

# Mobility: Immigration alert

February 2023

## United States

### U.S. Department of State to Launch Pilot Program for Domestic Visa Renewal

#### Executive summary

The U.S. Department of State (DOS) is planning to launch a pilot program in 2023 offering renewal of non-immigrant visas within the United States, according to a Bloomberg Law news report published on 9 February 2023. The DOS official quoted in the article indicated that the program will initially be available to H and L visa holders and may eventually be expanded to other visa categories.

#### Background and analysis

Most foreign nationals require a valid and unexpired visa stamp to enter the United States. To obtain a new visa stamp, the current practice is for foreign nationals in the U.S. to leave the country and apply for a new visa stamp at a U.S. consular post abroad.

Prior to 2004, it had been possible for applicants in the U.S. to renew their C, E, H, I, L, O, or P visa stamp without having to leave the country; however, this option for stateside renewal was abolished because of increased interview requirements and the addition of biometric identifier requirements for visa issuance after the terrorist attacks of 11 September 2001.

Most details of the pilot program remain unknown, other than the following:

- ▶ The pilot program is being planned for launch later this year in 2023;
- ▶ The pilot program will be available to H and L visa holders; and

- ▶ The pilot program may be expanded to other visa holders later.

#### What this means

The advantages of stateside visa renewal are significant. In addition to the cost and time required for international travel, the visa renewal process at U.S. consulates abroad can be unpredictable. The COVID-19 pandemic has forced the cancellation of thousands of visa appointments over the last three years, often leaving visa applicants stuck abroad with no idea of when they may be able to return to the U.S. Even after successfully lodging a visa application, that application may be placed in “administrative processing,” which can delay issuance of the visa by several weeks, months, or even a year or longer.

Additionally, initial visa applicants outside the U.S. may benefit from the program, as U.S. consulates may receive fewer visa applications from stateside applicants to adjudicate. This has the possibility of translating to reduced visa appointment wait times.

As most details of the pilot program remain unknown, so do the exact implications of the program. Given that the program is pilot in nature, it is likely to be rolled out initially with a narrow scope and then gradually expanded over a time. Employers should closely monitor the release and implementation of program details, and continuously review with input from immigration counsel to ensure selection of a suitable visa renewal strategy for their employees.



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We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional.

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