

## 221G OR ADMINISTRATIVE PROCESSING AT THE U.S. CONSULATE OFFICE.

As part of the Visa Application process, applicants are routinely interviewed by a Consular Officer. Occasionally, some applications are placed under Administrative Processing, which indicates the Consular Officer determined that additional information or a closer review is necessary before making a final determination of an approval or a denial of the application. Applicants are advised that their case is under Administrative Processing and that the processing time is typically resolved within 60 days of the visa interview. Exact times, however, will vary greatly depending on the individual circumstances of each case. Therefore, visa applicants are reminded to apply early for their visa, well in advance of the anticipated travel date.

This article will describe the “Administrative Processing” and its "basics" about timetable.

### **What is the Definition of “Administrative Processing”?**

The Foreign Affairs Manual (FAM) provides the following brief definition of “administrative processing”:

The phrase ‘necessary administrative processing’ should be used to refer to clearance procedures or the submission of a case to the Department.

The FAM also counsels consular officers not to reveal to visa applicants the specific reason for administrative processing in a given case:

Posts should not inform interested persons, including attorneys, that a case has been referred to the Department for a name-check or an advisory opinion...

**Further Consultation:** A consular officer can advise an applicant that further “administrative processing” is required in his or her case if the consul believes that there are circumstances that require further internal consultation within the mission or with DOS. In such cases, it is not the existence of a lookout hit that triggers the decision, but other circumstances that either have arisen during the interview or are based on information in the record that makes it impossible to render the decision at the completion of the interview.

This type of case normally requires an Advisory Opinion from the Office of Legal Affairs in the Bureau of Consular Affairs Visa Office.

**Database “Hit”:** All visa applicants have their biographic and biometric data checked against various databases and the results are provided to the consular officer for consideration during visa adjudication. If these checks indicate a possible match (or “hit”) to a person about whom the U.S. government holds adverse watch list information, consular officers must “clear” the hit by seeking confirmation that the person applying for the visa is not the same person on the watch list before issuing the visa.

**Technology Alert List:** Administrative Processing can be the outcome of certain visa applications...where the applicant’s intended commercial or academic activity triggers concerns about the possible illegal transfer of technology as defined in the Technology Alert List (TAL).... When a consul encounters an applicant who intends to pursue activities in one

of the areas included on the TAL, the consul must submit an inquiry on the matter to DOS for a determination of whether the risk is significant enough to require a visa denial.

These last two types of Administrative Processing scenarios, or requests for Security Advisory Opinions (SAOs), are also referred to as Visa Donkey for name hits; Visa Mantis for cases involving sensitive or dual-use technology; and Visa Condor for nationals of state sponsors of terrorism.

### **What are the Administrative Processing Timetables?**

The [DOS Administrative Processing webpage](#) informs us that “most administrative processing is resolved within 60 days of the visa interview.” In other words, clients whose visa applications are subjected to administrative processing can be advised that their case will likely be resolved within two months of the visa interview.

### **Can an applicant be subject to administrative processing each time he or she applies for a visa?**

Yes. There are instances – particularly those involving security clearances – in which Consular Officers are bound by law or interagency agreement to send a case for administrative processing every time an individual applies for a visa.

### **When can I follow-up on an administrative processing case?**

The [DOS Administrative Processing webpage](#) states:

Important Notice: Before making inquiries about [the] status of administrative processing, applicants or their representatives will need to wait at least 60 days from the date of interview or submission of supplemental documents, whichever is later.

### **Who should I contact to follow-up on an administrative processing case?**

1. After waiting 60 days from the date of interview, contact the consular post where your client was interviewed.
2. If no timely response is received from the consular post after 30 days, follow up with the post for a status inquiry.
3. If after your follow up, the case remains pending with no substantive response, AILA recommends that you continue to follow up on the status of the case directly with the post at least once a month.
4. For long-pending administrative processing cases, consider seeking congressional assistance if it is an option for your client.

If you should have any questions about Administrative Processing if you need more information about the way that the U.S. Immigration and Nationality Laws may impact you, your family, your friends or your colleagues, please feel free to contact the U.S. Immigration and Nationality Lawyers at the NPZ Law Group – VISASERVE – U.S. Immigration and

Nationality Lawyers by e-mailing to us at [info@visaserve.com](mailto:info@visaserve.com) or by calling us at 201-670-0006 (x107) or by visiting our Law Firm's website at <http://www.visaserve.com>