

State-Side H-1B Visa Renewal to Begin Jan. 29, 2024

December 21, 2023

The Department of State (“DOS”)’s pilot program for domestic H-1B visa renewals will begin on **January 29, 2024, and run through April 1, 2024**. As H-1B visa applicants accepted into the pilot program will no longer need to incur the time and expense of applying to renew their visas through a U.S. Consulate abroad, this is a much anticipated and welcomed advancement. This is the first time since 2004 that the DOS is revisiting stateside visa renewal, as the domestic visa renewal process was discontinued, forcing applicants to apply for visa renewals abroad.

The new pilot program is limited to individuals who have previously submitted fingerprints in connection with a prior visa application, and who are eligible for a waiver of the in-person visa interview. Applicants who want to participate in the pilot program will be subject to the eligibility requirements, timeline for implementation, and procedural requirements outlined below.

Eligibility requirements:

1. The applicant must be seeking to renew an **H-1B visa**. The DOS **will not** process applications for other visa classifications **including H-4 visas for spouses and dependent children**.
2. The applicant’s prior H-1B visa must have been issued either by a **U.S. Consulate in Canada between January 1, 2020, and April 1, 2023**, or by a **U.S. Consulate in India, between February 1, 2021, and September 3, 2021**.
3. The applicant must not be subject to a non-immigrant visa issuance fee (i.e., a **reciprocity fee**).
4. The applicant **must be eligible for a waiver of the in-person interview**.
5. The applicant **must have been previously ten-fingerprinted** by the DOS in connection with a prior visa application.
6. Any prior visa issued to the applicant **must not have a “clearance received”** annotation.
7. The applicant **must not be subject to any grounds for a visa ineligibility** that would require a waiver prior to visa issuance.
8. The applicant **must have an approved and unexpired H-1B petition** from U.S. Citizenship and Immigration Services (“USCIS”).
9. The applicant **must have been recently admitted to the United States in H-1B status with an admission period that has not expired at the time of application, and be currently maintaining H-1B status in the United States**; and
10. The applicant **must intend to re-enter the United States in H-1B status after any temporary travel outside the United States**.

Timeline for Implementation:

The pilot program will accept applications from **January 29, 2024, through April 1, 2024**, subject to the following timelines:

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1. Approximately **2,000 slots for applicants whose H-1B visas were issued by a U.S. Consulate in Canada**, and approximately **2,000 slots for those whose H-1B visas were issued by a U.S. Consulate in India**, will be released on a weekly basis.
2. Visa slots will be released on **January 29, 2024, February 5, 2024, February 12, 2024, February 19, 2024, and February 26, 2024.**
3. Once all slots are filled in a given week, the DOS will not accept additional applications until the next release date.

Applicants who apply, but are determined to be ineligible, will have their applications returned unadjudicated, but will not be refunded the visa application fee.

Application Procedures and Processing Times:

Applicants must follow the procedures below to apply under the pilot program:

1. **Online application required.** Instructions will include directions on where to mail a passport and supporting documents.
2. **Estimated processing times of six to eight weeks.** Expedite requests will not be considered.

It is important to note that an H-1B visa issued domestically under this program does NOT provide lawful H-1B status and employment authorization in the United States or an extension of H-1B status. An H-1B visa issued under this program only serves as a "ticket" to apply for admission to the United States in H-1B status the next time the applicant travels internationally and does not govern the H-1B visa holder's authorized period of stay and employment in the United States.

While the DOS' pilot program is preliminary and limited in time, the program does present an encouraging step toward more efficient visa issuance and may help tackle the lengthy processing times experienced by many visa applicants at U.S. Consulates worldwide. However, the eligibility requirements for this program are very specific, limited to only H-1B visa applicants who meet a long-list of requirements. For this reason, please contact the Miller Canfield Immigration Team if you wish to discuss this pilot program and determine whether you or your H-1B employees are eligible. *This information is based on the facts and guidance available at the time of publication and may change.*