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Julie M. Stufft
Deputy Assistant Secretary for Visa Services
Bureau of Consular Affairs
U.S. Department of State
Washington, DC

Via Email

Re: E-Visa Adjudications and Processing Delays Worldwide

Dear Deputy Assistant Secretary Stufft,

The Department of State (DOS) Liaison Committee appreciates the Department of State's willingness to receive our feedback and recommendations related to the agency's adjudication of E visas since posts began to reopen and ramp up visa services.

First, AILA members report that several posts worldwide have temporarily suspended E visa processing and, in some cases, discontinued acceptance of any new E visa applications. AILA has been made aware of correspondence advising applicants that the post is not accepting and/or is not processing E visa applications issued by E visa units at consular posts including Bogota, Columbia; Santiago, Chile; and Bridgetown, Barbados. Please refer to the attached language from these posts.

Similarly, where posts are accepting E visa applications, many AILA members report considerable processing delays for initial applications. For example, the U.S. Embassy in Rome is currently taking 12-14 months from when an application is submitted to post until an applicant is invited to schedule an E visa interview. Members have reported that other posts, such as Amsterdam, Madrid, Sri Lanka, Istanbul, Trinidad & Tobago, and Santo Domingo are experiencing lengthy processing times.

The suspension of adjudication of E visas by certain posts, and extensive processing delays at others, are damaging to a range of investment projects and trading relationships across many industries, including those prioritized in the Infrastructure Investment and Jobs Act involving supply chain manufacturers in critical infrastructure. These issues in E visa adjudications are causing a direct harm to local and state economies, as well as the national economy more broadly, as these same companies are choosing to move operations abroad or forego expansion of investment and trading relationships with the U.S. These E visa companies also employ hundreds of thousands of U.S. workers, so suspension of their U.S. business operations has also had an adverse impact on the U.S. labor/job market. While we appreciate the challenges posts have faced over the last two years, severely delaying or halting the receipt of E visa applications of treaty traders or treaty investors does not appear to be consistent with the policies and priorities of the administration in bolstering the U.S. economy and labor market. Prioritizing E visa adjudications is in the national interest.

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In light of these issues and this opportunity for dialogue, we have included below some suggested procedural and policy changes for your consideration that may alleviate some of the E visa case backlogs and provide efficiencies to E visa processing moving forward.

The following are suggestions that we believe would lead to greater efficiency and enhanced transparency in the E visa processing systems carried out and managed by posts worldwide. According to members, some of these efficiencies are already being implemented, either in whole or in part, and achieving success (e.g., Toronto, Canada.)

1. Prioritizing E Visa Adjudications: AILA recommends that DOS amplify the message of its Bureau of Business and Economic Affairs [mission statement](#), which includes “attracting foreign investors to create jobs in America.” In furtherance of this, consular posts should be encouraged to prioritize the adjudication of E visa applications because of the significant economic contributions and employment of U.S. workers that these companies and individuals provide to the U.S. Adjudicating E visas also complies with and promotes the diplomatic goals and policies under the treaties entered into force with the various E Visa Treaty Countries.
2. E Visa Support Structure for Remote Processing: A localized consular adjudication structure with a remote backup support team would provide a more predictable support system in the event of future global emergencies or other issues that may arise that strain the staff and resources of the U.S. Department of State and its consular units, particularly where a post may temporarily lack capacity or expertise to adjudicate E visa applications due to their complex nature. DOS should institute a remote backup processing structure for E visa adjudications by creating a dedicated and specialized team of E visa adjudicators in Washington, D.C.; and also, temporarily allow remote adjudications of E visa applications, as needed, by officers at other posts worldwide that have greater capacity and/or expertise.
3. Acceptance of E Visa Applications at Designated Posts for Third Country Nationals: AILA acknowledges and appreciates the Visa Office’s commitment to enabling third-country adjudication across all visa categories. However, since E visa processing times are not currently identified on the Visa Wait Times page nor made publicly available by post websites, this limits the ability for applicants to determine where to process. AILA specifically recommends that DOS identify and publicly share which consular posts are willing and have capacity to adjudicate E visas for third country nationals, particularly for nationals from countries where E visa adjudications have been suspended (e.g., *Colombia, Chile, Barbados*), and others from countries reporting lengthy processing times (e.g., *Rome, Amsterdam, Madrid, Istanbul, etc.*). This information should be publicly available both on the individual consular/embassy website *and* the visa appointment scheduling website (e.g., USTravelDocs) for the consular post accepting third country nationals.

4. Interview Waiver Eligibility for E visa Renewal Applicants: Although during the AILA DOS Roundtable on October 7, 2022 it was mentioned that E visa applicants are eligible for interview waivers, and not specifically prohibited, AILA members have not generally seen this implemented in practice. In fact, neither the Interview Waiver authorities at 9 FAM 403.5 nor the Interview Waiver extension policy announced [in December 2021](#) specifically designate E visa applicants as being eligible for waiver of the in-person interview requirement. If it is possible, we would welcome generous use of the interview waiver policy for E visa applicants, particularly for E visa renewals with strong and established businesses. Moreover, if the interview authorities are to be extended at the end of 2022, we would suggest that E visa applicants be listed as eligible applicants for the interview waiver option, given set parameters, and as determined by the consular post.

5. Stateside Processing of Visa Renewals: AILA appreciates DOS's continued exploration of a return to stateside processing of visa renewals. As discussed in our recent policy brief, AILA urges DOS to consider stateside processing of E visa renewals. Among the recommendations included in our [October 2022 policy brief](#) was that the agency considers implementing stateside visa renewals for the following categories: nationals of countries with severely backlogged posts; applicants entering to work in critical industries such as healthcare; as well as applicants in certain temporary work visa categories such as Es, Hs, Ls, and Os, who have previously had a visa issued in the same category more than once. If DOS cannot resume similar stateside visa renewal services that it provided in 2004, then we encourage the agency to begin exploring implementation of pilot initiatives for stateside visa renewals processing. This would provide immediate relief to consular posts and have a positive impact overall on consular processing and agency efficiency.

We thank you for your consideration of this matter. If you require any additional information or clarification, please contact AILA Director of Government Relations Sharvari (Shev) Dalal-Dheini at sdalal-dheini@aila.org or AILA DOS Liaison Committee Chair, Fuji Whittenburg at fuji@whittenburgimmigration.com.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

CC: David Newman, Deputy Assistant Legal Adviser