

MINTZ LEVIN*When You Need More...***IMMIGRATION
ALERT**

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Boston

Washington

New York

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San Diego

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www.mintz.com

One Financial Center
Boston, Massachusetts 02111
617 542 6000
617 542 2241 fax

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202 434 7300
202 434 7400 fax

666 Third Avenue
New York, New York 10017
212 935 3000
212 983 3115 fax

707 Summer Street
Stamford, Connecticut 06901
203 658 1700

DOS Changes Requirements for Consulates to Issue H, L, O, P and Q Visa Stamps

Recently the U.S. Department of State (DOS) quietly issued instructions to U.S. Consulates around the world regarding the implementation and utilization of a new nonimmigrant visa verification system. This DOS guidance provided preliminary details about the use of a new electronic reporting tool, the Petition Information Management Service (PIMS), created by the DOS's Kentucky Consular Center (KCC), establishing the PIMS as the primary and definitive source of evidence to be utilized by U.S. Consulates in determining qualification for visa stamp issuance for H, L, O, P and Q visas. This is a significant departure from previous nonimmigrant visa stamp issuance procedures; in the past, an original Form I-797 was considered sufficient evidence of petition approval. Moving forward, while the I-797 is sufficient evidence to SCHEDULE an appointment, consulates are now advising that the visa stamp cannot be issued until petition approval is verified through PIMS.

Initial reports indicate that even the U.S. Consulates themselves were surprised by this directive, and there is some confusion about the technical aspects of PIMS implementation (such as how this might affect L-1 blanket applications). U.S. Consulates caution that it may take an additional three days after the visa appointment for the U.S.

203 658 1701 fax

2029 Century Park East
Los Angeles, California 90067

310 586 3200
310 586 3202 fax

1400 Page Mill Road
Palo Alto, California 94304
650 251 7700
650 251 7739 fax

9255 Towne Centre Drive
San Diego, California 92121
858 320 3000
858 320 3001 fax

The Rectory
9 Ironmonger Lane
London EC2V 8EY England
+44 (0) 20 7726 4000
+44 (0) 20 7726 0055 fax

Consulate to issue a visa stamp.

Since the DOS was unclear in its guidance as to the effective date of these changes, many U.S. Consulates are operating under the assumption that the directive is effective immediately. Many Consulates are reporting that they are attempting to “streamline” the PIMS process and institute processes to minimize the disruptions and delays this directive has caused, such as allowing visa applicants to e-mail information about petition approval to the Consulates in advance of their appointments. As soon as DOS issues further clarification, we will circulate an update to this Alert, but in the meantime, travelers planning to obtain new visa stamps during this already busy holiday season should prepare for potentially longer delays.

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For further information on this or any immigration related issue, please contact one of the Immigration attorneys listed below, or the Mintz Levin attorney who ordinarily handles your legal affairs.

Susan Cohen

617.348.4468 | SCohen@mintz.com

Jeffrey Goldman

617.348.3025 | JGoldman@mintz.com

Reena Thadhani

617.348.3091 | RThadhani@mintz.com

William Coffman

617.348.1890 | WCoffman@mintz.com

Brian J. Coughlin

617. 348.1685 | BJCoughlin@Mintz.com

Lorne Fienberg

617.348.3010 | LFienberg@mintz.com

Marisa Howe

617.348.1761 | MHowe@mintz.com

Bethany S. Mandell
617.348.4403 | BSMandell@mintz.com

Daniel Maranci
617.348.1885 | DMaranci@mintz.com

Timothy Rempe
617.348.1621 | TRempe@mintz.com

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