

CAN INDIAN NATIONALS AVOID THE VISA INTERVIEW? INTERVIEW WAIVER EXPANSION PROGRAM ANNOUNCED BY U.S. MISSION IN INDIA.

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First discussed by U.S. Mission in March of 2012, the Interview Waiver Program (IWP) was touted as a process by which the U.S. Department of State (DOS) continues to work to streamline the visa process for Indian applicants. The IWP seeks to allow qualified individuals to apply for certain classes of nonimmigrant visas without being interviewed in-person by a U.S. Consular Officer at the U.S. Consulate Offices in India. Due to the recent success of the IWP, as well as the increased visa demand in India, the U.S. Mission recently announced that it will seek to expand the IWP. The IWP seeks to save financial resources for the U.S. government and focuses on ensuring the safety and security of the United States by ensuring that those individuals that come do not pose a threat to our Nation's Security.

Those individuals who are eligible to apply under this IWP include those Indian visa applicants within the following visa categories who are renewing visas that are still valid or expired within the past 48 months:

- Business/Tourism (B-1 and/or B-2).
- Dependent (J-2, H-4, L-2).
- Transit (C) and/or Crew Member (D) – including C-1/D.
- Children applying before their 7th birthday traveling under any visa class.
- Applicants applying on or after their 80th birthday traveling under any visa class.

Under the expanded IWP, the following Indian applicants may also be considered for streamlined processing:

- Children applying before their 14th birthday traveling on any visa class.
- Students returning to attend the same school and same program.
- Temporary workers on H-1B visas.
- Temporary workers on Individual L-1A or Individual L-1B visas.

For all applicants, the following regulations apply:

1. First, the renewal must be within the same classification as the previous visa. If the previous visa is annotated with the words "clearance received," that applicant is not eligible for a waiver of a personal interview.

2. Not all applications will be accepted for streamlined processing. As always, Consular Officers may interview any visa applicant in any category. Applicants who are renewing their visas may still need to make an appointment for biometrics (fingerprint and photograph) collection, and all applicants must submit all required fees and the DS-160 application form.

The benefits of international travel to the U.S. continue to be highlighted in the media in the U.S. However, it is sometimes difficult to understand the policies to encourage international travel when erratic and arbitrary denials of visas occur when new applicants go to the Consulate Offices in India to obtain their visas. The IWP initiative is one of many steps the U.S. Department of State is taking to meet increased visa demand in India and to seek continuity and consistency in visa processing procedures.

In 2011, Consular Officers in India processed nearly 700,000 nonimmigrant visa applications, an increase of more than 11 percent over the previous year. This number of applications has continued to present many challenges to the present visa processing system. Presently, applicants wait fewer than ten (10) days for visa interview appointments and spend less than one hour at U.S. consular facilities in India. In September 2012, the U.S. Diplomatic Mission to India implemented a new visa processing system throughout India that further standardizes procedures and simplifies fee payment and appointment scheduling through a new website at www.ustraveldocs.com/in

For more details about procedures for submitting a renewal application, please see <http://www.ustraveldocs.com/in/in-niv-visarenew.asp>. For any questions about visa processing at any of the U.S. Consulate Offices in India, please feel free to contact any of the immigration lawyers at Nachman Phulwani Zimovcak (NPZ) Law Group, P.C. You can feel free to reach us by phone at 201—670-0006 (x100) or you can feel free to e-mail to us at info@visaserve.com