

# H-1B Travelers to Save Time, Money, and Heartache with Stateside Visa Renewal Pilot Program, Starting January 29

## Labor & Employment Law Update

on January 29, 2024

For H-1B visa holders, the logistics of traveling home for a wedding can be almost as challenging to plan as the wedding.

A man who traveled to India for a wedding had to remain there for weeks to get a visa to return to the US. He had to apply for the visa in India, have an interview, and then wait 3 weeks for the consulate to vet his application and return the passport with the visa foil. The waiting time caused him to postpone a major business deal.

Consulate and embassy waiting times have ballooned to eight, nine, or even twelve months in some places including Mexico and Canada – and that's just for the interview!

### Stateside Visa Renewal Pilot to Reduce Wait Times

Long and unpredictable consulate and embassy wait times have precluded many foreign nationals from returning home to spend holidays with family, attend a funeral or address a family emergency.

In addition to raising fees to hire more staff, the Department of State (DOS) has announced a pilot program to process H-1B renewal visas in the US. Processing those visas stateside will lessen the embassy and consulate workload, hopefully allowing them to reduce their backlog and wait times.

This is not the first time DOS will allow stateside visa renewals. This program existed for years before post 9/11 security requirements led DOS to discontinue the program in 2004.

### Stateside Renewal Pilot Program Will Ease Travel Logistics and Reduce Cost for H-1B Visa Holders

Going into effect from **January 29, 2024 to April 1, 2024**, the pilot renewal program will allow H-1B visa holders who are currently in status to renew their visas in the US before a temporary trip abroad.

Those eligible for stateside renewals must have an H-1B visa issued via Mission Canada or Mission India. Other requirements include:

- Eligible for an in-person interview waiver
- Submitted ten fingerprints to DOS with a prior visa application
- No “clearance received” annotation on a prior visa

H-1B holders who qualify can apply for their visas in the US before they travel. DOS expects processing will take 6-8 weeks, so it will still require some planning. But applicants can go about their usual lives instead of being stranded abroad.

While visa applicants will need to pay a processing fee – which was always the case – they will no longer have to bear the cost of extended stays to accommodate embassy and consulate processing delays. Moreover, they can travel with confidence in their planned return date.

### The Pilot is a Good Start

While the 6-8-week processing time still doesn’t help those who have a sudden need to travel for an emergency or funeral, the pilot is a good start to reducing backlogs and wait times, and will make travel easier for many H-1B visa holders.

Right now DOS is not offering expedited processing. But we are keeping an eye out for them to do so. We are also watching to see if DOS opens this program to H-1B visa holders from other countries.

### Other Good News

While USCIS is planning substantial fee increases, it is predicted that the employers’ H-1B cap registration fee will remain \$10 for this coming cap season. USCIS has floated a new fee of \$215, so employers who can apply this year will save much money.

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