

**AILA DOS Liaison Committee Questions for DOS Visa Office
June 2026**

The American Immigration Lawyers Association's (AILA) DOS Liaison Committee thanks DOS for the opportunity to raise issues of mutual concern. While DOS representatives are unable to attend AILA's 2026 Annual Conference, we hope that these questions will serve as a dialogue that advances the mission of DOS, while providing clarity to the public on current consular processing policies, procedures, and practices.

Delegation of Adjustment of Status Processing by USCIS to DOS for Immigrant Visa Processing

1. By [memorandum](#) dated May 21, 2026, USCIS indicated it would no longer adjudicate applications for adjustment of status except for situations where "extraordinary circumstances" have been established. In all other cases, USCIS said it expects individuals with approved immigrant petitions to apply for an immigrant visa and process through the National Visa Center (NVC) and the applicable consular post. Was this policy change coordinated with DOS? How does DOS plan to address the imminent increase in demand for consular processing?
2. According to the most recently available immigrant visa backlog report (September 2024), there were approximately 400,000 documentarily complete visa applications at NVC awaiting interview. Pending USCIS adjustment of status applications are estimated at over 1 million. According to [press reports](#), DOS has laid off hundreds of experienced foreign service staff as part of a reduction in force while [recruiting](#) new staff. How will DOS ensure adequate staffing in sufficient numbers and with appropriate training to handle the huge increase in demand for consular services?

DOS Pilot Programs

3. On June 9, 2026, DOS issued a temporary final rule establishing an optional \$750 fee for expedited B-1/B-2 visa interview appointments, in addition to the standard visa fee. The pilot will run from July 1, 2026 – December 31, 2026, and will allow eligible applicants at selected consular posts to obtain an interview within 10 business days, subject to availability. Which consular posts will offer this pilot? Does DOS plan to expand this pilot to other visa categories in the future?

Appointment Scheduling Problems

4. Many AILA members have reported problems with the various visa scheduling systems used by consular posts to enable visa applicants to schedule nonimmigrant visa appointments. Members have encountered the most problems with [usvisascheduling.com](#) (the ATLAS system) and [usvisaappt.com](#) (the AVITS system), with problems ranging from structural instability to payment failures, to complete inability to access the system at all. DOS has advised affected parties to raise a support ticket through the relevant system, but when the system does not work at all, it is impossible to raise a ticket. AILA urges DOS to utilize a different vendor (members report the fewest problems with [ais.usvisa-info.com](#) (the GDIT system)). What steps is DOS taking to ensure reliable access to appointment scheduling, and will it consider transitioning to a more stable vendor?

Renovation of Consular Services

5. Secretary of State Marco Rubio has [said](#):

We are modernizing the U.S. immigration system for the 21st century so that it is an immigration system that's not just good for America but it's also good for the people that are coming....

But we're in a period of transition, and like any period of transition there's going to be some bumps on that road. But we think ultimately our destination is going to be a better system, a more efficient system, one that works better than the one that we had in place previously, and more sustainable, by the way.

Can DOS provide details on how this "modernization" as mentioned by the Secretary is both more efficient and "not just good for America but also good for the people that are coming?"

R-1 Visas

6. Are U.S. consulates granting new R-1 visas to individuals who previously held R-1 status for 5 years, with approved I-360, and returned to home country due to visa bulletin backlogs-given that as of mid-February 2026, the one-year foreign residence requirement no longer applies?
7. 9 FAM 402.16-6 specifically states that R-1 applicants can have dual intent ("a field or approved request for permanent labor certification or the filing or approval of an IV preference petition may not be the sole basis for denial of R status"). It also states that "a refusal is appropriate in situations where you conclude that the applicant does not intend to depart the United States upon conclusion of R status." How are consular officers trained to distinguish dual intent from the latter statement, if the applicant has ample evidence of home ties?

Attorney Representation on U.S. Citizen Services

8. AILA understands that DOS requires DS-5505 or other written consent to release information to third parties on matters subject to 7 FAM relating to U.S. citizens (CRBA, expatriations, passports, etc.). See [7 FAM 062](#). A member reports that the consulate in Vancouver does not include attorneys in correspondence, even when the DS-5505 is properly filed. What is the best way to ensure that the DS-5505 is recognized?

214(b) Denials

9. Denials under section 214(b) are becoming more common across employment based NIVs. How can attorneys seek supervisory review or otherwise escalate cases where consular officers refuse to review or discuss relevant evidence (such as home ties) during the interview, or pre-textual denials, where 1-2 questions are asked and the denial is quickly issued?

Mumbai Post / 221(g)

10. An AILA member reports that Mumbai post has sent 221(g) letters requesting historic application information in relation to cases with I-601 approvals. One such 221(g) letter requested a copy of the nonimmigrant visa application submitted 30 years ago. Presumably

this information should be readily accessible to the consular officer. When queried, they suggested seeking the records through a DOS FOIA (which will cause further delay to the process). Should AILA members anticipate similar requests as a matter of DOS policy?

Unlawful Presence

11. This legal issue is not addressed in the FAM: In terms of Unlawful Presence under 212(a)(9)(B)(i)(I) and (II), does the Department of State (and CDJ specifically) share USCIS's policy that the ten years can run either inside OR outside the U.S.?

Inadmissibility Waivers

12. We have seen that [certain individuals](#) are able to get a visa or be otherwise admitted to the U.S. despite a criminal history. [9 FAM 305.3-3](#) provides consular officers with guidance on the processing of waivers of criminal inadmissibility for nonimmigrant visas, noting that DHS cannot approve a waiver request "unless it is accompanied by a favorable recommendation from either you or the Secretary of State." Has the Secretary of State delegated his authority to recommend waivers? If so, to whom and under what circumstances?