

## IRANIAN AMERICAN BAR ASSOCIATION



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### **IABA's Responses to FAQ's / Guidance on Visa-Related Issues under the Travel Ban**

- (1) Administrative Processing Timing. Administrative Processing for Iranian applicants is currently taking an average of one year, and sometimes longer (the timeline may also depend on other factors, such as whether the application is for a nonimmigrant versus immigrant visa).
- (2) Students in Administrative Processing. Students currently in Administrative Processing should have their US schools contact the State Department and state Senators about this issue, as the impact will be greater than individuals or families calling.
- (3) Spouses Applying for Visas Together. Iranian couples applying for visas that can stand independently (e.g. B1/B2, visitor visa, etc.), who are going for their visa interviews should: (a) make separate appointments, or (b) make sure to tell the consular officers that they want individual visa numbers and are willing to travel alone if their partner does not get a visa. The reason for this is that most women clear Administrative Processing many months before their husbands, but the consulates assume that they would not travel without their husbands, and lump them together into one visa number. For example, consider where an Iranian American citizen wishes to have her parents come visit her: if her mother had a visa but her father could not yet come (because he had not yet cleared Administrative Process), the citizen may very well still wish to have her mother come visit.

As noted above, this approach is only proper where the visa classification is one where the two applications can stand on their own. Where one spouse is a dependent, the primary applicant's delay means that the spouse's visa application will be also delayed so the separation of applications would not help.

- (4) European Dual Nationals. European dual nationals, like U.K., French, and German Iranians should try for an Electronic System for Travel Authorization (ESTA) waiver online first before applying for a US visa. ESTA is associated with the Visa Waiver Program, and is the means by which individuals (who are eligible) may obtain a visa waiver. The US State Department has informed IABA that if an ESTA is rejected online, then the applicant must apply for a visa. However, if the ESTA is approved, the applicant is eligible to travel to the United States under the circumstances that applied before the current "travel ban" related issues.

Iranians who have had an expired Iranian passport for more than 5 years are likely ESTA eligible. Examples include: (a) if your passport expired 10 years ago and you have not renewed it or traveled to Iran; or (b) you were born in Europe and have never been to Iran, or have traveled there in the past but have not been back in over five years. Such applicants will likely have their ESTA waiver approved.

(5) DV Lottery Winners of 2017 and 2018. For those who have participated in and won the DV Lottery in 2017, they must clear administrative processing by September 30 in order to immigrate. Though individuals remain in administrative processing, and despite longer than usual delays, IABA has been advised that no extension to the September 30 deadline has been approved at this time. At this time, it remains accurate that all processing of entries and issuance of DVs to individuals meeting eligibility requirements (and their eligible family members) must be completed by midnight on September 30. For cases that have not been scheduled, such as 2018 DV Lottery applicants, IABA is advised that consular centers will schedule DV interview appointments on dates after the “Travel Ban” period ends, where the principal applicant is from one of the six identified nationalities (including Iran).

**DISCLAIMER: THIS ADVISORY IS INTENDED AS A GENERAL REFERENCE ONLY. IT PROVIDES GENERAL GUIDANCE ON SOME QUESTIONS REGARDING VISAS, IN LIGHT OF THE “TRAVEL BAN” EXECUTIVE ORDER. THIS ADVISORY IS NOT INTENDED AS, AND DOES NOT CONSTITUTE, LEGAL ADVICE. IT DOES NOT CREATE AN ATTORNEY/CLIENT RELATIONSHIP, AND IS NOT SUBJECT TO THE ATTORNEY/CLIENT PRIVILEGE. FOR QUESTIONS RELATED TO ANY SPECIFIC CIRCUMSTANCES, PLEASE CONTACT AN ATTORNEY AND SEEK LEGAL ADVICE.**