

Domestic Renewal of H-1B Nonimmigrant Visas for Certain Applicants



OVERVIEW

The Department of State has announced a pilot program to resume domestic visa renewals for qualified H-1B nonimmigrant visa applicants who meet certain requirements.

- The pilot program will accept applications from January 29, 2024, through April 1, 2024, or when all application slots are filled, whichever comes first.
- Participation in the pilot program is voluntary.
- Individuals who do not meet the requirements for participation in the pilot program, or those who choose not to participate in the pilot program, may continue to apply for visa renewal at a U.S. embassy or consulate overseas.

There are several steps to apply for this pilot program:

1. Select the country where your most recent H-1B visa was issued (Note: this initial pilot is limited to renewal of visas issued in India and Canada). Then follow the online navigator tool to assess your qualifications for participation in the pilot.
2. If you meet the requirements for participation, follow the instructions in the portal to complete and submit an Online Nonimmigrant Visa Application (form DS-160).

3 Use the online portal to pay the required non-

3. Use the online portal to pay the required, non-refundable, non-transferrable Machine-Readable Visa (MRV) application processing fee of \$205.00.
4. Follow the instructions on the portal to mail your passport and other required documents for processing.

The Department will make available a maximum of 20,000 application slots during this limited pilot program:

Approximately 2,000 per week for applicants whose most recent H-1B visa was issued by U.S. Mission Canada with an issuance date of January 1, 2020 through April 1, 2023, and approximately 2,000 per week for applicants whose most recent H-1B was issued by U.S. Mission India with an issuance date of February 1, 2021, through September 30, 2021.

Application slots will be released on the following entry period dates:

- January 29, 2024
- February 5, 2024
- February 12, 2024
- February 19, 2024
- February 26, 2024

Applicants will only be able to apply through the portal linked below during the specified dates above. Applications will be handled on a first-received, first-processed basis until the weekly limit is reached. Applicants who are unable to apply on one application date may reattempt application on any of the remaining application dates during the entry period. The application period will close when all application slots are filled or on April 1, 2024, whichever comes first.



AM I ELIGIBLE FOR DOMESTIC RENEWAL?

FREQUENTLY ASKED QUESTIONS

Which applicants qualify for participation in the pilot program?



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

- Seek to renew an H-1B nonimmigrant visa *only* (no other visa classifications, including H-4 visas for dependent spouses and children, will be processed through this pilot program);
- Prior H-1B visa that is being renewed was issued by U.S. Mission Canada with an issuance date of January 1, 2020, through April 1, 2023; or by U.S. Mission India, with an issuance date of February 1, 2021, through September 30, 2021;
- Are not subject to a nonimmigrant visa issuance fee (commonly referred to as a “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 prior to visa issuance;
- Were most recently admitted to the United States in H-1B status;
- Are currently maintaining H-1B status in the United States;
- Have an approved and unexpired H-1B petition;
- 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.

Applicants who do not meet the requirements for participation in the program, including eligibility for a waiver of the in-person interview requirement, are not qualified to apply for, nor be issued, a visa domestically and will be required to apply overseas.

The navigator tool used during the application process is not capable of screening out all unqualified applicants. If you submit an application that fails to

applicant. If you submit an application that fails to satisfy the requirements for pilot participation or an application that is refused based on failure to qualify for an interview waiver or another ineligibility identified during the adjudication process, the MRV application processing fee payment will not be refunded.

What documents and fees are required for a domestic H-1B visa renewal?



You will need to submit the following documents as part of the application process:

- A properly completed and electronically filed form DS-160, Online Nonimmigrant Visa Application.
- Non-refundable and non-transferable \$205.00 MRV application processing fee, payable via the online portal after completing the form DS-160.
- One photograph (taken within the last six months), which meets the specifications at <https://travel.state.gov/content/travel/en/passports/how-apply/photos.html>.
- A passport valid for travel to the United States, which is valid for at least six months beyond the visa application date, and contains a blank, unmarked page for placement of a visa foil.
- Original or copy of current Form I-797, Notice of Action.
- Original or copy of Form I-94, Arrival-Departure Record (available at <https://i94.cbp.dhs.gov/i94/#/home> or on the Form I-797).

How do I establish that I am working or living in the United States?



Since the Department will not conduct in-person visa interviews domestically, applicants seeking to renew their visa in the United States through the pilot must be eligible for a waiver of the in-person interview

requirement under the U.S. Immigration and Nationality Act (INA) section 222(h). Based on this statutory requirement, applicants for domestic visa renewal must be resident in the United States. In assessing this requirement, the Department will review certain information including your “home address” provided on the DS-160, “current residential U.S. address” on your Form I-129, Petition for a Nonimmigrant Worker, length of employment in the United States and your arrival and departure records. You are not required to submit any evidence establishing residence in the United States with your visa application. If needed, the Department may request such evidence following a review of your application. “Residence” in this context does not mean “lawful permanent resident” (or LPR).

How do I show that I intend to reenter the United States in H-1B status after a temporary period abroad?

To qualify for participation in the pilot program, you must intend to reenter the United States in H-1B status after a temporary period abroad. You are not required to submit evidence of this intent with your application; however, the Department may request additional evidence of intent on a case-specific basis.

PROCESSING: LOGISTICS & FEES

How long will it take to process my application?

We estimate the processing time will take six to eight weeks from the date the applicant’s passport and other required documents are received by the Department.

What if I must withdraw my application before a decision is made, or I need my passport for emergency travel before my application has been processed?



You may withdraw your application and request your passport back via the online portal. If you withdraw your visa application while it is pending adjudication, it will be refused under INA Section 221(g). This would include situations where an applicant requests a return of the submitted passport for emergency travel prior to our office reviewing and processing the application. The MRV fee will not be refunded.

May I pay a fee to expedite my application?



No. The Department will not expedite domestic visa renewal applications. All applications will be handled on a strict first-received, first-processed basis. If you have an urgent need to travel, you may choose to apply for your visa at a U.S. embassy or consulate overseas.

REFUSALS & INELIGIBILITIES

How can I tell if my application would require payment of a nonimmigrant visa issuance fee (commonly referred to as a “reciprocity fee”), resulting in a return of my application without an adjudication taking place?



The Department is unable to accept reciprocity fees domestically. Nationals from countries with a reciprocity fee may not participate in the pilot.

To view current reciprocity information, go to the U.S.

Visa: Reciprocity and Civil Documents by Country information on the following web page:
<https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html>

What will happen if my application is returned without adjudication?



The Department will return the below out-of-scope applications **without** adjudication and **without** a refund of the Machine-Readable Visa (MRV) fee:

- Any application that seeks to renew a visa other than an H-1B visa.
- Any application where the prior H-1B visa was not issued by Mission Canada with an issuance date from January 1, 2020 through April 1, 2023; or by Mission India with an issuance date of February 1, 2021 through September 30, 2021.
- Any application which is subject to a nonimmigrant visa issuance fee (reciprocity fee).
- Any application where the prior visa was issued with a “clearance received” annotation.

If your case is returned without an adjudication, you will not be issued a visa domestically. You may choose to file a new application with a new MRV fee at a U.S. embassy or consulate overseas.

What will happen if my application is refused?



Participation in the pilot program is voluntary. If you are found to be ineligible for a waiver of the in-person interview requirement, or otherwise fail to satisfy the requirements for domestic visa renewal, your application will be refused under INA section 221(g) or returned unadjudicated. If you are not issued a visa through this pilot program, you may choose to file a new application with a new MRV fee at a U.S. embassy or

application with a new interview at a U.S. Embassy or consulate overseas. The Department cannot transfer your application to an overseas embassy or consulate.

How many applications will be accepted during the pilot program?



The Department will release a total of approximately 20,000 application slots during the pilot program. Each release will consist of approximately 2,000 application slots released per week for applicants whose most recent H-1B visa was issued by U.S. Mission Canada, and approximately 2,000 application slots per week for applicants whose most recent H-1B visa was issued by U.S. Mission India (for a total of approximately 4,000 application slots during each week of the pilot program).

Application slots will be released on the following entry period dates:

- January 29, 2024
- February 5, 2024
- February 12, 2024
- February 19, 2024
- February 26, 2024

Applications will be handled on a first-received, first-processed basis until the 2,000 maximum weekly limit for each participating Mission is reached. Applicants who are unable to apply on one application date may reattempt application on any of the remaining application dates during the entry period. The application period will close when all application slots are filled or on April 1, 2024, whichever comes first.

How do I know if I am eligible for a waiver of the in-person interview requirement?



For purposes of the domestic renewal pilot, most

applicants are generally eligible for a waiver of the in-person interview requirement if you seek to renew your H-1B visa within the pilot program eligibility dates, and you reside in the United States, with certain exceptions set out in the law, including those specified below.

In particular, you are **not** eligible for interview waiver, and cannot participate in the pilot, if you fall within one or more of the below categories:

- You do not reside in the United States.
- You have ever been previously refused a visa, unless the refusal was subsequently overcome (and you were subsequently issued a visa) or you obtained a waiver of ineligibility.
- You have an apparent visa ineligibility or potential visa ineligibility.
- You are a national (including a dual national) of certain countries, including those designated by the Secretary of State as a state sponsor of terrorism.
- Interview waivers are discretionary. Adjudicators will consider an applicant's individual circumstances and may require an in-person interview on a case-by-case basis.

The navigator tool used during the application process is not capable of screening out all unqualified applicants. If you submit an application that fails to satisfy the requirements for pilot participation or an application that is refused based on failure to qualify for an interview waiver or another ineligibility identified during the adjudication process, the MRV application processing fee payment will not be refunded.

For the latest updated on waivers of the interview requirement, visit:

<https://travel.state.gov/content/travel/en/News/visas-news/important-update-on-waivers-of-the-interview-requirement-for-certain-nonimmigrant-visa-applicants.html>

How do I know if I have an apparent ineligibility or potential ineligibility that might make me ineligible for an



might make me ineligible for an interview waiver?

National security is our top priority. Before issuing any visa, we ensure that every prospective traveler is subject to extensive security screening. If it appears that an applicant may have been involved in an activity of a national security concern, might have a visa ineligibility, or requires further review, that applicant is ineligible for an interview waiver.

In some cases, an applicant may be ineligible for interview waiver for reasons unknown to the applicant. In all cases, those reasons will be tied to a specific statutory ground, but the circumstances triggering the ineligibility may not be known to the applicant at the time of application. The situations which make a visa applicant ineligible for a visa, called visa ineligibilities, are found in the Immigration and Nationality Act (INA), and other immigration laws. More information about visa ineligibilities can be found here:

<https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/waivers.html>

If an adjudicator determines that an applicant requires an in-person interview, why does an applicant need to make a new application overseas and pay a second application fee?



The Department incurs costs to review visa applications and to determine if an applicant requires an in-person interview. Applications submitted under this pilot program will be reviewed, and the fee submitted only covers the cost of processing the application for this program. This fee is non-refundable and non-transferrable regardless of whether you are issued a visa.

If my application for domestic renewal is



...my application for domestic renewal is refused or returned, can my application be transferred overseas for continued processing?

No. The Department cannot transfer applications to an overseas post under any circumstances. If your application is refused or returned and you want to pursue a new visa application, you may do so by applying overseas at a U.S. embassy or consulate and submitting a new application and a new MRV fee.

Could a denial of my H-1B renewal application impact my ESTA?



Yes. For the purposes of future visa applications, including ESTA applications required for travel under the Visa Waiver Program, a refusal under INA section 221(g) of a domestic visa renewal application constitutes a denial of a visa. Visa Waiver Program (VWP) travelers with prior visa denials should mark “yes” for question F on the ESTA application form, “Have you ever been denied a U.S. visa or entry into the U.S. or had a U.S. visa canceled?”

OTHER TOPICS

I was issued an F-1 student visa in India between February 1, 2021 and September 30, 2021 and was admitted to the United States as an F-1 student. I have since changed status from F-1 to H-1B. Do I qualify for this pilot program?



No. The pilot program is limited to individuals who are seeking to renew a previously issued H-1B visa and who were most recently admitted to the United States in H-1B status.

What if I meet the program requirements but I changed employers while in the United States? Can I still participate in the program?

If you are currently maintaining H-1B status in the United States and meet the other requirements for participation, you may still be qualified to participate in the pilot program.

How do my family members with H-4 visas apply?

The Department is unable to process H-4 visas during the pilot program. Your spouse and unmarried children under 21 years of age may seek to renew their H-4 visas overseas at a U.S. embassy or consulate where they have a residence or are physically present.

How do I check the status of my application?

Applicants may check the status of their application at: <https://ceac.state.gov/CEACStatTracker/Status.aspx?App=NIV>. The Department will not provide non-automated status reports on individual applications, other than the return of the application, issuance of the visa, or refusal. The average processing time for a domestic visa renewal application is expected to be six to eight weeks from the time a passport and other required documents are received by the Department.

[Back to top](#)