

Federal News Service

**REMARKS BY US CONSUL GENERAL JAMES D. PETTIT AT AN AMERICAN CHAMBER OF COMMERCE IN RUSSIA BREAKFAST  
[MARRIOTT ROYAL AURORA HOTEL, 8:30, NOVEMBER 5, 2003]**

Somers: May I have your attention please. We are about to start our breakfast formally. I am Andrew Somers, President of the American Chamber of Commerce in Russia. We are delighted to have as our guest Mr. James Pettit, Consul General of the US Embassy of the United States of America.

Mr. Pettit has been here since August 15th. His previous post was also as consul general in Vienna, Austria, from 1999-2003. I would like to say -- I was about to say that Moscow is culminating his distinguished 22-year career in the State Department. But I am sure he has great plans after Moscow. But we look at it as a culmination because of his distinguished record, his understanding of what we like to call customer service in a very, very complex sphere of government business these days.

In the several months that Jim has been here I can attest personally that he has been a tremendous support to the members of the American Chamber of Commerce in Russia with respect to visa applications and what is becoming known as the notorious visa review process which means that visa applications are sent to Washington for review by various security agencies.

But I can say on this side of the ocean the visa process has been quite -- let me put it this way -- practically useful to Chamber members. I think we have the impression that the consular services are understaffed given the volume and the complexity of the tasks before the Consul General in this new age of security. But I am very pleased that Jim is here and understands our issues.

As some of you may know, we had a delegation of AmCham executives go to Washington about two weeks ago. They met with Homeland Security to express our concerns about what might or might not be happening in the US in terms of visa applications from Russian citizens. And we were not shy about stressing what we believe is the very important and special relationship between the US and Russia. It really is unique. It's the first time in history that we have seen our leaders meet so often and have such a common interest both apparently personally as well as strategically and politically.

I would now like to ask Jim to come to the podium, and he has bravely and kindly offered to answer questions after his introductory remarks.

Consul General of the United States. Thank you.

Pettit: Thank you very much. I am very honored and happy to have this opportunity to speak to the American Chamber of Commerce. My presence here in Russia goes back a lot of years. The first was in 1983 to 1985 when we did not to my knowledge have an American Chamber of Commerce here. As a matter of fact, I was discussing this at the table trying to recall if we had American companies at all.

I do know that Chase Manhattan Bank was here back then. But I honestly don't recall any other American companies that were here at the time. Obviously, consular work back then was very simple. We did not have long lines of people waiting for visas. There were mostly diplomats and officials, so our work was actually much easier. We didn't do much political



reporting because no one would talk to us. But I think that just underscores how much progress has been made in relations between the United States and Russia.

I came back in the early 90s just after the break-up of the Soviet Union. And things looked pretty much the same, but things felt very very different and you could sort of sense the -- I don't know if optimism is a word, but a certain amount of nervous energy as to what was going to happen, and I think many of you have witnessed what's happened over the last 10 years. I came back this time really not expecting to see what I have seen here in Russia.

I think I am an eternal optimist. I've talked to a lot of people who express pessimism and maybe my perspective is different simply because I have seen these various snapshots each time I come back. I think that tremendous progress has been made, tremendous potential I think -- those of you who are doing business here probably see that and are certainly contributors to that.

What I hope to accomplish here this morning -- I know that sometimes we have a stormy relationship with the American community and particularly the American business community. What I want to do is try to accentuate the positive and share my own concerns about some of the negative aspects of what we are kind of stuck with here and see if we can come up with some solutions to work through it.

I want to give a very quick and brief overview of what the Consular Section of the US Embassy here in Moscow does. A lot of you probably are very familiar with our structure. Some of you less, some of you may be surprised to know that we do things other than visas. I do want to introduce very quickly -- I brought two colleagues along for moral support from the Consular Section. I have Bob Hannon, who's an important person to know. He is the chief of our American Citizens Services unit and has nothing to do with visas. So, you know, he -- you can be his friend.

Ken Zurcher is one of our non-immigrant visa interviewing officers at this time. And I brought him along in case I need any technical backup. But he wants to be a friend too.

Very briefly then. We are one of the larger consular sections in the world. We have about 70 staff, of which about 21 are American officers, the rest are a combination of American family member employees and mostly Russian employees. We are divided into units, which are the American Citizens Services unit, immigrant visas, non-immigrant visas, customer service, and the anti-fraud unit.

Our American Citizens Services office -- their mandate is to help American citizens with whatever they need within our ability, within the framework of what we are allowed to do. Most of it is fairly routine. That's where American citizens get US passports. We do cradle to grave service. We document newborns as American citizens. We sign death certificates, sadly, from time to time for Americans who pass away here. We also do a lot of notarials and I think you probably all have had at one time or another to come and have documents notarized by us.

When we notarize documents, it's generally for the purpose of use in the United States. Sometimes it's people selling property or whatever, for whatever reason. We actually don't read the documents. We are not responsible for the content. We won't notarize something that is blatantly false, but basically you can come in and declare whatever you want. We will notarize as long as you identify yourself. We do about 1,400 of those a year.

We also provide emergency services. Anything that can happen happens. There are enough Americans, both residents and visiting here, who occasionally fall into distress and we



have to intervene. Sometimes it's mental health issues, sometimes just regular health issues, sometimes people arrested. I think we have had about 11 arrests that we handled, major and minor, over the last year. We do prison visits. So, it's interesting. These are the kinds of cases where it is not always written down in the regulations what exactly we are supposed to do and we have to use a lot of common sense.

Immigrant visas. We do about 10,000 immigrant visas a year here in Moscow. We do immigrant visas for all of Russia. Adoptions lead the pack with about 5,800 to 5,900. Visa lottery cases. You may have heard about the Green Card lottery. There were about 2,000 of these this last year. Russia has actually crossed a line in terms of net immigration to the United States and therefore has actually disqualified itself for the next fiscal year in the Green Card lottery. The Green Card lottery was designed to accommodate countries that were undersubscribed in terms of immigration to the United States. So, there is a list of countries that are considered oversubscribed, which will come as no surprise to you. It tends to be countries like China and Mexico and the Philippines.

Russia has now joined that list and will not be eligible for the Green Card lottery for one fiscal year. And that will continue until emigration out of Russia to the United States falls back below the specific number (which does not leap to mind).

Non-immigrant visas. We receive over 90,000 non-immigrant visa applications a year here in Moscow. That doesn't count our other posts in St. Petersburg, Yekaterinburg and Vladivostok. But we certainly receive the most. Ninety thousand applications is a lot. As of August 1, we are now required to interview every one between the age of 16 and 60 with a few exceptions. Those exceptions are diplomats and officials on official travel, and people who have a visa that expired within the last year. That's a lot of interviews. That's a lot of people coming to the Embassy. It is a source of major inconvenience for people who do not live near a city that has our embassy or consulate.

That is not going to go away any time soon because even if they were to rescind the interview requirement, they are instituting -- we, the US government are instituting, a biometric requirement which, even if you do not have to be interviewed, you still have to be physically present to give the biometrics which initially are going to be the two index fingers. We are not, despite what you see on the news, going to be inking people's hands. This is going to be a scan, it's going to take two to three seconds and it will happen during the normal processing of the visa. There has been an awful lot of concern expressed about the biometric requirement. I would say that the biometric requirement is the least of our concerns in visa processing. This is really "meloch." This is not a big deal.

I am not going to give you a tremendous breakdown on what we do with non-immigrant visas. I am going into that in a minute. I would point out that Russia leads the pack in terms of bilateral exchanges and programs that the US government sponsors as we issued about 15,000 student and exchange visitor visas over the last fiscal year.

This is very important and like I say Russia leads the pack. Our biggest programs are with Russia. So, the message we are sending is we think travel and contact between our peoples is very, very important. And I know sometimes it comes across as a mixed message because the mantra we are supposed to be reciting is: "secure borders and open doors." So, that's perhaps something we are working with and trying to work out in a very difficult environment.

Now, I know that a lot of the interest for this group is on visas so I am going to hone in on that very briefly and then I'll take up any questions you have. I want to lead off by saying that



the events of September 11 obviously affected US immigration policy significantly. Terrorism is a big concern for us. There was a reaction, a political reaction, to the fact that after the events of September 11 it became pretty apparent that we simply were not tracking who's coming in, who's leaving. Most of you know that the United States does not really have exit controls like most countries in Europe and like this country. I mean, yes, you're supposed to turn in your I-94 when you fly out, but not everyone does. And if the airlines remember to pick it up or if you are crossing by a land border, it is very willy-nilly. And even for passengers who are doing it, quite frankly, was INS actually entering all that data?

Well, the issue is this: there are certain measures that have been implemented, some of them good, one of them is sharing data. A big problem that we have had on the visa side is that we feel that other agencies -- law-enforcement, intelligence agencies -- were not providing information on people that we should know about. And that has changed now. The FBI, who were a big holdout for a long time, not wanting to share data on criminals and suspected terrorists with us, basically dumped their entire criminal database into our visa lookout system. Every time we run a name now, we get a long list of near hits -- which is a good thing, because we feel more secure and we feel the nation is more secure.

But the point I want to make, having said all this about terrorism and security, is that in terms of this country and in terms of visa processing, September 11 has not had a big impact. Visas are being refused for the same old reasons and I only mention that because a lot of times when we get letters or inquiries, they always lead off with "we know you have concerns about terrorism but I can assure you that my business partner is not a terrorist." Things like that. This is not why people are being turned down for visas in Russia.

As a matter of fact, I think I can probably safely say that we haven't had a single person turned down for suspected terrorism here that I know of. So that's not the issue. The issue is what it always was, which is our law presumes that anyone applying for a visa to the United States wants to stay there. Now, that may be sort of arrogant, presumptuous on our part, but that is what the law says. And it is up to the applicant to convince the consular officer that they are not going to stay. Well, how do you do that? It depends upon the circumstances. You have to convince. It should be readily apparent that you know the purpose of your trip, that you have a reason to return, that you have a residence abroad that you are returning to.

And you can demonstrate that by showing that you have a good economic situation, that you have a job, you have family ties. I think the frustration that we see is that people find that vague. They say, well, can't you tell us specifically what documents we need to present. A common complaint we get is the consular officer didn't even review the documents. We get stacks of documents: birth certificates, marriage certificates, nicely notarized letters of invitation, including the ones you can purchase with the Statue of Liberty "I hereby invite so and so" and it's got a very nice embossed seal and everything.

This stuff is not useful for us. It's just not particularly useful. Documents are by and large not really useful to us. That is why we interview people. People have always asked why do the Americans have to interview everyone. And mind you, this is all before September 11. Our law has always said that every applicant has to be interviewed by the consular officer. The people who were not being interviewed in the past were because the consular officer waived the requirement. We require an interview and there is a reason. Congress in its wisdom realized that documents in most parts of the world are worthless and can be purchased. That is why we have a large anti-fraud unit. We basically are very skeptical of documents presented to us.



And that's just the blunt truth. I think -- I know that that is a frustration for the business community. You say, "How dare you not accept our company letterhead and our company stamp." Well, the fact is that we do look at them and we don't base everything on the interview. But we have a healthy skepticism toward documents and you need to understand that when you find out through some cosmic error that we have actually turned down one of your business partners or employees simply because we questioned the veracity of the document.

We know who the big companies are and when I hear that we've turned down someone from a company that we all recognize, my first reaction is also: how could that be? How can we turn somebody down from that company? Well, then we look at it and it turns out that the person came in and they didn't really know why he is going to the United States. They presented something from a local Russian business partner with a company name that we did not necessarily recognize but which of course had the nicely embossed seal and everything else.

What we like to see, when possible, is something from the United States, and it isn't because we think that there is just more of a chance of fraud when it's from a local company. It is just that it is easier for us to detect fraud when it is supposed to be a letter or a program description from the United States. A lot of it just has to do with that we can generally tell whether something was drafted in the United States. It is also easier for us to check: we can check fax numbers and phone numbers and all that, and we do.

So, I don't know. This may have confused you more than enlightened you but I do want you to understand that the environment we are working in is very complicated. We want to facilitate American business with Russia as much as possible, but we are dealing with an environment of high fraud. I have an anti-fraud unit working full time. With investigators. We have tremendous fraud. This is a country with forty million people living below the poverty guideline. We know what the average wage here is. We know how large the pull factor is in the US. Plenty of people have relatives, friends, associates, who are willing to put them up. The sad fact is that there are still many people from this country who do go to the United States and remain.

Our concern is primarily with illegal immigration. We are not afraid particularly of some security or terrorist threat out of Russia. So, that whole issue, which is raised often by people, really isn't germane. We are still dealing with the same old rules we had before September 11, which is we are trying to stop illegal immigration. We are just trying to make sure that the people going to the United States are going to comply with the visa and not stay.

I should also point out that there has been a large refugee program out of this country for years and we still have one: several thousand people leave Russia, believe it or not, still under our old refugee program. So, there are still large flows from Russia to the United States and we look at everything in that context.

I do have good news. A lot of you from early summer remember the six weeks waiting periods. Those are gone. We have essentially what we call "no backlogs", meaning that it's running less than ten days, ten calendar days from the time you apply until you get your visa. It has actually been running closer to a week. You are not going to like this but we have actually slowed it down a couple of days because we were getting ahead of ourselves.

So, I think in terms of waiting periods for your standard business traveller, it's just a few days. This is very good news. As a matter of fact, I think the bulk of complaints were how long it was to get a visa. Now, unfortunately, there are certain kinds of travellers, either because they



are in our system for whatever reason or because the purpose of their trip involves high technology, they require Washington authorization.

The vast majority of our visa applicants do not require Washington authorization. We can approve the visa here in Moscow and we will issue the visa here in Moscow without even consulting with Washington. But there are those of you involved in high-tech industries where your people are going to have to wait for the Washington authorization. The backlogs have been pretty appalling, basically to the point where it had been so many months that usually events had already transpired and there was no purpose in travel. That's gotten a little better, I am told. That is totally out of my hands. It's actually the visa office back in the State Department that coordinates these Washington authorizations. But it's an inter-agency process, and it's very, very hard to get these cases expedited. I actually applaud AmCham's efforts in Washington because this would require a political decision. There's not really anything we can do, and I'm not trying to shirk responsibility here. I'm just telling you very bluntly that the Washington authorizations are something we don't control. Fortunately, it's a small percentage of business travel, but it does impact certain industries.

I have some information and sort of some tips, which I've touched upon. I think most of you know how our system works. We've not technically contracted out, but we have a working relationship with Elf-91, which is a partner of Federal Express, as a courier service for submitting applications. We chose them simply because they seemed to have offices in most of the cities around Russia. It works pretty well, and it's certainly convenient for people who don't want to have to travel to Moscow or St. Pete to line up and get an appointment. We're working with them to actually even have them give out the appointments so that people will know right away, if an interview is required, when the interview is going to be. And then Elf-91 also returns the passports. They do charge money for the service. I don't know what it is here in Moscow. I don't think it's particularly significant. It's not as much as we charge for the visa. Five hundred rubles? Okay, well, we charge a lot more than that for the visa application, as you know, which is still at \$100.

We also have our ever-popular telephone service, where you pay per minute, but you do get a live operator, and so if you want to talk to someone, even if it's just to vent, it's your dime. And they are pretty good about giving basic information. They're not going to be able to tell you about individual cases. That's just beyond our ability. We also have a free email service -- [consulmo@state.gov](mailto:consulmo@state.gov). If you email them -- that's our customer service unit -- they're supposed to reply in 2-3 business days. And I've heard people say they got no response. Hard for me to believe, because I know they respond. So that's either an email problem or who knows. But I'd be interested in hearing if you're having trouble with that, because they really are supposed to respond to questions. And they can actually research cases, too, if you have individual questions. We also have a website that's free. It's new and improved; it's going to be even newer and more improved in the near future. I was a little put off by our website. I thought it was kind of "dark helmet," negative. We're trying to bring some more sweetness and light into our website and make it more useful.

Tips on applying. This is kind of repeating what I already covered. I will wrap up with this. Since we do require an interview, it is incumbent upon you to make sure that people applying understand why they're going to the United States. Sometimes we see people going over for training or consultations who don't seem to be very clear on where they're going or what they're going to be doing. That raises doubts in the consular officers' minds. So it's good for them to be well briefed on what they're supposed to do. I already mentioned the importance of US-based documents, detailed US-based documents. Please do not use formulaic expressions



such as "I hereby invite so and so to come and discuss business." Tell us what you are going to do, what are you going to discuss, how long you have been working for the company.

Are you going to be talking to clients? Just anything like that. Or if it's a program the company set up, describe the program. More details are better.

Also include the point of contact in the US when possible. It's very useful in case we need to verify. And this is the big pitch for AmCham. We do regard you as special. Any inquiries you make, you should highlight them and say, I am a member of the AmCham whether it's by email or whether you call in or whether one of your clients or employees come in. Make sure that it is prominently displayed that you are an AmCham member because we do want to give you special service.

We have a long history giving special service to the AmCham. When I was here 10 years ago, we actually used to collect the applications directly from the American Chamber. We had to get away from that for a variety of reasons, but the main reason is that it's just not necessary any more because there is no way to expedite your cases. They are already expedited. Just the general process works so well.

Group processing. For those of you who are not familiar with it we do offer group processing for groups of 10 or more, not for tourism but for general cohesive trips. You do not have to use the Elf-91 courier if you do the group processing. And to arrange for group processing, just send a request to that email and we will give you an appointment date and then your people will just show up directly.

The last thing is, in terms of professional development of my staff, we do take that very seriously. We try to hone their language skills, we send them off to our language program. We have a training day once a day -- excuse me, once a month we have training. And what we like to do is have guest speakers come in and talk about whatever. And what we would like to do is just throw out an offer -- maybe Andy can coordinate this -- at sometime to have anyone who is interested from the AmCham, who would like to actually directly speak to our interviewing officers about business here in Russia and how it works and what your companies do, we would like you to come over and actually speak to them. So, it's a two-way dialogue.

And on that note I think I will yield the floor, because I am sure many of you have questions. Oh, sorry, I am supposed to make a pitch for the American Citizens Services office here. The holiday traveling season is upon us, check the expiration date in your passports. Apply early enough for new passports. It's running about two weeks now to get the actual machine-readable digital passport back from the United States. We can issue emergency passports the same day if necessary, but we don't like that. Such passports are limited to one year.

Voting. It's an election year. There are issues that you probably want to take into consideration. For American citizens we can assist you with the registration process. We also have all sorts of information materials as well, forms. You cannot vote at the US Embassy. We always have people show up the day of the election wanting to vote. You can't. You have to register. It's absentee voting. Some countries let you do that. We don't.

Have I covered everything? Okay. (Applause)

Somers: Thank you James. Thank you for your kind words about the Chamber and your offer to have our executives speak with your staff about their business. We have two applications already in the last 60 seconds. So, that was a very popular suggestion.



Questions? Overhere on the right. Take the microphone. Could you identify yourself?

Q: Svetlana Golubeva, Ernst and Young. (in Russian) I have two questions, if you don't mind. The first case concerns one of our employees who is a member of the company management. He applied for a multiple entry business visa in the middle of May of this year. In the summer he was invited for an interview. At the end of the summer his finger prints were taken. At the end of September he was telephoned and told that he could bring his passport and get the visa. Unfortunately, so far we haven't received any reply even though we submitted all the documents.

And my second question ...

Pettit: Let me answer the first question. Can I speak Russian or --

Somers: You can speak English.

Pettit: English? Okay. Well, it sounds like progress has been made. I mean -- there is not much I can do. The only thing I can recommend is if you could provide the name and birthday if you have it to that e-mail address I gave you, they can tell you the status. I would add by the way that this business of taking finger prints. I think a lot of you have encountered that. There has been an internal policy change on my part. We had some sort of vague guidance from Washington that any time a near hit, a near match came up in the lookout system, we were supposed to finger print, even though the birthday was off by up to two years.

I have put a halt to that. I am now requiring that it should be an exact match. I think you are going to see about a 99 percent decline and people being required to be finger printed. And I have a feeling that your business associate was one of those unhappy victims who probably had a similar name and a similar birthday. And I regret that there was inconvenience. But it sounds to me like if you already have the results back and it's just a matter of getting his passport, send the name and we will find it. I'll look through the stacks.

Do you have another question?

Q: My second question is that when for example all employees are invited for an interview irrespective of their status in the company and irrespective of the number of American visas that were previously issued to them, and also when a company partner comes to the consular section for an interview, it takes three seconds, the interviewing officer asks him where do you work as he looks through his papers. He says, Ernst and Young. And the officer replies, thank you for coming. I find this kind of strange.

Pettit: I disagree with you. If you are going to call in the head of a large company for a visa interview, it's going to be a formality, and it's going to be a three-second interview. It is required by law that we interview them. And it's just the way it's going to be for a while.

Q: Alex Gill (sp.--FNS), MAG Group. We set up a Russian company in the development of distribution facilities for Avon beauty products and we are starting another project. I want to send a group of my employees, four people to be exact, to check up things with different factories, etc., etc. So, when we call the information service, we cannot do this as a group because it's four people. We have to go through this Elf-91. I will send invitations from the United States, from the main company. We have a letter from AmCham describing what we are going to do and where they are going. Three of them live in Moscow and one lives in St.



Petersburg. I meant them to go as a group and applied for a two-year multiple entry visa. What should be done to expedite this? Just to through this Elf-91?

Pettit: We consider Elf-91 as being expedited. It's not going to get any faster than that. You are right, if it's less than 10 --

Q: I am sorry we cannot send documents directly because I understand it's only 4 people?

Pettit: That's the reason. It's an arbitrary cutoff. Group means group. And we define group as 10 or more. It's just in terms of being efficient in our processing. The Elf-91 process is fast. There is really not that much of a time difference between group processing. The group processing eliminates Elf up front and afterwards so you save up to two to three days. That's all.

Q: I am Yuri Vereshchagin from the company Lucksoft (sp). We were a little bit unfortunate of being one of these high-tech industries that you mentioned. So, my first part of the question is who determines -- I mean who belongs to the high-tech industry, a company that applies for a visa, or our customers because our customers are also from the high-tech industry, like Boeing, IBM and companies like these? I mean who determines this? And what is high-tech? Is it only something that is related to the military or is it everything like programming, software, everything which is IT?

Pettit: It's very broad. I couldn't begin to tell you the list. There is a technology transfer alert list that runs several pages. It covers what you would think it would cover, including in the computer industry. It certainly doesn't cover just standard programming, but there are elements of computer programming that are more sophisticated in terms of modeling and virus work that do fall on the Technology Alert List. And I could go on and on. It includes aviation. The problem is this: The consular officers -- we're not scientists. We're just told that, if someone comes to you and either because of who they work for or because of their background or because of the purpose of their trip, which covers all the things you just mentioned, whether it's the customer, and it touches upon anything on our Technology Alert List, we're supposed to get Washington authorization. This is probably, I would say, the single most difficult aspect of visa processing right now for business between our countries, because for Russia we always have to do it, and that's just a reflection of the reality.

Q: Is it something open -- this Technology Alert List which you mentioned -- or it's an inter-agency document which is something internal?

Pettit: It is internal. It's not actually a classified document, but it's not something we disseminate broadly, unfortunately.

Q: And the second part of the question, because we go so fast -- we have right now 500 people, we had 250 people last year, and we're recruiting people all over Russia and even former CIS countries -- sometimes we can't demonstrate to the consular officers that the particular person who applies for a visa has stayed with us for at least six months because what we do is we hire the person and send them onsite for the customer to get to know the customer for several months, and then only upon this he can start working for us in Moscow in our software development center. What can be done here?

Pettit: That's a difficult question to answer because there are some legal issues here. There can be problems with sending a brand new software programmer over to consult with a client in the United States because the Immigration Service may think you're sending over computer programmers to perform work in the United States. This is something where we need



to have a fairly good explanation from your company on what exactly, whether this is a training program where they continue to draw a salary from Russia, what exactly they're going to be doing. If they're going to be sitting in a client's office and, you know, drafting code and programming, they can't really do that no matter who's paying them.

Q: Yeah, I know. I know it's against the law.

Pettit: But, I mean, these are some issues. The other issue you touched upon which is a problem from time to time are brand new hires, especially low-wage, brand new hires, programmers, who you've just hired and are sending over to the US, where we know the wage scale for programmers is what? Five to 10 times as much. We have concerns about that particular person and what their onward plans might be. So in that case your company would need a bit of a good track record to show that this is kind of an ongoing program that works and that they do come back and work for your company.

Q: And along with this, can you put in a support letter which goes together with the visa application from the company and from --

Pettit: And the more detailed, the better.

Q: Okay, thanks.

Somers: Yes, same table.

Q: I had a problem last Christmas. I wanted to bring my Russian wife for the holidays, and her visa was refused. And I tried to find out why. Of course, they tried to dump me back to Elf, but with some effort I could get around that. And basically you say you have to prove she'll come back. You say "convince," but they said "prove." And I think I would have had the same problem with the word "convince." They refused to define "proof." They mentioned several documents which would be helpful, all of which we'd already submitted. So the question is: How do I take my wife back for the Christmas holidays? (Laughter.)

Pettit: It would be unusual to deny the spouse of an American based here who can show that they're based here. I assume you have a contract that shows that you are, indeed, working and living here in Russia. Our consular officers are fully aware that the spouse of an American citizen can immigrate at any time, so it's not like we're particularly concerned that she's not going to come back, because she could immigrate and we don't force people to immigrate. I'm surprised she was turned down. Was this a recent marriage or --

Q: No.

Pettit: Okay.

Q: We'd been married about one year at that time.

Pettit: Yeah, there is a honeymoon period where we kind of want to make sure that this is going to work out. (Laughter.) But I can't imagine she would have difficulty. I'm a little surprised she was turned down. Sometimes -- I don't know. I wasn't there. I don't know what was going through the consular officer's mind. It's a little unusual for us to turn down a resident American here wanting to take family to the United States. That'd be very unusual, and I'm sure Ken can vouch for that, that you would never turn somebody down in a situation like that. It's strange, an odd story. There are a lot of odd stories out there. Sometimes mistakes are made. I



always put that in the passive construction. But mistakes are made. If you have that problem again, feel free to email us.

Q: Well, one person I talked to did suggest that it might be an immigration problem, where they're worried that, once she got there, she would change her status to an immigrant status, and they said, no, she's supposed to do that here. Apparently I guess it takes quite a long time from here?

Pettit: Much faster here than in the United States. If she were to get --

Q: Well, my understanding is that you go over a year getting your visa if you apply for an immigrant visa, but you could change it instantly once you're there, and they seemed to be concerned about this.

Pettit: No, because the -- a resident America can file -- correct me if I'm wrong on this. At least in Vienna, they can file the immigrant visa petition here if they're a resident. That takes what? One, two days? In the United States, depending upon where you're living, it takes up to a year to get petition approval for an immigrant. Much faster here.

Q: And how long before you get the visa here?

Pettit: The visa -- once the petition's approved, the visa interview could be scheduled probably within the next 1-2 months.

Q: Okay, that's not what they were saying last year. They were saying over 1-2 years before you would receive your visa.

Pettit: Nonsense. Not true. Not true. Incorrect. I think that sounds like they might have been referring if you had filed a petition in the United States, where there are horror stories about how long it's been taking to get petitions approved.

Somers: Okay, next? Right behind?

Q: Good morning. DuPont Company. Actually we're a big company, and we didn't experience any difficulties with rejecting visas or whatever, but unfortunately recently we had a couple of problems. I mean, mostly maybe organizational. Maybe we could work together on this. One was that we couldn't get back the passport after a successful interview of our top manager, to say. We didn't get back the passport for more than two months without any explanation, though we sent mail, official mail, using email. We didn't get any response. That was the problem. Then we got back the passport without any visa. But now we received some notification that we could put this visa at least now, but this person is a little bit afraid he could lose his passport for such a long period. But now after your explanation today -- thank you for coming today again and clearing some questions -- I can suspect that it was connected with the high-technology authorization. I could imagine that it could be linked to this. But the problem is that we couldn't get any answer why we couldn't back the passport even without the visa, because he had some Schengen visa, he had to travel, he's a top manager. We didn't get any response. Probably we could work with the hotline or whatever for AmCham members just not for the issues concerning the rejection of visas, but some organizational things, just to make it more feedback, directly, more quickly, and so just some organizational things. This is the first question.



And the second question is it happened so, unfortunately, with us recently that one of our top managers, who is also traveling for 15 years to the US and never experienced any problems - it happened so that at the Customs in the USA he wasn't taken away from his migration card from the passport, so he returned back here in Russia with his migration card. It was just the mistake of the Customs in the US. And now he has to renovate his visa, and this is kind of a big violation considered, you know? And he has -- we got some letter, regulation, from the Consulate from here. We are supposed to send originals of tickets and some others to the post office in the US, but this is a problem that we couldn't get again the feedback. We even couldn't know if someone received these documents and what will be then, you know? So we have to prove this I understand, but this is not actually only the mistake of the person; it's only the mistake of the Customs Service in the US that didn't take migration card.

Pettit: It's actually the airline that collects the I-94 that you're referring to. I mentioned earlier people are always forgetting to turn those in or they're not getting collected. It's not a big deal as long as you retain evidence that you did depart, because it is true that, when he returns, it may be in the computer, "Well, you never departed." On the other hand, if you've just arrived, how you can say that you never departed? So I wouldn't be too concerned about it as long as he's got a document to back him up like a copy of the entry stamp to Russia showing that he did depart the United States. It is done by mail, and you won't get confirmation that it's turned in.

On the larger issue of -- and this is just hard for me -- and I have to believe what you're saying, but it is hard for me to believe that repeated inquiries are being unanswered by the Consular Section. I am assured by my customer service unit, who I see sitting there, that they are up to date on all their email inquiries. So something as basic as "Can I have my passport back?" I mean, we do that all the time. So I don't know what to tell you. I don't know what particular cosmic event prevented DuPont from getting an answer. I don't know if this is a problem with email or what, but the fact is we get inquiries like that all the time: "Can I have my passport back?" "Why has it taken three months for me to get a visa?" DuPont -- I'm assuming chemicals, right? Some fields of endeavor in chemistry are on the Technology Alert List, and I'm assuming that's why you need Washington authorization.

Q: You can imagine that if we get this clear answer directly --

Pettit: You're fully entitled to a clear answer. If you're not getting clear answers, let us know.

Q: Thank you.

Pettit: If you can get through to us.

Q: I have one more question, I'm sorry.

Pettit: The email is [consulmo@state.gov](mailto:consulmo@state.gov).

Q: One more question. If a person has a visa which is a working visa, B1 or B2 type, one of our colleagues was granted for three years a visa of this type, but unfortunately the Russian passport has been expired where this visa is. Recently there was a practice that we can obtain a new Russian passport and get this working visa and this is okay.

Pettit: It's still okay.

Q: It is still okay?



Pettit: It's still okay.

Q: Thank you.

Q: White and Case. I wonder if you could address a perception which may or may not be accurate, which is that the folks who do the interviews are generally at the start of their careers and that their work is evaluated not on a case-by-case basis, which would be obviously impossible, but on a broad basis so that, if you're the person doing the interviews, you know that your boss is looking at how many rejections you gave, how many acceptances you gave, and that there's some sort of evaluation made on that basis. I think it would be useful to people to know a little bit about how the consular officers' performance is being evaluated and what sort of check there is on the decision they're making, because I think there's often a perception that they're being unfair and that they're doing that for their own career or that they're doing it, and even if they're making a mistake, that nobody's going to catch it.

Pettit: I can tell you absolutely that no one is evaluated -- there's no quota system. It's not like traffic cops being awarded for how many tickets they write. First of all, an interviewing officer -- it depends on the post. You have a consular interviewing officer -- I mean I was doing these interviews in Vienna when I was Consul General, but that was because there were two of us. When the deputy is out, I am doing interviews. So, you can't necessarily assume that a person is very junior. The training they receive is very rigorous. Mind you, these people first of all have to learn Russian. They take intensive training in immigration law, which is something you don't want to get involved in.

Q: (off mike) ...

Pettit: All right. Well, then you know. And then of course there is a certain amount of on the job training. Someone just arriving here, they observe and then get involved -- they are evaluated on a whole variety of things, but the closest I can come to what you were saying, yes, we expect a certain amount of productivity in a sense of if you are only interviewing three people a day and the guy next to you is interviewing 50... We are going to look at that.

We also try to, and we do this all the time, provide constant feedback. Just a reality check. We want consistency. It is considered very bad law and very bad practice if one consular officer is issuing everybody and another one has a high refusal rate. We try to look at balance and not the numbers. We don't say, turn down 25 percent. Never, never, never. That would be wrong. We say, look at these criteria, use this process and see how it comes out. What happens is that there is remarkable consistency.

I swear by everything holy, no one is evaluated based on issuances and refusals. They are evaluated on how they are applying the rules and the law. Believe me, we do chew people out for -- well, that's probably harsh. We try to be collegial. We point out what we consider to be errors in judgment on both our issuances and refusals. And I will tell you that it is mandatory by the way for all refusals to be reviewed by a senior officer worldwide.

Now the requirement is to review issuances as well to make sure they are well documented. Everything by the way is now documented on line. If someone gets refused in Lithuania for a visa, I can actually go in and find why they were refused. So we do document it.

Q: Good day. I will speak in Russian in order to express my thoughts as accurately as possible. So many good things have been said here. My name is Roland Atanashvili (sp--FNS),



director of the American company Business Management System. I started working with American companies in 1988 when I was the general director of ... (inaudible)... in the USSR. I worked at Alfa Graphics for several years and spent many years with IBM. I have been working the last three years at Business Management Systems. Being a director I travel a lot. Last time my passport lied somewhere in between Elf and the US Embassy for three months. I have had six or seven visas since 1988 and it would be extremely hard to suspect that I have become a terrorist. Maybe someone decided that I wanted to stay in the US for good. But my observation is that the documents were not in the US Embassy but somewhere between Elf and the US Embassy. When I secured an interview for myself after a lot of yelling and telephone calls, I got a visa on the following day. How could this period be reduced? Because it's basically impossible to be without a passport.

And second. The company has been a member of AmCham for 10 years. On average one employee travels to America every month. Sometimes this cannot be predicted. It may be issued in two days sometimes in four months. Sometimes they ask what is the company BMS, and sometimes everybody knows what it is. How could one provide accurate information just once so that you had it all times?

Pettit: On the missing passport issue, I can't explain that. I mean Elf-91 -- actually Elf-91 comes to our premises every day. That shouldn't be a more than a one or two day delay in terms of getting in to our system. My own observations have been that when someone delivers the documents to Elf, and if someone calls about it, if I check the next day, it's quite often already in our computer.

Now, what happened with your passports, who knows. We have lost passports. But it happens very rarely and you must have been unlucky in this case. In terms of -- I think I have addressed some of these issues what your company can do, what kind of documents can you present for your people to go. If you are a well established member of the AmCham, you have been doing business and you have a track record of sending people to the United States, once again a letter from your company or from the receiving company in the United States explaining the purpose of the trip, and above all, that the person applying for the visa can explain the purpose of the trip.

It's not that complicated. They just need to really -- the consular officer needs to listen to them and they need to sound like they know what they are doing, what their business is, that they are familiar with the company and that they are familiar with what they will be doing in the States. But once again there is no checklist of documents. It's difficult.

Q: Alex Blavatnik, Access Industries. If someone is issuing invitation, whether it's a company or individual, I used to be able to accompany this person. If for example you are in Moscow, we used to be able to come to the Embassy together and at least present yourself: Look, I am for real. And I think that would be helpful to the Embassy as well. And I think that practice stopped. And I am just curious why.

Pettit: Even among ourselves in consular work we argue about that. In Vienna we did let - - we actually let immigration attorneys come to the window. So, it is allowed. We found that the value of an interview is to make a determination on the applicant. And having someone speak for them, what's the point of having them come in?

You are right though, it lends some legitimacy. Obviously if you come in, especially with your name tag, and explain what your company is -- I have found personally that it is helpful sometimes to have the American representative stand there. But mostly it's just a logistical



problem, and mostly it's because we really put a lot of emphasis on the interview. If there is a follow up, we can check with the company, which we do. What I recommend is, whatever you are going to say to the consular officer, just put it in writing and have the applicant present that.

That's very helpful. I mean it's not the same as having the talking head in front of us, but that's been our policy for a while. When I was here 10 years ago, it used to be -- I thought this was kind of undemocratic -- but any applicant who showed up with an American citizen was put to the front of the line. And then the American would -- I just thought it was bad optics.

Q: If I could just -- it actually happened to me, where I wasn't allowed in, and it was for a fairly young woman, and I think the main reason she was refused -- she was pretty much told by the officer -- this was before you came. This was in --

Pettit: It would never happen now.

Q: -- late July. So I'm not accusing you that she was my girlfriend. She basically told that and she did not know what to say to that. And I think that if somebody were actually present, maybe they would think that I am not (laughter), you know, who would want to go with me. So, I just think that maybe there are some instances when it could be used.

Somers: Question in the back here.

Q: Thank you. I am John Routhier (?), JSR Holdings. Some of us have been doing business in Russia for many years. I came here in seventy eight and to answer your initial question, IBM was here then, Satri (?) corporation, New York trading company that I worked for. I think there were about 14 US companies accredited.

We used to appreciate very much being able to receive multiple-entry visas for a three-year period. Now I understand this is stopped and the maximum is two years. So, I have two questions. Was that a question of reciprocity? And I know that the Chamber has had a dialogue with Russian government agencies on problems that we as Americans have with Russian visas.

To what extent is the US embassy or government in these types of discussions as well. Because I am accredited here for three years but I have a one-year multiple-entry visa. If we offer two years, are we in a dialogue with the Russians about perhaps equalizing that or maybe going back to three?

Pettit: The answer is yes, we are in a dialogue with the Russians. I was involved in bilateral talks in September in Washington with the head of the Russian Foreign Ministry consular service and the issue of reciprocity is right on the table and you are absolutely right: we are giving two-year multiple-entry visas as a very strained and tortured interpretation of reciprocity. We know that it is not reciprocal. The Russians have told us point blank that they are only giving one year. And quite frankly I think many of you know that they are often, in the majority of cases in some instances, not giving multiple-entry visas. We routinely give one-year multiple entry. If people want to pay the extra reciprocal issuance fee of \$100, we give the two-year multiple-entry. We've told the Russians. We've said: "This is not reciprocal. We're giving two-year multiple; you're barely giving one-year multiple, and only then quite often to the company head and not to everybody else." It's a real problem. I was out on Sakhalin Island last week, where we've got a large American business presence. They're shuttling in and out on these single-entry visas. It's a real, real trade barrier, and it's a real problem. We've told them that. They know that. They say that it's a legislative problem, that it would have to go to the Duma to get that extended. But we are continuing to work with them on it. Our goal is -- under our law,



we can issue up to 10-year multiple-entry visas, which we do for countries like Mexico, Philippines. It has nothing to do with local conditions. It's based on reciprocity.

Somers: We have time for one or two more questions.

Pettit: There's one behind the pillar here.

Somers: Oh, yeah, okay. Yes, thank you for pointing that out.

Q: Ryan Hovey (sp) from Pericles Able. A couple of questions. First, if possible, we may like to take you up on the speaking opportunity. I guess I could talk to you after for the contact stuff.

Pettit: Oh, you even can contact the AmCham.

Q: Okay, okay. And the next one is: Is there a policy that says, for example, a Russian citizen applying for a visa in, say, China, be it a business visa, a tourist visa -- is there a policy that that's not possible, or is that the call of the interviewing officer?

Pettit: It is possible. Generally if the person is not a resident of the consular district we consider them to be out-of-district, and we'll accept the application, but that would be a significant factor in the decision. It really very much depends upon circumstances. If you're talking about a Russian who's in China because they're working there, their company has representation there, there shouldn't be any problem. They can apply anywhere they want. But if they're just applying there because they think it's faster or because they're visa shopping, which we also don't like, yeah, then they're going to have problems. But, no, under the law and regulations they can apply wherever they want.

Q: Okay, okay. Yeah, I had a --

Pettit: I'll let you follow up.

Q: One more. Regarding immigration visas, I had applied for -- another wife question, I guess -- in the US, and we've been waiting for about a year. Can we reapply here now that I'm a resident of Moscow? Is it possible, I guess, to have two immigration visa applications underway, one in Russia and one in the US?

Pettit: Actually you can. You can file a new petition. You've got to pay all the fees again, and then they'll just -- they'll deactivate the original one. That's an INS issue that I don't really -- you know, I'm not involved in that much, but, yes, people just get tired of waiting and they file a new one.

Q: Thank you.

Somers: A follow-up here?

Q: Yes, a quick follow-up. Theoretically speaking -- I hope it won't happen -- what happens if one of my employees is turned down? Can I come and appeal on their behalf, explaining why I need my chief engineer, for example, to travel and see clients but he was turned down because he was in the military before as a builder? What's the sort of appeal process if somebody's turned down?



17

Pettit: There really is no appeals process. The only appeals process is to reapply. You can reapply, and people do.

Q: What's the timeframe?

Pettit: You can reapply the next day if you want. Well, yeah, I mean, you've got to get an appointment again, but you can reapply. There's no waiting period. You can reapply, and then of course we would expect new or additional information that would cause us --

Q: But usually nobody tells the person who was refused why they've been refused. They're simply refused. So if you reapply again, you don't know what the hell happened there and what was wrong, and there is no direct line. There is only the information service to call, so I have to talk to some professional, so to speak, to go through a certain aspect, and they say, "No, you cannot talk to anybody; it's just an information service." There is direct line to somebody who's a decision-maker, because everybody who is turned down, they don't know what has happened.

Pettit: They're told the legal reason they've been denied a visa, and once again, there's a difference between being told, "Well, you haven't convinced me that you'll return to Russia," which is the refusal reason, and they are told that. There's even a sheet that we hand out. To go beyond that, quite frankly, you start coaching the applicant. If we say, "We're turning you down because of this, this, this and this," I can guarantee you that they will reapply and all those problems will have disappeared. So, you know, it's very difficult. I can't give you the answer you want to hear. There is no appeals process, other than to reapply. We do reverse our own decisions sometimes when someone comes in with additional information. And sometimes we'll just get a letter or a fax or an email from someone like yourself regarding such and such a case; we will look at them, we'll review them on the face if there's merit to look at the case again. If it's simply an expression of outrage -- "How could you turn the person down?" -- we're probably not even going to look at the case. I know that's not a satisfactory answer, but it's the reality, because if we actually had an appeals process and were constantly reviewing cases, we wouldn't be issuing visas.

Somers: Last question. That always ends questions. (Laughter.)

Pettit: Okay. Oh, here we go.

Somers: Oh, two questions more. One more here afterwards. Go ahead.

Q: Thanks. Metromedia International. We've been on the market for 10 years already. I'm a Russian person working for the American company based also in Vienna and in Moscow. And for these 10 years we've been issuing invitation letters for Russian citizens in Moscow, because the top management of the company is here and all the invitations were subject to strict approval of the top management and signed by the Americans or the British people. And this year it was turned down on the grounds it was not made in the US, but was made in Moscow. We had to get an invitation letter from the US, which was signed by the first person but by the second person of the company, and actually it's the same piece of paper. It was notarized and apostilled in the US, absolutely the same information, which cost us time and money. So the question is whether we can -- is it officially allowed for the American company to issue invitation letters here if it's signed by the president of the company, or do we have to have it on a different paper size, sent by DHL from the US?



Pettit: We don't even require invitations. I mean, all of this that you're describing is, indeed, a waste of time and money, getting apostilles and notary stamps. And I know that there have -- in the past they've experimented with, for example, having specimen signatures, that only these people are authorized to sign. We're out of that business. We just want a reasonable document on the company letterhead. It does not have to have an apostille. It does not have to be notarized. It does not have to be signed by someone on a list. We just don't want to have to do all the bookkeeping of comparing signatures. People change. People come and go. It sounds to me like your company's going to an awful lot of effort to produce a document that probably has a limited value. Quite frankly, we even accept faxes in terms of -- it very much depends upon the case. If it's a well-known company and the person seems reasonable who's standing in front of us and they've got a fax that looks like it came from the US and explains why they're going, that's all we need. We don't need something DHL'd with an apostille. It's just not necessary. We don't care if the president of the company signs it.

Q: Sorry, yeah, that was exactly what we were told, that the invitation should come directly from the US --

Pettit: Who told you? Someone from --

Q: The consul in the window told that the invitation cannot be made here. The president of the company actually resides in Pokrovsky Hills where --

Pettit: I did mention that we -- you know, it's case by case. But I did mention that we tend to give more weight to a document coming from the United States, but it's not an absolute requirement. It depends upon the circumstances. In this particular case it sounds like the consular officer had some misgivings and concerns and expressed, you know, the desire to see something perhaps from the US.

Q: So it's okay if we do it here?

Pettit: Yeah.

Q: Thanks a lot.

Somers: We have one more question. Do we still have a question here?

Q: Are two-year multi-entry tourist visas available? Would this be a possibility for my wife?

Pettit: Yes. The answer is yes.

Q: Thank you.

Somers: Well, before we close, I'd like to thank our sponsors -- we'll go alphabetically: Access Industries and Chrysler-Jeep. Without that support, we couldn't have these very informative and important breakfasts, so I thank you very much.

And, Jim, thank you very much for coming and spending time with us, answering very candidly and helpfully the questions and answers, and I think it's a reflection of the true dialogue that the American Chamber of Commerce in Russia has with the Consul General of the United States here in Moscow. Thank you very much. (Applause.)