

## Update on Delays in Obtaining U.S. Visas



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In the wake of the COVID-19 pandemic, obtaining a visa has never been more difficult in many jurisdictions. U.S. Department of State closures limited services across virtually all diplomatic posts worldwide—sometimes for a period of years. As operations resumed worldwide in 2023 and backlogs for many visa types were worked through, wait times for many work authorized visa types were brought down to a few months, weeks, or even days.

However, visitor visas are still an enormous problem. Because the demand for tourist visas and business visitor visas is significant and ongoing, the “pause” in services and issuance of these visas during the pandemic means that there were hundreds of thousands of applications in the queue once the Department of State finally started processing them. In general, U.S. citizen services and family reunification services continue to be the priority for the Department of State, along with work authorization visas, leaving visitor visas falling low on the priority list for nonimmigrant visas.

Some individuals may not actually need to obtain work authorization or a work authorized visa for their trips to the U.S., even if they are coming over for business purposes. If you are not receiving compensation from a U.S.

employer or business, certain activities are generally permissible. For instance, you may negotiate contracts; consult with business associates—including attending meetings of the Board of Directors of a U.S. corporation; litigate; participate in scientific, educational, professional, or business conventions, conferences, or seminars; or undertake independent research. If you are an international athlete coming into the U.S. for a tryout, you should be able to come as a business visitor as well on a B-1/B-2 visa.

However, with interviews for U.S. visitor visas in some countries still being scheduled months or even years in advance, qualifying individuals may want to look to obtain work authorization if coming to the U.S. for business purposes. Most work authorized visas are moving fairly smoothly through the U.S. consulates and embassies around the globe.

Some nationalities do not require visas for certain types of travel to the U.S. For example, citizens from countries participating in the Visa Waiver Program (VWP) can travel to the United States for business or tourism for stays of up to 90 days, without a visa. Citizens of Canada traveling to the United States do not require a nonimmigrant visa, with limited exceptions such as fiancés of U.S. citizens wishing to marry once they arrive in the U.S., those entering as treaty-based traders or treaty-based investors, or spouses of U.S. citizens traveling to the United States to complete the immigration process, among others. Citizens of Bermuda traveling to the United States also do not require a nonimmigrant visa for travel up to 180 days, with limited exceptions such as fiancés of U.S. citizens wishing to marry once they arrive in the U.S. or spouses of U.S. citizens traveling to the United States to complete the immigration process, among a few other exceptions. Additionally, Bermudian citizens do not require a visa unless they are ineligible for a visa under U.S. immigration law or have previously violated the terms of their immigration status in the U.S.

If you are trying to apply for a U.S. visitor visa and cannot get an appointment in a reasonable amount of time, look into whether U.S. diplomatic posts in nearby countries might be accepting third-country national applications for interviews. This could get you an appointment much sooner. The information on whether they are accepting third-country nationals is normally listed on the website for the U.S. Department of State in each country. Alternately, you might want to explore whether a work authorized visa is available to you in a shorter time period to allow you to come to the U.S. for work purposes—even if the types of activities you are engaging in while in the U.S. would not normally require a work authorized visa for entry.

If you or someone you know has questions pertaining to obtaining visas, please contact one of our qualified attorneys at Lippes Mathias LLP: [Elizabeth M. Klarin](mailto:eklarin@lippes.com) (eklarin@lippes.com) or [Eileen M. Martin](mailto:emartin@lippes.com) (emartin@lippes.com) of the Lippes Mathias LLP [immigration practice team](#).

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