



## LEGAL ALERT

January 2022

### **Waiver of Interview Requirement for Certain Nonimmigrant Visas through the end of 2022**

*By: Anna Putintseva*

The U.S. Secretary of State, in consultation with the Department of Homeland Security, has authorized consular officers to waive in-person interviews for certain employment nonimmigrant visa applicants through the end of 2022. Beneficiaries of approved H-1, H-3, H-4, L, O, P, and Q visa petitions may qualify for an interview waiver if they meet the following requirements:

- they were previously issued any type of U.S. visa;
- they are applying for a visa in their country of nationality or residence;
- they have never been refused a visa unless such refusal was overcome or waived; and
- they have no apparent or potential ineligibility to receive a visa.

First-time beneficiaries of approved H-1, H-3, H-4, L, O, P, and Q visa petitions may also be eligible for interview waivers if they meet the following requirements:

- they are citizens or nationals of a Visa Waiver Program (VWP) participating country;
- they have no apparent or potential ineligibility to receive a visa; and
- they have previously traveled to the United States using an Electronic System for Travel Authorization (ESTA).

The Department of State also extended previously approved policies to waive the visa interview for certain students, professors, research scholars, short-term scholars, or specialists (F, M, and academic J visa applicants) through the end of 2022. In particular, the applicants meeting the following requirements may qualify:

- they are citizens or nationals of a VWP participating country;
- they have previously traveled to the United States via ESTA;
- they are applying for a visa in their country of nationality or residence; and
- they have no apparent or potential ineligibility to receive a visa.

The previously adopted policy allowing interview waivers for F, M, academic J and temporary agricultural and non-agricultural H-2 visa applicants also has also been extended through the end of 2022. Applicants renewing any visa within 48 months of expiration are also eligible for interview waiver, provided they have no apparent or potential ineligibility.

The U.S. Secretary of State encourages visa applicants to monitor a website of the relevant U.S. consulate to confirm the availability of the nonimmigrant visa services and requirements for applying for visa without an interview.

If you have any questions or need to speak about your specific situation with an experienced immigration attorney, please contact Anna Putintseva, Esq. at [aputintseva@bhlawpllc.com](mailto:aputintseva@bhlawpllc.com) or 315.701.6372.



Bousquet Holstein



Bousquet Holstein PLLC