

U.S. Department of State to Pilot Domestic Visa Renewal Option in 2023

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The U.S. Department of State (DOS) plans to test a program that would permit H- and L-visa holders to renew their visa stamps from within the United States, rather than requiring those individuals to travel abroad to renew their visas at a U.S. consulate. A visa stamp is placed in a visa holder's passport, allowing the individual to travel to a U.S. port of entry to request admission into the United States.

Key Points:

- DOS announced a pilot program beginning later this year to allow H- and L-visa holders to renew visa stamps in the United States without leaving the country to apply at a U.S. consulate abroad.
- This pilot program could eventually be expanded to other categories, but full implementation of a stateside renewal program across a multitude of visa categories may take time.

Generally, visa holders travelling abroad are unable to return to the United States without a valid visa stamp. Because domestic visa renewals for most visa categories were discontinued in 2004, renewal of a visa required international travel and application abroad to a U.S. Consular Post. However, in a recent *Bloomberg Law* interview, a DOS official announced that the agency is setting up a new consular division in Washington, D.C. to test its visa renewal pilot program for H- and L-visa holders, and that the pilot program itself is expected to launch later in 2023.

DOS can draw on prior experience when setting up this pilot program. Until 2004, DOS processed domestic visa renewals for many nonimmigrant visa categories, including for E-, H-, L-, O-, and P-visa holders. In 2004, new national security laws requiring the collection of visa applicants' biometric data led to the suspension of the program because DOS concluded that it would be better equipped to collect the data at its Consular Posts abroad, due to capacity constraints. While domestic visa renewal continued without interruption for those holding certain diplomatic visas, as well as visas for a number of international organizations, the suspension was never lifted for other visa categories, despite recommendations by presidential advisory committees starting as early as 2008.

In recent years, closures and staffing shortages related to the COVID-19 resulted in unprecedented visa appointment delays. As a result, stakeholders urged DOS to permit stateside visa renewals to alleviate lengthy visa application backlogs. The lack of a domestic renewal option has created challenges for U.S. businesses and makes the United States a less competitive destination for international talent. Stateside visa renewals would relieve financial and logistical burdens, not only for U.S. businesses and visa holders, but also for U.S. Consular Posts abroad. When announcing the reasons for launching the domestic visa renewal pilot, representatives for the Bureau of Consular Affairs pointed to the impact of continuing application backlogs at U.S. Consular Posts and the challenges faced by visa holders who need to travel to their home country and secure a visa appointment in order to return to the United States. As the U.S. immigration system recovers from the pandemic, many Consular Posts have returned to pre-pandemic visa appointment availability, but several key regions remain severely backlogged.

DOS's anticipated domestic visa renewal pilot is hopeful news for foreign nationals and employers who continue to face disruptions caused by long visa appointment wait times, despite the State Department's ongoing efforts to reduce wait times through an expanded visa interview waiver program and increased staffing at U.S. consulates. DOS has not yet announced many details about the pilot and its eligibility requirements. The pilot's scope will be limited at first and, once the State Department tests its ability to resume domestic visa renewals, the pilot may expand to a full domestic renewal program. Those with questions regarding the stateside visa renewal program should work with experienced immigration counsel.

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National Law Review, Volume XIII, Number 45

Source URL: <https://natlawreview.com/article/us-department-state-to-pilot-domestic-visa-renewal-option-2023>