

# State Department Expands Consular Officer Authority to Waive Interview Requirements for Some Nonimmigrant Visa Applicants

Article By:

Miah M. Eaton

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**The U.S. Department of State recently announced that effective January 1, 2024, consular officers have expanded discretionary authority to waive the in-person interview requirement for certain nonimmigrant visa applicants.**

## Quick Hits

- The State Department announced an expansion of the waiver of the in-person interview requirement for certain nonimmigrant visa applicants, effective January 1, 2024.
- U.S. consulates are not mandated to follow the interview waiver program and policies.

Effective January 1, 2024, [consular officers have the authority](#) to waive in-person interview requirements for the following nonimmigrant applicants:

- “First-time H-2 visa applicants”; and
- “Other nonimmigrant visa applicants applying for any nonimmigrant visa classification who:
  - Were previously issued a nonimmigrant visa in any classification, unless the only prior issued visa was a B [business visitor] visa; and
  - Are applying within 48 months of their most recent nonimmigrant visa’s expiration date.”

Prior to this expansion, the program was limited to certain applicants for F, M, and J student and exchange visitor visas, and petition-based H-1, H-3, H-4, L, O, P, and Q visas, as well as select H-2 visas.

In all cases, applicants must meet certain requirements to qualify for an interview waiver. To be eligible, applicants must:

- “apply in their country of nationality or residence”;
- “have never been refused a visa (unless such refusal was overcome or waived)”; and
- “have no apparent or potential ineligibility.”

This authority is discretionary and consular officers may still require in-person interviews despite applicants appearing to qualify for an interview waiver. U.S. consulates are not mandated to follow the interview waiver program and policies; therefore, the availability of the interview waiver may vary from consulate to consulate.

Finally, previously the program was open to first-time applicants for student, exchange visitor, and certain employment-based nonimmigrant visas who were nationals or citizens of Visa Waiver Program countries, but this specific category of eligibility was removed on January 1, 2024.

### **Key Takeaways**

Currently, many consulates are facing prolonged visa appointment wait times, and therefore, select nonimmigrant applicants who qualify for an in-person interview waiver under the expansion of the program may benefit from the program's provisions to avoid these delays. As noted above, U.S. consulates may exercise their discretion in the implementation of the expansion of this program. Nonimmigrant visa applicants who believe they may qualify for the in-person interview waiver may want to contact their relevant U.S. consulate for confirmation.

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