

PRESS BRIEFING WITH MICHAEL HAZEL, CHIEF OF THE NON-IMMIGRANT VISA UNIT, EMBASSY OF THE UNITED STATES OF AMERICA, ON US VISAS FOR HIGH-TECH INDUSTRY SPECIALISTS
[MARRIOTT GRAND HOTEL, 9:10, FEBRUARY 11, 2005]

Somers: Good morning, ladies and gentlemen. Welcome to the AmCham breakfast featuring Mike Hazel, who is the head of the non-immigrant visa section of the US Embassy. I am Andrew Somers, President of the American Chamber of Commerce in Russia. I am just back from Washington where I met with our new Secretary of Commerce and our new Secretary of Energy, as well as briefly departing Secretary of Commerce Evans. I suspect he'll be playing a significant role in the second administration.

We are delighted to have today Mike here. Mike has a degree in Russian studies from Washington University. And the US government as usual took advantage of that by sending him to Caracas for a few years but then began to move him north and east because he's had a post, an important post in Sofia, Bulgaria, and has been head of this section of this non-immigrant visa since, I think, the middle of last year. We work very closely with Mike, particularly Irina Zernova, vice president of our operations. We've had an excellent professional relationship with Mike, and I must compliment both people for their very great working relationship.

We think that the consular service under Mike has done a tremendous job in reducing the number of unnecessary complaints. I think his predecessor did a great job. Mike is doing a wonderful job. And I would like to compliment the US government -- I know that some of you have war stories, but I have been here four years and I have seen a tremendous improvement in the effort by the embassy here, under the consular service, to improve expediting visas, particularly for Russian citizens who are working for American companies.

I'd now like to invite to the podium Mike Hazel. (Applause.)

Hazel: Good morning. I guess the whole thing here is for you guys to shower me with questions at the end. And so my strategy is going to answer all your questions before we open up for questions so that you are dumbfounded and impressed.

I will begin by giving you a little background, just the numbers so that you have some sense of the work that we face and the environment that we work in the consular section, talk about the changes that have gone on in the last 18 months or so in the visa process as a result of -- I hate to beat this drum again -- but as a result of the terrorist attack of September 11. A lot of changes have come down in the last year and a half, two years. And so, again, to give you some perspective. And then I've listed the nine questions I think that each of you has on your mind right now, and I am going to answer those. And then after that we can go for 343 questions that are also important.

In 2004, we issued -- I am sorry, we processed 90,000 visa applications in Moscow. And that's not honestly a particularly high number. It is a high number, but in the great scheme of things we are not that busy relative to Mexico City or Manila or Seoul, South Korea. Those guys are doing easily twice as many as we are. But still 90,000 is a pretty good number. The refusal rate, which is always up for debate and discussion, is actually about 15-16 percent overall at the end of the year.

We look at it through a series of different reports, and in those reports the numbers vary because sometimes the refusal rate in those cases many of you have your people away for processing in Washington, clearance requests, and things like that -- we do refuse them temporarily, but at the end of the year we only had 15 percent of our cases that had been refused and had remained refused through the year. Some of those ultimately would have been overcome and subject to Washington's clearance, but about 15 percent. So, it's not as bad as people stay in the street. We don't refuse half of the people who come here. We are pretty friendly.

Out of all visa applications, and this is kind of a great number too, but it is about 35 or 40 percent of our business-related travelers. That includes people who are going to training, people who are going actually to work in the United States on the H1-B visa for two or three years, working at a company in the United States, and L1 for inter-company transfer, for companies that have their offices both here and in the United States, and they want their people to go back and forth. About 30 or 40 percent of our business interests you guys directly.

In the last 18 months, the biggest problems that you guys faced, obviously Andrew mentions the delays. That's the biggest one. And those have been affected significantly by the fact that we send a lot of your applications back to Washington for clearances. Technological fields are of particular interest to the State Department post 9/11. It was pre-9/11, but even more so they are going to increase emphasis.

So, the delays you guys experience over the last four years, I guess, have probably been incredibly frustrating, and I want to reiterate this again because this is one we are particularly proud of. The numbers have dropped dramatically. Last year at this time we had nearly 700 applications waiting for Washington to say yes or no you can issue a visa. Right now we have 113. And out of 113, only 30 -- I'll check my numbers -- or 35, I believe, have been pending for longer than three weeks. So, we are doing much better on that. And I think that's probably been reflected in your ability to get people to the United States, I hope. And if not, you can yell at me in a minute.

The interview requirement has been a big thing to us. August 1, 2003 was when everything changed. Before in Russia and everywhere in the world the vast majority of applications were received, adjudicated, issued, visas were sent back without ever seeing the applicant. People were evaluated on the basis of paper they presented. If they if they previously traveled to the United States and that is obviously demonstrated that there were visa issuances, we don't have to see you, we didn't have to talk to you, we didn't have to bring in you, we didn't have to inconvenience you. Russia is a huge place and obviously not all of you have your facilities located in Moscow. So people were out in the distant regions of Russia had to be dragged in for a visa interview, particularly -- I know these are tough areas for you guys -- the first time travelers, the new employees, you haven't been before. Those guys have to come in now whereas before I know many companies did have a relationship with the embassy. Their business travelers could come, the applications would come in, visas would go out, and life was pretty simple for everybody. But unfortunately, the requirement that all of your applicants, not all applicants, have to come in for an interview totally undermines that procedure.

About metric collection, it's also a chore for us. Even if you don't have an interview but you had your visa and it expired in the last year, I wouldn't have to speak to you personally, but I still have to have you come in and put your finger on the box so

that I could scan your fingerprint to associate with your visa. So, nobody is immune at this point. And I also recognize that it's painful for you guys because the most qualified travelers still have to make the trip in and have the inconvenience of losing a day of work. It's still an inconvenience. And it's another one where I would love to give you good news, but I have none. We are going to see all of you over and over again for the foreseeable future.

Another correlate to that is the database when we have to check the names, we have to check the fingerprints, we have to check the faces. We have to wait for all this information to come back because we send our data of course back to Washington, where the database is maintained, and then we wait for the response. And in the mornings we usually do pretty well because it's just a question of volume. By mid-day everything slows down. And it adds again to our processing time, so sometimes when Irina will call and say, Somers needs a visa today. Can you do it? And we say, with the best of intention, absolutely we can. He comes in, puts his finger on the glass, we interview, we do everything, and we get no checks back and we can issue a visa again. So everything is that much slower for us.

That said, we've actually done reasonably well. I think Andrew mentioned also that our delays have gone down not just for the advisory opinions for the clearance process to Washington, but overall the visa way. Since October 2003 the longest wait we've had was a three-week delay from the day you drop off your documents at pony express to the day we can get you into the building for a visa interview. And that lasted only three weeks in April of last year when we, well, we were making some adjustments and kind of misjudged it. But we resolved the issue, now it's 8 days, 8 days is the whole process and 8 days has been almost without exception the way for a year and a half.

And the reason we picked 8 days, we actually could have had it shorter if we were allowed, but people don't come in. Because by the time we tell them, you drop it back in the pony express, pony express provides you with your interview time and date at that moment. But for some reason a lot of our applicants, up to one-third, if you give them fewer than 8 calendar days for an appointment, they don't come in. So we then start spending a lot more time rescheduling stuff. So, it gives us our number.

I will say that we could be happy to make changes if somebody calls up and says, look, we need you to get us in because we have a sudden meeting, an unexpected event in the United States, we are pretty flexible and when that question comes up again I hope Irina will just back me up.

And that actually takes me to my first question which was why does it take long to get a visa appointment. And the answer is, it doesn't, I think. I would be interested to hear from you guys about your attitude when you are having trouble getting visa appointments and something expedited when the need arose, that would be important for me to know because if you have that problem I'm operating under some confused assumption that is not accurate. So please set me straight if that's the case.

The second question that everybody has, I am sure, is why do you refuse legitimate travel visa applicants because every one of you are sending me people who work for you, who have worked for you for some period of time and if we keep refusing them anyway we are hurting their business, at least to a certain extent. And the reason is one word. It's fakers. You guy by and large, and again you can press me if I wrong or missing something, by and large your visa applications rate is reasonably successful. I

mean you do have a certain number of refusals that we are going to work on, but by and large most of your companies when you send people in the visas come back out without too much pain and suffering. And that kind of information gets out. And it's not a secret. But that information is interesting to people that are trying to get visas when they are not qualified.

We had letters come in and say So-and-So is going to the United States for a meeting with IBM or Intel or whoever, and we get a little nervous because we know that out of your 25 applicants who are legitimate, there probably will, after 25 of your applicants come through and successfully interview for visa, there will be five more misses: "Hey, I am going too." And those are the ones who make us a little nervous. And we just were aware that it happens, and as a result, you guys experience the casualties as well, and the casualties are felt.

I am now going to question nine: How do I make my people better applicants? There are things that I can suggest to you to make your applicants better for us. And I will do that. But the other thing for you guys is that you are young, single, you are all newly hired, not all, but the ones who are getting refused are probably in that category in a lot of instances, and the way our immigration law is written, it's, you know, you can say section 214 of the Nationality Act requires that all of the applicants convince the consular officer that they have compelling ties that will require them to return from the United States after their temporary visit. And it's an assumption, and it's very subjective.

But because we have to see these binding ties because the law expects us to see these binding ties, if you are a young single person who recently graduated from the university, who has now worked for you for several months, and in black and white, doesn't have those ties. And so, that's the other reason why we are refusing your perfectly qualified applicants from your perspective because you know they work for you. We are not so sure necessarily that they work for you first of all because of the faker factor.

And the final piece of that is again we recognize the reputations of the companies. We recognize that by and large your people do go and come back. But again, we have to, according to the law, evaluate these people individually. And as individuals, these young single persons, if he comes up to the window and misses an answer or hesitates at the wrong time, it gives you the impression that he doesn't know what he is talking about. There is the one we are going to drop because -- we know that you guys have legitimate business interests, we know that you guys are hiring many of these people and probably a good portion of the people we think might be faking are employed by you. But again it comes down to what is their actual intent? If they work for you for six months for example, they are not necessarily tied to each other, maybe they knew that they can get a visa if they work for IBM.

I realize I am now getting off into a weasel but that is because there are a lot of negative assumptions that I am making. But if the legal assumption is that you aren't coming back to convince me otherwise, then those are bizarre leaps of logic that I take because I have to consider them. So, that's the explanation even unsatisfying as it is, for why we are refusing the people. And don't panic yet, I am going to come back to how to make those applicants better.....

Another question that I received several times is what if we are going to implement Secretary Powell's business facilitation initiative? Everybody is familiar with

Secretary Powell's initiative to facilitate business travel? It's probably three or four months old now. He sent out a directive to the field that facilitates business travel. These are some of these examples in other countries where facilitation of business travel has been an issue.

The first thing I want to say is that there is also an initiative to facilitate the travel of scientific exchange visitors, there is a similar initiative to facilitate travel for students, there is a similar initiative for of course Russian officials because we can't put away them because this is bilateral government stuff, so they have to be processed in a big hurry. And so we have got 30 percent of our people who are business travelers, we have got 15 percent who are students, we have got 5 percent who are official government travelers and then we have got ten percent more who are scientific exchange workers who are visitors.

So, we are talking about 40 percent. So, to facilitate, we do our best to facilitate everybody's travel and the answer is we facilitate travel by having a short break to review the appointment. Because the initiative was reasonably clear in that they don't want us to be giving up the visas for those people qualified, we want to give business travelers the opportunity give them in the required time and fashion. And I think we have been doing that. So, that's what we do to implement Secretary Powell's initiative.

I mentioned earlier that the ways for Washington clearances, they have gotten much better. Like I said, six hundred and something last year in February, down to 130, 113, 114 right now, with only thirty of those waiting for more than three weeks. And of those thirty I think twelve have been waiting for two months. And one question probably on many minds is what's the point? We actually do get responses back from Washington, it says, no, you cannot issue a visa. And to be honest we actually wondered ourselves for a stretch because we hadn't seen any refusals out of this program, especially last year when we had 600-700 of these things sitting around, they were killing us, we were getting e-mails, we were getting hate mail, we were getting everything and there's no return on us. And then these 600 started (inaudible) and I did say yes, I am sorry this person cannot go for whatever reason if the question comes up why are we denying it, I have to be honest, I don't know the basis for the denials, they don't give us that information, it's pretty compartmentalized, so all we get is, don't give the visa because we said so and we just follow those instructions. So, there are some of those, I don't know if anybody in this room has had that problem, but it does happen.

Okay. As I was sitting here a few minutes ago, I got nailed on the subjectivity of the visa interviewing officers and why is it so subjective and how do we avoid it? It's so subjective because in each of our five windows there is a different person sitting there, and that person has to be convinced according to the law that the applicant is going to return from the United States. You can take this is me just trying to manipulate your -- you can take it for -- what I really want it to be taken as: the subjectivity works in your favor. Because like I said, the young single person who is brand new on the job and who hasn't been working very long and does not have any real property, if we are not subjective about it, that guy is refused. Because he has no family ties, he has no business ties, he has no real social ties because he has just graduated from college, and colleges are the natural jumping out point for a new and exciting adventure in your life. So, this person is refused. The subjectivity comes in when the office has the conversation, asks the questions, gets the answers he is looking for, and says, "Well, you are young and single, you have been on your job for a while but you seem to know what you are talking about. I mean you can talk about the software you are writing, you

can talk about the meetings you are going to go to. You are probably telling the truth. I got impression from you, you have convinced me subjectively that you are coming back. And we will issue those visas."

So, it is subjective. And it is inevitable that it is subjective. But I do firmly believe that that works in your favor. If we try to remove subjectivity, the bar for issuance would go considerably higher, and the people on the bubble would not make it.

Moving back to the clearance process. How many people have gotten their applicants into the embassy that have been told, "Just wait three or four weeks until we get Washington to clear on your visa and you get the visa back, and it's a single-entry visa, and that persons has traveled repeatedly for business."

It happens every day for Russian citizens. It's one of the rules that Washington has come up with. And it's under review as the only exciting and encouraging thing I can offer on that. And they are reviewing it to see if we can give a regular 12- or 24-month valid visa so that people who have recurrent travel needs and do work in sensitive fields can travel on a regular basis. For now, that's another one like the finger scanning, like the fact that everybody has to come in for an interview. We have just to live with it, and it kills us, we have it because honestly your group isn't the one who bothers me the most. It's the students who are working -- you know they are going to get their PhD in barochemistry. And they a three-year barochem program at Harvard or wherever, and they have to come back, and they come back at Christmas and then have to stand in line with me, they have to wait for that four-week clearance. And if it is delayed for any reason, they are going to miss class. And you know they are going back to the same place -- I mean, logically you think, what's the confusion here? But those kids are just like your travelers get stuck in the same box. They promise they are reviewing it, they promise they expect to change it in the future, and you hear all kinds of indefinites, and none of those are going to answer your questions, I am afraid.

So, to the big question: how do I increase the issuance rate to my visa applicants? I have three keys that I am willing to share. I don't want to tell the whole story, but I will give you three. Complete the answers as we discuss these also down here. It's a cultural thing in a way, at least that's how we perceive it, the Russian visa applicants do not like to share information with us. And I am okay with that on a certain level, but it is not going to help you get a visa. If you come to my window -- and I am not joking with these answers -- and I say: "Why are you going -- I say, where are you going?" That's usually my first question after "What's your name?" to make sure that I am talking to the right person. They say: "To America." Thank you. I mean, that's good, you have come to the right embassy. And I say, what are you going to do in the United States? "I am going for business". All right. What kind of business do you do? Well, I work. Oh, my God -- I am not joking, these are the top three answers we get.

And so, those answers, they are true, they are accurate: they are going to America, they are going for business, and they do work. It's not that they are lying. But if you come to me, and I try to figure out if you are lying, those are the best answers you can give me or the best answers that you do give me, and I am already pretty supposed to think you are lying because I have to assume either you are trying to get the visa through deceit basically. Those answers don't fly for us. And we are not going -- have no time to encourage you to foster a relationship to actually have that conversation on a meaningful level. So, please tell your people to jump in with both feet. And when we ask, where are you going, you are going to live in Washington to work on the Boeing

787 project because you know -- whatever, and work on the fuselage or I work on the seats or I work on the landing gear. Give it to me. Because that answer tells me a lot more. And then I can follow up with the questions about the landing gear, what stage is the process at? I mean, do you have the design already? Anything. It gives me some place to go.

That question, hopefully again, with a complete answer like "you know, in six months we expect the project to be finished or expect to start the production of that part of the project." Anything that is a complete answer is better than "America, business, work." So, that's the number one: give us complete answers.

Number two: make sure they know the answers because we get a lot of people who come in and "Why are you going to the United States" -- "Well, my company is sending me." "Okay, but why?" And again they don't know. "We are going for work." But they are not sure what the project is, they are not sure exactly why they are going. And if you have your business set up in some small suburb of a major city, and they don't know that it's in that small suburb but they can tell you Boston or they can tell us it's near Washington D.C., it's good enough. I mean we are not trying to be particularly obstructionist here. But hopefully they know where they are going. And hopefully they know why they are going. So, make sure they know that much when they come in, and that'll start everything up on the right foot.

And the third thing is logical answers because it's not necessarily that they know the answer to every question we ask because we will get pretty random. Because the standard questions are easy. I mean if you are prepping to fake me out in a visa interview, you can remember you are going to Boston, you are going to accredit some software that deals with bank security, whatever it is. You can memorize the basics. But if we go around the curve, and you don't know the answer -- it's okay not to know the answer, but why don't you know the answer? If you don't know the name of the person that you are working with, the name of the person who is going to be providing you with training, why? Why don't you know? Do you not know because your supervisor has arranged all that and he has only told you that you are going for training for three weeks and this is an arrangement that you have, we send people periodically to the same place, but I personally don't know who it is, or -- you know, whatever. It can be any logical answer. But an explanation is better than "I don't know." If you give me "I don't know", we are back to "If you don't know, why not?" And then I will be questioning the legitimacy of your trip.

And back again because this is my favorite topic. And this is my last frequently asked question. You guys will probably get to my list in a minute though. How do you await the Washington clearance process? And the answer is that -- I would like to give this one out, but you all know basically what the deal is. I mean people who work in technologically sensitive fields are the primary victims of this process. And there are certain factors that we look for more than others, and certain considerations that we take. But at the end of the day if I give you all those considerations, I am going to see a letter from each and everyone of you saying "This person is going for this really strictly defined thing. I don't need things that require clearance." So, I've got to subject you for clearance, I have to keep you to the gray area. Sorry, if you want to know the answer to that one, I am going leave you looking for more at the end of the day.

That is everything that I wanted to cover and I think answered all of your questions, right? Any more questions? (Applause.)

Somers: Anyway, thank you for your superior presentation. Let me just say a word in support of Mike's comment about the statutory requirement under the relevant law, section 214b I think it is, that language "compelling ties" that the applicant must demonstrate compelling ties. I haven't heard this phrase before. But I tell you as a lawyer for 25 years in the States, the term "compelling ties" in English is an incredibly high barrier to overcome. So, it's certainly something that I think every piece of advice Mike is giving you, and particularly his comment that subjectivity actually helps, is certainly correct. Because compelling ties, as I say, in English is a very, very powerful piece of language and if these officers weren't trained and weren't given some kind of subjectivity to penetrate the intention of the person, almost everybody would be denied. So, again, I'd like to compliment the counselor on her great work.

Now, as Mike said, he's covered everything and I'm sure you have no more questions, but just in case, lay by.

Q: A question as far as for fakers. If you have a person that you are interviewing, you know the company and you might believe he is a faker why would you just call the company and call the representative of the company and make sure that it is their employee?

Hazel: Time. It's basically time management. We have so many people. On a slow day we interview between three and four hundred people. And so if we stop -- because, you are right, it's a possibility, but we also get the person being invited by (audio break) if you don't believe me just give me a call. So, we can call everybody and verify it, but you know, four or five hundred phone calls is tedious just to manage. On the other side of this we have the same sort of problem with companies who don't have representation in Moscow. So, then it's "oh, just call me in Omaha." Well, in Omaha it's two o'clock in the morning and nobody is there. So, it's not doable. And we do know, for better or for worse, that they will hear from you when we refuse your people, either directly or through Irina or in some other way. And because of the time management aspect of it all we won't do it. We could use resources for that but we are already charging five hundred bucks per application. And we did that, it'll go up again and we are pricing ourselves out of the market already.

Q: Do you have a choice?

Hazel: Sorry?

Q: Do you have a choice then?

Hazel: Going to the United States?

Q: Yes.

Hazel: Well, I don't want to get into that because I could probably undermine (inaudible) but, you know, I suppose you do.

Q: (inaudible)

Hazel: Well, I do not know if the US government goes for that. Necessarily. Competition is (inaudible).

Q: Mike, we can talk about rejections and nobody really knows what that is. The reason is the standard practice for all the countries around the world, known as collusions, where I have to, cannot comment on it, on the good services that consulate is in. What's the wrong thing, what is particularly embarrassing, in the letter of invitation, is stating the specific date of the convention, the conference, the real high-end meeting. Seems like nobody needs this attention to the dates. And if people are invited for a meeting the day after or a week after the event is presumed to take place. And in this case you might have multiple examples of that, we had to reinforce the message and write again the letter after the letter. Does somebody read these letters of invitation? That's the problem.

Hazel: Yes, we do read the letters of invitation, but we read them at the interview and that's too late, right?

Q: A conference starts on the 20th. Okay come and see us on the 25th. What's the reason?

Hazel: Have you had this problem recently? Yes?

Q: (off mike)

Hazel: Okay. Just checking. Again, because I don't like taking the responsibility for anything, I might throw back to you a little bit because like I said our way is essentially: come in two days to get an appointment through Pony Express and drop off your documents. So as long as you submit your stuff two weeks or three weeks in advance, then go as late as you have time to travel. It's not, like I said, if something comes up and you don't have time, the meeting is called on Monday, for Monday and you just cannot get all to go until Wednesday (inaudible) I don't know how much (inaudible) you have. It is pretty flexible and we, if you send us an e-mail and that is consulmo@state.gov. I'll redo this in a minute so there is time to write it down. Send us an e-mail to that address and we do, we'll step (inaudible) around.

Q: We know the practice.

Hazel: Okay.

Q: The problem is, to me, is more systemic rather than exemplary. It's a systemic thing. We are missing the point because it seems like there is not enough attention to the invitation exact.

Hazel: No, we don't schedule randomly into the future. I mean we schedule for the next available slot. So if, like I said, if you put your stuff into the tray eight days or more from the travel date you should -- okay, and that obviously is pushing it because if your travel date is 8, you submit on January 31 you can have it on your travel day. But if you have some advance notice we should be able to accommodate you if you've got any problem. If it's last minute, nobody knows that until when you get to your interview, hey, you missed it.

Somers: Mike, a question on your right.

Q: Michael, If someone from Ukraine living and working in Moscow and with a Ukrainian passport, can they apply through, via Moscow?

Hazel: Yes. In fact, it's our preference, I guess, it's the best route for it because if that person is living and working in Moscow his social and economic ties and so on are here in Russia. So, when we see that, the foreign passport, a third-country passport we do ask some more questions because -- why not in Kiev?

Q: In this case do you require a valid Russian entry visa for those who need this visa?

Hazel: If you need a visa, yes, we want to see the visa because we definitely want to discourage the random single person who comes in from wherever who says, oh, I work here because I heard the visas are easier to get in Moscow. So we are going to look for the documentation that says they are legal.

Q: Will you go as far as to ask this person for work permit or labor contract with his company?

Hazel: If the story they are telling us indicates that they should have a work permit or indicates that they should have a residence permit or a visa or whatever it is that would make them make their story legal in the eyes of the Russian government, yes, we then want to see that.

Q: Good morning once again. And thanks for the time you are giving us. My question is, in the year 2001-2002 Mr. Brad Johnson introduced fast-track thing. He himself personally visited most bona fide companies to make sure that they really exist and they are really into business, they mean business for the US. They came to our company also and we never had such problem. Because he had a checklist, are you going to have or do you plan to have something like this now?

Hazel: Absolutely not. Not because I wouldn't like it, because it obviously, it would make day go a lot more smoothly if we could. But the fact is everybody he has to come and see me anyway either for energy or for finger-scanning. The fast-track was set up so that your applicants would come, the applications would come in, it was almost a rubber-stamp automatic issuance for the people on that program. And that was OK at the time because it complied with legislation, but now there's just no way and we have to see every applicant, we have to finger scan those that we don't have to see and it would be basically creating a system for no real benefit to either of us. Because I can come and visit your companies and I would be happy to do so, but at the end of the day I don't interview everybody who comes in anyway and you are going to be subjected to the subjectivity of my consular officers. Whereas if your starting point is the B1 fast-track program where everybody is getting issued, the subjectivity then does hurt you. That's a case in which it will hurt you because my officers evaluate people individually, not as a group based on the seal of the program.

Q: Because recently we are getting these refusals, like all other Russian companies. We are into the market for the last 16 years and we have about 700 people working here, but all the same we have -- only thanks to AmCham, with their support we are able from time to time to get our people there.

Hazel: Yeah, I don't really have an answer for that because, like I said, the B1 program wouldn't be the solution to it anymore. As far as your particular company, I mean we can address it in a kind of offline, if you like, but I don't have a quickie answer, I'm sorry.

Q: Good morning. Actually, I have two questions. The first one is, if I am planning to go to the US for two weeks and one week I am going to spend for business and the other one I'm going to spend for holiday, which type of visa should I apply for?

Hazel: It's the same visa, honestly. So, if you just -- when you come in or submit your documentation we'll look at it and at the time of the interview if you need a different category of visa for whatever reason, I mean in this case it's a B1/B2, which means business your tourism. So, it's the same visa, it's not a problem,

Q: OK and the second question. Thank you. My second question, when do you think that the process of getting the visa will be less complicated?

Hazel: At the rate we are going, never. It's really -- no, I'm sorry, it won't get much simpler than it is, I don't think because until they start waiving the requirement for personal appearance again, in a country like Russia it's always going to be complicated because it's just too big. You know people coming from 12-16 hours away to Moscow for a visa interview that lasts two or three minutes and no matter what I tell you about how it's getting easier nobody is going to think that's easy. So, I don't have an answer.

Q: Good morning. I have a question. What if one of my applicants fits your profile -- non-married, no assets, recent graduate, he was denied a visa two times. OK, he decided to stay with the company and what'll be a successful strategy to apply? What would you recommend?

Hazel: If this person who fits my profile is a young thing recently employed with you or whomever, he's been refused twice, my strategy would hinge on a deep breath first. Stop. Because if you bring these people in repeatedly over and over again -- this is our perspective, maybe we are just wrong, but it sound like a bad business strategy to draw a hundred dollars away once a week on a visa applicant that has -- it's proven that he can't get the visa. So, it makes us think not really business-related, more just a desperate move to get to the States. So, relax, put him on the next cycle. Wait six months, wait a year and then when he comes in next time advise him to emphasize the fact that he's been working at the same place for a year, he wants to go to the United States for the same reason he wanted to go last year when you refused him. And you know, whatever else has changed. Obviously, time on the job has changed, if he's gotten married -- I don't want to encourage people to run and get married, obviously, but things like that, of course, emphasize the things that have changed because probably all of you have heard the interview that goes: So, you were here last month, what's changed since you were here last time? You want to hear what's changed -- in a lot of cases if he's getting married. We want to know what's changed. What has changed since the time you were young and single and so on till now. I've been working longer in my job. It's a good place to start. And we can go from there and that kind of consistency actually helps us because the fakers, again, they are not going to have that kind of staying power. They are going to come up with a new scheme. They are not going to keep going back to the same name because obviously they are not working for them anymore. So they pick something else.

Q: (off mike) ...pharmaceuticals. But we also have brains in the company. So, sometimes some people who were actually mathematicians to do all kinds of clinical studies in the US. So, we do clinical studies here and then we send biometrics to the US to do the final stage of the project. I got two people refused and I believe, the red flag was there at the moment when they said, actually, the conversation went more or less the way you described. Because those people were geeks, they don't talk, they write e-mails. And so the conversation was: well, who do you work for? Organon, we are not the big name in the States. OK, what do you do? I work for clinical trials project and ... Clinical trials, what is that? What do you actually do? I collect data. Do you use computers? Yes, sure, I have a degree in mathematics and computers. Bang. Question: how do we explain to your officer what we actually do? Will this help? I don't know. Shall I write a profile of the project or what?

Hazel: That's what we want to hear, yes. I don't want you to write it out, but I want that applicant to come in and tell me when you are going to a lab what do you do in the lab, and if said I collect data that's one of those questions, like you say, that's pretty vague. I'm collecting data on the effectiveness of the drug we are developing that treats something. If they can give us that kind of information we can say, well, how long has this study been going on or where is this study going to take place. Is this a study internationally conducted and here those kind of cue, that helps.

Q: But they don't talk.

Hazel: They are here, if you get them to talk that would be a different matter.

Q: I feel there is a business opportunity here.

Q: We have a very senior manager, officer in Intel and he has applied for US visa twice and in both cases he was granted a single-entry three-month visa and in one case we have to admit the first visa was granted before he joined Intel, which happened last August. But before that he was leading in a well-established Russian company and we also have to admit that he used to do some good work for the Russian government. And we understand the reasons why in both cases he was granted just a single-entry three-month visa and his documents were sent for clearance to Washington. But what are the chances that now that he has been with Intel in a very, very senior position that he will be granted a multiple-entry visa because he has to travel to US frequently?

Hazel: Sorry, do you want me to give you a quick or a long answer? If whatever it is that's causing this difficulty persists, and I don't know what it is, I mean it could be the fact that he works for Intel in some sensitive capacity, it might be the red flag now, it might be something totally different, I don't know what it is, but if he has a history getting single-entry visas then he will be subjected to whatever delay it is that he keeps experiencing as well.

Q: A couple of questions. First of all, several years ago there was a list of formal criteria which was used by the officers to identify the fake letters and invitations, like exclamation marks after the introduction instead of semi-colon, size of the paper and so on, it was 24 or 25 types of mistakes that the fakers make. Do you still implement this kind of due diligence?

Hazel: Yes, I mean we don't publicize this.

Q: So, it's still useful to keep the pile of letter-size paper (inaudible) instead of A4.

Hazel: The paper size, and this is the thing, if we hold up an A4 piece of paper and say, where did you get this they say, well, they mail it to me directly from our headquarters in Seattle, or if they say I got it from the office in Nizhny Novgorod, OK, sure you did, that makes sense. Again, it's the logic factor for us, if it's A4 signed by Bill Gates' Microsoft, or if he did it with the electric pan over here somewhere. It's not the rule...

Q: Will it make some difference?

Hazel: It probably does because it eliminates one area for doubt.

Q: And the second question is. I pretty often deal with the customers, not with my employees, with employees it's usually quite easy, but most of my customers are sometimes governmental officials and pretty often I am hesitant to issue a business invitation because it will raise a lot of flags not on your side, but on this side. So, I would prefer to invite them personally because these guys can't afford to do personal travel and pretty often I just want them to bring it to my place and we both visit the Metropolitan Museum or whatever. But at the same time it's obviously business-related. So, what will be the best strategy in this case. I have a very particular example. A good friend of mine I work with for a long time, he is unemployed now because he is to move with the Federation Council and maybe he is waiting for a new appointment, now he is unemployed. But I want him to spend one week at my place. I already wrote a simple personal letter of invitation, but I just don't want to have problems with the visa.

Hazel: Well, when you say "unemployed" that causes all kinds of issues. But unemployed from the Federation Council, it's kind of a different story than I've never had a job.

Q: He will explain it if he is asked.

Hazel: It's a tough one to answer because, like you said, you don't want to be totally forthcoming in the documentation you provide because you have other concerns. And so when you start having your door-tracking your story you are going to invite him for a personal reason and to that business. You have a business-related issue, I don't know exactly. So, you got two things going on, but you don't want to write too clearly for your other reasons so that doesn't get applied by somebody else. I can't make any promises. I guess it's the short answer because I'm not going to know when these two stories start coming out, if you could explain to us coherently and convincingly, put them in good shape, but if you give these short answers, there are going to be a lot of things that don't add up.

Q: And what is the balance between the content of the letter of invitation and answers? How important is -- are the details in this letter of invitation?

Hazel: He should know what it says. If he contradicts the letter, then he is a trouble. And if does contradict the letter, he needs to be able to explain why he contradicts that letter. That's the deal.

Q: I have two questions. The first one is how do you build up the invitation, you write the invitation for the guest visa in American embassy? Because we have applied

several times and they mostly follow employee, all our employees get back from America and get successfully back from America. And we got experience with several refugees from the US embassy. And so, what shall we do?

Hazel: That's a case-by-case kind of thing. I don't have a blanket answer for you. I mean if you have several people who have come and gone --

Q: About twenty people.

Hazel: Okay. See, and that in itself is helpful because I mentioned earlier that the country is -- I am sorry, the company's record of travel and our familiarity with the company does help. I mean we'll see that you guys have come back because believe it or not we do actually check that not case for case, we don't check all 90,000 cases that we deal with, but we do sample and check. And if we start and see that the people are coming back, next time somebody comes in for your company, that'll be a factor in that person's favor. But if they have previous refusals -- you know, a new job, well, a new job and changes in your situation, those are the things that we base reconsiderations on. So, we are happy to look at those and our recommendation is to send them in, maybe not if they have been working for you for two weeks, but if they've got some time with you in your company, then yes, send them back in because they get refused but also, like I said, we base our reconsiderations on the changes in your social, family, and economic status. So, if you've got a new job and a new position within the company, you have been working longer, those are all changes that stand the balance.

Q: Okay, the second one. We've got agreement with an American company, ID Company. According to that, we are to train our employees in America from the first day they come to our company. And we've got several visa refusals because they are single, they are female. And so, what shall we do? It looks like sexual harassment.

Hazel: Sexual harassment... No, never. What should you do? Again, no answer to that because this is, the nature of our immigration system is such that those applicants are going to have a really hard time. If it's set up so that they have to go to the United States for training within three weeks or a month or coming on a job with you, we basically and diametrically opposite sides of the circle here because you are saying: "I have to send them right now" and I am saying: "This person has been working for you for a couple of weeks and she is 22 and she does not live in, you know, she does not have a house, she has just graduated, there's nothing that'll make her come back. And she obviously doesn't know anything about your company because you are going -- she's been sent there as a trainer. So I can ask her anything about the work. What you do?" "Well, I've worked there for about two weeks." So there's nothing that person is going to say to me that's going to convince me that she even works there. In many cases. Maybe, I mean, there are exceptions. This is a kind of generalization.

So I would -- to all of you -- love it if you just to bring somebody over here to train your people. It'll make my work so much easier. Or wait long, six months. And even six months is kind of a gray area for us that does not make us feel great, but it's better than a month or two weeks or something.

Q: But American side is suffering.

Hazel: I understand and to the extent that we can we do our best to facilitate travel for business, but our mandate or whatever you want to call it comes from the

legislation Congress passed and we are kind of stuck on that. We do issue the visas, like I said, the subjectivity does pay off and people who otherwise would be unqualified will get their visas in some cases but the ones you are describing right now sounds like -
- I don't want to say helpless but real close to that.

Q: Dmitry Panasevich from IBCB.net, a software company. My question is: what is the current set of guidelines for someone who travel to the US repeatedly, was issued visa, was denied visa, was issued a visa again or for unknown reasons?

Hazel: I have no idea. Typically, visa issuance and having somebody come back to apply for a second visa is usually a good sign for us. Obviously, if you showed back in my office that means you came back to Russia. So usually visa issuance begets visa issuance. So the one in the middle -- why he was issued, refused and issued -- the refusal could have been for any number of things: his name may have matched information, -- (inaudible) -- information for somebody else or maybe it was him, who knows, the subjectivity may have actually been a disservice in that particular instance. Maybe when he answered the question the second time around he said something that just really made no sense. Or maybe we misunderstood it -- I mean, they give us Russian training and we speak it all, to one level or another, but it's not our native language and there's a big chunk of glass between us and a lot of people talking. We do miss stuff sometimes. So any number of factors could have been there. The fact that he was issued subsequently indicates to me he's back on track and probably the visa issuance, and the visa issuance that booked in that refusal would avoid a refusal. I wouldn't worry too much about it.

Q: What are the current regulations for someone who held a visa (you mentioned something)?

Hazel: The way we are set up now, we have to interview every applicant except those who are younger than 16 and over 60 or those who have had a visa. There are those who have had a visa of the same class you are applying but expired fewer than 12 months ago. So if your B1/B2 expired in March of last year we can get you another one for a month without having you be interviewed. But we want to finger-scan you anyway. So, you still have to come in. So, it's small consolation.

Somers: Well, thanks a lot, we have to end this session, and I am sure would be happy to answer some further question as he exits slowly from the podium. So, please feel free to come up here. I'd like to thank Pony Express for sponsoring this event. I'd like to compliment everyone here who has asked questions. I thought they were extremely relevant and think they were very helpful to Mike so he could understand where you are coming from and think all of the questions were relevant to everyone else sitting here. So, my compliments to the audience. And last of all, Mike, thank you very much for the outstanding presentation and we greatly appreciate your coming here this morning. Thanks.