

# Renew Visas at Home

*Domestic visa reissuance has been suspended since 2004 — it's time to bring it back*

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## Summary

Under current State Department policy, most nonimmigrants must renew their visa outside the US at an American embassy or consulate overseas.

This requires workers and students to leave the United States while in the middle of their employment or education-related projects, disrupting their lives and work and impeding the very activities their visas were designed to facilitate. In addition, it imposes a significant financial and time burden on people navigating the process, while straining visa processing abroad by adding to the already heavy caseloads of consular officers.

We recommend that the State Department end the 2004 suspension of domestic visa reissuance and expand domestic reissuance to include F and J visas. To address logistical barriers posed by biometric collection in the US, we recommend that the State Department include a separate biometric identification fee on top of the standard visa fee for each of these visa categories.

# Background

Since 2004, most migrants in the United States must renew visas at embassies or consulates located outside the country. Prior to July 16, 2004, the State Department provided domestic visa reissuance services not only for diplomatic and official visas like today, but also for many other nonimmigrant visa categories, including those for skilled temporary workers and individuals with extraordinary ability.<sup>1</sup>

In 2002, Congress passed the Enhanced Border Security and Visa Entry Reform Act, which mandated the State Department to collect biometric identifiers of visa applicants for all visas issued after October 6, 2004.<sup>2</sup> The State Department determined that given its capacity, it would be easier to collect biometric information at US embassies and consulates.<sup>3,4</sup> Therefore, it indefinitely suspended domestic reissuance for C, E, H, I, L, O, and P visas. Reissuance of qualifying diplomatic and official visas in Washington, DC has continued without interruption for A1, A2, G1, G2, G3, G44, and NATO visas.

In the years since, domestic capacity for biometric collection has significantly increased. Technological advancements have made it more feasible to obtain fingerprints and other biometrics from anywhere in the world. Furthermore, the State Department already processes many visa renewals without seeking biometrics again (e.g., if the person has already been ten-printed before).

As early as 2008, the Secure Borders and Open Doors Advisory Committee convened by the Bush administration recommended that the administration lift the suspension.<sup>5</sup> But the 2004 suspension has never been lifted, despite the fact that State Department regulations still authorize domestic reissuance for the suspended categories.

## The benefits of domestic reissuance

The lack of domestic reissuance disrupts U.S. research and business and makes the U.S. a less competitive destination for international talent. Stateside reissuance would relieve financial and logistical burdens not only on visitors, but also U.S. embassies and consulates abroad. Today, visa processing abroad is straining under caseloads exacerbated by reissuances. Even with the expanded use of interview waivers, visa holders must still travel abroad to be processed and issued a visa by a US embassy or consulate in another country.

Requiring nonimmigrant visa holders to travel to a second country<sup>6</sup> to renew their visas can often cost hundreds to thousands of dollars. Furthermore, the process to renew a nonimmigrant visa is often accompanied by

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<sup>1</sup> Domestic reissuance was available for C, E, H, I, L, O, and P visas.

<sup>2</sup> Requirement for biometric identifiers is from Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Pub. L. 107-173, 116 Stat. 543) <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:H.R.3525>

<sup>3</sup> 69 FR 35121; “it [was] not feasible for the Department [of State] to collect biometric identifiers in the United States.” <https://www.federalregister.gov/documents/2004/06/23/04-14245/discontinuation-of-reissuance-of-certain-nonimmigrant-visas-in-the-united-states>

<sup>4</sup> [https://drive.google.com/file/d/1a2kcR0Ivs\\_p1uwjRy-zBny8GziorutOE/view?usp=sharing](https://drive.google.com/file/d/1a2kcR0Ivs_p1uwjRy-zBny8GziorutOE/view?usp=sharing)

<sup>5</sup> Secure Borders and Open Doors: Preserving Our Welcome to the World in an Age of Terrorism, Department of Homeland Security, 2008. [https://www.dhs.gov/xlibrary/assets/hsac\\_SBODACreport508-compliant\\_version2.pdf](https://www.dhs.gov/xlibrary/assets/hsac_SBODACreport508-compliant_version2.pdf)

<sup>6</sup> The State Department recommends that applicants apply for visas in their home countries as there might be unexpected delays in the approval process.

months-long delays, since there is no guarantee of the maximum processing time for visa renewal. The time required to renew these visas abroad is a significant interruption in one's personal and professional life.

These burdens impose a drag on U.S. scientific research and business activity. First, they make the U.S. less attractive than it otherwise could be, since peer countries like Canada,<sup>7</sup> the UK,<sup>8</sup> and Germany<sup>9</sup> all offer forms of domestic issuance.

Second, the requirement to travel abroad directly disrupts the activities that visitor visas are designed to facilitate. This absence of students from universities and the high-skilled workforce stalls the cutting-edge research and development carried out in the US. Since international students also serve as teaching assistants and instructors for university courses, their absence abroad negatively affects the students in their classes. The cumbersome process and the uncertainties associated with visa renewal abroad hinder applicants from taking up career opportunities that require short-term international travel to work with their collaborators. These lost opportunities significantly impede the progress of US R&D, putting us at a disadvantage compared to our international counterparts.

As an example, the State Department says that certain student visa applications may require additional processing or clearance, commonly known as Administrative Processing, which “is usually resolved within 60 days of application, though some cases may take longer.”<sup>10</sup> These students may encounter lengthy delays when renewing their visas due to additional security clearances (Visa Mantis Check) related to the Technology Alert List (TAL). The purpose of the additional clearance is to prevent the export of “goods, technology, or sensitive information” through activities such as “graduate-level studies, teaching, conducting research, participating in

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<sup>7</sup> A current student in Canada can apply for an extension to their study visa while residing in Canada. The government of Canada has established multiple biometrics collection service centers in the country. A biometric collection fee of CAD \$85 is applied to any visa extension application filed within the country. See “Biometrics collection in Canada” and <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/biometrics.html#temporary-canada> and “Application to Change Conditions or Extend Your Stay in Canada as a Student. Government of Canada.” <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/application-change-conditions-extend-your-stay-canada-student.html>

<sup>8</sup> To apply for domestic revalidation of Tier-4 visas in the United Kingdom of Great Britain and Ireland, one must: (i) meet the general eligibility criteria to obtain a visa, (ii) be in the UK, and (iii) have a sponsor—which could be a higher education institute. Each applicant has to pay a special charge of £19.20 to have their biometric information (fingerprints and a photo) taken, besides the normal charge of £475 to extend their visa. See “Tier-4 visa extension.” Government of the UK, <https://www.gov.uk/tier-4-general-visa/extend-your-visa>

<sup>9</sup> Students enrolled in programs that require more than 90 days of stay in Germany have to apply for a residence permit at the Alien Registration Office in their university town within their first three months in Germany. Students initially receive a two-year residence permit which can then be extended if necessary. A student must meet the requirements for the initial issue of a residence permit in order to apply for an extension to their current residence permit which also requires collection of biometric identifiers. See “Extending a residence permit for students from countries outside the EU/EEA,” Government of Germany. <https://www.service-bw.de/en/web/guest/leistung/-/sbw/Extending+a+residence+permit+for+students+from+countries+outside+the+EUEEA-1846-leistung-0>

<sup>10</sup> [Bureau of Consular Affairs, U.S. Department of State, “Visa Appointment & Processing Wait Times.”](#)

exchange programs, receiving training or employment, or engaging in commercial transactions.”<sup>11</sup> Even fields with loose association to the critical fields on the TAL (e.g. physics) may result in additional security clearances and delayed visa processing. Many international students are likely to experience delays due to additional security clearances as 48% of all F-1 visa holders are studying in a STEM field<sup>12</sup> and 50% of doctoral students with a F-1 visa study engineering, physical sciences, biological sciences, or biomedical sciences.

Before the State Department suspended domestic revalidation of visas, more than 95,065 visa applicants revalidated their visas in 2004. This number would have only grown in the last 17 years had this service been available.

Restarting domestic visa issuance for applicants who qualify for interview waivers (with an additional fee for biometric collection in necessary cases) would allow the State Department to streamline visa issuance for a major chunk of the applicants, while remaining in compliance with the law. The State Department would also raise revenue (through new fees) and reduce backlogs amongst visa applicants in other categories.

## Recommendations

The State Department should:

1. **End the ongoing suspension of domestic visa reissuance.** Restore the domestic reissuance of visas currently under suspension [69 FR 35121] beginning with applicants who qualify for interview waivers, later expanding it to those who must attend a consular interview. When in-person processing is not required, a digital system should be used. In the absence of a digital system, the mail-in system that was in place before the 2004 suspension should be restored.
2. **Pilot the use of remote interviews during domestic reissuance.** Efficiency can be improved further by piloting remote interviews for certain low-risk applicants who are required to attend a consular interview but are currently in the U.S. These could be modeled after the remote interviews conducted as part of the U.S. Customs and Border Protection Trusted Traveler Programs.<sup>13</sup> This would reduce the administrative burden of domestic reissuance, by piloting remote interviews in the U.S. on low risk visitors who in most cases have already been interviewed abroad. In addition, strong evaluation, monitoring, and reporting requirements would offer the State Department an opportunity to learn about the merits and limitations of remote interviews for consular processing overseas.
3. **Invest in domestic biometric collection capacity.** Expanding domestic collection capacity of biometric data including fingerprinting would help process visa applications quickly and without significant travel costs. The Department can look to Canada, UK, or Germany for model implementation.
4. **Offer domestic reissuance to students and exchange visitors.** Even before the 2004 suspension, domestic reissuance was not available to students and exchange visitors. Amend 22

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<sup>11</sup> [Office of International Education, Carnegie Mellon University, "Technology Alert List."](#)

<sup>12</sup> [Institute of International Education, "Open Doors 2022: Report on International Educational Exchange."](#)

<sup>13</sup> [U.S. Customs and Border Protection, "Remote Interview Pilot for Trusted Traveler Programs."](#)

CFR Part 41.111(b)(2)(i) by adding F and J visas to those categories of visas that the Department of State can reissue in the United States. The 2001 regulatory change<sup>14</sup> [66 FR 12737] that added O and P visas classifications to the list of eligible visas for revalidation in the United States could be used as a template.

- 5. Establish a biometric data collection fee.** Restarting domestic visa issuance for applicants who qualify for interview waivers with an additional fee for biometric collection would allow the State Department to streamline visa issuance for a major portion of applicants while remaining in compliance with the law. This would allow the State Department to also raise revenue (through new fees) and reduce backlogs among visa applicants in other categories (who must engage in an in-person interview).

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<sup>14</sup> Public notice announcing the regulation change that added “O” and “P” visas that are eligible for revalidation in the United States. [66 FR 12737] <https://federalregister.gov/a/01-4769>