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January 2024 Immigration Updates

Client Alert

1.2.2024

Department of State (“DOS”) Stateside Visa Renewal Pilot Begins January 29, 2024

The long awaited stateside visa renewal pilot will begin on January 29, 2024, and will end on April 1, 2024. The pilot program will be limited to H-1B renewals and will not include H-4 dependents or any other non-immigrant visa classification. Participation in the pilot will be limited to applicants who:

- Are seeking to renew an H-1B visa during the pilot phase between January 29, 2024, and April 1, 2024
- Are renewing a prior H-1B visa issued by Mission Canada with an issuance date from January 1, 2020, through April 1, 2023, or by Mission India with an issuance date from February 1, 2021, through September 30, 2021
- Are not subject to a reciprocity fee
- Are eligible for an in-person interview waiver
- Have submitted ten fingerprints to DOS in connection with the prior visa application
- Prior visa doesn't include a "clearance received" annotation
- Do not have a visa ineligibility that would require a waiver prior to issuance
- Have an approved and unexpired H-1B petition
- Were most recently admitted to the U.S. in H-1B status
- Are currently maintaining H-1B status in the United States
- Period of authorized admission in H-1B status has not expired
- Intend to reenter the U.S. in H-1B status after a temporary period abroad

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The average processing time is expected to be 6-8 weeks, and all applications are expected to be processed by May 1, 2024. No requests for expedited processing will be accepted. If an applicant applies for domestic visa renewal and requires urgent travel, they can withdraw their application and apply abroad. The success of the pilot program will determine whether stateside visa processing will continue and be expanded.

[Click here to review: "Pilot Program To Resume Renewal of H-1B Nonimmigrant Visas in the United States for Certain Qualified Noncitizens"](#)

DOS Extends Interview Waiver Flexibilities for Nonimmigrant Visa Applicants

Starting January 1, 2024, consular officers will continue to have the authority and discretion to waive an in-person interview for certain categories of nonimmigrant visa cases. Consular officers will now have the authority to waive the in-person interviews for:

- First time H-2 visa applicants (temporary agricultural and non-agricultural workers)
- Other nonimmigrant visa applicants applying for any nonimmigrant visa classification who:
 - Were previously issued a nonimmigrant visa in any classification, unless the only prior visa was a B visa
 - Are applying within 48 months of their most recent nonimmigrant visa's expiration date

To be eligible for an interview waiver, applicants must also meet certain criteria, including:

- Applying in their country of nationality or residence
- Never having been refused a visa (unless the refusal was overcome or waived)
- Having no apparent or potential ineligibility

[Click here to review: "Important Update on Waivers of the Interview Requirement for Certain Nonimmigrant Visa Applicants"](#)

USCIS Announces Inflation Adjustment to Premium Processing Fees

U.S. Citizenship and Immigration Services will be increasing Premium Processing Fees to adjust for inflation on February 26, 2024.

The full table of adjusted fees is:

Form

Previous Fee

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New Fee

Form I-129, Petition for a Nonimmigrant Worker

\$1,500 (H-2B or R-1 nonimmigrant status)

\$2,500 (All other available Form I-129 classifications (E-1, E-2, E-3, H-1B, H-3, L-1A, L-1B, LZ, O-1, O-2, P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1, TN-1, and TN-2))

\$1,685 (H-2B or R-1 nonimmigrant status)

\$2,805 (All other available Form I-129 classifications (E-1, E-2, E-3, H-1B, H-3, L-1A, L-1B, LZ, O-1, O-2, P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1, TN-1, and TN-2))

Form I-140, Immigrant Petition for Alien Worker

\$2,500 (Employment-based (EB) classifications E11, E12, E21 (non-NIW), E31, E32, EW3, E13 and E21 (NIW))

\$2,805 (Employment-based (EB) classifications E11, E12, E21 (non-NIW), E31, E32, EW3, E13 and E21 (NIW))

Form I-539, Application to Extend/Change Nonimmigrant Status

\$1,750 (Form I-539 classifications F-1, F-2, M-1, M-2, J-1, J-2, E-1, E-2, E-3, L-2, H-4, O-3, P-4, and R-2)

\$1,965 (Form I-539 classifications F-1, F-2, M-1, M-2, J-1, J-2, E-1, E-2, E-3, L-2, H-4, O-3, P-4, and R-2)

Form I-765, Application for Employment Authorization

\$1,500 (Certain F-1 students with categories C03A, C03B, C03C)

\$1,685 (Certain F-1 students with categories C03A, C03B, C03C)

[Click here to review "USCIS Announces Inflation Adjustment to Premium Processing Fees"](#)

Please feel free to contact the authors of this client alert or your Butzel attorney for more information.

Bushra Malik

248.258.4470

malik@butzel.com

Linda Armstrong

313.983.7476

armstrong@butzel.com