



## ALERTS

### A Holiday Gift From The State Department: Domestic Visa Revalidation Pilot Program And Visa Interview Waiver Guidance

December 28, 2023

#### Highlights

The U.S. Department of State has published details in the Federal Register on the Stateside Visa Revalidation Pilot program, which will go into effect in January 2024

The pilot program is limited to 20,000 applicants seeking to renew H-1B visas previously issued by Mission Canada or Mission India within certain specified periods

The State Department also announced new interview waiver guidance for those applying for visas at U.S. Consulates overseas

Kris Kringle bestowed an old friend upon us for the 2023 holiday season, which, if successful, could permanently bring back stateside visa renewal.

Before biometrics were required for U.S. visas, foreign nationals (FN) legally in the U.S. on temporary (nonimmigrant) visas could renew their visa stamps through the Department of State. The process was typically efficient, resulting in a great time and expense saver for both the FN and U.S. employers. Then, biometrics became a requirement in 2002, and the

## RELATED PEOPLE



### Tejas Shah

Partner  
Chicago

P 312-214-5619  
F 312-759-5646  
[tejas.shah@btlaw.com](mailto:tejas.shah@btlaw.com)



### M. Mercedes Badia-Tavas

Partner  
Chicago, Washington, D.C.

P 312-214-8313  
F 312-759-5646  
[mbadiatavas@btlaw.com](mailto:mbadiatavas@btlaw.com)

## RELATED PRACTICE AREAS

Immigration and Global Mobility Services  
International Services  
Labor and Employment

State Department eliminated the program, reasoning that visa applicants' biometrics were not available in the U.S.

History evolves, new challenges arise, and the State Department finds itself taking steps to resume this old process. The COVID-19 pandemic caused the global closure of U.S. consulates, resulting in an enormous backlog of visa processes. While the State Department has made significant progress in addressing some of these backlogs, the agency continues to struggle with lengthy wait times in many consular jurisdictions, causing considerable difficulty for individuals and businesses.

## Pilot Program Details

The [Stateside Visa Revalidation Pilot Program](#) was published in the Federal Register just before the Christmas holiday. However, this pilot holiday gift is limited.

Online applications will begin Jan. 29, 2024. Each week, the State Department will release approximately 2,000 application slots each for individuals whose most recent H-1B visas were issued by Mission Canada and by Mission India (approximately 4,000 combined total each week). The releases will be on Jan. 29; Feb. 5; Feb. 12; Feb. 19; and Feb. 26.

The criteria set out in the program notes:

- The foreign national (FN) seeks to renew only an H-1B visa that was previously issued by Mission Canada or Mission India
- 20,000 renewals will be issued on a staggered schedule
- To be eligible, the prior H-1B visa stamp must have been issued by Mission Canada with an issuance date from Jan. 1, 2020, through April 1, 2023, or by Mission India with an issuance date between Feb. 1, 2021, and Sept. 30, 2021
- The FN is not subject to the payment of a "reciprocity fee" as part of a nonimmigrant visa issuance fee [based on the country of birth](#)
- The FN is also eligible for a waiver of the in-person interview requirement based on a recent policy update
- The FN submitted 10 fingerprints to the Department of State in connection with a previous visa application
- An annotation of "*clearance received*" was not noted in prior visa stamps; this annotation will disqualify the FN for this program
- No visa ineligibility that requires a waiver prior to visa issuance
- Possess an approved and unexpired H-1B petition evidenced by an I-797 Notice
- Most recently admitted to the United States in H-1B status
- Currently maintaining H-1B status in the United States; a person on the 60-day grace period after a lay-off will not qualify

- Must be in an unexpired period of authorized admission in H-1B status
- Intends to reenter the United States in H-1B status after a temporary period abroad

## New Interview Waiver Guidance

On a separate, but related, note, the State Department also published new Visa Interview Waiver guidance to replace expiring COVID-19 era policies; [this guidance](#) goes into effect on Jan. 1, 2024. This guidance applies to those individuals renewing visas abroad at a U.S. Consulate and allows Consular officers to waive interviews in certain instances.

The new interview waiver guidance will also make the following individuals eligible for interview waivers:

- First time H-2 visa applicants (temporary agricultural and non-agricultural workers)
- Other nonimmigrant visa applicants applying for any nonimmigrant visa classification who:
  - Were previously issued a nonimmigrant visa in any classification, *unless* the only prior issued visa was a B visa
  - Are applying within 48 months of their most recent nonimmigrant visa's expiration date

This new guidance is indefinite in duration, but the State Department has indicated it will review this waiver guidance annually. This authority expands access to interview waiver eligibility, while also instituting some new restrictions from the 2023 authority. All nonimmigrant categories are considered under this authority. They can be mixed and matched and still be eligible for a waiver of interview, but are no longer eligible if their only prior visa issuance was a B visa. Overall, the population of people who are eligible for the in-person interview waiver will expand.

For more information, please contact the Barnes & Thornburg attorney with whom you work or Tejas Shah at 312-214-5619 or [tejas.shah@btlaw.com](mailto:tejas.shah@btlaw.com) or Mercedes Badia-Tavas at 312-214-8313 or [mbadiatavas@btlaw.com](mailto:mbadiatavas@btlaw.com).

© 2023 Barnes & Thornburg LLP. All Rights Reserved. This page, and all information on it, is proprietary and the property of Barnes & Thornburg LLP. It may not be reproduced, in any form, without the express written consent of Barnes & Thornburg LLP.

*This Barnes & Thornburg LLP publication should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult your own lawyer on any specific legal questions you may have concerning your situation.*