

# U.S. Department of State Consular Affairs: Current Issues

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# Session Presenters

## **Department of State, Bureau of Consular Affairs**

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# NAFSA International Student & Scholar Regulatory Practice Committee (ISS RP)



## **Five subcommittees:**

1. International Student
2. Exchange Visitor Program
3. Employment Based
4. Travel
5. Regulatory Ombud (Regbuds)

## **Four primary functions:**

1. Identify critical trends in regulatory practice
2. Prioritize regulatory practice issues
3. Communicate to members about regulatory practice issues
4. Liaise strategically with topics developed

*Strength in Reporting!*

**Report problems to IssueNet Report an Issue: <http://issuenet.nafsa.org/>**

# Department of State Resources

- **Travel.State.gov “U. S. Visas”:**  
<https://travel.state.gov/content/travel/en/us-visas.html>
  - **Updates and Alerts (Banner)**
  - **U. S. Visa News**
  - **FAQs**
  - **Links to U. S. Embassies and Consulates**
  - **Visa Appointment Wait Times**
  - **Other Announcements and Information**

# NAFSA Resources

- **10 Points to Remember When Applying for a Student Visa**  
<https://www.nafsa.org/professional-resources/browse-by-interest/10-points-remember-when-applying-student-visa>
- **Government Connections “GovCons”** <https://www.nafsa.org/professional-resources/learning-and-training/nafsa-government-connection>
- **Adviser’s Manual 360**
  - Section 11.B Passport and Nonimmigrant Visa Requirements  
<https://www.nafsa.org/professional-resources/advisers-manual-360>
- **Coronavirus Critical Resources**
  - COVID-19 Restrictions on US Visas and Entry <https://www.nafsa.org/regulatory-information/covid-19-restrictions-us-visas-and-entry>

# Additional Resources

- **Worldwide Travel Restrictions Map** (IATA, International Air Transport Association) <https://www.iatatravelcentre.com/international-travel-document-news/1580226297.htm>
- **Immigration Update: Coronavirus** (Fragomen) <https://www.fragomen.com/about/news/immigration-update-coronavirus>

## Updates on Visa Services

On March 20, Department of State announced the [Suspension of Routine Visa Services](#) at all U.S. Embassies and Consulates, but we are aware that there has been some resumption.

Can you provide an update on the resumption of consular services? Are all consulates now providing routine visa services? If not, which consulates are closed or not operating fully?

# Priority for Student Visa Applications

On July 24 posted an update on [Travel.State.gov](https://travel.state.gov) stating that “Student visas are a high priority, and we will make every effort to assist student visa applicants in a timely fashion, while keeping our staff and customers safe.”

- Will DOS continue to prioritize student visa applications?
- Will DOS prioritize students whose appointments were cancelled due to COVID-19 Consulate closures?
- How can a student or other (such as H-1B) visa applicant request an expedited appointment?
- What are the criteria for granting an expedited appointment?



## Update on Travel Bans

Since there have been many COVID-related presidential actions (executive orders, memoranda, and proclamations) restricting travel, would you please provide an update on the status of each?

List at: <https://www.nafsa.org/regulatory-information/covid-19-restrictions-us-visas-and-entry#countryproclamations>)

- June 22 [Proclamation 10052](#) suspending entry of certain Hs, Js, Ls
- April 22 [Proclamation 10014](#) suspending entry of immigrants (who do not already have an immigrant visa) who present a risk to the U.S. labor market

## Update on Travel Bans, ctd.

### Country-Specific Covid-19 Proclamations

- China [Proclamation 9984](#), January 31
- Iran [Proclamation 9992](#) February 29
- European Schengen Area [Proclamation 9993](#) March 11
- Ireland and United Kingdom [Proclamation 9996](#) March 14
- Brazil [Proclamation 10041](#) May 24-25

# Travel Bans and National Interest Exceptions

Each proclamation provided an exception, generally for “an alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees.”

- Can you please explain how such a “National Interest Exception” is handled at consular posts?
- Must visa applicants file a specific request, how, what factors does DOS consider, and how is the exception granted?
- We have heard reports of visa applicants being granted an exception and given a document indicating a 30-day validity period, even when the recipient may not be eligible to enter the U.S. within 30 days. Can you explain this? Can applicants request an extension of the exception?

# Travel Bans and National Interest Exceptions: Schengen Area



On July 22, DOS provided an update at [Travel.State.gov](https://travel.state.gov) stating, in part, that

- “Students traveling from the Schengen Area, the UK, and Ireland with valid F-1 and M-1 visas do not need to contact an embassy or consulate to seek an individual national interest exception to travel. Students seeking to apply for new F-1 or M-1 visas . . . will automatically be considered for a national interest exception to travel.”
- And “J-1 students . . . who have a valid visa . . . that was issued prior to PP 9993 or 9996’s effective date or who are seeking to apply for a visa, and believe they may qualify for a national interest exception should contact the nearest U.S. embassy or consulate before traveling. If a national interest exception is approved, they may travel on either a valid visa . . . as appropriate.”

Would you please explain how the exception process and criteria for Schengen Area visa applicants differ from the process and criteria for other applicants?

# Waivers of Visa Interview Requirement

On August 25 DOS provided an update on [Travel.State.gov](https://travel.state.gov) stating that:

- Secretary Pompeo . . . has temporarily expanded the ability of consular officers to waive the in-person interview requirement for individuals applying for a nonimmigrant visa in the same classification. Previously, only those applicants whose nonimmigrant visa expired within 12 months were eligible for an interview waiver. The Secretary has temporarily extended the expiration period to 24 months. This policy is in effect until December 31, 2020.”

Can you provide an update about how this works? Will eligible visa applicants be automatically granted a waiver or must they specifically request it? If so, how? Are there specific criteria? How can applicants learn more about this?

# Refunds for Cancelled Visa Appointments

Per the Department of State's March 20, 2020 [news alert](#), “the Machine Readable Visa (MRV) fee is valid and may be used for a visa appointment in the country where it was purchased within one year of the date of payment.”

Is it possible for visa applicants to receive refunds if they are unable to schedule or attend their visa appointment within one year due to the uncertainty presented by COVID-19? If so, under what circumstances would a refund be issued, and how can applicants request a refund?

# Visas for Medical Professionals

On April 8, 2020, Department of State issued an [Update on Visas for Medical Professionals](#), stating “Medical professionals with an approved U.S. non-immigrant or immigrant visa petition (I-129 or I-140 with a current priority date, or similar) or a certificate of eligibility in an approved exchange visitor program (DS-2019), particularly those working to treat or mitigate the effects of COVID-19, should review the website of their nearest U.S. embassy or consulate for procedures to request an emergency visa appointment.”

How may medical professionals request an emergency visa appointment?

How many such appointments have been scheduled?

# Visa Appointment Wait Times Website

As this presentation was being prepared, the [Visa Appointment Wait Times](#) website appeared to have inaccurate or outdated information.

How is the information on this web site updated, and how frequently?

Should this web site be considered an accurate and timely resource for students and scholars?



# Acceptance of Electronic I-20s at Visa Interviews



Department of Homeland Security Guidance indicates:

"1. Can DSOs electronically send signed Forms I-20 to students instead of physically mailing the forms?

A. Yes, due to COVID-19, DSOs may electronically send Forms I-20 to student email addresses listed in SEVIS. In the case of a minor students, the email address may belong to their parent or legal guardian. Schools do not need to request permission from SEVP or report their plans to electronically send Forms I-20 as part of their COVID-19 procedural changes."

<https://www.ice.gov/doclib/coronavirus/covid19faq.pdf>, p.6

Are US Embassies and Consulates honoring this guidance, and have they been instructed to accept a print-out of a Form I-20 sent electronically to student visa applicants? Would Department of State post this information on its website so that students could prepare for their interview accordingly? Are you aware of plans to stop accepting such I-20s?

# DOS Requests for New I-20s to Confirm Program Start Dates



As this presentation was being prepared (early September) we were hearing from many student visa applicants who had been instructed by consulates to have their schools issue them new I-20s to confirm the listed program start dates. Apparently this was the case even for continuing students with program start dates in the past whose schools are continuing as planned with in-person instruction.

Can you explain this? Is it a DOS policy change? What can we expect for spring term? Can DOS provide guidance for posts if this is in error? If DOS' expectations concerning I-20s have changed, can DOS issue written guidance?

## Provisional Visa Revocations

Please review for us DOS' policy on provisional visa revocation

- Specifically, what are the reasons for such revocations?
- How are visa holders notified of a revocation?
- Does the revocation notice state the reason for it?
- Please confirm that the revocation affects the visa only and not the immigration status of someone in the U.S.

# Potential Visa Revocations for Chinese Nationals inside the U.S.



Section 6 of the [Proclamation on the Suspension of Entry as Nonimmigrants of Certain Students and Researchers from the People's Republic of China](#) states:

“The Secretary of State shall consider, in the Secretary’s discretion, whether nationals of the PRC currently in the United States pursuant to F or J visas and who otherwise meet the criteria described in section 1 of this proclamation should have their visas revoked pursuant to section 221(i) of the INA, 8 U.S.C. 1201(i).”

Are you aware of any developments concerning this aspect of the proclamation? As you can imagine, it is troubling for students and scholars in the U.S. and their advisors and the institutions that host them.

## Other News and Updates

Are there other updates that DOS can provide?

Any changes on the horizon?

Changes can we expect in 2021?