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Guidelines on Nonimmigrant Visa Interview Waiver.

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U.S. Immigration laws require that every visa applicant between the ages of 14 and 79, seeking a nonimmigrant visa (NIV) must apply in person and be interviewed by a consular officer unless a specific exception allows for waiver of the interview requirement.

Consular posts have four main authorities in the Foreign Affairs Manual (FAM) to waive the in-person visa interview. Although a consular post may offer an interview waiver in other highly specific circumstances, e.g., applications for diplomatic visas, it is commonly offered in some authorities.



4 Authorities where Visa Interview Waiver is Commonly Given:

1

If the renewal visa sought is in the same visa class. Under this authority, the following conditions must be met:

- The previous visa is either unexpired or the renewal is within 48 months of expiration; and
- The applicant should be applying in the consular district of their normal residence unless otherwise prescribed in regulations that require an applicant to apply for a visa in the country of which such applicant is a national.

For example, a B1/B2, L, or R visa holder who is seeking to renew their visa in the same NIV category within 48 months of their last visa's expiration date within the consular district of their normal residence qualifies for interview waiver for renewals. On the other hand, an E-2 derivative spouse applying for a visa as an E-2 principal, or as an R would need to appear for an interview.

2

If the application is for an H-2A or H-2B visa. Under this authority, the following conditions must be met:

- The applicant has been previously issued any type of NIV which is either unexpired or the renewal is within 48 months of expiration; and
- The applicant must be a first-time H-2 applicant with either no associated derogatory information or potential derogatory information which the officer determines from the record does not rise to an ineligibility.

This authority will end on December 31, 2022.

3

If the application is for an F, M, or academic J visa (excluding nationals of Nigeria or China). Under this authority, the following conditions must be met:

- The applicant has been previously issued any type of NIV;
- The applicant must be a first-time F, M, or academic J visa applicant who is a citizen or national of a Visa Waiver Program (VWP) country;
- The applicant should have no prior ESTA denials;
- The applicant should have previously traveled to the United States pursuant to ESTA authorization;
- The applicant should have no potentially derogatory information or indication of potential visa misuse or ineligibility; and
- The applicant must have never been refused a visa in the past unless such refusal was subsequently overcome or waived.

This authority will end on December 31, 2022.



4

If the application is for an individual, petition-based H-1, H-3, H-4, non-blanket L, O, P, or Q visa. Under this authority, the following conditions must be met:

- The applicant has been previously issued any type of NIV;
- The applicant is a first-time individual petition-based H-1, H-3, H-4, L, O, P, or Q applicant who is a citizen or national of a VWP country;
- The applicant must have no prior ESTA denials;
- The applicant should have previously traveled to the United States pursuant to ESTA authorization; and
- The applicant should have no potentially derogatory information or indication of potential visa misuse or ineligibility.
- The applicant must never have been refused a visa in the past unless such refusal was subsequently overcome or waived.

This authority will end on December 31, 2022.

Reminders:

- In no case does apparent eligibility for an interview waiver under one of the authorities entitle the visa applicant to one. The consular officer retains the right to call to interview anyone who they determine may be potentially ineligible under the INA or based on other determinations such as high fraud potential.
- Blanket L visa applications are not eligible for an interview waiver as the authority in (4) above refers only to individual, petition-based L visas.
- Some of these authorities overlap. Therefore, in theory, a lack of eligibility for one does not automatically preclude eligibility for another. For example, an H-1 applicant whose H-1 visa expired more than 48 months after the renewal application would not qualify under authority (1) above but might still qualify under (4).
- [3 Tips on visa waiver policy](#) (Please click to see video)
- [5 Mistakes during visa interview](#) (Please click to see video)

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