

# Easing the Nonimmigrant Visa Process for U.S. College Graduates

Last Updated: July 15, 2024

On June 18, 2024, the Biden-Harris Administration announced actions to more efficiently process employment-based nonimmigrant visas for those who have graduated from college in the United States and have a job offer.

As part of this initiative, the Department clarified existing guidance to consular officers related to when they should consider recommending that DHS grant a waiver of ineligibility, where applicable.

**Q: What do these process clarifications mean for current nonimmigrant visa ineligibility waiver processing steps?**

- These clarifications explain when consular officers should consider recommending that the Department of Homeland Security waive ineligibility for these applicants on an expedited basis, in conjunction with visa applications overseas. All processing steps remain the same.
- Waiver requests are adjudicated by the Department of Homeland Security, U.S. Customs and Border Protection's Admissibility Review Office.
- For additional information related to visa ineligibility waivers, please visit our website: [Ineligibilities and Waivers: Laws \(state.gov\)](#).

**Q: How can an individual apply for a petition-based nonimmigrant work visa?**

- Before an applicant can apply for an H-1B or other petition-based temporary worker visa, U.S. Citizenship and Immigration Services (USCIS) must generally first approve a [Petition for a Nonimmigrant Worker, Form I-129](#). For more information about the petition process, see [Working in the U.S.](#) and [Temporary \(Nonimmigrant\) Workers](#) on the USCIS website. Once USCIS approves the petition, it will send the prospective employer a Notice of

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## ACTION, FORM I-191.

- Individuals may apply for a nonimmigrant visa after USCIS has approved the petition. There are several steps in the visa application process. The order of these steps and how applicants complete them may vary at the U.S. embassy or consulate where they apply. Please visit the [embassy or consulate website](#) for instructions on how to apply.
- Individuals will need to complete the Online Nonimmigrant Visa Application, Form [DS-160](#) and schedule an appointment for their visa interview at any [U.S. Embassy or Consulate](#).

**Q: If an applicant needs a waiver for the visa ineligibility, how can they request one as part of a standard interview?**

- Applicants who are denied a visa will be notified by the consular officer of the relevant ground of ineligibility and whether they are eligible for a waiver of that ineligibility.
- Waivers are available for certain grounds of inadmissibility under Section 212(a) of the Immigration and Nationality Act.
- Waiver requests are adjudicated by the Department of Homeland Security, U.S. Customs and Border Protection's Admissibility Review Office, based on a recommendation from the Department of State.
- For additional information related to visa ineligibility waivers, please visit our website: [Ineligibilities and Waivers: Laws \(state.gov\)](#).
- For questions related to waiver approvals, we refer you to the Department of Homeland Security.

**Q: How long are current interview appointment wait times for employment-based nonimmigrant visas at overseas posts?**

- Currently, interview wait times for H-1B visas are minimal at most of our overseas posts.

Please visit our website to check the current interview appointment wait times for employment-based visas at our overseas posts: [U.S. Visas \(state.gov\)](https://travel.state.gov).

**Q: How do these edits to the Foreign Affairs Manual (FAM) clarify existing guidance to consular officers?**

- The FAM updates clarify when consular officers should consider recommending to DHS to grant a waiver of the applicant's ineligibility, consistent with the waiver process that is already available under existing law to individuals seeking nonimmigrant visas and consistent with Department regulations and policy that describe the types of cases in which consular officers should consider recommending a waiver of ineligibility. It does not confer any new benefits and applies to all visa applicants.
- These updates are consistent with existing Department regulations and guidance.
- This will potentially result in certain individuals receiving work visas more quickly if DHS approves a waiver of ineligibility.
- While leaving the United States to apply for a visa is not without risks, this policy clarifies when consular officers should consider recommending waivers, so that individuals and employers can make informed decisions and streamline the process so that those who qualify can get to work quickly.

**Q: When will the guidance be issued?**

- Updated guidance for consular officers was issued on July 15, 2024.