

# Mobility: Immigration alert

December 2023

## United States

### US Department of State to launch domestic visa renewal pilot program

#### Executive summary

On 20 December 2023, the U.S. Department of State announced a domestic visa renewal pilot program for select H-1B nonimmigrant visa applicants, with aims to streamline visa processing times and shift certain workloads from overseas posts to offices in the United States. Among other restrictions, this pilot program is limited to applicants who have previously obtained an H-1B visa stamp at a U.S. Embassy or Consulate in India or Canada and are seeking to renew their H-1B visa stamp. Eligible applicants will not require an in-person visa interview or the completion of biometrics. The application window for this pilot program will be held from 29 January 2024 to 1 April 2024, with approximately 4,000 slots per week.

#### Background and analysis

In 2004, the U.S. Department of State discontinued its processing of domestic nonimmigrant visa renewals due to heightened regulatory requirements imposing biometric identifiers for applicants. The Department of State now announces a new domestic renewal pilot program, addressing some of the previous concerns, while limiting the pilot program to individuals who have previously provided biometrics in relation to a prior visa application.

Specifically, participation in this pilot program will be limited to applicants who(se):

- ▶ Are seeking to renew an H-1B visa;
- ▶ Prior H-1B visa that is being renewed was issued by Mission Canada with an issuance date from 1 January 2020, through 1 April 2023; or by Mission India with an issuance date of 1 February 2021, through 30 September 2021;
- ▶ Are not subject to a nonimmigrant visa issuance fee, also known as a "reciprocity fee";
- ▶ Are eligible for a waiver of the in-person interview requirement;
- ▶ Have submitted ten fingerprints to the U.S. Department of State in connection with a previous visa application;
- ▶ Prior visa does not include a "clearance received" annotation;
- ▶ Do not have a visa ineligibility that would require a waiver prior to visa issuance;
- ▶ Have an approved and unexpired H-1B petition;
- ▶ Were most recently admitted to the United States in H-1B status;
- ▶ Are currently maintaining H-1B status in the United States;
- ▶ Period of authorized admission in H-1B status has not expired; and
- ▶ Intend to re-enter the United States in H-1B status after a temporary period abroad.



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The U.S. Department of State has announced it will begin accepting online applications as of 29 January 2024. To apply, eligible applicants must electronically submit Form DS-160 and pay a \$205 non-refundable processing fee. Subsequently, applicants will be guided to an online portal and be provided with instructions for submitting their passport along with required documentation, including a passport-style photograph, as well as a copy of their I-797 H-1B approval notice and I-94 record. Estimated processing times range from six to eight weeks from the receipt of all necessary materials.

The U.S. Department of State has initially restricted the pilot program's scope to assess the capabilities without overwhelming available resources. As such, the pilot program does not currently allow dependents of H-1B holders with H-4 visas to participate. However, the Department indicates that it will develop processes for other visa categories, potentially expanding the program and scaling up domestic visa processing.

### What this means

While limited in scope, this pilot program enables select H-1B visa holders to renew their visas without requiring international travel to attend a visa interview. Depending on its success, the program may be expanded to other nonimmigrant visa holders.

This welcome change would offer increased flexibility and predictability for U.S. companies employing temporary foreign workers and their employees, while also decreasing current visa processing backlogs at U.S. Embassies and Consulates.

EY Law will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our US immigration professionals.

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