

Certain H-1B Employees Can Renew Their Visas Within the United States Under New Pilot Program

Article By:

Berin S. Romagnolo

Nancy A. Noonan

Most foreign nationals living in the United States in temporary status (not green card holders) can only reenter the United States after international travel if they have a current visa in their passport. Since 2004, those visas have only been issued by US Consulates and Embassies abroad. But, for a limited time, this is changing for certain H-1B visa holders who will be able to renew their visas from within the country.

This will help both foreign nationals and their employers because it: (1) eliminates the uncertainty of possibly being stranded abroad for an extended period of time while a visa undergoes processing or is denied; and (2) helps with the significant backlog in the ability to book visa appointments abroad, which then limits the foreign national's ability to travel for work or personal reasons.

Eligibility

Under a newly launched pilot program, the US Department of State is allowing foreign nationals to renew their H-1B visas by applying within the United States if they meet the following criteria.

1. They are seeking to renew an H-1B visa.
2. Their current H-1B visa was issued by a US Consulate or Embassy in either: (a) Canada from January 1, 2020, through April 1, 2023, or (b) India from February 1, 2021, through September 30, 2021.
3. They are not subject to a nonimmigrant visa issuance/reciprocity fee.
4. They are eligible for a waiver of the in-person interview requirement (ex: their current H-1B visa is either still valid or expired within the last 48 months).
5. They have submitted 10 fingerprints to the Department of State (ex: US Consulate or Embassy) in connection with a previous visa application.
6. Their prior visa does not include a "clearance received" annotation.

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7. They do not have a visa ineligibility that would require a waiver prior to visa issuance.
 8. They have an approved and unexpired H-1B petition as shown on their most recent H-1B approval notice.
 9. They were most recently admitted to the United States in H-1B status as shown on their I-94 record.
 10. They are currently maintaining H-1B status in the United States (ex: They are still actively employed by the H-1B employer.).
 11. Their period of authorized admission in H-1B status has not expired as shown on their most recent I-94 record.
 12. They intend to reenter the United States in H-1B status after a temporary period abroad.

H-4's are not eligible for this program.

Application Time Period and Process

Eligible H-1B visa holders can apply to renew their visas stateside (within the US) from January 29, 2024, through April 1, 2024. They apply online [here](#).

Each week, the Department of State will only accept 2,000 applications from those whose most recent H-1B visas were issued in Canada and another 2,000 for those whose most recent H-1B visas were issued in India. They will release these 4,000 applications slots each week starting on the following dates:

1. January 29
2. February 5
3. February 12
4. February 19
5. February 26

Once the 4,000 appointments are taken, the application portal will be locked until the next application registration period. The application period for the pilot visa renewal program will close when all application slots are filled or on April 1, 2024, whichever comes first.

Once in the application portal, the system will list a series of questions designed to allow the applicant to self-assess their eligibility. The system will not assess eligibility. Thus, it is possible that the Department of State will find someone ineligible and refuse to issue the visa through this program. In that case, they will return the applicant's passport, the visa fee will not be refunded, and the applicant will have to apply for the visa at a US Consulate or Embassy abroad.

After the self-assessment questions, the applicant will be directed to complete a DS-160 online, pay the visa fee, and submit supporting documents. For example, typically, the applicant will have to mail in their:

1. original passport valid for at least six months beyond the visa application date and with at least one blank page,
2. DS-160 Confirmation page,
3. passport-style photograph taken within the last six months,
4. I-94 record,
5. proof of the visa fee payment, and
6. copy of most recent H-1B approval notice.

All documents must be submitted by midnight April 15, 2024.

The average processing time for the visa renewal application is expected to be six to eight weeks from the time that the passport and other required documents are received. The Department of State aims to process all applications by May 1, 2024. Applicants cannot request expedited processing. Thus, if an applicant anticipates urgent travel, they may wish to apply for visa renewal abroad instead. If an applicant applies for domestic visa renewal and learns that they must travel urgently, the applicant may withdraw their application and request through the online portal that their passport be returned to them. Applicants can check the status of their applications [here](#).

Conclusion

This is a good starting point to bring back the stateside visa renewal process. The Department of State explained that they chose only H-1B's because "including other visa categories . . . created additional technical and operational challenges that cannot be resolved before the pilot launch date. For instance, developing standard operating procedures and training staff to recommence domestic renewals is a time-consuming process that requires months of practice currently underway for H-1B adjudications." They further explained that they limited it to H-1B visas issued in India and Canada because, "the population of visa applicants in India and Canada is sufficiently representative of the global population and visa issuances during the referenced periods [to] provide enough cases to make the pilot results meaningful, without overwhelming available resources." Thus, the hope is that this pilot will give them sufficient information to be able to expand the program to issue a greater number of visas and in other visa categories.

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