

One Minute Memo®

Administrative Processing Delays in Visa Application Adjudication

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In recent weeks, there has been a noticeable increase in visa application processing delays due to Section 221(g), otherwise known as “Administrative Processing.” Ramped up fraud prevention and related security procedures have triggered visa processing delays at various consular posts worldwide. As the global community confronts complex security challenges, we anticipate that this trend will continue. Proper planning in advance of international travel is critical due to the current political climate.

When applying for a visa stamp at a U.S. consular post abroad, an applicant may be subjected to additional security and background checks based on the following factors:

- Occupations in targeted fields (the Technology Alert List);
- Appearance (i.e., “hits”) in national security and law enforcement databases, such as the Interagency Border Inspection System (IBIS); or,
- Information found on Form DS-160.

Visa processing delays can last from a couple of weeks to several months. In most of these situations, consular posts will retain the application and the applicant’s passport until the matter is resolved (or until the application is withdrawn). The request for an additional, more comprehensive security clearance can create delays and the applicant may be “stranded” in that country without a passport or the ability to travel internationally. In all cases, the individual will be prohibited from re-entering the United States until the administrative processing has been completed. For additional information and practice tips, we recommend reviewing our comprehensive memorandum for foreign nationals traveling internationally found [here](#).

In some cases, employees (in consultation with their managers and HR) will need to weigh the risks before deciding to travel internationally, and some employees may forego international travel rather than risk delays leading to interruption of employment or incurring costs associated with extended travel. Employees are strongly advised to consult with company representatives and direct managers to discuss the company policies regarding working remotely during an extended delay outside the U.S.

Seyfarth Shaw LLP's Immigration Group is closely monitoring developments in visa application processing and will provide updates as necessary.

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