

DOS and CBP Announce Fix for Certain Visa Applicants Who Are Experiencing Consular Delays Due to Recent Technical Challenges

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Immigration & Compliance

For the past two weeks the **U.S. Department of State's Bureau of Consular Affairs** has been experiencing technical problems with its passport and visa system. These problems have resulted in worldwide delays in passport, citizenship, and visa document issuance.

In an effort to address these delays the Department of State (DOS) and U.S. Customs and Border Protection (CBP) have announced the following remedial steps:

- DOS and CBP will, on a case-by-case basis, waive nonimmigrant visa (H-1B, L-1, O-1, etc.) requirements for admission into the United States. In particular, applicants whose U.S. travel involves an "emergency" (i.e., humanitarian travel and life-and-death situations) or impacts U.S. national interests may request consideration for special travel permission. Unfortunately for most applicants urgent business/U.S. employment needs are not typically considered emergencies, but DOS will review such applications on a case-by-case basis.
- Individuals requesting emergency travel must have a pending visa application with a US Consulate, and the lack of visa issuance must be due to the recent technical problems encountered by the DOS. Applicants subjected to delays for other reasons, such as security check delays, are not eligible for emergency travel accommodations.
- If emergency travel is approved, the U.S. Consulate that accepted the visa application will release the applicant's passport and will issue a transportation letter for presentation to common carriers to allow boarding of international U.S.-bound flights.
- Applicants may not know the exact reason for their delay in visa issuance, so individuals with emergency U.S. travel needs should affirmatively communicate with DOS to provide proof of their circumstances. This can occur during the visa interview, or through e-mails after visa appointments to consulate mailboxes or facilitation centers (applicants should check the website of their particular U.S. Consulate for the preferred method of communication).

If a request for emergency travel is not approved, CBP strongly discourages applicants from traveling to the United States using a visitor's visa or Electronic System for Travel Authorization (ESTA) registration. If an applicant is found to have previously requested travel permission that was not granted by DOS, CBP may deny the applicant's request for admission into the United States. Such a decision by CBP could render the applicant inadmissible to the United States in the future, a much more serious consequence than the inconvenience associated with delayed U.S. travel.

This post was written with contributions from Kirsten Williams.

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