



Updated January 2, 2019

CLIENT ADVISORY: VISA REVOCATION

The Department of State (DOS) Visa Office implemented a policy in November of 2015 that requires consular officers to prudentially revoke the nonimmigrant visa foil (commonly referred to as a visa “stamp”) of any individual who has been **arrested** for, or **convicted** of, an alcohol-related crime.

What is prudential revocation?

- Prudential revocation occurs when information has surfaced which calls into question the visa-holder’s continued eligibility for a visa. As explained by the DOS, “driving under the influence indicates a possible visa ineligibility . . . for a physical or mental disorder with associated harmful behavior that is likely to pose a threat to the property, safety, or welfare of the applicant or others in the future.”
- DOS does not need to inform visa-holders of the legal grounds and factual bases for the revocation. However, DOS may attempt to provide notice of the revocation to the visa-holder by email.
- DOS can revoke a visa even if the visa-holder is in, or *en route*, to the U.S.
- Prudential revocation should not occur where a person received his/her visa after reapplication or where the arrest was known to the consular officer, medical exams were conducted, and the visa was issued.

Who is affected by this policy?

Any visa-holder who is subject to a Watchlist Promote Hit (inter-agency information sharing database) for an arrest or conviction for driving under the influence, driving while intoxicated, or similar arrests/convictions that occurred within the past five (5) years.

What will happen if my visa is revoked?

- Visa revocation does NOT impact the visa-holder’s immigration status or ability to stay in the United States pursuant to a lawful admission at a U.S. port of entry.
- Persons whose visas have been revoked do NOT need to immediately depart the United States.
- Persons whose visas have been revoked MAY reapply at a consular post abroad. A consular officer will refer the applicant to a panel physician for a medical examination to rule out visa ineligibility.

If you have any questions regarding the information in this client advisory or would like assistance in reapplying for a nonimmigrant visa, please contact our attorneys located in Houston or Detroit at (855) 428-3762 or contact@bzlawusa.com.