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Client Alert: Domestic Renewal of H-1B Visas for Certain Applicants Now Available for a Limited Time

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For the first time in two decades, a limited number of eligible H-1B workers are now able to apply to renew their visas without having to leave the United States. Starting January 29, 2024, the U.S. Department of State's pilot program will allow 20,000 eligible H-1B visa holders the opportunity to apply to renew their visas stateside.

This pilot program is limited to eligible foreign nationals who received an H-1B visa from:

- A U.S. consulate in Canada between January 1, 2020 and April 1, 2023; or
- A U.S. consulate in India between February 1, 2021 and September 30, 2021.

Other details regarding eligibility criteria, as well as a questionnaire to help you determine whether you are eligible, can be found here:
https://travel.state.gov/content/travel/en/us-visas/employment/domestic-renewal.html

The program is limited to 20,000 H-1B workers to be split evenly between individuals issued a visa from Canada and India and excludes all other visa types, including dependent H-4 visas (i.e., the spouses and children of H-1B workers).

Starting January 29, 2024 and on a weekly basis going forward, the U.S. Department of State will make available 4,000 application slots. These application slots are available on a first-come-first-serve basis and will be open for application on:

- February 5;
- February 12;
- February 19; and
- February 26, 2024.

When the application limit is reached each week, the application website will close until the next application slot release date. The pilot program will close on April 1, 2024, or when all application slots are filled, whichever is earlier.

Each applicant must first complete a questionnaire to determine eligibility for the program. If eligible, the applicant must then submit Form DS-160 and pay the required, non-refundable $205 application fee. Once paid, applicants will then receive instructions on submitting their passports and required application documents to the State Department. Applications are expected to take approximately six to eight weeks to adjudicate.

It is important to note that participation in the pilot program is voluntary. Individuals may still apply at a U.S. embassy or consulate if they so choose.

If the pilot program proves successful, it is expected that the U.S. Department of State will expand the program to encompass other visa categories and countries in the future.

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