AMERICAN IMMIGRATION LAWYERS ASSOCIATION

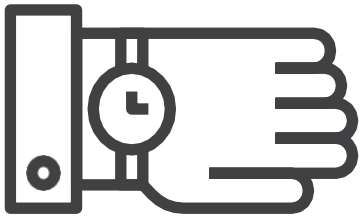
#AILAStandsWithImmigrants



PRACTICE ADVISORY: IMMIGRANT VISA (GREEN CARD) PROCESSING DELAYS

After enduring the COVID-19 pandemic for over a year, **most U.S. embassies and consulates are not operating at full capacity**. Due to limited appointment availability, a significant backlog was created for immigrant (IV) and nonimmigrant visa (NIV) applicants waiting a visa interview. IVs are for those seeking to come to the United States permanently as a legal permanent resident or green card holder, while NIVs are for those individuals seeking to come to the United States temporarily. The Department of State (DOS) prioritizes serving U.S. citizens abroad, which means that foreign national visa applicants are not a top priority.

Among foreign national applicants, the DOS is prioritizing IV applications. However, as of May 2021, there were more than 500,000 IV applications in DOS's backlog. The pace at which interviews can be scheduled depends on the volume, type of visa, local conditions, and government restrictions on movement and gathering. A reduced number of applicants are processed each day to abide by social distancing and other preventative measures. Once it is safe, routine visa services will resume.



U.S. embassies and consulates are using a tiered approach to triage immigrant visa applications based on the category of immigrant visas as they resume and expand processing. Scheduling of appointments are prioritized as follows:

TIER 1: Immediate relative intercountry adoption visas, age-out cases (cases where the applicant will soon no longer qualify due to their age), and certain special immigrant visas (SQ and SI for Afghan and Iraqi nationals working with the U.S. government)

TIER 2: Immediate relative visas; fiancé(e) visas; and returning resident visas

TIER 3: Family preference immigrant visas and SE Special Immigrant Visas for certain employees of the U.S. government abroad

TIER 4: All other immigrant visas, including employment preference and diversity visas.

U.S. embassies and consulates are also prioritizing the processing of immigrant visa cases previously refused under rescinded Presidential Proclamations 9645 and 9983, which suspended entry into the United States of certain nationals from Burma, Eritrea, Iran, Kyrgyzstan, Libya, Nigeria, North Korea, Somalia, Sudan, Syria, Tanzania, Venezuela and Yemen.

IV applicants who were previously refused due to either P.P. 9645 or 9983 and were determined not to qualify for a waiver before January 20, 2020, may either (1) reapply for a visa by submitting a new visa application (DS-260) and paying a new visa application processing fee or (2) request their local embassy or consulate to reconsider their case within one year of the date of their waiver refusal without submitting a new application or paying a new visa application processing fee.

IV applicants who were refused due to either P.P. 9645 or 9983 and whose eligibility for a waiver was still being evaluated as of January 20, 2021, will continue to have their applications processed and prioritized.

WHAT OUR OFFICE IS DOING

If you have questions regarding your case, we encourage you to contact our office at LLG Attorney at Law, APC at (760) 517-7861.

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