



MEMORANDUM

TO: Foreign Nationals Seeking the Interview Waiver Program
FROM: Seyfarth Shaw Business Immigration Group
RE: Information on the Interview Waiver Program

PURPOSE

This memorandum provides foreign nationals with general information regarding nonimmigrant visa interview waivers.

Q: What is a nonimmigrant visa interview waiver?

A: The Interview Waiver Program (IWP) allows qualifying foreign nationals to bypass the in-person visa interview process at an Embassy or Consulate and obtain the visa stamp by mail. The Department of State expanded the eligibility for these waivers as a result of the COVID-19 pandemic, and this extended eligibility criteria is currently in effect until December 31, 2023.

Q. Who qualifies for a nonimmigrant visa interview waiver?

A. Interview waiver criteria vary by consular post, so you should check the website of the U.S. consular post at which you intend on applying for the visa to confirm whether you qualify. Generally, you may qualify for an interview waiver if:

1. You are applying at the consular post of your usual residence,
2. You previously obtained a U.S. visa in the same category and that visa is still valid or has expired within the last 48 months,
3. Your prior visa is not annotated "Clearance Received" or "Department Authorization,"
4. Your most recent visa in the same classification was issued on or after your 14th birthday and was not lost/stolen or canceled, and
5. You were not previously refused a visa in any classification (with some exceptions).

Q: Who qualifies for the expanded eligibility for interview waivers?

A: If you do not qualify based on the above listed criteria, there is a possibility you could still qualify under the expanded criteria issued by the Department of State. You may qualify if:

1. You fit in one of the following categories:

- a. You are an applicant for a F, H-1, H-3, H-4, academic J, L, M, O, P, or Q visa and were previously issued any type of visa.
 - b. You are an applicant for a visa category listed above, are from a country that participates in the Visa Waiver Program, and previously traveled to the United States under Electronic Systems for Travel Authorization (ESTA) authorization.
 - c. You are an applicant for an H-2 visa.
2. You are applying at the consular post in your country of usual residence, and
 3. You were not previously refused a visa in any classification unless the refusal was overcome or the ground of inadmissibility was waived.

Q: How do I find out if I qualify for an interview waiver?

A: You should check with the U.S. consular post at which you intend to apply to confirm whether you are eligible for an interview waiver, as the criteria vary by consular post. This information is generally accessible online via the consular post's website.

Q. What happens if I do qualify for an interview waiver:

A: This answer will vary some by consular post, so you should check with the U.S. consular post at which you intend to apply. Typically, you may be required to schedule an appointment at the consular post to drop off your documents, but some will allow you to do so by mail. Usually, these documents include the following:

1. DS-160 confirmation page,
2. Your valid passport,
3. Pre-paid courier packaging for the return of your passport and documents,
4. The fee receipt,
5. Two passport style photographs, and
6. The Form I-797 Notice of Approval for the relevant petition or application.

Q. If I qualify for the waiver, am I guaranteed to not have to interview at the consulate?

A. No. While you may meet the criteria for an interview waiver, there is a chance a consular officer will require you to attend an in-person interview after review of your documents, which would delay the ultimate issuance of the visa stamp.