



Stateside Nonimmigrant Visa Processing Is Returning – FINALLY!

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It has been reported that the U.S. Department of State is offering up good news that immigration lawyers have been advocating for since 2021 and before – the return of stateside nonimmigrant visa renewal processing.

This process is in the regulatory framework of the department and presently available to only diplomats and NGOs. It stopped full operations in 2004 because of the biometric requirement for all visa applicants. Recently, Bloomberg Law reported the State Department will launch a pilot program later this year “offering visa renewal options in the U.S. for H-1B specialty occupation workers” and L-1 intracompany transferee. These foreign nationals are presently required to travel abroad for visa stamp renewals, which adds to the bottlenecks U.S. consular posts are experiencing. After full implementation, the program will likely expand to other visa categories.

H-1B visas are for professional specialty occupation foreign workers across industries and occupations. This visa allows employers to add professional and specialized workers for two three-year periods with further extension period available to those with approved green card petitions waiting limited immigrant visa availability. Employers seek L-1 visas for foreign nationals who work as employees for a related corporate entity overseas. They are selected for transfer based on their experience and credentials to work for the U.S. related entity as executives, managers or specialized knowledge workers. The L-1 is limited to a five- to seven-year period.

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This stateside visa renewal process has been a long time coming. As Bloomberg reported, “Immigration lawyers and business groups urged the State Department since 2021 to restore the domestic renewal option as a measure to reduce backlogs at overseas consular post, especially in India, the biggest source of H-1B visa holders. Foreign workers who travel abroad can’t reenter the US without a valid visa stamp. But long wait times for appointments during the pandemic meant many were stuck abroad for months, adding disruptions for U.S. employers.”

Organizations such as the American Immigration Lawyers Association (AILA) have been advocating for the reinstatement of stateside visa renewals for several years. It is fulfilling to see such advocacy work considered and implemented by the State Department in its efforts to reduce visa-processing backlogs at U.S. consulates abroad.

The State Department has not announced any details about the restored stateside service. The agency must set up an entire processing structure and team in the U.S. to adjudicate the anticipated volume. In the past, specific documents were submitted for processing; they included the DS-160 form, a money order, a passport valid six months beyond the visa petition expiration date, the I-797 Notice of Approval, and an employment verification letter by the U.S. employer with W-2s and pay statements. It is expected similar documents will be required under the restored program. Please stay tuned for more details after the State Department’s formal announcement.