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Visa Bottlenecks Are Creating Headaches for Employers, Workers

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As the US immigration system recovers from the pandemic, the return to normal has been particularly slow for companies with workers and executives on temporary visas, with no silver bullet solution in sight.

Extreme wait times at embassies and consular offices mean those workers face a tough choice if their visa has expired: put off returning home or potentially find themselves stuck in their home country for months before they can travel back to the US. That's because workers with expired visas can only have them renewed at consular offices outside the US.

Those wait times have also created disruptions for companies whose workers can't get back to the US after traveling abroad, and stymied plans for companies that need to bring key hires or executives to the country.

“Our largest customers want to meet us before they do business with us. If you are building a large-scale business in the US, you need to get some sort of buy-in from people,” said Nilesh Patel, founder and CEO of software services business LeadSquared, who plans to expand the 1,400-person company's foothold in the US by relocating from its headquarters in Bangalore, India. “That buy-in can't happen if the CEO is not there.”

After getting approval for an L-1 visa for intracompany transfers in March, he's waited more than five months for the visa appointment he needs for the passport stamp to travel to the US. The wait time for the appointment is also delaying plans to build the company's US presence, Patel said.

Wait times for visas at embassies and consulates have reached unprecedented levels, creating disruptions for companies and employees seeking to enter the US or visit family in their home countries. In Istanbul, visa appointment wait times excluding student and visitor visas exceed 16 months. In New Delhi and Chennai, applicants can expect wait times of nine months.

State Department leaders say they have made substantial progress on visa adjudications, especially for students and temporary workers. But wait times for other visa categories have stretched on for months in many countries, including places like India that are the source of thousands of high-skilled temporary workers in the US.

Covid Hangover

Short-staffed embassies and consular offices have helped to drive extreme wait times as well as pent-up travel demand from the Covid-19 pandemic. The Trump administration shut down processing guestworker visas for two years, citing the economic effect of the pandemic on US workers. During that period, thousands of high-skilled workers on H-1B or other high-skilled visas whose visa stamps had expired have been unable to travel to their home country to renew them.

The requirement for temporary visa holders is fairly simple—they must get a stamp on their passport to be able to travel internationally, including back to the US. Manish Jain, a software developer in Seattle, has been unable to visit his parents or extended family outside of Bangalore, India since 2019 because of the scarcity of visa appointment times in the country.

“As soon as I leave the country, to come back in I need that stamp,” he said. “In pre-Covid times, it was really straightforward. We never thought about appointments.”

While Indian consular offices don’t have the longest wait times—business and tourist visas from Chile could take nearly three years—delays in that country have potentially the biggest effect on employers in the US because the country is a hub for workers on the high-skilled H-1B and L-1 visas, reserved for intracompany transferees, said David Bier, associate director of immigration studies at the Cato Institute.

Lengthy wait times have persisted this year, despite State Department measures such as interview waivers for visa holders who have previously traveled to the US, he said.

“Why is it taking as long as it is? It’s really unclear,” he said. “The interview is a labor-intensive thing but in this case, we already waived those. So it should be a pretty straightforward process.”

Business Impact

Employers hearing “horror stories” of temporary visa holders stuck abroad have advised employees not to travel until wait times drop or the State Department begins to process visa renewals in the US, said Leon Fresco, an attorney at Holland & Knight

“They just don’t trust that even if they can get an appointment it will be honored,” he said.

Some workers with an urgent need to get back to the US have traveled to consular offices in third countries like the United Kingdom to secure visa stamps, but that option depends on capacity in those countries. Even in this remote work era, businesses face major headaches if employees can’t return to the US because of wait times for a visa stamp. Time zone differences, for example, mean coworkers can’t collaborate effectively and many jobs—in healthcare, lab research, or engineering—can’t be done remotely at all, Fresco said.

The delays for workers to enter the US impact costs for businesses as well as their reputation with customers, said Jon Baselice, vice president of immigration policy at the US Chamber of Commerce.

“While there are certainly things that are outside a company’s hands, your clients don’t want to hear that when they’re relying upon your company for products or services,” he said.

Faster than Expected Recovery

While the frustrations of employers and workers are understandable, uneven progress is being made to reduce wait times at consular offices, said Julie Stufft, deputy assistant secretary for visa services with the State Department’s Bureau of Consular Affairs.

“We’re recovering actually faster than we projected and faster than industry projected on visa adjudications after a near-complete shutdown of visa operations overseas during the pandemic,” she said in an interview last week.

The State Department recommends that visa holders don’t travel abroad without an appointment for a new passport stamp. But Stufft said it’s already clear that interview waivers have reduced wait times at embassies and consulates around the world. The agency also expects further progress from boosted staffing levels, she said.

“This year we’ve doubled the number of consular officers we’ve sent overseas compared to last year. India will definitely see a benefit from that,” Stufft said.

Stateside Visa Renewals

Business groups and immigration lawyers say a simple fix is available for most applicants with expired visas—allow them to renew their visa stamps in the US without going abroad. Stufft said State is actively pursuing that option, but that it requires “setting up an operation from scratch, which takes a little bit of time.”

Allowing visa holders with no criminal convictions or other issues to renew their visas would solve most, if not all, of the backlog problems at embassies and consulates, said Fresco of Holland & Knight.

“Institutional inertia has been the main problem,” he said. “They actually need to put their money where their mouth is and move forward on it.”