



## **IMMIGRATION ALERT!**

### **Tips for Foreign Nationals Traveling During the Holiday Season**



As the 2003-2004 holiday season rapidly approaches, many foreign nationals are making travel arrangements to visit family members abroad. This Alert provides an overview and a “heads up” in connection with visa issuance and U.S. re-entry requirements. There are a number of new procedures and requirements which must be borne in mind when planning international travel during the holiday season. For a detailed Memorandum discussing and delineating these issues in detail, please visit [www.immstar.com](http://www.immstar.com) and click on Resources and then NIV Memoranda to view the document entitled “Tips for Foreign Nationals Traveling During the Holiday Season.”

### **GENERAL TRAVEL GUIDELINES**

Foreign nationals should anticipate longer and more complex visa application procedures at U.S. consulates and embassies, including mandatory personal interviews for many visa applicants.

- All foreign nationals should anticipate more comprehensive questioning by immigration officials when seeking to re-enter the United States.
- The U.S. government is rolling out its US-VISIT program in 2004. As a result applicants for re-entry can expect to be fingerprinted at the port of entry. For more information on this program, go to: <http://www.immstar.com/NEWS/UPLOADS/US-VISIT.pdf>
- Individuals who are nationals or citizens of various designated countries (Iran, Iraq, Libya, Sudan, Syria, Cuba, Afghanistan, Algeria, Bahrain, Bangladesh,

Egypt, Eritrea, Indonesia, Jordan, Kuwait, Lebanon, Morocco, North Korea, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Tunisia, United Arab Emirates or Yemen) unquestionably will be subjected to heightened security screening and may be required to register in the Department of Homeland Security's National Security Entry and Exit Registration System ("NSEERS").

## PASSPORT AND VISA VALIDITY

Before traveling internationally, foreign nationals should verify that their passport and visa are valid for re-entry into the United States and identify whether they will be required to obtain advance permission to re-enter the U.S. The following items are important:



- **Passport Validity:** As a rule, a foreign passport must be valid for at least six (6) months beyond the anticipated departure date from the United States.
- **Automatic Visa Revalidation:** An individual traveling to Canada or Mexico who will stay for fewer than 30 days and who is in possession of a valid Notice of Approval from the USCIS may not be required to obtain a visa under the doctrine of Automatic Visa Revalidation. For more information and to see if you qualify, we suggest that you contact your Seyfarth representative.
- **Visa Validity:** Those who are required to possess a visa upon re-entry should be aware that the visa stamp must reflect the then current nonimmigrant visa status and must be unexpired.



## VISA ISSUANCE PROCEDURES: INTERVIEWS, SECURITY CHECKS AND LONG DELAYS

- **Personal Interview Requirements:** Individuals requiring a visa should arrange for an interview with the appropriate Embassy or Consulate abroad and are advised to contact the consular post directly. The "lead time" for interviews is ranging from 4 to 6 weeks at most posts. For this reason, careful advance planning is essential. For more information on booking visa appointments through the various consular posts, contact [www.travel.state.gov](http://www.travel.state.gov).
- **Visa Issuance Delays:** Once an applicant appears for an interview, it can take 2 to 4 weeks for the passport and visa to be returned. If that individual must undergo a security check, the wait can be an additional 2 to 3 months or longer.
- **Security and Background Checks:** When applying for a visa to re-enter the

United States, an applicant may also be subjected to additional security and background checks based upon the following factors:

Citizenship, nationality, or country of birth

- Occupations in targeted fields (the Technology Alert List)
- Appearance (“hits”) in national security and law enforcement databases such as the IBIS system and others
- Form DS-157: Be aware that many computer “hits” happen in connection with information disclosed on the Form DS-157 - - specifically, in connection with Items 9, 12, 14, and 15. Visa applicants should read the DS-157 carefully and consult their attorney prior to submitting the form.

## **SPECIAL REGISTRATION**

Certain foreign nationals were required to undergo a tedious and lengthy special registration procedure upon re-entry to the United States under a procedure that involved fingerprinting, photographing, and the collection of personal information. Certain aspects of the special registration program have been suspended, although applicants for entry may be required to undergo special registration on a discretionary basis. For a number of ImmSTAR® Alerts covering special registration, please go to [www.immstar.com](http://www.immstar.com) and click on ***Immigration Updates*** and then ***Immigration News***.

If the foreign national entered as a special registrant and is planning to travel outside the U.S., he or she must be sure to comply with the departure control rules, which remain in effect notwithstanding suspension of part of the special registration program. As an NSEERS registrant, a foreign national may depart the United States only through a port that has been authorized for departure control.

## **CONCLUSION**

Proper planning prior to undertaking international travel is always important. During the holiday season, and especially in the current political post-September 11th climate, such planning is critical given the additional volume of travelers who will visit U.S. consular posts and ports of entry. We urge you to contact Seyfarth Shaw to discuss travel plans for those employees who are not completely comfortable or well-informed about visa and entry requirements or who have special travel needs.

Seyfarth Shaw's Business Immigration Group provides periodic information alerts about noteworthy developments in the business immigration field. The information that we provide is of a general nature and should not be interpreted as legal advice applicable to

a specific factual situation. If you have questions about the information contained in this Immigration Alert or would like to know more about Seyfarth Shaw's Business Immigration Group and our inbound and outbound visa processing capabilities, please visit our website, [www.immstar.com](http://www.immstar.com), or contact one of the Business Immigration Group Partners: Jim King ([jking@seyfarth.com](mailto:jking@seyfarth.com)) in Atlanta; Russell Swapp([rswapp@seyfarth.com](mailto:rswapp@seyfarth.com)) or Dyann DelVecchio ([ddelvecchio@seyfarth.com](mailto:ddelvecchio@seyfarth.com)) in Boston; Ric Fischer ([Ffischer@seyfarth.com](mailto:Ffischer@seyfarth.com)) in Chicago; or Cris Weals ([cweals@dc.seyfarth.com](mailto:cweals@dc.seyfarth.com)) in DC. If you would like to receive our Immigration Alerts, please contact Cindy Bastos via e-mail at [cbastos@seyfarth.com](mailto:cbastos@seyfarth.com). Thank you.