

How to Cope with Delays in Visa Issuance



Immigration Blog

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April 18, 2025 | **IMMIGRATION**

One of the most frustrating issues facing many individuals around the world attempting or desiring to travel to the United States is delays in visa issuance at U.S. diplomatic posts. What can cause these delays, and where can visa applicants get held up along the way to receiving visitor or work-authorized visas?

The first challenge is getting an interview at a relevant U.S. embassy or consulate. In general, you stand the best chance of getting an interview quickest in your home country based on your nationality or the country where you are currently residing. There is no guarantee that you will be able to get in for a visa appointment any time soon — and generally, no way to know how long a wait you will have for a visa appointment (some U.S. embassy or consulate websites list estimated time frames to obtain a visa appointment, but most do not) until you have completed the non-immigrant visa application (via Form DS-160) online and paid the related visa application fee to the Department of State online.

At that point, you will normally be able to log into the visa scheduling system for your given location and select the next available appointment. But this unpredictability is causing confusion and concern for visa applicants, who have no idea how far in advance they need to plan to complete the relevant form and schedule a visa appointment for a

planned trip. Last-minute trips are particularly problematic, or trips related to recently obtained work authorization through required pre-application to the Department of Homeland Security.

Once people obtain permission to work in the United States, they often want to get there as soon as possible to start in their sponsored position or role — but might have to wait months longer because of scheduling issues.

There are also some processes that require even more patience. For instance, Canadians applying for E visas (E-1 treaty trader or E-2 treaty investor visas) are not able to immediately see and book a visa appointment, but rather, must wait for the U.S. Consulate in Toronto to notify them after they have reviewed their electronically submitted application and decided to open the schedule to the applicant to book an interview. This can take weeks or even months depending on how busy the consulate is at any given time.

Once someone appears for an interview, they must submit and surrender their passport to the U.S. consulate or embassy to process and print the actual visa that is inserted into the passport. Following this, the passport is normally mailed back to the applicant. This process — visa processing, printing and passport return — can take anywhere from a few days to six weeks or longer, with no predictability.

How to cope with visa appointment lines

If you are feeling frustrated because you need to travel urgently and couldn't get an appointment for a visa interview quickly, you may be able to request an expedited appointment. This is generally available where you have an urgent or emergency situation, such as the death of an immediate family member or urgent medical situation; unforeseen business travel where you or your business would suffer severe financial harm if you are not able to obtain a visa quickly for travel; need a student or exchange program visa for a program with an imminent start date; or have met certain other humanitarian reasons for urgent travel.

To do this, you must first schedule whatever visa appointment is available, after which you can make the request online for an expedited appointment. You will be expected to provide evidence backing up any claims of your urgent or emergency need, so be prepared for this — such as a death certificate and your birth certificate showing familial relationships; a medical certificate and/or letter from a U.S.-based doctor confirming the urgent need for the travel; or a letter from your employer explaining and confirming the urgency and impact of your business travel.

In some instances, you may be able to choose a different U.S. diplomatic post (in the same or another country) to apply for a visa. If there is more than one U.S. consular post in your home country or country of residence, you would need to pay separate visa application fees to try to determine which post can see you first. If you have dual citizenship with more than one country, you might find that one consulate or embassy can see you faster than another, and you can choose the faster option.

How to cope with passport return delays

If it seems to be taking forever to get your passport back from the U.S. diplomatic post printing and processing your visa, or you know ahead of time that it could take a long time (e.g., if your lawyer tells you this based on trends he or she is seeing), it may be possible to apply for a temporary passport to use for travel while the U.S. diplomatic post holds your primary passport for visa issuance. For example, recently, it has been taking four to six weeks to receive passports back from the U.S. Consulate in Toronto for Canadians who have been approved for E visas.

As soon as you turn in your (primary) passport to the U.S. Consulate, you can immediately request a temporary one from the Canadian government. You must sign a temporary passport exchange agreement when the temporary passport is issued, and it will be an eight-page, machine-readable passport. This passport can be used for short-term situations and doesn't permanently replace a regular, diplomatic or special passport. It can be issued for a maximum period of one year and can be used for travel until you get your regular passport back.

Canadians can also continue to travel by land to the United States using any Western Hemisphere Travel Initiative (WHTI)-compliant document, such as an enhanced driver's licence or enhanced identification card, U.S. Permanent Resident Card, Trusted Traveler Program card (NEXUS, SENTRI or FAST) or a Secure Certificate of Indian Status, without the need for a passport. However, passports are required to travel by air. Passport cards, Trusted Traveler Program documents and enhanced licences are not accepted as a form of ID for international air travel.

If you have questions or concerns about visa issuance, our Immigration Practice Team at Lippes Mathias LLP stands ready to assist. Please contact Elizabeth M. Klarin (eklarin@lippes.com) or Eileen M. Martin (emartin@lippes.com) with any questions.

This article was originally published by [Law360 Canada](#), part of LexisNexis Canada Inc.

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