form DS-156 is required for all visa applicants. Parents or legal guardians of children under 14 years old should sign this form on their behalf. Applications are required to complete this form online. After completing the DS-156 online, please print out all three pages of the form and bring them to the interview. Handwritten forms will not be accepted.
- **Completed supplemental NIV application.** Form DS-157 Supplemental Nonimmigrant Visa Application is required for all male applicants ages 16–45 (<http://www.state.gov/m/a/dir/forms/>).
- **Valid passport.** A valid passport with at least one blank page (not including the amendment page) is required to issue the visa. Applicants should also present old passports with previously issued U.S. visas.
- **A color or black-and-white photo.** Each applicant, regardless of age, must submit a recent (less than six months), full-face, passport sized 2 in. by 2 in. photograph in accordance with Department of State (DOS) photo specifications (http://www.travel.state.gov/visa/temp/info/info_1287.html).
- **A self-addressed stamped envelope.** Applicants should submit a self-addressed express post “platinum” envelope, registered post envelope, or courier satchel for the return of their documents. Failure to provide this will cause a delay in the processing of his or her application.
- **Original cash register receipt from Australian Post Office.** All visa applications must be submitted with an

original cash register receipt from any Australia Post Office showing payment of the nonrefundable visa application fee of USD \$131 (AUD \$157.20). A separate receipt is required for each applicant, although the fees may be paid with one bank check. The nonrefundable USD \$131 fee per person must be pre-paid in bank check or postal money order, payable only to Australia post; the fee is not payable in the form of an “Australian money order” direct to the consulate. The consulate does not accept cash for machine-readable visa (MRV) fees. For more information, please visit: <http://perth.usconsulate.gov/consular/fees.pdf>.

Spouses and minor children under age 21 of principal applicants are eligible to apply for visas as dependents. Defacto marriages are not accepted for U.S. visa purposes. The dependents must complete separate applications and submit separate processing and other visa fees, as well as evidence of their relationship to the principal applicant (e.g. original marriage certificate and birth certificate). If dependents are applying separately, they must present evidence of the principal applicant's status (such as forms I-797, I-20, DS-2019).

Issuance/Reciprocity, Fraud, and/or SEVIS Fees

Issuance fees may apply depending on the visa category. There is an additional reciprocity fee of AUD \$126 for E, F, H, I, J, L, M, O, P, and R visas; and five-year tourist/business (B-1/B-2) visas require a reciprocity fee of AUD \$30. The fee is payable by bank check or postal money order only in Australian Dollars, to “U.S. Consulate General,” or credit card (Visa, MasterCard, American Express, or Diners). Perth only accepts payment in Australian Dollar value, but credit card transactions are processed in the U.S. in U.S. dollars. For Australian nationals, please visit <http://perth.usconsulate.gov/consular/fees/niv.html> for more information about the applicable issuance fee. Please note, for Blanket L-1 visas, an AUD \$600 anti-fraud fee also applies. For F, M, and J nonimmigrant students and exchange visitors, the I-901 SEVIS USD \$35 or USD \$100 fee applies (<http://canberra.usembassy.gov/consular/fees/sevis.html>) and can be paid online at www.fmjfee.com/ or through the sponsoring organization.

All F, J, and M visa applicants are also required to complete Form DS-158. All E-1 and E-2 applicants are required to complete Form DS-156E. The consulate recommends completing the required application forms online and bringing the print-out to the appointment in order to reduce waiting times. Delays may occur if questions on application forms are not answered. Moreover, information on Form DS-157 may trigger lengthy background and security checks. Applicants should be pre-

pared to answer questions about their jobs, long-term plans, family, and host in the United States.

The consulate also collects biographical data from all visa applicants between the ages 14–79. Applicants who are 13 and under, 80 and older, and those applying for a special visa class (A-1, A-2, G-1–G-4, C-2, C-3, and NATO) are exempt from electronic fingerprinting.

F-1 and M-1 students should bring their I-20, the original SEVIS form, and the SEVIS fee receipt. They must obtain this form from the school where they plan on studying *before* making an interview appointment. Family members seeking F-2 status need their own copies of the form I-20.

J-1 exchange visitors should provide the DS-2019, the original SEVIS form, and the SEVIS fee receipt. They must obtain this form from the school or organization sponsoring the trip *before* making an interview appointment. Family members seeking J-2 status need their own copies of the DS-2019.

H, L, O, or P temporary work visa applicants should bring the original I-797 “Notice of Action,” provided to the employer by the Department of Homeland Security (DHS). There is an additional fee of USD \$500 (AUD \$600) for Blanket L-1 principal applicants only. Blanket L applicants should also bring three copies of the I-129S visa application (one copy must have the *original* signatures of an officer of the employing company). Other work visa category applicants should provide at least one copy of the I-129 visa petition.

E-1 and E-2 Treaty Trader and Investor applicants should provide supporting documents to establish entitlement to the visa (e.g. a copy of the current year company accounts and copy of the company’s business plan if this is a first time application on behalf of the company). The application should be clearly marked to the attention of the “Treaty Visa Officer.”

The E-3 is a specific category only for Australians going to the United States to work temporarily in a specialty occupation. DOS and DHS have agreed to a 24-month maximum validity period for E-3 visas. The validity of the visa should not exceed the validity period of the labor condition application. The requirements for the E-3 category include:

- Form ETA-9035 (Clearly annotated as “E-3—Australia—to be processed,” or an ETA-9035E dated after January 4, 2006, specified for E-3 Australia. Now, either form is acceptable.)
- Evidence of academic or other qualifying credentials as required under §214(i)(1) of the Immigration and Nationality Act (INA).
- A job offer letter or other documentation from the employer establishing that upon entry into the United

States, the applicant will be engaged in qualifying work in a specialty occupation and that the alien will be paid the actual or prevailing wage referred to in INA §212(t)(1).

- Original degree and transcripts from Australian institution; if qualifications are not from an Australian institution, a certified copy of the foreign degree and evidence that it is equivalent to the required U.S. degree could be used to satisfy the *qualifying credentials* requirement. Likewise, a certified copy of a U.S. baccalaureate or higher degree, as required by the specialty occupation, would meet the minimum evidentiary standard.
- In the absence of an academic or other qualifying credential(s), evidence of education and experience that is equivalent to the required U.S. degree.
- Evidence establishing that the applicant’s stay in the United States will be temporary.
- A certified copy of any required license or other official permission to practice the occupation in the state of intended employment if so required or, where licensure is not necessary to commence immediately the intended specialty occupation employment upon admission, evidence that the alien will be obtaining the required license within a reasonable time after admission.
- Evidence of MRV fee payment, also known as the application fee. There is no issuance fee for the E-3.

Post Acceptance of USCIS Approval Notices

The post will process cases on the basis of receipt of an original I-797 Notice of Action. The post will not accept facsimiles or copies. It is also advisable to provide a full copy of the petition (with supporting documentation) in the event that the interviewing officer has questions pertaining thereto.

There are no cables or telegrams on I-129 approvals where the petition directs NIV processing to a post. As to I-129 approvals, each service center notifies the Kentucky Consular Center (KCC) and KCC sends an e-mail notice to the post. This e-mail process takes 24–48 hours and is the same regardless if it was processed through the premium processing unit or regular processing. In the event the Internet connection is not working, or for some other reason the post does not receive the e-mail notice, KCC may notify the post by fax. Applicants still should be encouraged to follow the post-by-post procedures and bring in the “official copy” of the I-797 (usually the I-797A) and the requested portions of the petition package and supporting documents. In expedited or emergency situations, it is important to know how the KCC notice system works.

Contact the KCC at (606) 526-7425/7500 for more information. (*Do not disseminate to the public.*)

B-1/B-2 Visas

Australians are usually issued a multiple entry B-1 (business) or B-2 (tourist) visa valid for 12 months without a reciprocity fee, although B-1/B-2 visas valid for up to 60 months are possible on payment of the fee. Company employees are allowed to attend short, in-house training courses of less than six months using either the Visa Waiver Program (VWP) or the B-1/B-2 visa. A letter on company letterhead stating the trip's purpose, the approximate length of stay, and the Australian company's continuance in paying the employee's salary should suffice. For B-2 applicants, carrying a letter from the present employer or school verifying length of employment or study and vacation schedule is recommended. In the author's experience, attorneys are advised to document the applicant's ties to Australia and intent to return, especially if the applicant has any U.S. citizen family members.

Re-application Policy After Refusals

There are no limits on the number of times an applicant can re-apply or on the time period between applications once an application is refused—though applicants are discouraged from re-applying until their circumstances have changed (*e.g.*, employment, school enrollment, property ownership) and they can overcome the basis for refusal.

IMMIGRANT VISAS

All immigrant visas (IV) are processed and issued in Sydney.

USCIS WAIVER POLICIES AND PROCEDURES

NIV waivers are processed through the U.S. Customs and Border Protection office in Minnesota and take approximately four to eight weeks. IV waivers are processed through the U.S. Citizenship and Immigration Services (USCIS) office in Bangkok. It is advisable to submit Form G-325A, a fingerprint chart, and extensive supporting documentation supporting requests for discretionary relief. A U.S. fingerprint chart is required if there is a U.S. conviction.

LOCAL IMMIGRATION ADVICE

U.S. citizens will need to apply for either a visa or an Electronic Travel Authority (ETA) if they are planning a holiday visit or short business trip to Australia. An ETA will allow up to three months in Australia and is equivalent to a visa, but stamps or labels are not entered into a passport, nor is there a need to visit an Australian diplomatic office to submit an application. Applications can be directly submitted through the website, and, in most cases, approvable in less than 30 seconds.

The ETA is issued electronically by a computer system operated for the Department of Immigration and Multicultural and Indigenous Affairs of Australia. When an application for an ETA is submitted through the site, all that is needed are passport details and credit card information. The application is processed immediately and approved applications are electronically recorded on Australian government systems. Upon arrival at an airport for check-in on a flight to Australia, the airline check-in staff can electronically confirm authority to board the flight to Australia. For more information on application, checking ETA status, etc., visit www.eta.immi.gov.au/.

As a general matter, please contact the Australian Consulate General before departure, as Australian visa policy changes regularly and depend upon the type of visit.

PHOTOGRAPHERS FOR U.S. PASSPORTS

Perfect Photos

459 Hay Street
(+61) (8) 9325-5308

Plaza Digital Prints

Shop 13A, Plaza Arcade
(+61) (8) 9325-2673

TRAVEL TIPS

The Chieftly on the Terrace

185 St. George's Terrace; Perth, WA 6000
Tel.: (+61) (8) 9226-3355 / Fax: (+61) (8) 9226-1055
www.constellationhotels.com

Duxton Hotel

1 St. George's Terrace; Perth, WA 6000
Tel.: (+61) (8) 9261-8000 or 1800-681118
Fax: (+61) (8) 9261-8020
www.duxton.com

Hyatt Regency

99 Adelaide Terrace; Perth, WA 6000
Tel.: (+61) (8) 9225-1234
Fax: (+61) (8) 9325-8899/8785
www.perth.hyatt.com

The Melbourne

Hay & Milligan Streets; Perth, WA 6000
Tel.: 1-800-685-671 / Fax: (+61) (8) 9320-3344
www.melbournehotel.com.au

New Esplanade

18 The Esplanade; Perth, WA 6000
Tel.: (+61) (8) 9325-2000 / Fax: (+61) (8) 9221-2190
www.newesplanade.com.au

Parmelia Hilton Perth

Mill Street; Perth, WA 6000
Tel.: (+61) (8) 9215-2000 / Fax: (+61) (8) 9215-2001
www.perth.hilton.com

Rydges Hotel

Hay & Kings Streets; Perth, WA 6000
Tel.: 1-800-063-283 / Fax: (+61) (8) 9263-1801
www.rydges.com/perth

Sheraton Perth Hotel

207 Adelaide Terrace; Perth, WA 6000
Tel.: (+61) (8) 9224-7777 / Fax: (+61) (8) 9224-7788
www.sheraton.com/perth

Sullivan's Hotel

166 Mounts Bay Road; Perth, WA 6000
Tel.: (+61) (8) 9321-8022 / Fax: (+61) (8) 9481-6762
www.sullivans.com.au

Wentworth Plaza Flag Inn

300 Murray Street; Perth, WA 6000
Tel.: 1-800-355-109 / Fax: (+61) (8) 9321-2443
www.wentworthplazahotel.com.au

Perth is a flourishing cosmopolitan center of industry and culture in vast Western Australia, with a number of thriving restaurants conveniently located in the city centre and its outer reaches, along with many of the best city beaches in Australia.

**AMERICAN AND AUSTRALIAN
HOLIDAYS FOR 2007**

Jan. 1 New Year's Day
Jan. 21 Martin Luther King, Jr.'s Birthday
Jan. 28 Australia Day
Feb. 18 Presidents Day
Mar. 3 Labour Day (Australia)
Mar. 21 Good Friday
Mar. 24 Easter Monday
Apr. 25 Anzac Day
May 26 Memorial Day
June 2 Foundation Day
July 4 Independence Day
Sept. 1 Labor Day (U.S.)
Sept. 29 Queen's Birthday
Oct. 13 Columbus Day
Nov. 11 Veterans Day
Nov. 27 Thanksgiving Day
Dec. 25 Christmas Day
Dec. 26 Boxing Day
Jan. 1 New Year's Day