

Qualified Optimism About State Department’s Pilot Project to Renew H-1B, L-1 Visas in the U.S. Instead of Traveling Abroad

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Immigration attorneys are keeping their fingers crossed as they wait for criteria for stateside visa renewal to be determined and also address the question of dependent family members of the visa holders.



Foreign tech workers in the U.S. on H-1B and L1 visas, a majority of whom are from India, are heaving a sigh of relief as the State Department is planning to launch a pilot program later this year offering visa renewal options in the U.S. itself, according to a Bloomberg report. The pilot program will also ease the bottleneck that foreign workers face when required to renew visas abroad.

Until 2004, certain categories of non-immigrant visas, particularly the H-1B, could be renewed or stamped inside the U.S. Since then, however, foreign tech workers have had to go out of the country, mostly to their home country to get the H-1B extension stamped on their passport.

“Restoring stateside visa renewals will save those applicants from having to leave the country, and will reduce the workload of consular offices abroad,” Julie Stuftt, deputy assistant secretary for visa services in the Bureau of Consular Affairs, told Bloomberg Law. “We all saw during the pandemic how difficult it was for these people to return to their home country and often not be able to get visa appointments to come back to their home, the United States,” she said. “That’s what we’re trying to address initially with this.”

As The Wall Street Journal noted, “the pilot program comes as layoffs have rippled through the tech industry in recent months and have hit H-1B visa holders particularly hard, with tens of thousands of foreign workers estimated to have been affected.” However, “the pilot program for visa renewals wouldn’t apply to laid-off H-1B workers, who must leave the U.S. after 60 days if they can’t find new employment or are unable to apply to transfer to another visa,” the report added.

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Min Kim, a partner and attorney at CHUGH LLP’s Edison Office, told American Kahani that the pilot will “certainly” help H-1B; L-1 and other temporary visas as “it will mark a paradigm shift of sorts at the State Department in re-instituting stateside visa processing,” However, he cautioned against having high hopes. “The thing to keep in mind is that if this program is launched later this year, we anticipate the scale to be limited and narrow in its scope.”

According to Kim, not all H-1B and all L-1 workers in the U.S. “will immediately be eligible for stateside visa renewal,” as the State Department’s criteria are still unknown. “So until those criteria are publicly released, I would be measured in my outlook and hope that this change will impact so many numbers of Indian professionals in those work-based visa categories.”

Kim is also skeptical if the initial launch will include dependent family members of H1B and L1 visa holders. “As reiterated earlier, State Department is looking to test if this change is even possible at this current time,” he said. “Until the official criteria are released by the agency that might say otherwise, it’s best to keep expectations realistic and measured that such dependents will likely not be included as part of this pilot program.”

Among those heaving a sigh of relief is Neha Mahajan, an immigration reforms advocate and a business development Manager at CHUGH LLP. “Until this program is rolled out in its full capacity, there will be missed births, weddings, funerals and other important life occasions; visa holders will not be able to go back to attend to their sick parent and agents who block the appointment booking system to charge a hefty amount to sell dates to visa holders would continue to flourish while visa holders will continue to live a life in agony and uncertainty,” she told American Kahani.

Her husband Ashu Mahajan was stuck in India in April 2021 when suddenly the U.S. consulates were shut down because of a spike in Covid numbers. He couldn’t return to the U.S. because he didn’t have a valid visa stamp. “Thanks to the outpouring of support, we got from the media and Sen. Bob Menendez (D-N.J.), he was able to find an appointment date and come back,” she said.

“Had automatic visa revalidation been available at that time, he and at least a few thousand like him wouldn’t be stuck for months in their home country, jeopardizing their jobs, visa status and life here.” However, Mahajan is quick to add that “just adding visa stamping capabilities doesn’t take care of the larger issue of green card backlog due to country of birth discrimination.”