

Potential Delays in Visa Issuance and at Ports of Entry

There are a number of factors that may contribute to delays in having a visa issued to study in the United States. Heightened security measures instituted since September 11, 2001 have resulted in delays in visa issuance abroad—regardless of whether you are applying for first or subsequent visas in a specific classification.

Security checks, interview requirements, and transfer of data in SEVIS are causing extended delays. The Department of State's (DOS) web information on non-immigrant visas at http://travel.state.gov/visa/temp/info/info_1304.html and its link to individual consular posts at <http://www.usembassy.gov/> may be good sources of current information. The US Immigration and Customs Enforcement (ICE) of the Department of Homeland Security (DHS) also has a useful Information Sheet entitled "ARRIVING AT A U.S. PORT OF ENTRY ... WHAT A VISITOR CAN EXPECT" highlighting the necessary steps and procedures you will face. It may be accessed at http://www.ice.gov/sevis/factsheet/100104ent_exchng_fs.htm.

VISA INTERVIEW REQUIREMENT

On August 1, 2003, the Department of State introduced a new policy that requires almost all non-immigrant visa applicants to be interviewed before a visa is issued, with very few exceptions. This represents a big change in procedures for many consular posts, and is likely to slow down the process significantly.

SEVIS REQUIREMENTS

The I-20 form for F-1 visa applicants and the DS-2019 form for J-1 visa applicants are processed and issued through the internet-based Student and Exchange Visitor System (SEVIS). Visa officers are required to verify your record—and that of any dependents—in the SEVIS system before a visa can be approved. There have been some SEVIS data transfer problems and delays between the Department of Homeland Security and the Department of State. If the visa official is unable to access your record in SEVIS and you have a SEVIS I-20 or DS-2019, please contact the ISSO by email, phone or fax to alert us to the problem so we can follow up on it.

TECHNOLOGIES ALERT LIST AND SENSITIVE AREAS OF STUDY

Students, faculty and researchers who are considered to be studying, researching or teaching "sensitive areas" as determined by the U.S. government may also be required to undergo security clearances before a visa can be issued.

There is a document called the "Technology Alert List" that visa officers consult for this purpose. China, India, Israel, Pakistan and Russia have received special mention by the U.S. State Department in the context of this list because these countries are considered to possess nuclear capability that is of concern to U.S. national security. However, even if you are not a citizen of one of the countries listed above, your field of study (especially if it is in the sciences, technology or engineering) might require your visa application to undergo a security clearance REGARDLESS of the country you are from. Such clearances can add weeks to the amount of time needed for visa approval.

FORM DS-157: SUPPLEMENTAL NONIMMIGRANT VISA APPLICATION

This Department of State form supplements the DS-156 application for a non-immigrant visa. It is required of all males (except those with diplomatic status) between the ages of 16 and 45, and may be requested of any visa applicant, regardless of age, gender, or nationality (http://travel.state.gov/visa/laws/telegrams/telegrams_1432.html). In addition to completion of this form, the DOS continues to require a further security check for men from countries with large Muslim populations.

NAME CHECK BY DOS AND DHS

The "name check lookup" is conducted by the State Department at the time of visa application and by the Department of Homeland Security at the port of entry—irrespective of whether the visitor holds a valid visa. This name check has recently resulted in unexpected and severe problems for non-immigrants—some arising from previous overstay(s), others from discovery of a record of illegal activity in the United States, and others because of mistaken name matches with listings in the database.

SPECIAL REGISTRATION PROCEDURES FOR CERTAIN FOREIGN NATIONALS

Since September 11, 2002, certain non-immigrants are required to be fingerprinted and photographed at U.S. ports of entry and to make physical appearances to the United States Immigration and Customs Enforcement (ICE) office at specified intervals during their stay in the United States. Special Registrants are also subject to departure procedures from ports of entry specifically designated for departure control, and must report any changes of employer by filing [Form AR-11sr](#) and sending it to USCIS.

Currently, the published registration rule applies without exception to nationals or citizens of Iran, Iraq, Libya, Syria and Sudan. This list is subject to change at any time, and registration may be required of any non-immigrants of any nationality who are deemed by a consular officer or inspections officer to require closer monitoring.

If you undergo Special Registration when you arrive, failure to comply with ongoing requirements has severe consequences. Requirements are described at <http://www.ice.gov/doclib/pi/specialregistration/WalkawayMaterial.pdf>. This document is also available on the Bard payroll website. You are urged to contact the responsible officer if you have any questions.