



News & Types: Client Advisories

Extension and Expansion of Waivers of Certain Nonimmigrant Visa Interviews by U.S. Consular Posts

12/29/2021

By: Julie T. Emerick

Practices: Immigration

In light of the fact that the ongoing COVID-19 pandemic continues to create challenges for visa processing at U.S. consulates around the world, the Department of State (DOS) announced on December 23, 2021 that it will be extending the discretionary authority of U.S. Consular Officers to waive in-person interviews for some nonimmigrant visa applicants.

Nonimmigrant visa applicants eligible for the interview waiver consideration include:

- An individual who has previously been issued a U.S. visa; who is applying in his/her country of nationality or residence for a student visa (F or M), academic J visa (students, professors, research scholars, short-term scholars, or specialists), or a temporary employment-based visa (H-1, H-3, H-4, L, O, P and Q); who has never been refused a visa unless such refusal was overcome or waived; and who has no apparent ineligibility or potential ineligibility. For example, an individual who held a F-1 visa to study in the United States and who is now applying for a new temporary employment-based visa (H-1, H-3, H-4, L, O, P and Q). Please note that if the F-1 student was previously denied a visa due to immigrant intent (or some other reason) but was subsequently able to overcome the reason for the denial and was issued the F-1 visa, the individual would potentially be eligible for the interview waiver when applying for a new temporary employment-based visa (H-1, H-3, H-4, L, O, P and Q).
- An individual who is a citizen or national of a Visa Waiver Program (VWP) participating country; who has never previously applied for a nonimmigrant visa; who is now applying in his/her country of nationality or residence for a student visa (F or M), academic J visa (students, professors, research scholars, short-term scholars or specialists) or a temporary employment-based visa (H-1, H-3, H-4, L, O, P, Q); who has previously traveled to the United States under the Electronic System for Travel Authorization (ESTA) program (<https://www.cbp.gov/travel/international-visitors/esta/>); and who has no apparent ineligibility or potential ineligibility. One change to the previously approved policy for F, M and academic J applicants is that the citizen or national of a VWP participating country must have previously traveled to the United States using an authorization obtained via ESTA to qualify.
- Certain Temporary Agricultural Workers (H-2A) and Temporary Non-Agricultural Workers (H-2B) visa applicants.

- An individual renewing any visa in the same classification within 48 months of its expiration.

All individuals must be outside the United States when applying for the visa, must meet the eligibility criteria for the visa, and not be subject to a ground of inadmissibility. Individuals applying for a Blanket L visa are not eligible for this interview-waiver program and will continue to require a visa appointment at a U.S. Consular Post. A U.S. Consular Officer retains authority to request an in-person interview if additional information from the applicant is needed to process the visa.

This authority of a Consular Post to waive the in-person interview requirement is applicable through December 31, 2022.

Eligible visa applicants should review the specific visa processing instructions, including the requirements for the interview waiver program and the mail-in or drop-box procedures at the specific U.S. Consular Post in their country of nationality or residence.

For additional questions related to visa processing, please contact Masuda, Funai, Eifert & Mitchell, Ltd.