

Blog Post

It's a Bird! It's a Plane! No, It's Domestic Visa Renewal!

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Every few years, employees working in the United States on nonimmigrant visas such as the H-1B and L-1 are forced to undertake the arduous journey to renew their visas at a consular post abroad. A valid visa is needed to both travel outside and then re-enter the United States. This journey is incredibly inconvenient for both employers and employees, as the employees usually must take *at least two weeks* off from work in order to obtain a new visa at a consular post abroad, and can sometimes be stuck abroad for months due to administrative processing or because the consulate cancelled their appointment last minute. The inconvenience has only increased due to consular waiting times, and there is no mechanism for nonimmigrant visa holders to obtain a new visa inside the United States.

Even before COVID-19 struck, lengthy consular waiting times caused grief to both employers and employees. The average waiting time for appointments skyrocketed in the wake of the COVID-19 pandemic, as consular posts closed for months at a time and struggled to re-hire using revenue obtained from visa fees. These wait times range from relatively reasonable (110 calendar days in London for a B-visa) to outright ridiculous (375 calendar days in Islamabad). Coupled with the fact that consulates can take 7-10 business days to return

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passports, visa renewal now requires a multi-month planning effort.

There is some good news on the horizon: a domestic visa renewal pilot program proposed by the Department of State is currently under White House review. This is the final step before the rule will be publicly released. This would allow nonimmigrant visa holders to renew their visas domestically, therefore eliminating the need to travel to a consular post abroad.

A Brief History of Domestic Visa Renewal

The program is not an entirely new concept. Prior to the September 11, 2001, attacks, domestic visa renewal was available to nonimmigrant visa holders. In the wake of the 9/11 attacks, the government implemented additional procedures, including collecting biometrics data. The domestic program could not comply with these additional procedures, and, as such, it was discontinued in 2004. Since then, foreign nationals have had to travel abroad to obtain a new visa.

What Types of Visas Will Be Subject to the New Program?

At the moment, the pilot program will only allow for domestic renewal of H-1B visas. The public is not yet aware of the scope of the pilot program and whether all H-1B visa holders will be eligible for renewal under the pilot program. In February of this year, the Department of State did confirm that the program will eventually be expanded to include L-1 visas; however, a timeline on that rollout is not available at the moment. Either way, this program promises to ease the visa renewal process for nonimmigrant visa workers and to ensure continuity of business operations for the companies that employ them.

The Akerman immigration team will continue to provide updates as details are released and is available to assist with any questions regarding nonimmigrant visas in general.

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