

ADMINISTRATIVE PROCESSING

While most visa applicants at U.S. Embassies and Consulates do not have a problem applying for and obtaining their visas, one should always be prepared for the possibility that his or her visa application may be selected by the State Department for “administrative processing” after review by a Consular Officer.

Background

Certain nonimmigrant visa applications are flagged for further background checks and placed in administrative processing, which is a temporary visa refusal under INA §221(g) pending further investigation. This generally involves a request for a Security Advisory Opinion (SAO) by a U.S. Consulate for a security check on a visa applicant.

While the specific reason for an application’s selection is never made clear, following are common reasons SAOs are requested:

- *Database Hits:* All visa applicants have their personal data checked against various databases, and the results of these checks are provided to the Consular Officer before he or she approves the visa application. If the checks indicate a possible match to an individual that the State Department has deemed adverse (e.g. a “name hit”), the Consular Officer must first confirm that the visa applicant is not the same individual before approving the application.
- *Country of Origin:* If a visa applicant is a national of a State Sponsor of Terrorism (Cuba, Iran, Sudan, or Syria) or has strong connections a country on the List of 26 (Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, Turkey, United Arab Emirates, or Yemen) his or her application may be flagged for additional security clearances.
- *Technology Alert List:* Administrative processing can be based on a person’s knowledge and/or training in sensitive technologies that are part of the State Department’s Technology Alert List (TAL, not publicly available) and are considered “dual use” - meaning that they can have military as well as commercial or academic uses. If a visa applicant intends to engage in activities that implicate the technologies listed on the TAL, the State Department must evaluate whether the risk is significant enough to warrant a denial of the visa application.
- *Further Consultation:* A case may be selected for administrative processing if the Consular Officer, after reviewing the visa application, believes, in his or her discretion, that further internal consultation within the State Department is necessary. In this case, there is no “hit” triggering the decision; rather, circumstances arose during the interview or from information in the record that made it impossible for the officer to render a decision at the completion of the interview.

What Happens at the Visa Appointment?

Among other determinations made during a visa interview, a Consular Officer is charged with ensuring that all necessary visa clearances have been conducted. As part of this process, a visa applicant's name is run through a name-check system referred to as the Consular Lookout and Support System (CLASS). Any existing problems in an applicant's background result in the applicant's name being flagged for further investigation.

Following a hit, the visa applicant's information is forwarded to other government agencies to run more thorough background checks to determine if, in fact, the applicant poses a security threat to the United States. One common reason for name hits in CLASS is that the applicant's name matches that of someone else on a government lookout list. If an SAO has been requested, a visa may not be issued until the opinion has been officially rendered and communicated to the requesting post.

What can I do to prevent administrative processing?

Unfortunately, there is nothing you can do to prevent administrative processing. If your case is flagged for further processing due to a security reason, there is nothing you can do in advance or at the interview to avoid it. In our experience, Consulates generally request some of the following types of additional information or documentation when an application is flagged for Administrative Processing due to the nature of the applicant's work or school background:

- An updated support letter from your employer.
- A current, detailed resume/CV listing your professional and/or academic background, three professional references, and a list of all publications (if appl.).
- A complete and detailed description of any research you intend to conduct in the U.S. and all past and/or current research you have conducted in all countries, including a description of the practical applications of your research or study (if appl.).
- Your current job title and a full description of your work.
- A detailed statement of the purpose of your visit to the U.S.
- An itinerary of all locations you will visit in the U.S., including dates, contact names, organizations, addresses and telephone numbers.
- Name of the person or organization that is funding your trip and your research.
- A list of all the travelers who will accompany you, including family members and colleagues.
- Dates and locations of all your international travel for the last 10 years, except for U.S. travel.

While assembling this information in advance will not prevent your application from being flagged, it would allow you to respond to a request more quickly.

How long does administrative processing take?

According to the State Department's website, most administrative processing is resolved within 60 days of the visa interview, but the timing will vary based on the individual circumstances of each case. In the experience of RSST Law Group, most administrative processing take 3-4 weeks to clear, but some cases, depending on the nature of the issue, can take several months. Should a visa applicant be subject to these checks, there is nothing that can be done to expedite the process – the applicant will simply have to wait until the visa is approved before traveling to the United States.

Future Visa Applications

Once issued, most SAOs are valid for a limited period of time. Therefore, visa applicants should understand that ultimate approval of the visa is not a blanket approval against administrative processing on future visa applications, whether renewal applications for the same visa category or new applications for a different visa category. An applicant may be subject to administrative processing each time he or she applies for a visa.