

U.S. Begins Rescheduling Immigrant Visa Appointments in Canada

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The U.S. Department of State is now rescheduling immigrant visa appointments in Canada, for individuals whose appointments were canceled due to the COVID-19 pandemic and the accompanying suspension of visa services at U.S. diplomatic posts across Canada.

We received our first notification yesterday about a rescheduled appointment for an immigrant visa applicant whose scheduled appointment (with the U.S. Consulate in Montreal) was canceled in March 2020 due to the surge of COVID-19 cases in Canada and worldwide.

Challenges with Meeting Visa Appointment Requirements

Rescheduling is creating some unique problems for individuals waiting from within the U.S. (or elsewhere outside Canada) for their U.S. immigrant visa appointments, since the U.S. Department of State specifically states in its reschedule notification that *“before attending an appointment at the U.S. Consulate General in Montreal, applicants traveling from the United States or elsewhere outside Canada must meet Canadian entry requirements, including those related to the COVID-19 pandemic that mandate self-isolation for 14 days after entry.”* It further states that *“if you have been outside Canada within 14 days of a visa interview appointment, you must contact [the Department of State] to reschedule.”*

Applicants for U.S. immigrant visas might be outside of Canada for various reasons, including for work purposes. Upon entering Canada for their immigrant visa appointment with a U.S. Consulate or Embassy, most individuals are required to quarantine or “self-isolate” for a full 14 days before they can travel in or around Canada freely. Penalties for violation of the Canadian Quarantine Act can be severe, with maximum penalties including a fine of up to \$1 million and/or imprisonment for up to three years.

It is normal practice to obtain certain documents close in time or immediately prior to U.S. immigrant visa interviews, such as a medical exam confirming that the individual is not medically inadmissible to the United States. However, individuals often wait weeks or even months for these appointments, which must be completed with a U.S. Embassy/Consulate-approved doctor in Canada, also referred to as a “Panel Physician.” Unfortunately, these appointments can only be completed after the applicant receives an interview appointment letter from the U.S. National Visa Center, notifying them of their interview date, time and place.

Case Study:

In this case, the applicant for an immigrant visa completed a medical exam in early March 2020, in advance of his scheduled immigrant visa appointment on March 27th. However, the U.S. Department of State canceled his visa appointment on March 18th, due to the COVID-19 pandemic. On August 18th, 2020, our office received notification that the client had been rescheduled for a visa appointment on September 2nd in Montreal—15 days away from the date of the notification.

The client traveled to Canada from his home in the U.S., but is subject to the mandatory 14-day quarantine imposed by the government of Canada on individuals traveling to Canada from outside the country.

Applicants in this situation are being strongly encouraged to keep their scheduled appointment, by the U.S. Department of State. As noted in the Department's rescheduling notification:

"Given the high demand, even if you are not able to obtain certain documents prior to the interview, we strongly advise keeping this scheduled appointment. Postponement risks additional delays."

The notification and instructions go on to reiterate this in the context of not having the proper medical exam prior to the interview, stating:

"If we have not received your medical exam results prior to the interview, your case will be delayed; however, if you cannot get the results before the date of interview we strongly recommend keeping the above appointment date. The officer reviewing your case will provide instructions on how to submit the results once you have them."

Fortunately, in our client's situation, his medical exam results will still be within the 6-month validity time frame for medical exams, at the time of his interview. Had his medical exam results been outside of the six-month time frame, we would have strongly advised him to attend the interview anyway.

Analysis

It is encouraging to see new immigrant visa appointments being scheduled, after more than five months of silence from the Department of State in Canada on the issue. Even though spouses and certain other intending immigrants were exempted from Presidential Proclamation 10014 (issued April 22, 2020) limiting immigrant visa issuance through the end of 2020, this is the first our office is hearing about the resumption of immigrant visa services for those that qualify. We are hopeful that this signals a return to normal U.S. visa service operations in Canada in the near future, across all visa types.'

Please contact an LMWF immigration team member with any specific questions, and check back regularly on this blog for updates on changing rules and policies.

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