

When a Visa Interview Stops Being an Interview: Reflections on a U.S. B1/B2 Refusal in Nairobi

Wambui Mumbi

Immigration Practitioner and Researcher, Kenya

Working paper. Wambui Research.

Abstract

A U.S. nonimmigrant visa interview typically lasts only a few minutes, yet under section 214(b) of the Immigration and Nationality Act (INA) it carries the full burden of proving eligibility and the absence of immigrant intent. This paper offers a practitioner's autoethnographic account of a B1/B2 refusal at the U.S. Embassy in Nairobi on October 1, 2026, and uses it to examine how discretion, proxies for "ties," and the confidentiality of visa records interact in consular adjudication. I do not claim the refusal was wrong, and I do not claim to know the officer's reasoning. My argument is narrower: when an applicant cannot learn what was weighed, cannot appeal, and is questioned mainly on facts already stated in her application while her stated purpose and supporting evidence go unexplored, the process is difficult for applicants and researchers to evaluate. I close with a research agenda and modest procedural recommendations.

Keywords: section 214(b); consular discretion; visa refusal; ties; Nairobi; migration governance

1. Introduction

I work in immigration. I have advised clients on visa requirements and prepared their applications since 2019, and I have recently begun a research practice on migration governance. On October 1, 2026, I was interviewed for a B1/B2 visitor visa to attend a free public lecture series at the Free Library of Philadelphia: a sociological overview of immigration to the United States from the 17th to the 20th century, covering the legal, political and attitudinal reactions to immigrants over time. I intended to attend and return to Kenya. I was refused under INA section 214(b).

I understand what that refusal means in law. A visa is not an entitlement. What I want to examine is the distance between the legal framework, which is individualized and holistic on paper, and the experience of an interview in which several parts of my stated purpose and circumstances were not explored.

This is a single case, reconstructed from memory soon after the event, and it cannot prove anything about patterns. Its value is as a documented, specific account from someone trained to read the process, and as a prompt for better questions.

2. The legal framework

The presumption. INA section 214(b) (8 U.S.C. § 1184(b)) presumes that every nonimmigrant visa applicant is an intending immigrant until the applicant shows otherwise. The burden rests on the applicant.

More than "ties." Popular discussion treats 214(b) as a test of ties to the home country. State Department guidance is broader. The Foreign Affairs Manual states that 214(b) does not simply mean

that applicants must have ties to their home country, and that a refusal means the applicant failed to qualify for the visa (9 FAM 302.1-2(B)(6)). Qualification includes whether the intended activity fits the visa class. This matters for my case, as I discuss in Section 4.3.

Standard refusal language. Published embassy refusal text explains that applicants usually meet the requirement by showing strong ties overseas, and lists professional, work, school, family, or social links as examples.

Remedies. A 214(b) refusal is not a permanent ineligibility and cannot be waived, but an applicant may overcome it with a new application showing changed circumstances (9 FAM 302.1-2; 9 FAM 305.3-1). Supervisory review exists, and a reviewing officer may not reverse a 214(b) refusal without re-interviewing the applicant (9 FAM 403.12-3).

Confidentiality. Under INA section 222(f) (8 U.S.C. § 1202(f)), visa issuance and refusal records are confidential. State Department guidance indicates that such records are generally not releasable under FOIA or the Privacy Act unless the document was submitted by, or sent to, the requesting party (9 FAM 603.2). In practice, an applicant can usually obtain what she herself submitted, such as her DS-160, and the refusal notice she received. She generally cannot obtain the officer's case notes.

3. The interview

This section is a first-person account. It records what I recall being asked and what I said. It is not a transcript.

At the time of my application I was the founder of Millennia Immigration Consultancy in Kenya. I began practising in 2019 and registered the business in March 2023. I was applying to attend a public lecture series and return.

I was asked about:

- the purpose of my visit, to which I said I would attend a lecture series on immigration law and race;
- my international travel history (Uganda, Tanzania, Rwanda, India, Qatar and Ethiopia);
- my marital status;
- whether I had children;
- when I graduated from university (December 22, 2022);
- whether I owned or rented my homes, to which I answered that I rent in both Tigoni and Mombasa.

During the interview I told the officer that my paper had been accepted, after double-blind peer review, for presentation at the International Conference on Migration, Refugees and Global Challenges in London in February 2027. The officer did not ask about it, and I could not tell that it was weighed in the decision. I was told I did not qualify, under 214(b).

I was not asked what I do for a living, how long I had practised, how I earned my income, who was paying for the trip, how long I would stay, where I would stay, why this series interested me, or how its subject related to my work. Some of this information appeared in my written application, and an officer may have considered it there without discussing it aloud.

I also note that a very short interview cannot cover everything, and that the questions I was asked are all permissible.

4. Analysis

4.1 Discretion at the window

Consular adjudication is a textbook case of what Lipsky (1980) called street-level bureaucracy: front-line officials with wide discretion, limited time, and limited information, who in effect make policy through routine decisions. In such settings, officials often rely on quick proxies. Marital status, children, and homeownership are intuitive proxies for ties. They are also imperfect ones. A proxy that is statistically common is not the same as an individualized finding.

4.2 Questions already answered on the form

My marital status, children, and housing were already in my application. Asking about them again may be reasonable verification. But the interview is the applicant's main opportunity to explain what the form cannot, namely the purpose and plausibility of the trip. When the time is spent confirming form fields and not the stated purpose, the applicant may have little chance to meet the burden that 214(b) places on her.

4.3 Purpose and plausibility

I must be fair to the other side of this analysis. A refusal under 214(b) can rest on the fit between the trip and the visa class, not only on ties (9 FAM 302.1-2(B)(6)). A long journey from Nairobi for a free public lecture of a few hours, during a short stay, with no prior U.S. travel, may not have appeared to the officer to be a credible purpose. I am at an early stage of my research career, and attending to listen, without presenting, is a modest reason for an intercontinental trip. That is a plausible alternative explanation, and I cannot rule it out.

Two points complicate it. First, I offered corroborating evidence of an active research practice, the London acceptance, and the officer did not engage with it. Second, that acceptance concerns a different event in a different country. It supports my credibility as a researcher, but it does not by itself explain why this lecture justified this trip. A fair reading of my case has to hold both: the officer may have had a reasonable doubt about purpose, and the process gave me little chance to address that doubt or to have my evidence considered.

4.4 Opacity

The least ambiguous problem is structural. A 214(b) refusal gives the applicant standard language, no individualized reasons, no appeal, and no access to case notes (INA § 222(f)). The applicant cannot learn whether the decision turned on ties, purpose, profile, or something else. This makes error hard to detect and correct, and makes it hard for researchers to evaluate whether similar applicants receive similar outcomes.

I have filed a request to read the consular notes on my application. I expect the response to be limited by section 222(f), and I will report what I receive. Confidentiality has legitimate purposes, including security and the integrity of the process. But the consequence is that questions of fairness are difficult to examine from the outside.

4.5 Profiling and quotas: what would count as evidence

I considered whether age, gender, race, or marital status shaped how I was assessed. I also wondered, after seeing others refused, whether outcomes follow a target. I have no evidence of either. One observed batch of refusals does not establish a quota, and I cannot know the other applicants' cases. Officers differ in strictness, and a run of refusals can result from who happened to be in the room.

But the right response to an unanswerable question is to say what evidence would answer it. Possible approaches include:

- analysis of publicly available aggregate issuance and refusal data by nationality, visa class and post over time;
- systematic collection of structured, anonymized applicant accounts, with their limits clearly stated;
- examination of whether published guidance and training address the use of family status as a proxy for ties.

A single narrative cannot prove or disprove profiling. Together, such sources might show whether patterns exist.

5. Limits of this account

- It is one case, from one applicant, written from memory.
- I do not know what the officer concluded, or what she read in my application.
- The most plausible alternative explanation is purpose and plausibility (Section 4.3).
- **Disclosure:** I am a practising immigration consultant and the applicant in the case I discuss. I may read the process through my profession.
- The refusal is recent, and I am writing before I have received any response to my records request.

I state these limits to distinguish what I observed from what I infer.

6. Recommendations

For consular practice

1. Give applicants a brief opportunity to explain the purpose of the trip, and to present supporting evidence, before a decision.
2. Where a refusal rests on the purpose of travel, not only ties, say so in the refusal notice, so the applicant knows what to address.
3. Train officers on the limits of family status and homeownership as proxies for ties.

For applicants and practitioners

1. State your occupation and the link between your work and your trip in your first answer.
2. Describe the purpose of the trip accurately and consistently with what you submitted.
3. Treat a refusal as a decision about this application. Reapply when you can show a changed circumstance.

7. Conclusion

I do not argue that I was entitled to a visa, and I do not claim to know why I was refused. I argue that a process that is individualized in law but opaque in practice leaves applicants unable to tell whether they were assessed as whole people, and leaves researchers unable to check. That is a problem for migration governance, whatever any single officer intended. This account is one data point, and I offer it with its limits, in the hope that better data can follow.

Sources

- Immigration and Nationality Act § 214(b), 8 U.S.C. § 1184(b).
- Immigration and Nationality Act § 222(f), 8 U.S.C. § 1202(f).
- U.S. Department of State, Foreign Affairs Manual: 9 FAM 302.1-2 (Presumption of Immigrant Status); 9 FAM 305.3-1 (No waiver for 214(b)); 9 FAM 403.10 (NIV refusals); 9 FAM 403.12-3 (Supervisory review of NIV refusals); 9 FAM 603.2 (Visa records, FOIA and Privacy Act). <https://fam.state.gov>
- U.S. Embassy refusal language, Section 214(b) (example: U.S. Embassy & Consulate in Spain and Andorra, "Visa Refusals"). <https://es.usembassy.gov/visas/refusals/>
- Lipsky, M. (1980). *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. Russell Sage Foundation.