

TRAVEL FAQ

This Fact Sheet has been prepared for all clients who may be considering international travel. The following are common questions you may have:

APPLYING FOR A VISA STAMP

Q: I need to apply for a visa stamp at a local U.S. Consulate. How long is it likely to take?

A: Consulates have been instructed to limit the number of visa interviews conducted by officers each day, in order to allow sufficient time to review any security concerns. As a result, we expect the wait time to schedule an appointment will lengthen over the next few months. In terms of application processing, a typical visa application without security concerns has traditionally been processed in 2-3 days, but we recommend allowing additional time in your trip in case processing slows; see below regarding potential security check delays. We also strongly urge you to schedule the appointment for the start of your trip to allow for more processing time.

Q: What are the chances that my visa application will be held for additional security checks?

A: There has always been the possibility that the Consular Officer will determine that additional security screenings are required for an application, either because of the nature of the applicant's work (e.g. certain technology, scientific, or research occupations), or due to their background (e.g. nationality, travel history, work and school history). See our separate Fact Sheet regarding Administrative Processing for more information.

In addition, recent guidance from the State Department instructs Consulates to identify "sets of applicant populations warranting increased scrutiny," which has been referred to as "extreme vetting." Consulates will be conducting additional security screenings on any applicants from those identified populations. It is unlikely that the Consulate or the State Department will publicly reveal which applicant populations are being targeted for additional screening. Those applicants identified for additional security screening may be asked to complete a [supplemental form](#) providing significant additional information about their travel, address, and employment history, along with any social media handles. Furthermore, Consulates have been instructed to perform mandatory social media checks on any applicants who were present in a territory at the time it was controlled by ISIS, and to perform additional security checks for any Iraqi nationals who were present in the territory at the time it was controlled by ISIS.

Q: How long do additional security checks take to clear?

A: In the past when visa applications were held for additional security checks, most were adjudicated within 3 weeks to 2 months (though there are always outliers which can take significantly longer). However, given the anticipated increase in additional security checks being ordered due to this new guidance, it is likely that the wait time for security checks could lengthen significantly. If your application is identified as needing additional security checks, you cannot return to the United States until those security checks are complete.

ENTERING THE UNITED STATES

Q: What should I carry with me to show U.S. Customs and Border Protection (CBP)?

A: At this time, there is no additional documentation you should have beyond what is normally recommended for travel. The standard documentation includes your permanent resident card (if applicable), passport with valid visa stamp or advance parole document, I-797 approval notice of your status, and if in an employment-based visa category, an employment verification letter from your employer and copies of recent pay statements.

Q: When may CBP detain me or deny my admission?

A: CBP officers have the authority on a case-by-case basis to detain individuals for whom they have “significant derogatory information indicating a serious threat to public safety and welfare”. Furthermore, CBP officers may opt to send any individual to “secondary inspection” should they have any concerns.

Q: If I encounter an issue at an airport or port of entry, can I speak with an attorney?

A: If a situation arises when you seek admission or entry to the U.S., you should request to speak to your attorney or to contact our office. However, you are not entitled to attorney representation while in deferred inspection at an airport or port of entry unless you become the focus of a criminal investigation and are taken into custody.

Q: What should I do (or not do) if detained or questioned by CBP?

A: Do not sign a Form I-407 or do anything to “abandon” your permanent residence or nonimmigrant status. Also, do not agree to “Stipulated Removal” or “Expedited Removal.”

Q: Does CBP have the right to search my electronic devices and social media accounts?

A: Yes. CBP policy states that all electronic devices, including those belonging to U.S. citizens, can be searched at a port of entry “without individualized suspicion,” with only very narrow limitations. The Supreme Court has upheld this right as a “border search exception” to the 4th amendment due to national security interests. Should you refuse a CBP request to search your devices, CBP could detain you until you consent; have you arrested for obstruction of justice; let you go and seize the device(s), to be returned generally within 5 days (but they can be kept for 15 days or longer); and/or you may be denied admission to the United States or even subject to expedited removal. Despite the invasion of privacy, we would strongly urge you to consent to such a request from CBP if you wish to enter the United States.

PLEASE NOTE: This FAQ is not intended to be exhaustive, nor should it be construed as legal advice as every situation is different. If you have a question about something that is not addressed here, or if you have a specific situation which may not be straightforward, you should contact the attorney handling your case to discuss your situation.