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Client Alert: Impact of the Mass Cancellation of H-1B Visa Appointments at U.S. Consulates in India

SERVICE LINE

Immigration

RELATED PROFESSIONALS

Maria del Carmen Ramos
Haley D. Kole

MEDIA CONTACT

Wendy M. Byrne
wbyrne@shumaker.com

Beginning in mid-December 2025, U.S. Mission India commenced a mass cancellation of H-1B visa appointments, with rescheduled interviews now being pushed to March 2026 and later. This widespread disruption is believed to be the result of new vetting requirements for H-1B visa applicants announced by the Department of State (DOS) on December 5, 2025, which took effect on December 15, 2025. Visa applicants are also reporting that currently, no new appointments are available at any of the consular posts in India.

Current Situation

Many rescheduled appointments are now being pushed into the March–April 2026 timeframe or later, with some individuals even reporting appointments rescheduled for as late as 2027. Even when applicants have successfully obtained approval for an expedited appointment, they frequently discover that no available appointment slots exist. As a result, many H-1B visa applicants are facing much longer than anticipated absences from the U.S. and their employers.

These changes have resulted in great uncertainty for international travel, and extra caution should be advised for any foreign national seeking to apply for a visa in India.

Emergency Request (ER) Process

In response to the widespread visa appointment cancellations, Mission India has implemented an Emergency Request (ER) process, and although the process has reportedly high approval rates, the system has proven difficult to use. Following an approval, applicants are given only a ten (10) day window to secure

a new appointment. While Indian consular posts generally do not allow for a second ER submission if the first is denied, early reports indicate that previously denied applicants have been able to apply again and have been approved.

Compounding issues with the ER process is the requirement that the ER appointment must be rebooked within ten (10) days. Checking the appointment system regularly—even multiple times a day—is advised in case of any last-minute cancellations.

When submitting an expedited visa appointment request, please note that each post has its own requirements. However, generally the main explanation for the request should be provided in the applicable text box. For Mission India specifically, requests should also include a brief supporting letter—for example, a letter from the employer detailing the urgent business loss that will result if the H-1B visa applicant cannot return to the U.S. to resume employment. Medical emergencies are generally seen as the most persuasive justification for an expedite request, but other grounds like needing to accompany a U.S. citizen child to return to school or business necessity, particularly where a strong financial or operational impact on the employer can be demonstrated, may be found to be persuasive.

Third Country National (TCN) Option

Another potential alternative for relief may be for the H-1B visa applicant to seek a visa appointment as a TCN at a post in a different country. While DOS guidance makes clear that applicants should schedule nonimmigrant visa appointments in their country of nationality or residence, the regulations and Foreign Affairs Manual (FAM) still allow for anyone physically present in the consular district to apply for a visa.

It is advised to contact a potential TCN post in advance before proceeding with this alternative. Beyond the argument of physical presence in the consular district, the TCN request should include business-related justifications for traveling to that country, such as the H-1B applicant needing to visit a company office or attend important in-person business meetings in that consular district.

Applicants should be aware that TCN applications are generally considered at the interview window and not before, meaning an applicant will not know if their application will be accepted until they attend the interview.

Recommendations for Employers

Given the ongoing challenges, we recommend employers take the following steps:

- **Plan Travel in Advance.** If possible, H-1B employees who cannot avoid travel should plan to travel and renew their visas well before their visa expiration date, so they have a way to re-enter the U.S. if their appointment is cancelled or moved.
- **Maintain Documentation.** Affected H-1B visa applicants should maintain all documentation of visa appointment cancellations, ER outcomes, and any unsuccessful scheduling attempts.
- **Exercise Caution Regarding Waivers.** Applying well in advance of visa expiration is also recommended for applicants who require a waiver of inadmissibility, as they will be placed in administrative processing pending adjudication of the waiver.
- **Be Prepared for Extended Delays.** Employers should incorporate these delays into travel planning and work authorization strategies for impacted H-1B employees. Affected employees may face significantly longer absences from the U.S. than originally anticipated.

We are closely monitoring developments at U.S. consular posts in India and are prepared to assist with expedite requests, explore TCN options, and develop strategies to minimize disruption to your workforce.

Please do not hesitate to reach out to Shumaker's Immigration Team with any questions regarding specific employee situations.