

PUBLICATION

Department of State Pilot Program Allowing Stateside Renewal of Certain H-1B Visas Begins January 29, 2024

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December 22, 2023

The Department of State (DOS or the Department) has announced a pilot program to resume domestic visa renewal for certain H-1B visa holders. Although the pilot program is limited to the renewal of certain H-1B visas issued by DOS consular offices in Canada and India, the good news is that during this pilot program period, the DOS will continue to develop processes to adjudicate additional employer-sponsored visa categories, leveraging real-time data and feedback to expand the program. The Department will be accepting applications from January 29, 2024, to April 4, 2024.

DOS discontinued domestic renewal of nondiplomatic nonimmigrant visas in 2004. DOS explained that the goal of the program is to test DOS's technical and operational ability to resume domestic visa renewals for specific nonimmigrant visa classifications and to assess the efficacy of this program in reducing worldwide visa wait times by shifting certain workloads from overseas posts to the United States. The pilot aligns with the administration's commitment to transform federal customer experience and service delivery to rebuild trust in government, as outlined in [Executive Order 14058](#), signed on December 13, 2021. By designing and delivering services with a focus on innovative solutions and the user experience of American industry partners, the DOS is looking to alleviate the uncertainty often experienced by U.S. companies that employ temporary workers requiring petition-based visas, as well as the uncertainty experienced by their impacted workers.

Who is Eligible?

Participation in the pilot program is limited to applicants who(se):

- Prior H-1B visa was issued by consular offices in **Canada** with an issuance date from **January 1, 2020, through April 1, 2023**; or in **India** with an issuance date of **February 1, 2021, through September 30, 2021**;
- Are not subject to a nonimmigrant visa reciprocity fee;
- Are eligible for a waiver of the in-person interview requirement;
- Have submitted ten fingerprints to the Department in connection with a previous visa application;
- Prior visa does not include a "clearance received" annotation;
- Do not have a visa ineligibility that would require a waiver;
- Have an approved and unexpired H-1B petition;
- Were most recently admitted to the United States in H-1B status;
- Are currently maintaining H-1B status in the United States;
- Period of authorized admission in H-1B status has not expired; and
- Intend to reenter the United States in H-1B status after a temporary period abroad.

Application Process

DOS will begin accepting applications on January 29, 2024, via <https://travel.state.gov/content/travel/en/us-visas/employment/domestic-renewal.html>. To control the number of applications received, DOS will release 4,000 application slots each week starting January 29, with 2,000 slots for H-1B visas issued in Canada and

2,000 slots for H-1B visas issued in India. Applicants must submit an online DS-160 application and pay a nonrefundable \$205 MRV fee via a major debit or credit card. Applicants will receive instructions through the portal on where and how to send their passport and other required documents.

Required documents include: the electronically filed DS-160, passport (valid for at least six months beyond visa application date with at least one blank unmarked page); one photo which meets specifications; original or copy of current I-797 approval notice; and original or copy of I-94 (available on I-94 website or included on Form I-797). As the instructions allow an "original or copy" of the I-797, applicants may wish to only send a copy of the I-797 so they retain that document for future travel and I-9 purposes.

The average processing time is expected to be six to eight weeks from the time the passport and other required documents are received by the DOS. DOS aims to complete the processing of all applications no later than May 1, 2024. DOS will not consider requests for expedited processing. Those who need to travel urgently may withdraw their application and request that their passport be returned.

The DOS cautions that the issuance of a visa in the United States is NOT a grant of nonimmigrant status, does not constitute an extension of current nonimmigrant status, and does not constitute an admission to the United States. The visa will only permit the applicant to seek entry at a U.S. port of entry after overseas travel and is not a guarantee of admission. Any foreign nationals seeking to extend or maintain their employment-based U.S. immigration status while in the United States should contact their Baker Donelson immigration lawyer.

If you have any questions, please contact the author, [Robert N. Johnson](#), or any member of Baker Donelson's [Immigration Team](#).