

飲酒運転(DUI)の記録に基づくビザの取り消し
**Visa Revocation Due to
Records of Driving Under the Influence (DUI)**

近年、世界各地の米国大使館・領事館において、10 年以上前のものを含む飲酒運転(DUI)の記録を理由にビザが取り消される事例が発生しています。その中には、DUI の経歴を申告済みの上で、過去にビザが発給されていたケースも含まれます。ビザが取り消しとなった場合、ビザ保持者には通常、ビザを発給した大使館・領事館から電子メールで通知が届きます。よく見られる取り消し通知メールの内容は以下の通りとなります。

From [email address from state.gov]

Dear U.S. Visa Holder,

Please be advised that your U.S. visa has been PRUDENTIALLY REVOKED under section 221(i) of the Immigration and Nationality Act by the U.S. Department of State on [Date of Revocation]. This action is based on the fact that after visa issuance, information has come to light indicating that you may be inadmissible to the United States and ineligible for your visa. If you are still physically present in the United States at this time, the visa revocation will become effective upon your departure from the United States. If you are not physically present in the United States at this time, the visa revocation is effective on the date the visa was revoked. The Bureau of Consular Affairs Visa Office has alerted the Department of Homeland Security's Immigration and Customs Enforcement about the visa revocation.

As soon as you depart the United States, you must personally present your passport to the U.S. embassy or consulate which issued your visa so your visa can be physically cancelled.

Sincerely,

U.S. [Consular Post]

Consular Section

United States of America

国務省(DOS)の『外交業務マニュアル(Foreign Affairs Manual: FAM)』によると、Prudential revocation(予防的取り消し)とは、ビザ発給後に、ビザ保持者が入国不適格または受給資格がない可能性を示す情報が判明した際に行われる、非移民ビザの裁量的な取り消し措置とされています。DUIに関連して、FAMは、国土安全保障省のデータベースに過去5年以内のDUIによる逮捕または有罪判決の記録がある場合、この取り消し措置を行うことを明確に許可しています。DUIの記録が5年以上前の場合でも、他の米国政府機関から否定的な情報が提供された場合は、国務省はこの取り消し措置を行うことができます。

Prudential revocation は、渡航文書としてのビザスタンプ(査証)を無効にするものですが、それ自体によって、米国滞在中の個人の在留資格が直ちに無効となるわけではありません。ただし、米国外へ渡航した後に米国へ再入国する際には、米国の在外公館で新たなビザを申請・取得する必要があります。さらに、以前ビザ免除プログラム(**ESTA**)の利用資格を有していても、ビザが取り消された場合には、同制度の利用が不可能となります。飲酒運転(**DUI**)の経歴がある申請者は、専門医による診察・評価を求められることが多く、その結果、ビザの発給までに数ヶ月を要する場合があります。取り消しの通知を受けた場合は、自身の在留資格、再入国に伴うリスク、および新たなビザ申請に向けた計画について、速やかに検討・確認されることをお勧めします。

Visa Revocation Due to Records of Driving Under the Influence (DUI)

Recently, U.S. consular posts worldwide have been revoking visas based on driving under the influence (DUI) records, including records more than 10 years old. In some cases, visas were revoked even after the DUI had been disclosed and the visa had previously been approved. Visa holders are usually notified by email from the issuing consular post. A typical revocation email states:

From [email address from state.gov]

Dear U.S. Visa Holder,

Please be advised that your U.S. visa has been PRUDENTIALLY REVOKED under section 221(i) of the Immigration and Nationality Act by the U.S. Department of State on [Date of Revocation]. This action is based on the fact that after visa issuance, information has come to light indicating that you may be inadmissible to the United States and ineligible for your visa. If you are still physically present in the United States at this time, the visa revocation will become effective upon your departure from the United States. If you are not physically present in the United States at this time, the visa revocation is effective on the date the visa was revoked. The Bureau of Consular Affairs Visa Office has alerted the Department of Homeland Security's Immigration and Customs Enforcement about the visa revocation.

As soon as you depart the United States, you must personally present your passport to the U.S. embassy or consulate which issued your visa so your visa can be physically cancelled.

Sincerely,

U.S. [Consular Post]

Consular Section

United States of America

Under the Department of State (DOS)'s Foreign Affairs Manual (FAM), a "prudential revocation" is a discretionary revocation of a nonimmigrant visa when post-issuance information indicates the visa holder may be inadmissible or ineligible for the visa. In the DUI context, the FAM expressly permits prudential revocation when the Department of Homeland Security's database shows a DUI arrest or conviction within the previous five years. Even if a DUI record is more than five years old, DOS may still pursue prudential revocation based on derogatory information received from another U.S. government agency.

A prudential revocation cancels the visa stamp as a travel document but does not, by itself, terminate immigration status while the person remains in the United States. However, after international travel, the individual will need to apply for and obtain a new visa at a U.S. consular post before reentering to the United States. If previously eligible for ESTA / Visa Waiver, the individual will no longer be eligible for ESTA / Visa Waiver due to the revocation of the visa. Applicants with DUI histories are often referred to a panel physician for an assessment, which may delay visa issuance for months. Anyone receiving a revocation notice should promptly assess their status, reentry risks, and new visa application strategy.