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# department of state pilot program – limited stateside h-1b visa renewal

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## I. What does the Pilot Program entail?

Between January 29, 2024 and April 1, 2024, the Department of State will relaunch a Stateside Visa Renewal Program for limited H-1B visa applicants to apply for a visa renewal within the United States instead of with a U.S. consular post abroad.

Each week, 2,000 online application spots will be released, and the online portal will automatically lock once the limits have been reached.

## II. Which visa applicants are eligible?

Principally, the Pilot Program is limited to **H-1B principal visa applicants** with prior visas issued by **U.S. consular posts in Canada from January 1, 2020 through April 1, 2023**; or by **U.S. consular posts in India from February 1, 2021 through September 30, 2021**. The Program excludes H-4 dependents.

Additionally, the H-1B visa renewal applicants must meet the following criteria:

1. Have an approved and unexpired H-1B petition;
2. Be admitted in and maintaining H-1B status, with authorized admission in H-1B status that has not expired;
3. Apply to renew an H-1B visa between January 29, 2024 and April 1, 2024;
4. Not be subject to a nonimmigrant visa issuance (reciprocity) fee;
5. Be eligible for an in-person interview waiver (the Department of State will determine such eligibility, but general considerations include: whether the applicant is applying for a visa not more than 12 months after prior visa expiration; for the same visa classification as the prior visa; from the country of usual residence; and that there is no indication of non-compliance with

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U.S. immigration laws and regulations);

6. Have submitted 10 fingerprints in connection with the prior visa application;
7. Not have a “clearance received” annotation on the prior visa;
8. Not have a visa ineligibility that would require a waiver; and
9. Intend to reenter the United States in H-1B status after a temporary period abroad.

### III. What is the application process?

Applicants will need to access the online portal when the Pilot Program starts and answer questions to determine eligibility for the Program. If found to be eligible, the applicants will still need to complete the Form DS-160, pay the visa (MRV) fee online, and send their passports and other required documents to the Department of State, which include the following:

1. One photograph, taken within the last six months, meeting Department of State specifications;
2. Passport, valid for at least six months and containing a blank page for the visa;
3. Copy of Form I-797, H-1B petition approval notice; and
4. Copy of most recent I-94.

The expected processing time is around six to eight weeks from the submission of documents to returning passports to applicants via courier service. The Department of State may request additional documents during the process, and requests for expedited processing will not be accepted.

### IV. MSK Analysis

The Pilot Program has been highly-anticipated, given that visa applicants would be able to renew their visas before their international travel.

In order to participate, we recommend the following:

Firstly, interested visa applicants must review the H-1B visas in their passports while referencing the eligibility criteria, as detailed above.

Secondly, applicants can begin obtaining their photographs, reviewing their passports to ensure that they meet the requirements, and preparing copies of their H-1B petition approval notices and most recent I-94.

Only with this upcoming Pilot Program will we find out from the Department of State if the Stateside Visa Renewal Program will be continued and possibly expanded to e.g. more numbers of H-1B visa renewal applicants and H-4 dependents/other visa categories in the future.