

October 18, 2023

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20451

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr Avenue, SE
Washington, DC 20528

VIA EMAIL: secretaryblinken@state.gov and alejandro.mayorkas@hq.dhs.gov

Dear Secretaries Blinken and Mayorkas,

On behalf of NAFSA: Association of International Educators, I write today to request that the authority of consular officers to waive in-person visa interviews for international students and certain employment-based nonimmigrant categories, set to expire on December 31, 2023, be made permanent. If that is not possible, I request that the waiver authority be extended until the agencies produce and implement a plan to maintain and improve current visa interview appointment wait times.

The in-person visa interview waiver authorities implemented during the COVID-19 pandemic¹ recognized the positive impact of international students and certain nonimmigrant workers to the United States. The goal was to facilitate travel and reduce visa interview wait times while maintaining national security. While there is still more work to be done, the interview waivers have resulted in shorter visa appointment wait times along with faster visa application processing at many embassies and consulates around the world. Having the authority to waive the in-person interview requirement allows consular officials to allocate limited resources toward visa applicants who require further scrutiny.

¹¹¹ See *Important Announcement on Waivers of the Interview Requirement for Certain Nonimmigrant Visas* (December 23, 2022), at <https://travel.state.gov/content/travel/en/News/visas-news/important-announcement-on-waivers-of-the-interview-requirement-for-certain-nonimmigrant-visas.html>. Also see policy codification in the Foreign Affairs Manual at: 9 FAM 403.5-4(A)(1)(a)(5)-(6), for F, M, J, H, L, O, P, and Q NIV applicants meeting certain conditions; and 9 FAM 403.5(A)(1)(a)(3), which authorizes consular officers to waive the in-person interview requirement for applicants applying for the same NIV classification not more than 48 months (instead of not more than 12 months) after the date on which their prior visa expired.

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Congress delegated authority to the Secretary of State to waive in-person visa interviews “if the Secretary determines that such waiver is (i) in the national interest of the United States; or (ii) necessary as a result of unusual or emergent circumstances.” See INA section 222(h)(1)(C)(i).

During the COVID-19 national emergency, the waiver clearly fell under the second category. Given the limited resources available to the State Department and the increased demand for visas, the continuing need to waive the in-person interview requirement for certain nonimmigrants fits the first category: it is “in the national interest of the United States” to do so.

The waiver is not available to all nonimmigrant visa applicants under the existing policy. As described in the Foreign Affairs Manual ([9 FAM 403.5-4\(A\)\(1\)\(a\)\(5\)-\(6\)](#)), the State Department has stringent requirements. The interview waivers are only available for individuals who were previously vetted, and consular officers retain the authority to require an in-person interview on a case-by-case basis, taking into account local conditions.²

Your agencies have a unique opportunity to apply learnings and formalize policies established by necessity during the COVID-19 pandemic. The State Department should avoid duplicative in-person interviews of visa applicants who have already been vetted and received a visa to travel to the United States. The State Department should partner with the Department of Homeland Security to facilitate travel to the United States through greater transparency and data and information sharing. Continuing improvements to the visa and immigration process such as the in-person visa interview waiver will enable the country to continue to rebound from the severe impact the pandemic has had on international student enrollment in the United States.

The State Department will not be able to keep up with their caseload without the continuation of the in-person interview waiver policy. Meanwhile, the lack of predictable and timely visa interviews and processing is a deterrent to those who seek to study in the United States, causing international students to miss semesters or even an entire year of study at a U.S. college or university. Once here, international students are afraid to travel for critical conferences or urgent family reasons because they do not want to be stuck outside the United States if they are required to obtain a new visa.

² The authority to waive an in-person visa interview is only available to individuals who were previously vetted. Waivers for international students (F and M) and academic exchange visitors (J) visa applicants and to individual petition-based H, L, O, P, and Q visa applicants is only available to individuals who were previously issued a nonimmigrant visa (NIV) or through prior travel to the United States under an approved Electronic System for Travel Authorization (ESTA). See : [9 FAM 403.5-4\(A\)\(1\)\(a\)\(5\)-\(6\)](#). The separate general authority that allows consular officers to waive the in-person interview requirement for renewals in the same NIV category within 48 months after the date their prior visa expired (instead of within only 12 months after visa expiration) also requires applicants to apply in their home consular district and for F, M, and J applicants to be in “initial” or “active” SEVIS status. See and [9 FAM 403.5\(A\)\(1\)\(a\)\(3\)](#).

The United States is in competition with other countries to attract and retain international student talent. Despite an enrollment rebound as COVID-19-related travel restrictions were lifted, our nation continues to lose our market share of international students (down 13% since 2000), while many other countries have proactively established national policies and marketing strategies to attract these talented individuals. There are numerous barriers to studying in the United States, yet the unavailability of a timely visa interview should not be a barrier when there is a clear statutory alternative available.

You both have agreed several times to extend and expand an in-person interview waiver for certain visa applicants since August 25, 2020, and there is now sufficient evidence to demonstrate the effectiveness of this policy. Therefore, we urge you to make the current in-person visa interview waiver policies permanent, or to continuously extend them until conditions and infrastructure are ready for the expected volume of nonimmigrant visa applicants.

Sincerely,

Fanta Aw, PhD
Executive Director & CEO

CC: Rena Bitter, Assistant Secretary for Consular Affairs, U.S. Department of State

Ur M. Jaddou, Director, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security

Traci Ballard-Silas, J.D., Executive Director, Office of Academic Engagement, U.S. Department of Homeland Security

Betsy Lawrence, Deputy Assistant to the President for Immigration, Domestic Policy Council, The White House

Simon Nakajima, Senior Policy Advisor for Immigration, Office of Science and Technology Policy, The White House