

New Program Will Permit H and L Visa Holders to Renew Visa Stamps within U.S.

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The United States Department of State (DOS) has announced plans to launch a desperately needed and revolutionary program that would allow H and L visa holders to renew their visa stamps while they are physically present in the United States of America (U.S.A.). This plan would represent a dramatic departure from current practice, which requires H and L visa holders to travel abroad to obtain a renewed visa stamp at a U.S. Consulate, incurring significant costs for them and disrupting operations for employers. This plan, furthermore, would obviate the need to complete the Form DS-160, to pay additional fees, and to schedule of a consular appointment, which has seen increased wait-times and delays during the COVID-19 pandemic. Currently, if such visa holders travel abroad, they are unable to return to the U.S. without the requisite renewed visa stamp. These barriers have made travel abroad for foreign nationals holding H or L visas more onerous in recent years, and by extension have impacted U.S. employers sponsoring H and L visas. The pilot program will begin later this calendar year, with specific dates yet to be announced.

Background

Domestic visa renewals were largely discontinued in 2004, based on changes to U.S. national security laws requiring biometric data collection from foreign nationals seeking immigration status. Unprecedented closures and staffing shortages stemming from the COVID-19 pandemic have resulted in lengthy delays. Stakeholders, including U.S. businesses employing and sponsoring H and L visas, have urged the Department of State (DOS) to permit renewals while in the U.S.A., expressing concerns that lengthy visa application backlogs will make the country a less favorable and less competitive destination for international talent. In response to stakeholder concerns, DOS officials, including representatives from the Bureau of Consular Affairs, have shared plans to establish a new consular division in Washington, D.C., which would manage the pilot program. The purpose of the pilot program would be to relieve burdensome financial and logistical concerns for employers and their H and L visa holder employees and to help mitigate disruptions associated with the current program.

Under the current program, U.S. employers can petition for H and L renewals for their employees. Upon receiving an approval from USCIS, however, if the employee-beneficiary travels abroad, the employee is also required to obtain a renewed visa stamp at a U.S. Consulate abroad before being allowed re-entry to U.S. This creates additional hurdles and delays for U.S. employers, reasonably affecting the retention of international talent and/or causing disruption to day-to-day operations.

Key Takeaways

- The pilot program, to allow domestic visa stamp renewals of H and L visas, is expected to begin in 2023.
- The pilot program will initially be limited in scope.
- Exact dates and eligibility requirements are not yet available.

- It is reasonably possible that the pilot program could be expanded to encompass other visa categories.
- News of the pilot program represents a welcome change that will positively affect American employers and reasonably will simplify processes for employers and H and L visa holder employees alike.