

Immigration Update

State Department Visa Revalidation Program Cancelled

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The reissuance of business-related visas to applicants inside the United States has been a valuable convenience to the international business community for many years despite processing times of three to four months. Unhappily, the Department of State is discontinuing its visa revalidation service because of mandated interviews and the requirement of § 303 of the Enhanced Border Security and Visa Entry Reform Act that U.S. visas issued after October 26, 2004, include biometric identifiers. The Department of State believes it is not feasible to collect biometric identifiers from applicants applying for visa reissuance in the United States.

The Department of State encourages all visa applicants to apply in their home countries at U.S. Consulates. There is a small group of exceptions - reissuance of a limited group of business-related visas by the Department of State using a mail-in process.

The visa adjudicating posts in Mexico and Canada can accept nonimmigrant visa applications from third country nationals, but their abilities are limited and delays in issuance are common. In all cases, visa applicants should schedule interviews for visa reissuance before traveling to Mexico or Canada.

The new requirement that all visa applicants be interviewed, combined with delays arising out of security name checks, means that foreign travel should be carefully considered for employees who don't have valid visas in their passports.

Please call if you have any questions or would like further information about visa issuance or travel guidelines.

U.S. Consular Posts in India Now Requiring Interviews for all NIV Applicants

The U.S. Embassy in New Delhi and the U.S. Consulate Generals in Chennai, Mumbai, and Calcutta are ending their "drop box" for submitting U.S. visa applications. This change means that all visa applicants must now appear in person for a visa appointment.

This personal interview and finger printing program has already been implemented in more than 150 U.S. consular posts around the world. All U.S. visa issuing posts will be collecting fingerprint data by October 26, 2004, complementing the U.S.-VISIT program in which nearly all visitors to the United States, including those from countries eligible for the visa waiver program, have their fingerprints and photograph taken at the airport on arrival in the United States.

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A HISTORY TO LEVERAGE

The schedule for ending the drop-box facility at posts in India is as follows:

New Delhi: Last day to submit applications via drop-box - June 30, 2004.

Chennai: Last day to submit applications via drop-box - June 30, 2004.

Calcutta: Last day to submit applications via drop-box - July 16, 2004.

Mumbai: Last day to submit applications via drop-box - July 20, 2004.

In New Delhi, Chennai and Calcutta, visa applicants should make appointments on-line at www.ttsvisas.com, or by visiting the offices of TT Services in Chennai, Bangalore, or Hyderabad if applying from Andhra Pradesh, Kerala, Karnataka, or Tamil Nadu. Applicants from Maharashtra, Gujarat, Goa, Madhya Pradesh and Chhattisgarh may make appointments on-line at www.visa-services.com or by visiting the office of the Visa Facilitation Service (VFS) in Mumbai, Ahmedabad, or Pune. Contact information and locations for TT Services and VFS offices can be found on the U.S. Embassy website.

U.S. consular posts in India must start collecting fingerprint impressions from all visa applicants, except those traveling on official government business or who are under age 14 or over age 79. The scanned fingerprint data collected at the time of visa application will be compared with fingerprint scans at the U.S. ports-of-entry.

Applicants should expect delays of at least several weeks in the availability of appointments during the summer months. The longest delays are in Chennai, due to the high volume of applications. Applicants from Chennai and Mumbai with urgent travel needs, who have good English skills and have not previously been refused a visa, may make appointments for visa interviews in New Delhi or Calcutta by going on-line at the internet address for TT Services given above. Should a sufficiently quick appointment not be available on-line, each post has procedures in place to handle requests for genuinely unanticipated urgent travel.

To avoid delays, visa applicants can take these steps:

- Plan ahead. If you need to travel between now and September, don't wait until the last minute to apply for an appointment.
- If you are not planning to travel until after October, please wait a few weeks to book your appointment. Consular officials anticipate that the wait for an appointment will be reduced once the summer rush is over.
- Have your travel plans organized. Applicants must provide details on when and where they will be traveling and where they will be staying, on the application form and at the interview.

Application forms and further information on application procedures are available through TT Services or Visa Facilitation Services. Forms and general information about the visa application process may also be downloaded from the Embassy web site at <http://newdelhi.usembassy.gov> or the Consulate General web sites at <http://chennai.usconsulate.gov>, <http://mumbai.usconsulate.gov>, or <http://calcutta.usconsulate.gov>.

Nancy-Jo Merritt focuses her practice in immigration law and has over two decades of experience representing domestic and international companies with issues concerning foreign national employees and business immigration matters. She provides strategic counseling to clients and assists employers in developing compliance programs. She earned her B.A., (1964) M.A., (1974) J.D., (1978) from Arizona State University.

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