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Immigration Newsflash

State Department Announces Suspension of Visa Processing for Third Country Nationals in Canada and Mexico

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The Department of State (DOS) has announced that it is temporarily suspending all visa application appointments for third country nationals (TCNs) at all U.S. Consulates in Canada and Mexico. At this time, it appears that the suspension applies to all nationalities and that the suspension becomes effective immediately. A few of the Consulates have begun notifying certain individuals with previously scheduled appointments that their appointments have been cancelled. Individuals with previously scheduled visa appointments should not attend their appointments without first consulting with the appropriate Consulate.

This action is an apparent DOS response to the new security clearance requirements announced last week with respect to a list of certain classes

of individuals from 26 countries who will be subject to additional clearances. DOS is reportedly concerned as to whether the INS ports-of-entry will honor the rule permitting certain individuals with valid I-94 cards to return to the U.S. from Canada or Mexico while awaiting their security clearances. Please note that more than the 26 countries reported may be involved.

According to our sources, INS and DOS are currently engaged in high-level discussions regarding visa processing procedures for foreign nationals from these designated countries. It is unclear, at this time, however, how and when these procedures will be implemented. In light of this uncertainty, care must be taken that applicants are not stranded in Mexico or Canada. Please consult with counsel if any of your employees are considering making visa applications in Canada or Mexico in the near future.

Due to the suspension of processing of TCN visa applicants, individuals may want to consider revalidating their visas by mail. This process is only available to certain visa applicants and currently takes approximately 8-10 weeks. The DOS Visa Office advises that it is increasing staff for revalidation of visas due to the increasing workload caused by this policy change and by the holidays.

Paul Hastings will provide updates on this important new development via email alert as soon as information becomes available.

*The information in this Alert is not intended to be legal advice. However, if you require legal assistance or would like additional information about immigration matters, please contact your local Paul Hastings representative or **Daryl Buffenstein** at 404-815-2232 or via email at darylbuffenstein@paulhastings.com.*

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