



Legal Disclaimer

The information contained in this script is for general guidance on matters of interest only. The application and impact of laws can vary widely based on the specific facts involved. While we have made every attempt to ensure that the information contained in this script has been obtained from reliable sources, Maggio & Kattar and The Pennsylvania State University Law School's Center for Immigrants' Rights is not responsible for any errors or omissions, or for the results obtained from the use of this information

1. What is administrative processing?

Administrative processing, also known as Security Advisory Opinion (SAO), is the time period during which visa applications undergo additional review outside of the "normal" visa processing times. Administrative processing takes place after the visa interview. Before issuing a visa, consular officers review different databases to determine if information exists that may impact individual eligibility for a visa. A "hit" on a particular database occurs when there is a match between the visa applicant and a database. These hits may be based on criminal convictions, security risks, and prior visa overstays or denials (this list is non-exhaustive). When an individual case has been tagged in a database, the Department of State, at the request of the consular post, may initiate administrative processing.

2. What is the stated purpose of administrative processing?

The purpose of administrative processing is to ensure that the applicant poses no security or related risk to the United States. For more information on the stated purpose of administrative processing see here:

<http://2001-2009.state.gov/r/pa/ei/othertstmy/32984.htm>

3. What happens if I am placed in administrative processing?

After being placed in administrative processing, the applicant will receive a section 221(g) letter indicating that his case will be put on hold until the applicant's visa eligibility can be determined. Generally there are two types of 221(g) cases: administrative processing cases and post-related cases, in which the consular officer

requires additional information or documentation before making a final decision. Find more information on INA section 221(g) here:

<http://travel.state.gov/content/visas/english/general/ineligibilities.html>

Different color letters are issued for different reasons by different consulates. For example the US consulate in Chennai, India issues a pink 221(g) letter for administrative processing cases. A sample letter can be found here:

<http://www.path2usa.com/samples/sample-221g-letter-pink.jpg>

4. What should I do if I believe I was placed in administrative processing but I did not receive any notice?

If you did not receive notice stating your application was placed in administrative processing, confirm with the consulate post handling your visa application that your case has been placed in administrative processing. To confirm your case, you may visit or email the consulate. In some cases, you may wish to contact the consular officer who conducted your visa interview via telephone.

5. If my application is subject to administrative processing, does this mean my visa application was denied or will be denied?

Not necessarily. When an individual is placed in administrative processing, visa eligibility has not been determined. Rather, the individual case resulted in a hit on a database used by the consular post. Whether or not the visa application will be denied or approved will depend on the results of the SAO and will vary on an individual basis.

6. How long does administrative processing last?

According to the Department of State (DOS), most administrative processing cases are resolved within 60 days after the visa interview. More information can be found here:

<http://travel.state.gov/content/visas/english/general/administrative-processing-information.html>

However, individuals should review the appropriate consulate website to determine the average length of time for administrative processing in that country. A link to this information can be found here: <http://travel.state.gov/content/visas/english/general/wait-times.html>

It is important to note that the time period for administrative processing is outside “normal” visa processing time. The administrative processing period will also vary based on individual circumstances of each case.

7. Before a decision is made on my visa but after I am placed in administrative processing, how can I find out why there was a hit on my case? Can I challenge a decision by the consulate to place me in administrative processing?

There is no formal process to challenge administrative processing. However, additional documents clarifying the individual case may and should be sent to the consular office or post.

8. What should I do after I am placed in administrative processing?

If the consular post handling your application has a website, review the consular website to determine if there are any particular instructions to follow when making status inquiries. For example, the US consular post in Lima, Peru asks applicants to wait two months before contacting the office. A link to this information is available here: http://lima.usembassy.gov/contact_us2.html

Also, The Department of State maintains a site that allows applicants to check the status of their visas. That information can be found here: <https://ceac.state.gov/CEAC/>

Additionally, applicants may check the status of their case by calling the DOS visa office at 202-485-7600. Please provide all relevant information, including name, date of birth, passport number, where and when the applicant submitted the visa application.

9. It has been more than 60 days since I was placed in administrative processing, what should I do?

Contact the consulate handling your application 60 days after the initial visa interview or submission of any additional documents, whichever date is later. However it is important to note the time period for administrative processing varies by country. You may wish to check the consulate website to determine the average time period for administrative processing. If a SAO has been pending more than 90 days, an attorney can inquire via email to the DOS LegalNet within the Visa Office or call DOS at 202-485-7600.

10. How do I know if I am potentially subject to administrative processing when applying for my nonimmigrant or immigrant visa?

a. **Country of nationality:** If you reside in or are a national of the following countries, you may be subject to administrative processing:

- i. Afghanistan, Algeria, Bahrain, Djibouti, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, or Yemen.

b. **Name-check:** Every applicant for any visa must undergo a name-check. Name checks are the process by which the visa applicant's name is cross referenced

through the various databases. Consular Lookout and Support System (CLASS) is the principle lookout database used by DOS. For example, if your name is similar to the names of individuals who may be suspected of criminal or terrorism-related activities, you may be subject to administrative processing.

- c. **Criminal record:** If you have ever been arrested, cited, charged and/ or convicted for any offenses anywhere in the world, you may be subject to administrative processing.

If the consular officer suspects the applicant may be ineligible for a visa, he may request an SAO. The following is a list of acts that may prompt administrative processing based on visa ineligibility. For a complete list of visa ineligibilities, see here:

<http://travel.state.gov/content/visas/english/general/ineligibilities.html>

- d. **Prejudicial activities, espionage, sabotage, or prohibited export of sensitive technology or sensitive information:** The purpose of administrative processing related to these activities is to protect national security by preventing the export of goods, technology, or sensitive information through activities such as graduate-level studies, teaching, conducting research, participating in exchange programs, receiving training or employment, or engaging in commercial transactions, and to protect the US from visitors who may wish to cause harm. If you work in a field described below or are engaged in an educational or research program involving such a field, you may be subject to administrative processing. The technology Alert List (TAL) is a list created to provide guidance to consular officers when reviewing visa applications in order to prevent export of sensitive information or technology. Although TAL may be applied to applicants from any country, students and scholars from the DOS state sponsors of terrorism list (Cuba, Iran, North Korea, Sudan and Syria) and the five nonproliferation export control countries (China, India, Israel, Pakistan and Russia) are the groups most impacted by TAL-related issues and delays. (Please note that the list below is non-exhaustive, and the actual TAL is classified)

List source: <http://www.bu.edu/isso/forms/tal.pdf>

- i. Conventional Munitions;
- ii. Nuclear Technology, Physics, and Engineering;
- iii. Rocket Systems and Unmanned Air Vehicle;
- iv. Navigation, Avionics and Flight Control;
- v. Chemical, Biotechnology and Biomedical Engineering;
- vi. Remote Sensing, Imaging and Reconnaissance;
- vii. Advanced Computer/Microelectronic Technology;
- viii. Materials Technology;
- ix. Information Security;

- x. Laser and Directed Energy Systems Technology;
 - xi. Sensors and Sensor Technology;
 - xii. Marine Technology; and
 - xiii. Robotics Urban Planning
- e. **Terrorist activities or terrorist associations:** If you or your family members have been accused of or involved in terrorist activities or associations, or you provided support to any potential terrorist organizations, or you or your family members have ever been arrested, interrogated, or jailed for potential terrorist activities, you may be subject to administrative processing and may be inadmissible to enter the United States.
- f. **Entry would have serious adverse foreign policy consequences:** If your entry to the United States would have potential adverse foreign policy consequences on the United States, or if you have been involved in violations of human rights, or if you have been affiliated with potential parties or groups opposed to the United States, you may be subject to administrative processing and may be inadmissible to enter the United States.
- g. **Membership or affiliation with communist or totalitarian activity:** If you have been a member of or affiliated with a communist or totalitarian party, you may be subject to administrative processing and may be inadmissible to enter the United States. This does not apply where membership is or was involuntary, was solely while under the age of 16, by operation of law, for the purpose of obtaining employment, food, or essentials of living, or membership or affiliation terminated two or five years (in the case of membership or affiliation with the party controlling a government that is a totalitarian dictatorship) before an application for a visa.
- h. **Participation in Nazi persecution or genocide and commission of acts of torture or extrajudicial killings:** If you are from a country with a history of violence and human rights violations, and you were in the military, involved in any local militia or guerilla groups, or a member of government in positions of authority, you may be subject to administrative processing and may be inadmissible to enter the United States.
- i. **Recruitment or use of child soldiers:** If you come from a country where child soldiers are used by military forces, governmental or opposition and you were involved in any such recruitment activities, you may be subject to administrative processing and may be inadmissible to enter the United States.

11. If I am denied a visa after administrative processing, can I appeal the decision?

Visa denials generally cannot be appealed; however applicants may reapply for a visa in the future. Applicants who reapply for a visa generally submit a new visa application and pay a new application fee (There is an exception for 221(g) visa refusal). More information can be found here:

<http://travel.state.gov/content/visas/english/general/denials.html>

12. Where can I find more information on administrative processing?

The DOS website on administrative processing can be found here:

<http://travel.state.gov/content/visas/english/general/administrative-processing-information.html>

Additionally, Anna Gallagher, a Shareholder at Maggio & Kattar, and the head of its Litigation and Global Practice areas has published an article on administrative processing available at: Anna Gallagher, [*Guiding your Client Through the Fog: Administrative Processing and the Visa Application Process*](#), 13-10 Immigr. Briefing 1.