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Welcome to the T&R Newsletter

January 2022

Happy New Year to our colleagues, clients, and friends.

Visa Interview Waiver Program expanded, USCIS extends flexibility to respond to RFEs and other notices, and South Africa and other African countries travel bans lifted as of December 31, 2021

VISA INTERVIEW WAIVER PROGRAM EXPANDED

The U.S. Department of State's nonimmigrant visa interview waiver program was scheduled to expire on December 31, 2021, but has now been extended and amended. The new policy is intended to help with the limited number of nonimmigrant visa interviews in most countries.

H-1, H-3, H-4, L (not blanket), O and P visas: The in-person interview requirement for these types of nonimmigrant visas can be now waived through the end of 2022 under a new policy by the U.S. Department of State (DOS). The DOS also extends and amends its waiver interview policy for **F, M and academic J visa** applicants that was implemented in September 2021.

For any of these nonimmigrant visas listed above, the interview requirement can be waived in the discretion of the U.S. consulate if certain conditions are met:

- The applicant must be applying for the visa in their country of nationality or residence.
- If previously issued any type of visa, the applicant was never refused a visa (unless it was overcome or waived) and has no apparent ineligibility or potential ineligibility.
- If a first-time visa applicant who is a citizen or national of a Visa Waiver Program (VWP) country, the applicant has traveled to the United States using ESTA and has no apparent ineligibility or potential ineligibility.

H-2B visas: The previous authority to waive interviews for H-2B applicants has been extended through 2022.

All other visas: Applicants renewing any nonimmigrant visa within 48 months of expiration are also eligible for interview waiver. This authority is now available to consulates indefinitely. Pre-Covid it was allowed only if the visa expired within 12 months.

NOTE: The waiver of nonimmigrant visa interviews is discretionary at each individual U.S. Consulate. Nonimmigrant visa applicants should check the website of the U.S. consulate in their country of nationality or residence to find guidelines for how to apply for a nonimmigrant visa without an interview. As this is a new policy, the websites of each consulate may not yet be updated.

THE USCIS EXTENDS FLEXIBILITY TO RESPOND TO RFE's AND OTHER NOTICES

Due to the ongoing COVID-19 pandemic, the USCIS is extending and revising its deadline extension policy to respond to RFE's and other types of notices until March 26, 2022. This policy was initially announced in September 2020 due to the pandemic and has been extended several times. Petitioners and applicants will continue to have an additional 60 days to respond to requests for evidence (RFE), Notices of Intent to Deny (NOID), Notices of Intent to Revoke or Rescind (NOIR), Notices of Intent to Terminate EB-5 Regional Investment Center (NOIT), Continuations to Request Evidence (N-14), and Motions to Reopen and N-400 Pursuant to 8 CFR

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The USCIS has also revised its policy to allow an additional 90 calendar days from the date of the decision (versus the prior 60 days) to file Form I-290B appeal or motion or a Form N-336 hearing request on a decision for naturalization.

SOUTH AFRICA AND OTHER AFRICAN COUNTRY TRAVEL BANS LIFTED AS OF DECEMBER 31, 2021

The President of the United States issued a proclamation lifting the travel bans on travel the following African countries: Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, South Africa and Zimbabwe. People traveling from these countries to the United States will now be subject to the applicable testing and COVID-19 vaccination requirements.

TROW & RAHAL WEBINARS – THIRD FRIDAY OF EVERY MONTH

Please join Trow & Rahal's monthly webinar from 2:00 pm – 3:00 pm EST on the third Friday (usually) of each month. The format of these webinars will include a brief update of any changes in immigration policies, as well as an overview of one important immigration issue or visa category.

January 2022 webinar: This webinar will be held on Friday, January 21 and will provide immigration updates.

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