



OFFICE OF INTERNATIONAL SERVICES

University Center for International Studies
University of Pittsburgh

Administrative Processing and Visa Denials

Administrative Processing ("AP") is the term used by the U.S. Department of State ("DOS") when a Consular Officer has determined that a visa application requires additional background checks prior to a visa issuance. In these scenarios, visa applicants are typically told at the end of the visa interview that they are being placed into AP. Applicants should receive a document from the Consular Officer that highlights additional information, or documentation, to support the visa application. The document will also contain a case number and may provide other information about AP. Every Embassy/Consulate has slightly different procedures, so it is impossible to say *exactly* how the document will be organized.

The most important thing to understand is that AP does NOT mean that the visa is being denied. It *does* mean that the visa process will take additional time.

Who is subject to Administrative Processing?

Any visa applicant could be placed in AP if the Officer reviewing their application determines that additional information is necessary. The DOS considers each visa application to be a matter of national security. In some AP scenarios, the DOS is required to complete certain reviews and/or receive inter-agency clearances in order to issue a visa. Very often, AP is implemented after the Consular Officer uses a government database to cross-reference names of visa applicants. If the visa applicant's name is similar to the name of a person who is on a watchlist for suspected terrorists, for example, the visa applicant will be placed in AP so that the federal government can research their identity in greater depth.

Although individuals from any country can be placed in AP, citizens and nationals of the following countries are more likely to face AP:

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	Yemen

- **Note: A visa applicant who has undergone AP one time should not assume that they will never face AP again.** AP is often resolved when the Embassy/Consulate receives a clearance to issue the visa. These clearances may be tied to the validity of the visa stamp or to the visa applicant's program and can expire. The Consular Officer will review each visa application on a case-by-case basis, so when renewing a visa stamp or applying for another visa category, it is possible that the visa applicant will be subject to another period of AP.

How long will a visa application remain in AP?

The DOS says that most AP is completed within 60 days. However, AP can take anywhere from a few days to many months. Visa applicants, especially from those countries named above, should apply for visas as early as possible and should anticipate a potential wait and have a back-up plan if their visa is not issued quickly.



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What can a visa applicant do if they are placed in AP?

1. Immediately follow whatever instructions are given at the time of the interview. If the Consular Officer has requested additional information/documentation, the applicant must respond as quickly as possible.
2. The applicant should monitor their case status on the DOS' [website](#).
3. It is typically acceptable for the applicant to inquire about the status of the case to the U.S. Embassy/Consulate where the interview was held. The applicant should check the applicable Embassy/Consulate's website and follow the listed instructions. The most common response to applicants' inquiries is a brief reply, confirming that the case remains in AP.
4. **AFTER 6 months only:** It may be possible to hire an attorney who is willing to file a Writ of Mandamus against the federal government. This type of Writ can compel the government to take action in a matter that has been "unreasonably delayed." This action is obviously taken only as a last resort, as it will be a significant expense to the applicant. However, many attorneys believe that Writs can force the DOS to act on a particularly drawn-out AP situation.

What can the sponsoring department do when a student or scholar is in AP?

1. Our experience indicates that letters of support are not likely to accelerate the review process. However, if a department desires to do something, it can write a letter of support and send it to the Embassy/Consulate where the visa application is pending. The letter should include the applicant's name, date of birth, passport number, and visa appointment date. The letter can specify why it is imperative that the student/scholar arrives at Pitt.
2. If the student/scholar has waited at least 60 days, the department may contact Pitt's [Office of Government Relations and Advocacy](#) to initiate an inquiry to a Congressional Office. The academic department should give details to Government Relations about what is happening with the case, how long it has been pending, why it is important to have the person here, etc. If the Congressional Office is willing to examine the matter, staff from that office will work directly with the student/scholar and make the inquiry. Unfortunately, the most frequent response to those inquiries is that the case remains in AP and, in our experience, the congressional inquiry does not expedite the case.
3. If the student/scholar has waited more than 6 months, and the department needs their services, the department could opt to pay for an attorney to file the Writ of Mandamus, discussed above. The department should contact OIS for information on contacting attorneys who specialize in this area.

Can the student/scholar study or work for Pitt while they are waiting for their visa?

This is a question that is complicated by issues of foreign tax treaties, export control, etc.

Departments should not allow a student to start or continue to study outside the U.S., even if remote classes are possible, without approval from the [Office of Trade Compliance](#).

Departments who wish to continue to pay an existing employee while they are outside the country awaiting a visa must have approval from the Office of Trade Compliance and from Payroll, with approval from University Legal Counsel.

Departments who wish to continue to pay an employee while they are outside the U.S., or who wish to begin to pay an employee before they arrive in the U.S., should contact Pitt's [Global Operations Support](#) Office, to determine what is possible.



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What if the visa is denied after AP?

After a period of AP, it is possible that the outcome will be a visa denial. The Consular Officer should notify the visa applicant of the final decision. In some cases, the Embassy/Consulate may have been ultimately unable to resolve the AP issue or receive the necessary clearances to issue the visa. In other cases, it may mean that the Consular Officer was unable to establish that the applicant was eligible for and met the requirements of the visa. In rare scenarios, it may mean that the applicant was found inadmissible due to national security issues or criminal and immigration offenses that would deem them ineligible for the visa.

What if the visa is denied at the visa interview?

When reviewing a visa application, Consular Officers must consider many factors, depending on the visa category, including but not limited to the submitted documentation and minimum requirements of the visa category, finances or funding, English proficiency, the visa applicant's qualifications, immigration and criminal history, nonimmigrant intent, nationality, location of the visa interview, and ties to their home country, as well as assess the visa interview interaction and answers provided by the applicant.

If the Consular Officer determines that the applicant does not qualify for the visa, does not overcome the presumption of immigrant intent, has a criminal or immigration offense that would deem them ineligible for the visa, or some other reason that is within their discretion, the Consular Officer should then notify the applicant during the visa interview that they intend to deny the visa application. Applicants should receive a document that highlights the reason for the denial. Every Embassy/Consulate has slightly different procedures, so it is impossible to say *exactly* how the document will be organized.

In most cases, a denial during the visa interview will be a denial under section 214(b) of the U.S. Immigration and Nationality Act. This type of denial cannot be appealed or reopened and means that the Consular Officer found that the visa applicant could not satisfy the above factors.

Can a visa applicant reapply for the same visa category after a denial?

It is ultimately the decision of the visa applicant if they would like to reapply for the visa.

A visa refusal does not preclude an applicant from submitting a new application. However, a visa refusal will remain in the consular systems indefinitely and if the applicant attends another visa interview, they will likely be asked to address why they are reapplying and what, if any, changes have occurred since the prior visa interview. In some scenarios, the Consular Officer can defer to the recent refusal and decline to re-adjudicate the prior Officer's decision. Even if the applicant is able to provide new materials or information during the visa interview, it is always possible that the visa application will be denied again if they are not able to satisfy the above factors. If the prior visa application was subject to AP or if the AP was unable to be resolved, it is also possible that the visa applicant will be subject to another period of AP.