

GMS Flash Alert

Immigration Edition

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United States – Nonimmigrant Visa Interview Waivers Expanded

Effective January 1, 2024, the U.S. Department of State (DOS) expanded interview waivers to additional nonimmigrant visa applicants.¹ Furthermore, the DOS extended the eligibility for an interview waiver to applicants seeking to renew a nonimmigrant visa within 48 months of the prior visa’s expiration, so long as the new application is in the same visa classification.

WHY THIS MATTERS

The DOS’s previous interview-waiver-eligibility criteria expired on December 31, 2023, so the extension of the policy is welcome news. Not only was the waiver program extended, additional nonimmigrant categories have been included. The current guidance is to remain in place indefinitely as there was no expiry date. This avoids the need for DOS to authorize and extend the policy each year.

Companies and applicants need to have the most up-to-date information on consulate policies when the time arrives to renew their visas. They should thoroughly understand the criteria in order to determine whether they require an in-person consular interview or may be eligible to courier their application package directly to the consular post if the interview is waived.

Details of the Update

The DOS’s consular officers are now authorized to issue interview waivers for the following visa categories:

- Initial H-2 visa applicants (temporary agricultural and non-agricultural workers); and

- Nonimmigrant visa applicants applying for **any** nonimmigrant visa classification, so long as the applicant:
 - was **previously issued** a nonimmigrant visa in **any** classification, *unless* the only prior issued visa was a B1/B2 visa; and
 - is applying within 48 months of the expiry of their most recent nonimmigrant visa.

As a reminder, the following general legal requirements for an interview waiver remain in place:

- The applicant must apply in his/her country of residence or nationality;
- The applicant must have never been refused a visa (unless the refusal was overcome or waived); and
- The applicant must have no apparent or potential ineligibility.

KPMG INSIGHTS

Unlike the previous DOS's guidance, the new policy does not list specific visa categories. Instead, the new guidance applies to all nonimmigrant visa applicants applying for any nonimmigrant visa classification. It is expected that implementation of the interview-waiver policy will continue to evolve and be reviewed by the DOS annually.

Applicants must keep in mind that the interview-waiver determination is made on a case-by-case basis and ultimately falls to the consular officers in the consular post at which they are applying. Companies and applicants are encouraged to consult the website and customer support channels for the chosen consular post so that they may find any information specific to it.

KPMG Law LLP will continue to monitor developments and provide updates as they become available.

FOOTNOTE:

1 Department of State (DOS), "[Important Update on Waivers of the Interview Requirement for Certain Nonimmigrant Visa Applicants](#)," (December 21, 2023).

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Contact us

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