

## Department of State Temporarily Extends and Expands In-Person Interview Waivers for Certain Non-Immigrant Visa Applicants

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January 19, 2022

The Department of State, in consultation with the Department of Homeland Security, has authorized consular officers to waive the in-person interview requirement for certain non-immigrant visa applicants with approved petitions from U.S. Citizenship and Immigration Services (USCIS).

To start, the Department of State has extended its prior policy of allowing consular officers to waive the in-person interview requirement for foreign nationals applying for a non-immigrant visa in the same classification as previously issued, and whose visa expired within the past 48 months. This authority has been extended indefinitely.

Through December 31, 2022, however, additional options are available for H-1, H-3, L, O, P and Q visa applicants who would not otherwise meet the above criteria. Under this expanded policy, consular officers may waive the in-person interview requirement for temporary workers applying for H-1, H-3, L, O, P, and Q visas who meet the following conditions:

- Are applying in their country of nationality or residence;
- Have been issued **any type of visa** in the past;
- Have never previously been refused a visa, unless such refusal was overcome or waived;
- Present no apparent ineligibility or potential ineligibility for a visa.

H-1, H-3, L, O, P and Q visa applicants who are citizens or nationals of Visa Waiver Program participating countries are eligible for the same interview waiver, provided the applicant previously traveled to the United States using an authorization obtained through the Electronic System for Travel Authorization (ESTA) and has no apparent ineligibility or potential ineligibility for a visa.

The Department of State has similarly extended its interview waiver policy to certain students, professors, research scholars, short-term scholars, and specialists (F, M and academic J visa applicants) through December 31, 2022. These applicants must have previously been issued any type of visa, must never been refused a visa (unless overcome or waived), and must have no apparent ineligibility or potential ineligibility to qualify for an interview waiver. F, M and academic J visa applicants from Visa Waiver Program participating countries must also have previously traveled to the U.S. through a valid ESTA authorization in order to qualify for this interview waiver.

Last, the Department of State's prior authority allowing for a waiver of the in-person interview for certain H-2 visa applicants (temporary agricultural and non-agricultural workers) has also been extended through December 31, 2022.

This policy is discretionary, and consular offices may still require in-person interviews on a case-by-case basis. As such, it is important for applicants to monitor the consulate websites for the most up-to-date information on its interview waiver policies. Travelers should also be aware of the Department of State's COVID-19 vaccination policy. **Currently, all air travelers who are not U.S. citizens or U.S. immigrants (i.e., not a U.S. national, not a lawful permanent resident, or not traveling to the United States on an immigrant visa) are required to prove that they have been fully vaccinated against COVID-19 AND provide proof of a negative COVID-19 test taken within 1 day of boarding a**

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**flight to the United States.** There will be very limited exceptions to this policy.

This is welcomed news for applicants seeking visas at U.S. Consulates abroad, who may have experienced difficulty obtaining appointments due to lengthy backlogs and/or have avoided travel altogether.

For further questions or assistance, please contact the Miller Canfield Immigration Team.