



Drinking + Driving = Losing Your Visa?

Insights

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With Thanksgiving and the holidays right around the corner, Fisher Phillips would like to remind our clients to be extra careful when driving home after a night out. In addition to the criminal and financial ramifications of drunk driving, there are other consequences for foreign nationals on nonimmigrant visas who are arrested or convicted of driving under the influence (DUI). Since the implementation of a new policy in November of 2015, consular officers have been required to prudentially revoke nonimmigrant visas upon notification of a DUI arrest or conviction, even if that individual is in the United States.

Prior to this policy, basic DUI arrests did not affect a nonimmigrant visa holder until he or she applied for a new visa. Now, consular officers may take action on a DUI arrest or conviction if it occurred in the last five years and was not already addressed during a visa application.

For individuals already in the United States, visa revocations based on DUI arrests are effective immediately upon their departure, and they will not be able to re-enter the United States until they apply for, and are issued a new visa. Before a new visa is issued, a medical exam by a panel physician may be required to determine whether the individual is inadmissible due to a physical or mental disorder associated with harmful behavior, including alcohol-related disorders.

Please avoid getting behind the wheel if you think you may have had too much to drink. If you are on a nonimmigrant visa and were arrested for DUI, or if your employee on a nonimmigrant visa was arrested for an alcohol-related crime, contact your Fisher Phillips attorney.