

8 Things You Need to Know About Getting a US Visa

Labor & Employment Law Update

on May 28, 2024

With the summer travel season around the corner, we are fielding many travel and visa application questions. Here are answers to your most frequently asked questions.

1. What happens when you apply for a US visa?

When you apply, you fill out an application online, pay the fee, and schedule an interview at a US embassy or consulate. On the day of your interview, you take all your relevant documentation with you and answer an officer's questions.

2. What happens during the interview?

While the Department of State (DOS) calls this step an interview, it is not a sit-down with an officer. The officer is usually behind bullet-proof glass.

Consular officers at high-volume posts like Mexico City, New Delhi, São Paulo, Monterrey, and Guangzhou can be interviewing up to 120 visa applicants per day. Their interviews are quick. Even at less busy posts, your interview is likely to be short.

Given the short time, it is best to be prepared for the interview. You don't want to be flipping through your documents to find answers to the officer's questions.

Being prepared includes having a brief elevator pitch explaining your reasons and qualifications for the visa. It also includes anticipating the officer's questions and having your answers ready.

3. How long will it take to get my visa?

The time to get your visa depends on where you apply for the visa and whether your visa is approved at your interview or marked for administrative processing (discussed further below).

Visa processing delays lengthened first during the Trump administration and then in a big way during the Covid-19 pandemic. The backlog of visa applications persists in many places. This means the wait for an interview for visas at some locations can stretch to 8, 9, even 12 months or more.

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Where one applies for the visa matters. You can get a preliminary idea of the wait by putting the embassy or consulate location into the Visa Appointment Wait Time calculator on this page (please scroll down to see it) and then looking at the time estimated for your visa type.

4. Can I apply for a visa at any US embassy or consulate?

Theoretically you can. But you want to choose wisely.

Some consular posts, including some locations in Brazil, India, and China, have been known to have high fraudulent activity, sending many applications for administrative processing. Your application could be unnecessarily delayed in certain locations.

Consulates and embassies can also shut down processing due to political considerations. For example, the war in Ukraine prompted some countries in Eastern Europe to stop processing visas for Russian citizens for a while. Political situations make access to some countries a moving target for some foreign nationals.

It is best to verify the consular post and access to the desired country by checking with an immigration attorney before applying.

5. Can I get my visa from Mexico or Canada?

While the ease of traveling to Mexico and Canada may tempt you, going there isn't usually a fast solution to get your visa and can get expensive. Waits can still be long.

At Monterrey (Mexico), for example, while an H visa applicant would wait only 7 calendar days for an interview, a travel visa applicant (B1/B2) would wait 672 days – that's almost 2 years!

Once you are there, the consulate or embassy will take your passport while it processes your visa. That means you are stuck in that country until you get your passport back.

Processing can take as much as 8 weeks or longer. Unless you know someone there and have a place to stay, that will be a very high hotel bill!

6. Where is the best place to get my visa?

The best place for foreign nationals to get their visa stamp is in their home country. I realize it is not always possible to travel there for that purpose.

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7. What is administrative processing?

Administrative processing is the DOS's term for a visa application that needs review beyond the consular interview.

It does not mean your visa is denied. It means the officer wants to investigate further before adjudicating your visa application.

Reasons your application may prompt administrative processing include:

- Incomplete documentation
- Not answering the officer's questions well, or leaving them with questions about the purpose of your trip, your financial stability, or your ties to your home country
- Security questions, such as whether the technology a foreign national works with has military implications
- Prior visa denial
- Criminal history

8. How can I avoid an administrative processing delay?

There is no ironclad way to avoid administrative processing. But you can minimize the likelihood of a delay by choosing your visa application site wisely, gathering all the relevant documentation, and preparing as much as possible for your interview.