NONIMMIGRANT VISA AND TRAVEL DELAY │ FREQUENTLY ASKED QUESTIONS

1. How long will it take for a visa to be issued?

Visa processing time is dependent on numerous factors. These include the nonimmigrant visa caseload at a United States Consulate and the type of visa being sought. For a general estimate of wait times for non-immigrant visa applications at consulates please visit the Department of State (DOS) Visa Processing website at **https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/wait-times.html**.

2. Why is there a delay?

There are various reasons for delays. Delays could be caused by consular visa application workload, incomplete applications resulting in a request for additional documents, or security checks (also known as "administrative processing").

3. What can I do to avoid delays?

Prior applying for the visa, carefully review the website of the U.S. consulate where you plan to submit your visa application. Consulates may have location-specific document requests or request additional documents for certain occupations or fields of study. Consulates also may change the documents they request, with little or no advance notice. Notably, you may be subject to security check delays whether you are applying for your first U.S. visa, or whether you have studied and worked in the U.S. for years. The fact that your previous visa was not subject to a delay does not mean that you will not experience a delay on a subsequent visa application.

4. What is the most common request for additional documents?

Certain visa applications, such as the B-1/B-2 visitor visa, require that the applicant demonstrate an intention to return to and not abandon his/her home country. Consular officers may delay applications by asking for documentation of strong ties to the home country, and deny applications that do not satisfy this subjective standard.

5. What kinds of security check delays are there?

Certain visa applications, such as the H-1B specialty worker visa, do not require that the applicant demonstrate an intent to return to the home country. However, these visa applications may be subject to numerous other types of delays. Consular officers may describe additional security checks as "administrative processing" or as an "advisory opinion" request.

6. What is a Security Advisory Opinion (SAO)?

In cases where the consular officer cannot make a decision on a visa application she/he will request a Security Advisory Opinion (SAO) from DOS in Washington DC, which may in turn consult with other government agencies. DOS shares an applicant's information with other agencies, which conduct an investigation into an applicant's background. Usually these agencies are law enforcement and/or intelligence agencies that determine the risk an applicant poses to the United States.

7. Why would I be selected for SAO?

You may have been selected for an SAO based on your name, nationality, political opinions or activities, skills, criminal record, or other criteria. The U.S. agency acronyms for three common SAOs are CONDOR, MANTIS, and NCIC.

8. What are "State Sponsors of Terrorism"?

The United States classifies nations with a history of sponsoring international terrorist activities deemed dangerous to the interests of the United States as "State Sponsors of Terrorism." Nations designated as State Sponsors of Terrorism as of 2009 were Cuba, Iran, Syria, and Sudan. Applicants from these nations can face greater scrutiny and delay in visa processing, and are more likely to be denied a visa. DOS previously listed Iraq and Libya as State Sponsors of Terrorism as well, these nations were removed in 2003 and 2006; nationals of these countries still may face difficulties in obtaining visas to travel to the United States.

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9. What is CONDOR?

DOS uses various acronyms for security checks. The "CONDOR" security check is applied to visa applicants who may be of U.S. national security concern. Whether a visa applicant becomes subject to a CONDOR check depends on nationality, gender, previous military or chemicals training, and other factors. Since 2003, the list of nationalities subject to a CONDOR check became a classified document; the last unclassified document listed 26 predominantly Muslim nations. In these cases, the visa application is delayed and a decision cannot be made until U.S. agencies tasked with national security conduct and complete more extensive background checks.

10. What is MANTIS?

The MANTIS check focuses on visa applicants who may be in a position to enter the US to violate laws against the export of sensitive products, technology, or information. Such export can include not only physically taking technology acquired in the U.S., and shipping it to back to their home country, but also learning about technology, and traveling back to the home country. Whether a technology transfer is potentially subject to a MANTIS check is based on the State Department's Technology Alert List (TAL), which is currently classified, although a previously unclassified version exists. The MANTIS check is mandatory for nationals of "State Sponsors of Terrorism."

11. What is NCIC?

The National Crime Information Center (NCIC) is a database provided by law enforcement agencies to search for persons with criminal records. As the DOS is not directly involved in law enforcement, it does not control whether a visa applicant becomes subject to a NCIC "hit." In some cases, a criminal record will result in ineligibility for a visa; in other cases, it may be possible to apply for a waiver. It is possible that a visa applicant may be incorrectly subject to a NCIC "hit." The possibility of a false hit is more likely to occur in the cases of applicants with common names (such as Juan Diaz, Muhammad Ali), due to confusion with individuals in the database with similar names.

12. What can I do?

There is no formal expedited process for visa applications, you may only periodically inquire about the status of a pending visa application. You can contact the U.S. consulate that received the visa application, or DOS in Washington D.C., to inquire about a pending security check. You may also contact your Congressional Representative for assistance in making inquiries with DOS or other agencies. The constituent, who is either an affected applicant's family or employer, may work with the appropriate US Senator or Representative's office to request assistance in communicating with U.S. agencies. Keep in mind that for large states, such as California and Texas, a Representative's office may have more time available for a constituent assistance request. If you decide to request congressional assistance, contact the appropriate office and ask to speak to the Immigration Case Worker. The Case Worker will take your information and process your request. You may be requested to fill out forms and/or agree to waive certain privacy requirements, so they may contact the appropriate agencies regarding your case. Unless there are urgent and critical factors that justify expediting the request, it may take several weeks or months before you hear back from them. In addition, please note that in most circumstances, the congressional office only be able to provide general status updates.

> To contact a Congressperson:
>
> Senate: **http://www.senate.gov/**
>
> House of Representatives: **http://www.house.gov/**

13. What can I do if I am subject to a security delay due to government error?

The Department of State (DOS) does not have a system for reporting erroneous security check delays. The Department of Homeland Security (DHS) has set up a reporting system for false hits of both foreign nationals and American citizens. Their Traveler Redress Inquiry Program (DHS TRIP) is designed to accommodate and address applicant problems concerning misidentification and misplacement on government watch lists. TRIP is open to all travelers including, American citizens and domestic travelers. For more information visit their website, **https://www.dhs.gov/dhs-trip**.

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