

One Minute Memo®



New Department of State Cable Implements Extreme Vetting Measures

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Seyfarth Synopsis: *New DOS cable instructs U.S. consular posts to identify population groups for tougher visa screening, which will likely lead to increased processing times.*

On March 17, Secretary of State Rex Tillerson issued a cable to all diplomatic and consular posts worldwide calling for the immediate implementation of heightened screening of visa applications. Through the cable, Secretary Tillerson instructed consular posts to undertake additional screening measures based on the conclusions of the interagency working groups mandated by the President's Executive Order. Visa processing screens at U.S. consular posts will be more invasive and time-consuming for certain individuals, particularly those from the countries listed in the President's most recent Executive Order and those from Iraq.

Secretary Tillerson began issuing cables in early March with a view to providing consular staff with instructions on how to implement the President's March 6 Executive Order barring certain individuals from six countries from travelling to the U.S. As the legal challenges against the Order mounted, Secretary Tillerson retracted certain instructions in favor of a set of more narrow guidance designed to comply with judicial and administrative requirements while still advancing the President's "extreme vetting" agenda.

The most recent cable, released on March 17, orders the Department of State to identify "populations warranting increased scrutiny" and subject them to heightened security screening. Moreover, if a consular officer determines that a visa applicant may have links to any terrorist group or has ever been present in a territory controlled by the Islamic State, the applicant will be subjected to a review of his/her social media activity. This review, which is normally a rare event, is known to be a time and labor-intensive process. To accommodate this directive, the cable guides consular posts to limit the number of visa interviews per day with the understanding that appointment backlogs may increase.

In light of this cable, we expect increased visa processing times and decreased visa appointment availability at U.S. consular posts globally. Further, applicants described in the cables should anticipate more rigorous questioning and intrusive searches into online activity.

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