

## **DOS Announces Extension and Expansion of NIV Interview Waivers**

Most U.S. consulates will soon be exercising newly-granted authority to waive visa interviews for applicants for renewals of most temporary-work visa categories. Interviews will also be waived for many first-time applicants for such visas, for individuals from countries which participate in the VWP program as has long waived visas for business visitors and visitors for pleasure.

It is expected that most consulates will exercise the discretion now given them to waive these visa interviews. This should assist considerably in shortening the wait time for visa appointments and accelerating visa issuance at U.S. consulates, even in categories not directly addressed in this new waiver of interview option. Reducing the overall workload at U.S. consulates will free officers to spend time on other visa categories.

*Initial details are provided below.*

The Secretary of State, in consultation with the Department of Homeland Security, has authorized consular officers through the end of 2022 to waive the in-person interview requirement for certain temporary employment nonimmigrant visa applicants who have a petition approved by the U.S. Citizenship and Immigration Services. This new authorization applies to temporary workers applying for H-1, H-3, H-4, L, O, P, and Q visas who meet certain conditions, including that they are applying for a visa in their country of nationality or residence. Under this authority, consular officers have discretion to waive the visa interview requirement for individual petition-based H-1, H-3, H-4, L, O, P, and Q applicants who were previously issued any type of visa, and who have never been refused a visa unless such refusal was overcome or waived, and who have no apparent ineligibility or potential ineligibility; or first-time individual petition-based H-1, H-3, H-4, L, O, P, and Q who are citizens or nationals of a country that participates in the Visa Waiver Program (VWP), provided they have no apparent ineligibility or potential ineligibility and have previously traveled to the United States using an authorization obtained via the Electronic System for Travel Authorization (ESTA).

In addition, the Secretary extended previously approved policies to waive the visa interview for certain students, professors, research scholars, short-term scholars, or specialists (F, M, and academic J visa applicants) through the end of 2022. One change to the previous policy is that applicants eligible for the waiver authority because they are citizens or nationals of a VWP participating country must have previously traveled to the United States using an authorization obtained via ESTA to qualify. Applicants must apply for a visa in their country of nationality or residence. Like the policy for certain individual petition-based visa applicants, consular officers have discretion to waive the interview for F, M, and academic J visa applicants who were previously issued any type of visa, and who have never been refused a visa unless such refusal was overcome or waived, and who have no apparent ineligibility or potential ineligibility; or first-time F, M, and academic J visa applicants who are citizens or nationals of a country that participates in VWP and who have previously traveled to the United States via an ESTA authorization, provided they have no apparent ineligibility or potential ineligibility.

The previous authority allowing for waiver of interview of certain H-2 (temporary agricultural and non-agricultural workers) applicants has also been extended through the end of 2022. Applicants renewing any visa within 48 months of expiration are also eligible for interview waiver.

Consular resources and local government restrictions vary widely, and each consular section is continuously reviewing its capacity to adjudicate visa applications during this worldwide pandemic and as we address global issues and competing

priorities. We encourage applicants to check the website of the relevant U.S. embassy or consulate to confirm the level of services currently offered and to find guidelines for applying for a visa without an interview.

<https://travel.state.gov/content/travel/en/News/visas-news/important-announcement-on-waivers-of-the-interview-requirement-for-certain-nonimmigrant-visas.html>

We will provide updates as they become available. Please feel free to contact any attorney in our immigration law group at Jaffe if you should have questions.

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