



## **IMMIGRATION ALERT!**



### **Visa Application Processing Backlogs Anticipated to Increase**

As part of its continuing efforts to improve the security of the visa process, the United States Department of State (“DOS”) has issued a new regulation requiring U.S. embassies and consulates around the world to conduct face-to-face interviews with virtually all visa applicants who previously enjoyed a waiver of the personal interview requirement. DOS has imposed an August 1, 2003 deadline for full implementation of the personal interview requirement but has suggested that consular posts comply as early as possible in advance of the deadline.



### **Exceptions**

The interview requirement will apply to all persons who require visas, with limited exceptions. The following classes of persons will not be subject to the personal interview requirement:

- a person 16 years of age or under;
- a person 60 years of age or older;
- a nonimmigrant classifiable under a diplomatic visa status (including the

visa classifications A-1, A-2, C-2, C-3, G-1, G-2, G-3, G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6);

- a person seeking a visa renewal if the last visa expired within twelve months, if the person is applying at the consular post of the person's usual residence, and for whom the consular officer has no indication of visa ineligibility or noncompliance with U.S. immigration laws and regulations;
- a person for whom a waiver of personal appearance is warranted in the national interest or because of unusual circumstances.

This new regulation will not affect the existing visa waiver program, a program that allows citizens of certain countries to enter the United States without a visa for up to 90 days to engage in tourist- or business-related activities.

## Delays Anticipated

The new regulation will result in a significant increase in the percentage of applicants interviewed. The DOS cable announcing the new regulation warned that the additional interviews must be handled "using existing resources" and without offering overtime to employees. The strain on consular resources resulting from this new regulation -- in combination with the additional security clearances and related procedures instituted since September 11th -- will increase visa application processing times significantly. The appointment lead time for many consular posts is already in excess of several weeks, with an additional one- to two-week processing time required for issuing and delivering the visa-stamped passport after the interview. Even this time line assumes that there is no delay attributable to additional security clearances or to the DOS' Technology Alert List. [For information about those items, click: [http://www.immstar.com/NEWS/UPLOADS/DOSTechnologyAlertList\(2\).pdf](http://www.immstar.com/NEWS/UPLOADS/DOSTechnologyAlertList(2).pdf)].



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