

**AILA DOS Liaison Committee Liaison Meeting with the Department of State  
March 20, 2024**

**Introduction**

The Department of State's Office of the Assistant Legal Adviser for Consular Affairs (L/CA), in coordination with the Visa Office in the Bureau of Consular Affairs, appreciates the opportunity to continue the semi-annual engagements with the AILA DOS Liaison Committee. We believe these discussions, and publication of Department responses to issues raised by AILA on Travel.State.Gov, are valuable opportunities to provide insight and clarity concerning the Department's current immigration policies and procedures. Following are Department responses to issues raised by AILA for consideration at the Spring Meeting held of March 20, 2024.

**Statistics**

1. AILA notes that as of the submission of this agenda, the [Report of the Visa Office](#) Statistical Tables have not yet been posted for FY 2023. This data is vital for monitoring immigrant and nonimmigrant visa issues and maintaining immigration programs in shortage occupations, including healthcare and technology. Can DOS confirm when it expects to post its yearly data on travel.state.gov?

**Response: The Visa Office is currently working on the *Annual Report of the Visa Office* and has posted several IV tables. The Visa Office will continue posting report tables in the coming weeks.**

**Technology Issues**

2. Since the new USTravelDocs/US Visa Scheduling website was rolled out in the summer of 2023, AILA members (members) have continued to report issues with appointment scheduling, courier fees, and mail-in applications, specifically in countries such as Australia and Japan. AILA reported some of these challenges specific to Mission India during the [October 2023 liaison meeting](#), and we were advised to tell members to report these issues directly to the consular post technology/customer support email (e.g., [support-country@usvisascheduling.com](mailto:support-country@usvisascheduling.com)). Despite reporting these technical issues via the support email addresses, members report that the consular posts are unresponsive, and technical problems continue. Can DOS advise the best way to raise technical issues when the consular posts are unresponsive? Is there a more direct contact for reporting these technical issues in the new visa appointment systems? Addendum A includes some recent examples from our members and relevant questions.

**Response: Please see the answers to Addendum A below.**

3. At our [meeting in October 2023](#), DOS introduced AILA to the Visa Navigator (Navigator) function that has been added to many consular websites, including the TravelDocs sites.

The Navigator is typically a Google Forms-based AI assistant that guides users to a solution or embassy contact for further action. Nevertheless, AILA members report issues with Navigators failing to provide appropriate guidance, misdirecting to deadlinks, or providing confusing information. Can DOS provide AILA with additional information on the Navigator systems? Does DOS have a specific point of contact with whom to raise questions or concerns about a Navigator’s functionality?

**Response: The Visa Office welcomes feedback on Navigator functionality and will act quickly to correct any technical issues and clarify information and guidance. AILA members can email the Visa Office through our Navigator [Feedback Portal](#) with questions or concerns. Please note this portal is a technical feedback tool only and will not be able to provide policy guidance or assist with any individual cases.**

### **Stateside Visa Renewal Pilot Program**

4. AILA welcomed the launch of the [Stateside Renewal Visa Pilot Program](#) on January 29, 2024. As stated previously, this pilot program is a clear indication of DOS’s commitment to innovate and modernize visa processing. It is a critical step toward increased efficiency and certainty for H-1B workers and U.S. employers. Please confirm:

- a. Was the initial implementation of the pilot successful for both Mission India and Mission Canada?

**Response: The Visa Office is pleased to share that thus far, the pilot has been successful. We are still accepting applications to the pilot until April 1st, but thousands of H-1B workers have successfully renewed their visas through the domestic renewal pilot. While we certainly saw strong participation from big companies, the vast majority of the companies whose workers have benefitted from this pilot had only one participating worker. This pilot also benefitted a wide range of employers, from academia, hospitality, and retail and manufacturing to tech companies and the financial sector.**

- b. Are there any program metrics or statistics that DOS can share with our members?

**Response: Since the pilot is ongoing, we aren’t ready to release statistics, but our average turnaround time for approved applications has been under two weeks.**

- c. When can we expect updates regarding the program’s expansion into other nonimmigrant visa (NIV) categories and Missions?

**Response: At the conclusion of the pilot, we will examine the process and results and consider how we can expand this program to a wider range of applicants residing in the United States.**

### **LegalNet Reviewability and 214(b)**

5. AILA understands that LegalNet will not review “factual determinations made by a US consular officer, including a refusal under INA 214(b) in a B1/B2 visa application.” 9 FAM 103.4-2e(2). Under 9 FAM 302.1-2(B)(4), a 214(b) refusal may be issued based on a consular officer’s determination that the applicant does not qualify for the visa for which the applicant has applied. This may not be a factual determination but a legal one or both. Can DOS confirm that 214(b) refusals not based on immigrant intent may be subject to LegalNet review (e.g., substantive legal determinations on whether an investment is “substantial” for an E-2 visa or whether educational credentials satisfy the requirements to qualify for an H-1B1 visa)?

**Response: Yes, LegalNet has been reviewing, and will continue to review, inquiries regarding applications that were refused under INA 214(b) for reasons other than a finding that the applicant is an intending immigrant. Based on a review of the inquiry and the specific visa application, LegalNet will determine whether a matter of legal interpretation is implicated or whether the dispute is primarily factual in nature. LegalNet can only review matters of law and cannot review the factual findings of the consular officer.**

### **Dependent E-3 Visa Annotations**

6. On November 12, 2021, USCIS issued a policy announcement to consider E and L spouses to be employment authorized based on their valid E or L nonimmigrant status. Subsequently, the Department of Homeland Security (DHS) added new Class of Admission (COA) codes to distinguish between E and L spouses and children. Specifically, for E-3 spouses, as of January 30, 2022, U.S. Citizenship and Immigration Services (USCIS) and Customs and Border Protection (CBP) began issuing I-94s using the new COA code for E-3 spouses as “E-3S.” [9 FAM 402.9-9](#) acknowledges this distinction but does not address any updates by DOS. AILA members have reported issues in E-3 dependent visa applications and subsequent visa annotations upon issuance of their E-3 dependent visas. Although the new designation and COA for dependent spouses of E-3 principals is “E-3S”, the visa annotation on the visa foil is still the previous designation of “E-3D.” This creates confusion when completing the DS-160 and upon visa issuance. The old E-3D annotation also creates confusion upon entry through a port of entry, where, relying on the annotation on the visa foil, some CBP officers enter the E-3D designation on the applicant’s I-94 entry record. This adversely impacts the traveler because to be authorized to work incident to status, the I-94 must reflect the COA code of E-3S. As such, a COA code of E-3D is problematic and inconsistent and requires subsequent I-94 corrections via CBP

Deferred Inspections. Would DOS consider updating its visa annotation and FAM guidance in 9 FAM 402.9-3 and 9 FAM 402.9-8(L) for dependent spouse E-3 visa holders to “E-3S” to be more aligned with USCIS and CBP? Would DOS also consider adding “E-3S” as a visa classification on the Form DS-160?

**Response: The visa classification code for spouses and children of E-3s is established in Department regulations at 22 CFR 41.12 as E-3D. We currently have no plan to change that; however, we will assess whether, at some future point, the regulation codifying the E3-D visa classification code should be updated to mirror the COA code used by DHS.**

### **Electronic Passports**

7. For ESTA travelers, [CBP recognizes](#) and accepts electronic (e-) passports issued by Visa Waiver Program (VWP) partners. How are U.S. consulates handling visa applications for applicants with e-passports from countries that are not VWP partners? Are there plans to expand capabilities to allow for visa processing for applicants from non-VWP countries that are implementing the use of electronic passports?

**Response: Visa application and issuance procedures are the same for regular and e-passports. For any differences in the inspection process for persons arriving at U.S. ports of entry, we defer to CBP.**

### **H-1B1 Free Trade Agreement Visas**

8. AILA members report issues with applying for a new H-1B1 visa foil in Singapore, where there is a change of employer. The US Embassy in Singapore does not allow applicants to schedule a visa appointment. It claims that the applicant can use their valid visa with the existing employer visa to enter the U.S. in H-1B1 status to work for the new employer. While this may be permitted in H-1B petition cases, H-1B1 visa applications are unique as applicants do not have a Form I-797 Notice of Approval confirming the change in employment and new employment period. 9 FAM 402.10-5 does not provide guidance on how officers should handle a change of employer visa application for H-1B1 visa applicants. Can DOS please clarify how an applicant can secure a new H-1B1 visa when there is a change in employer? In addition, can DOS update its FAM guidance to cover the change of employer scenario for H-1B1 Free Trade Agreement Visas for Chileans and Singaporeans?

**Response: Based on our communications, we understand U.S. Embassy Singapore is advising applicants to apply for new H-1B1 visa if there is a change in employer, and the embassy is not turning away H-1B1 applicants who have new employers. The embassy is also not attempting to dissuade applicants from applying for new H-1B1 visas. We confirmed that the embassy’s call center does not address questions related to changes in employer, but directs such applicants to contact the consular section if they have questions. U.S. Embassy Singapore has ample appointments for work visa applicants,**

**including H-1B1s, and they are allowed to renew their visas through interview waiver if they establish eligibility for IW.**

### **F-1 Visas for International Collegiate Athletes:**

9. In Feb 2024, the National Labor Relations Board (NLRB) determined that Dartmouth's NCAA D1 men's varsity basketball team players are "workers" under the National Labor Relations Act eligible to unionize. ([Trustees of Dartmouth v. Service Employees, Case No. 01-RC-325633 \(NLRB 2024\)](#)). In 2021, the Supreme Court (NCAA vs. Alston, 141 S. Ct. 2141 (2021)) found NCAA athletes can earn money for the use of their Name, Image, and Likeness (NIL), with many states now following suit. Considering these recent decisions finding collegiate athletes eligible to earn money for NIL, and as workers eligible to unionize, can DOS please clarify its position on collegiate athletes in F-1 status competing in the U.S. and whether their activities are considered "work"? Similarly, will a consular officer consider a collegiate athlete earning money for use of their NIL while in F-1 status as "work"? With more than 20,000 international collegiate athletes in the U.S., AILA would like to share any available guidance with members to ensure these international collegiate athletes maintain their F-1 status and do not jeopardize future visa renewals and applications.

**Response: We remain in close contact with our colleagues at the Department of Homeland Security's Student and Exchange Visitor Program (SEVP) and U.S. Citizenship and Immigration Services (USCIS), who continue to actively discuss international student-athlete compensation for the use of their name, image, and likeness (NIL) and assess these issues, including whether regulatory changes are required. Any changes to visa requirements or permissible activities will be communicated through all appropriate channels and we would expect SEVP to provide updates through Study in the States, social media, and field representatives.**

### **Visa Appointments and Processing**

10. AILA members report that appointment availability at the US Embassy in Paris has drastically reduced for the remainder of 2024, particularly in the E and B visa categories. For example, the earliest E-2 visa appointment (initial, renewal, dependent) is currently, as of the date of this agenda, showing as January 2025. For B visas, the reported wait time posted as of February 23, 2024, is 397 days. Members have received correspondence from the US Embassy in Paris stating that appointments will likely not be available for much of the summer, especially during the Olympics. Please confirm:

- a. Can DOS share any guidance concerning what our members and their clients should expect in light of the Summer Olympics in Paris and its potential impact on consular operations in France?

**Response: Consular operations consist of services for both noncitizens and American citizens (ACS). The highest priorities for our consular operations are the protection of the lives and serving the interests of U.S. citizens overseas. In conferring with embassies and consulates in countries that have hosted major international athletic events such as the Summer Olympics or Paralympic Games (e.g., Rio de Janeiro and London), we anticipate the need to provide services for U.S citizens will increase in the coming months and that will limit routine visa services. In order to limit the impact of the Summer Olympics on routine visa services, temporary duty (TDY) personnel will be added to Mission France to assist with ACS and visa workload; however, you should not expect normal wait times for visa appointments until later in CY 2024.**

**However, this is a great opportunity to remind everyone that people can apply for a nonimmigrant visa anywhere they are physically present and able to schedule and attend a visa interview, if needed. Please remember the applicant must pay the MRV fee in the country in which they will have the appointment.**

- b. Have additional resources been committed to supporting the US Embassy in Paris, considering the increased presence of U.S. citizens in Paris this summer, and increased international travel within the country?

**Response: Yes, TDY personnel have been assigned to Mission Paris, and this additional support will allow both Marseille and Strasbourg to provide consular services; however, ACS remains the priority.**

11. Members have noted the visa appointment wait times for some posts within Mission India are missing data, suggesting that some posts may not provide services for certain visa categories. For example, Mumbai does not show wait times for H, L, O, P, or Q visas; Kolkata does not show wait times for H, L, O, P, or Q visas or C, D, or C1/D visas. The latest guidance from the AILA DOS Liaison Committee meeting with Mission India in April 2023 was that “All posts process all visa types except for Blanket Ls, which are centralized in Chennai, and Immigrant Visas (IVs), which are processed in Mumbai.” Has there been a consolidation of visa appointments in Mission India? Are there other operational changes for Mission India that AILA should note for our members?

**Response: Wait times for Consular Team India (CTI) are posted on [Travel.State.Gov](https://travel.state.gov). Below is a post-by-post listing of where specific visa categories are adjudicated (WI = Walk In; IW = Interview Waiver):**

POST	B	C1/D	FMJ	H&L*	Specials**
Chennai	WI & IW	WI & IW	WI & IW	WI & IW	WI & IW
Hyderabad	WI & IW	None	WI	WI	WI
Kolkata	WI & IW	None	WI	None	WI
Mumbai	WI & IW	WI	WI	None	WI
New Delhi	WI & IW	WI	WI	None	WI

\*Blanket Ls are adjudicated in Chennai only, but we likely will move these to Hyderabad by late in the year/early 2025.

\*\* "Specials" refer to non-H&L petition-based classifications: O, P, Q, and R.

- **New Delhi will soon take on all B lws (anticipated 1 May), except for a nominal number in the other four posts.**
- **All non-specified classifications that require fee payments (e.g., E, I, etc.) fall under the "B" category for appointments and processing.**
- **Kolkata, Mumbai, and New Delhi no longer process H&Ls as of November 2023.**
- **Hyderabad and Kolkata do not routinely process C1/Ds, except as needed on a case-by-case basis.**
- **"J" visas have their own appointment buckets for IW and WI, but fall under the FMJ category in terms of where processed.**

### Waiver Review Division (WRD)

12. Health and Human Services (HHS) research-based J-1 waivers are taking at least three years to be recommended by HHS. Previously, WRD has advised AILA members that while the online case status for HHS research-related DS-3035 applications awaiting an HHS recommendation might show the case as closed, members could email WRD to have the cases reinstated so they could proceed once HHS recommended the waiver. Recently, we have become aware of at least four cases where the HHS waiver was pending, and WRD closed the DS-3035 files, requesting the filing of a new form and fee. In response to a member inquiry, WRD advised via email that it generally keeps DS-3035s active for 2 years but will keep them open for three years for cases with HHS waiver applications. Applicants must file a DS-3035 at the outset of the waiver application, and HHS's processing times are lengthy. Refiling a new DS-3035 after HHS makes a recommendation further delays adjudication. Please confirm:

- a. Will WRD agree to continue its current practice of not formally closing files related to HHS research waiver applications, given the increasingly lengthy processing times experienced by applicants?

**Response: WRD was previously unaware that recommendations by HHS for research-based J-1 waivers were taking more than two years before reaching our office for**

**adjudication, but can commit to not formally closing such applications that exceed two years of inactivity by no fault of the applicant. In cases that have already been administratively closed, we may request the applicant re-submit some documents but will not require a new processing fee to be paid.**

- b. In situations where WRD requires an updated DS-3035 due to lengthy HHS waiver processing, can the applicant submit the new form via email without payment of a second fee?

**Response: Although we will not require that a second fee be paid, we may request that applicants provide copies of their initial application or updated information via email for cases pending more than two years.**

- c. If WRD plans to close the file due to lengthy HHS waiver processing, can WRD notify applicants before the file is closed so that counsel may confirm with WRD that the case is still being pursued?

**Response: Yes.**

13. Members have reported communication issues with WRD's online case status system and related communications throughout the process. Can WRD please address the following?

- a. Initial Recommendation Stage: When an applicant applies to their home country's government for a [No Objection Statement](#), the home country's government sends its statement directly to WRD via email (WRD-NOS@state.gov). Specifically, its Embassy in Washington, DC, must issue and send the statement directly to WRD without the applicant's involvement. Applicants often cannot track that communication, and members report that there can be lengthy delays in seeing the appearance of the no objection statement in the applicant's online case status. What is the typical timeframe for updating the online case status to reflect the WRD's receipt of the home country government's No Objection Statement?

**Response: Once an embassy submits a No Objection Statement to WRD via email, it can take 1-2 weeks before being updated on the applicant's case status tracker.**

- b. Pending Case Stage: In an October 2022 call with AILA, WRD advised that it no longer regularly monitors its fax number and that members should email WRD for assistance. Members have reported that when WRD issues Requests for Information (RFIs), WRD directs the response to be submitted via its fax number (202-485-7696), but the fax transmissions are incomplete. Can WRD confirm that email is the best way to submit responses to RFIs? If so, can the RFI template be updated to include the correct manner of submission?



**Response: The WRD template for requesting additional or missing information has recently been updated. Requests for information are now sent via email to the email address of record on an applicant's DS-3035 and to their attorney, if applicable, and responses are requested to be submitted via pdf to 212eWaiver@state.gov.**

- c. WRD Decision Stage: In the Summer of 2023, WRD began transmitting its recommendation letters via email, which was a welcome enhancement with the understanding that transmission by email would be faster than the prior method of mailing the letters. Recently, members have reported that the online case status for a case will show a favorable recommendation nearly a week before the emailed letter is received, while in other cases, the recommendation letters are not being sent by WRD at all. Can WRD provide the expected timeframe for receiving a recommendation letter once a case is recommended? In addition, can WRD offer any additional tips that members should know about the process involved between the favorable recommendation and the letter's transmission to the applicant?

**Response: Courtesy emails notifying applicants of WRD's waiver recommendation to USCIS are currently sent to all applicants. We are aware of the lag time between the decision and subsequent notification and are updating our SOPs to ensure the courtesy email notification is sent at the same time we notify USCIS of our recommendation.**

### **INTERPOL Reform**

14. The Biden administration has [made addressing transnational repression](#) a [priority](#) across agencies. The administration's efforts also complement a provision Congress passed in the [National Defense Authorization Act \(NDAA\) for FY 2022](#), which focuses on how to support INTERPOL reform, as well as curbing illegitimate use of INTERPOL by member countries, especially in the United States. The NDAA provision calls on the Attorney General and the Secretary of State to submit a report containing an assessment of how INTERPOL member countries abuse INTERPOL Red Notices, Diffusions, and other communications within the past three years, as well as a report of how the U.S. monitors and responds to likely instances of abuse of INTERPOL communications. In response to the administration's efforts to combat transnational repression, on August 15, 2023, the U.S. Immigration and Customs Enforcement announced new agency-wide guidance ([ICE Directive 15006.1](#)), codifying and strengthening the agency's best practices, thereby helping to ensure that INTERPOL communications are issued for legitimate law enforcement purposes. Since then, ICE has also engaged in productive exchanges with stakeholders to obtain feedback on the Directive, including with AILA. Despite this new guidance and initiative, AILA Members continue to report that foreign nationals with illegitimate INTERPOL notices are experiencing visa revocations, denials, and placement of visa applications in extended administrative processing. Please confirm:

- a. Is DOS planning to issue agency guidance similar to the ICE Directive to ensure compliance with the administration’s priorities to help prevent INTERPOL abuse by other governments?

**Response: There are no plans to issue such guidance at this time. However, the Department has processes in place through which it may identify and take appropriate steps with respect to suspect Interpol notices.**

- b. Considering DOS’s reporting requirement under SEC. 6503 of the NDAA (“Transnational Repression Accountability and Prevention), will DOS consider receiving reports from the public of INTERPOL and/or Red Notice abuses that have impacted US visa applications and related legal proceedings?

**Response: While there is no formal process for such submissions, the Department does become aware of certain instances of alleged INTERPOL misuses through our posts, contacts with private entities, civil society, and the interagency. Individuals who believe INTERPOL possesses false information about them may seek to correct or challenge such information by submitting a request to the Commission for Control of INTERPOL’s Files (CCF). For additional information, we refer you to the Department’s biannual Transnational Repression Accountability and Prevention (TRAP) Reports.**

### **Impact of DHS TRIP Filing on Visa Adjudication**

15. AILA appreciates our October 5, 2023, exchange regarding the potential impact of DHS Traveler Redress Inquiry Program (TRIP) filings on the adjudication of visa applications. Our understanding is that a resolution through TRIP, signaled by the emission of a Redress Control Number, may potentially aid, or result in the removal of derogatory information on CLASS and/or other databases that consular officers review during the visa adjudication process.
  - a. Does the DOS recommend that visa applicants and their attorneys provide consular officers with a copy of the DHS TRIP filing and Redress Control Number?

**Response: Yes, the Department recommends visa applicants and/or their attorneys provide consular officers with a copy of the DHS TRIP response letter.**

- b. Can DOS confirm whether the agency or consular officers have access to DHS TRIP information via shared databases?

**Response: This access is not available to consular officers at post. While the Department has only a few employees with read-only access to DHS TRIP systems, we**

would like to reiterate that DHS/TRIP is specifically for Port of Entry-related problems, limited to screening issues, delays, denied boarding, and watch list (see website <https://www.dhs.gov/dhs-trip>).

### **Numerical Controls and Visa Bulletin**

16. DOS previously provided guidance to the public regarding the Visa Bulletin via live YouTube presentations and through written guidance in the notes at the end of the monthly Visa Bulletin. At our last liaison meeting in Spring 2023, DOS confirmed that members should read the notes published in the monthly Visa Bulletin for additional insights from the Numerical Controls Division, where available, as to what to expect in the coming months. Unfortunately, AILA members note that the September 2023 Visa Bulletin is the last instance in which DOS provided such guidance to the public. Thus far in Fiscal Year 2024, DOS has not provided any written guidance through its monthly Visa Bulletin; however, we have noted that USCIS has issued guidance by updating its [website's Frequently Asked Questions \(FAQ\) section](#). Please confirm:

- a. Does DOS collaborate with USCIS to draft or approve the [USCIS FAQ](#)? If not, does DOS share data with USCIS to facilitate USCIS's drafting?

**Response: State and USCIS collaborate closely, and State provides clearance on portions of the Employment-Based Adjustment of Status FAQ page.**

- b. Would DOS consider resuming the inclusion of guidance in the notes section of the monthly visa bulletin to provide visibility to the public so applicants can prepare for visa processing in the coming year? Can the DOS please share any guidance for IV processing for the remainder of FY 2024?

**Response: State provided a projected update on IV availability for the remainder of FY2024 in the April 2024 Visa Bulletin.**

### **EB-5 Issues**

17. Can DOS describe the process by which applicants with EB-5 immigrant visa petitions approved with dual Reserved and Unreserved status will be asked to notify the National Visa Center under which processing status they wish to proceed?

**Response: Beginning March 21, 2024, IV applicants who USCIS has approved for more than one EB-5 visa classification, reserved or unreserved, will be contacted by NVC and required to select only one of the approved visa classes indicated on their I-797C approval notice and submit their choice using NVC's online public inquiry form. EB-5 visa applicants will not be scheduled for an interview until they have made a selection. NVC will not select an EB-5 visa class for an applicant.**

**Applicants will be contacted to identify their choice at the Welcome Letter stage. Applicants who have an approved petition and do not receive a notice from NVC should contact us via the online public inquiry form.**

18. How will DOS apply a Form I-526E approval notice that lists both the Unreserved (RU-1) and Reserved (RR-1) visa categories when processing the case and when determining demand levels?

**Response: EB-5 Applicants with Form I-526E approval notices will be required to select a visa category as indicated in the response directly above. This will allow us to establish demand levels and ensure demand levels are not artificially inflated.**

### **Conflict in the Middle East**

19. AILA recognizes DOS's efforts during the ongoing conflict in the Middle East and appreciates that as of February 20, 2024, DOS has [assisted nearly 1,600 individuals](#), including USCIs, LPRs, and eligible family members, to enter Egypt from Gaza. DOS has also provided [guidance](#) for USCIs, LPRs, and eligible immediate relatives seeking to depart Gaza through the Rafah Crossing (last updated on January 10, 2024). In its guidance, DOS notes that it does not control the Rafah crossing list, including authorization of travelers for inclusion, as well as departure from Gaza for entry to Egypt.

Despite this guidance, AILA members report that there are some immediate relatives of USCIs and LPRs who initially contacted the U.S. Embassy in Jerusalem in November and December 2023, as instructed, requesting to be added to the Rafah crossing list to depart Gaza; who are still waiting to be contacted and/or added to the approved traveler list. While we understand that Israel, the Palestinian Authority, and Egypt are involved in the process, to provide transparency to those waiting to be added to the crossing list, can DOS provide additional guidance on the following:

- a. Can DOS share approximately how many US citizens, LPRs, and eligible immediate relatives have contacted DOS seeking to depart but remain in Gaza awaiting to be added to the Rafah crossing list?

**Response: We do not have those numbers to provide - the Department of State continues to work in partnership with Egypt and Israel towards safe passage out of Gaza for U.S. citizens, Lawful Permanent Residents (LPRs), and their immediate family members. This remains a fluid and quickly evolving situation. We believe that the vast majority of U.S. citizens who are seeking our assistance have reached out to us.**

- b. Once an individual emails the U.S. Embassy in Jerusalem seeking to be added to the crossing list pursuant to the January 10, 2024 guidance, aside from required

background and security checks, are there additional steps taken or factors considered (e.g., age, gender, degree of relationship to USC/LPR, employment history, or medical concerns, etc.) by DOS before the names are submitted to the relevant authorities for final approval?

**Response: As long as the individual is a U.S. citizen, Lawful Permanent Resident (LPR) or their immediate family members, the Department is putting their names forward to the relevant authorities – we are not conducting background or security checks or taking any other factors into consideration before passing names along. Immediate family members of U.S. citizens include spouses and unmarried children under the age of 21, parents of U.S. citizens, and siblings of U.S. citizens who are unmarried and under 21. Immediate family members of LPRs include: spouses and unmarried children under 21 years of age.**

- c. Is there any additional documentation that family members or their attorneys can provide (or should include) along with their initial request that would help to facilitate or expedite the process?

**Response: U.S. citizens, Lawful Permanent Residents, or immediate family members who desire our assistance and have not already provided their information to the Department of State, should email U.S. Embassy Jerusalem at [JerusalemACS@state.gov](mailto:JerusalemACS@state.gov) with a copy of the individual's travel document as well as an explanation or proof of relationship. Having this documentation will help facilitate expeditious action on their request.**

- d. Can the U.S. Embassy in Jerusalem provide confirmation to USCs and LPRs, or their attorneys where applicable, once an individual's name has been submitted to the relevant authorities for consideration of inclusion on the Rafah crossing list?

**Response: Yes, we can confirm submission of a person's name for consideration of inclusion on the list. As long as a person is a U.S. citizen, LPR, or immediate family member, we will submit the name. It is important that individuals provide their information exactly as it appears on their travel documents. We are also resubmitting names that have not appeared on a crossing list despite our original request.**

20. Members report a lack of availability of direct communication streams with DOS while they await information regarding their client's case. To assist with the availability of information and transparency, please answer the following questions:

- a. What methods does DOS use to communicate with USCs, LPRs, and their immediate relatives to share process updates and maintain awareness of local conditions in Gaza and the Rafah crossing?

**Response: The U.S. Embassy in Jerusalem conducts the majority of communication over email and phone calls. Individuals inside Gaza should heed advice of local authorities regarding the specific conditions inside Gaza.**

- b. What is the best manner and timing for these individuals or their attorneys to contact the U.S. Embassy in Jerusalem to follow up on the status of their request?

**Response: Impacted individuals may contact the Embassy via email at [JerusalemACS@state.gov](mailto:JerusalemACS@state.gov).**

- c. Would DOS consider establishing a separate telephone and/or email address (other than the U.S. Embassy Jerusalem email address) for U.S. attorneys representing USCs and LPRs seeking the evacuation of immediate family members from Gaza and/or for urgent humanitarian requests?

**Response: No, this is the best form of communication.**

- d. Where there are urgent or time-sensitive concerns (e.g., an IV interview scheduled at a U.S. Embassy abroad requiring departure from Gaza), does DOS have the ability to ask the relevant authorities in charge of the crossing lists (Israel, the Palestinian Authority, and Egypt) for expedited review and/or processing of such requests for individuals to be considered for inclusion on the Rafah crossing list? If yes, can DOS please provide guidance on how to make such a request and what supporting documentation should be provided?

**Response: Every case at this point is time-sensitive, so there is no expedited review. There is no connection between having a pending visa petition or appointment and crossing through Rafah. The Department does not control which individuals will be accepted by relevant border authorities; we can only request to relevant authorities that they be added to a border crossing list. Embassy Cairo is only accepting transfer requests from those who are physically present in Egypt. We ask that to avoid delays, individuals provide their biographic information exactly as it appears on their travel documents and if they are an immediate family member, they clearly provide proof of that relationship at the time of request. Anyone who is not a USC, LPR, or an immediate relative should not be included in the request as large family groups of mixed relationships may also delay response time.**

### **U.S. Embassy Cairo**

- 21. AILA appreciates that the U.S. Embassy in Cairo has specific email addresses and forums to provide guidance and information for US citizens and their immediate relatives in Egypt (e.g., [US Citizens Services Navigator](#), [CairoACSRafah@state.gov](mailto:CairoACSRafah@state.gov) and [ConsularACSCairo@state.gov](mailto:ConsularACSCairo@state.gov).) For Palestinians located in Gaza who are scheduled to

appear at the US Embassy in Cairo for an IV interview for a date in the near future but who are not permitted to exit Gaza because their names are not included on the Rafah crossing list, what is the best way to reschedule these appointments with US Embassy in Cairo? Is there a designated email address or online form for making such rescheduling requests for more direct correspondence?

**Response: Individuals with a pending immigrant visa interview who desire our assistance and have not already provided their information to the Department of State, should email U.S. Embassy Jerusalem at JerusalemACS@state.gov with a copy of the individual's travel document as well as an explanation or proof of relationship to the petitioner. Having this documentation will help facilitate expeditious action on their request. Petitioners or beneficiaries may also email the Cairo Immigrant Visa Unit at CairoIV@state.gov for questions about immigrant visas. Cairo will only accept an immigrant visa transfer request once the beneficiary is physically located in Cairo.**

22. Is the US Embassy in Cairo readily accepting direct consular filings of I-130s for immediate relatives of U.S. citizens who reside in Gaza and have not yet filed an immigrant visa petition with USCIS, based on wartime conditions? If so, what is the general process and timeframe for such cases at the US Embassy in Cairo?

**Response: U.S. citizens who are overseas with immediate family members (spouses, children, parents) from the Jerusalem and Tel Aviv consular districts and who have not yet filed an immigrant visa petition with USCIS may request to file a petition at the nearest embassy or consulate that processes immigrant visas. This applies only to U.S. citizens physically present in that consular district filing petitions for their qualifying spouses, adopted children, unmarried children under 21, and parents who have fled these consular districts. Embassy Cairo is adjudicating locally filed petitions as quickly as possible, but we are unable to provide a timeline since each petition is unique and adjudicated on a case-by-case basis. For petitions that were filed in the U.S. and are at NVC (and current), Embassy Cairo has also worked to expedite if the beneficiary is in Cairo.**

### **Document Flexibilities During Wartime Conditions**

23. Due to the conditions in the Middle East region, many people have been forced to evacuate their homes, leaving important identity documents, civil documents, and certificates behind, and some have been destroyed. The reciprocity schedule for [Israel, Jerusalem, the West Bank, and Gaza](#) has not been updated since the war, and it is impossible for Palestinians to obtain new documents, with the exception of those who are able to cross through Rafah, where the Palestinian Authority (PA) is able to issue travel documents. 9 FAM 504.4-4(F) allows an officer to consider a document as “unobtainable,”

permitting an applicant to provide secondary evidence in lieu of certain civil/supporting documents normally required for visa processing. Applicants who are not able to obtain a required document due to wartime conditions are facing challenges in visa processing.

Considering this, can the Reciprocity Schedule be updated to reflect alternatives? If not, can specific guidance be shared with applicants and consular officers on alternative documents that may be presented to NVC and/or the consular section? AILA anticipates this being an issue for both IV and NIV applicants.

**Response: On November 14, the Department updated [travel.state.gov](https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Israel.html) regarding Police Certificates for Israel, the West Bank and Gaza. (See link for more information: <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Israel.html>). Consistent with standard guidance, consular officers determine the sufficiency of, or need for, additional documentary evidence on a case-by-case basis. If original documents are unavailable, applicants should bring scans/copies if possible.**

**Based on our experience at the border, the Palestinian Authority has an office at the Rafah border crossing and has been able to issue temporary travel documents allowing entrance into Egypt. These temporary travel documents can be used to depart Egypt and enter the United States on a case-by-case basis.**

### **Afghan Cases**

24. Members report difficulty communicating with embassies regarding conditionally approved humanitarian parole cases. In one instance, a family of five received conditional approval of humanitarian parole from USCIS; however, only two of the family members were contacted by the US Embassy in Islamabad for interview and further processing. When counsel contacted the US Embassy in Islamabad regarding the missing family members, they were told the Embassy could not assist as the approvals had to come from USCIS. When USCIS was contacted, USCIS indicated that they no longer had jurisdiction as the cases had already been approved and forwarded to the consulate for processing. How can members get a resolution to humanitarian parole cases that seem to have been lost en route from USCIS to the embassy for processing? Is there a more appropriate contact at the consulate for such cases?

**Response: Unlike eligible family members listed on an immigrant visa petition, who may be processed together on the same case with the principal applicant, each beneficiary of humanitarian parole requires their own approval, which may not occur simultaneously. If the parole applicants filed an I-131, they can access their case status at their myUSCIS account. The Visa Office is working closely with both USCIS and**



**Embassy Islamabad on processing the dramatic increase in Afghan humanitarian parole cases.**

25. Can DOS provide an update on its processing status and data related to Priority 1 (P1) individual cases under the U.S. Refugee Admissions Program (USRAP)?

a. How many P-1 cases have been approved thus far?

**Response: P1 and P2 cases are referrals to the U.S. Refugee Admissions Program, which are not processed by the Bureau of Consular Affairs. USCIS is responsible for interviewing individuals and adjudicating applications to the U.S. Refugee Admissions Programs, including Afghan applicants with P1 and P2 USRAP cases. The Bureau of Population, Refugees, and Migration (PRM) provides updated Refugee Admissions Reports available to the public on the following website: <https://www.wrapsnet.org/admissions-and-arrivals/>.**

b. How many remain pending?

**Response: PRM does not provide global pending USRAP applicant information.**

c. What is the estimated average processing time for P1 cases?

**Response: Refugee resettlement processing for all individuals with a USRAP case may take 18 - 24 months from the time the applicant is in an eligible processing location, and sometimes longer. USRAP processing times vary depending on the particularities of each individual case. Additional information about the various processes within the USRAP can be found at the Department of State's website here: <https://www.state.gov/refugee-admissions/application-and-case-processing/>.**

d. If a case has been pending for over 2 years after a successful P1 referral and is stuck in administrative processing at a consular post, beyond following up with the post directly, is there additional guidance on how to follow up to move the case forward?

**Response: P1 referrals to USRAP are not processed by consular sections. Officers from USCIS review the case and conduct an interview with each refugee applicant to determine eligibility for admission to the United States. The ultimate determination as to whether an applicant can be admitted as a refugee is made solely by USCIS. USRAP applicants with questions related to their cases should reach out to their relevant PRM-funded Resettlement Support Center (RSC). Contact information for RSCs can be publicly found on the following website: <https://www.wrapsnet.org/resources/>.**

## **Addendum A: Technical Issues Across Australia and Japan**

AILA members continue to report the following technical issues across both Australia and Japan, all of which have been reported directly to the consular posts via the support email address. Please address the following:

- a. Applicants are unable to create a new profile if they cannot recall the email address that was used previously to create a profile (either by themselves or by a prior attorney or agent). Can the visa appointment system be modified to allow a second profile for the same individual/passport number?

**Response: Our call center vendor provided this information:**

**Instructions for applicants who do not recall the email address used for their profile in the previous system:**

- **Applicant sends an email request with a passport copy to the call center.**
  - **The call center uses the passport copy to validate it is a genuine request and changes the email ID in the applicant's profile.**
  - **Applicants can then sign in using the updated email ID and set a new password and security questions to access their profile.**
- b. In Australia, applicants who have paid for the premium delivery service are mistakenly notified to collect their passport in person. Apparently, there is an issue in transferring the payment confirmation to VFS Global. What is the best way for members to ameliorate this issue? Will applicants receive a refund of the delivery fees paid?

**Response: Thank you for bringing this to our attention; we will look into the issue.**

- c. Members report that they are not receiving responses to emails sent to the [support-COUNTRY@usvisascheduling.com](mailto:support-COUNTRY@usvisascheduling.com) email addresses (the recommended email addresses). This has been reported for several countries using this system, including India, Japan and Australia. Is there an alternative method to contact posts when applicants need assistance, particularly with the issues highlighted above?

**Response: We are working closely with our support teams to ensure that we are responsive to email inquiries. We have seen significant improvements in response times and applicants should not find their inquiries going unanswered.**

**END**