



EMAIL BULLETIN

**DEPARTMENT OF STATE CODIFIES LIMITATIONS ON CONSULAR
DISCRETION TO WAIVE NONIMMIGRANT VISA INTERVIEWS**

15 July 03

The U.S. Department of State has issued further guidance to all consular officers worldwide limiting their discretion to waive the interview requirement for nonimmigrant visa applications. This guidance has now been formalized and codified by regulation.

Beginning August 1, 2003, statistically speaking, almost all applicants for nonimmigrant visas will require an interview. Consular Officers may waive the interview requirement for the following limited categories of applicants: (1) children age 16 and under; (2) persons age 60 or over; (3) most applicants for A, C, G, or NATO visa classification; (4) applicants for diplomatic or official visas; (5) applicants for "renewal" visas applying at their home consulates within one year of the expiration of their previous visa of the same classification; and (6) applicants for whom a waiver of the personal interview requirement is in the national interest.

Applicants for nonimmigrant visas, and their U.S. employers, should understand and plan for the time involved with the visa application and personal interview process. Further, although the Consulate may waive the interview requirement under the limited conditions described above, applicants must always remember that the Consular Officer is never required to waive the personal interview and may choose to interview any applicant for a nonimmigrant visa for effectively any reason. Should a Consular Officer have any doubt as to the qualification of the applicant or the bona fides of the application, the Officer will likely seek to remove doubts by electing to interview the applicant. For this reason, employers and their employees applying for visas abroad should always be aware of the potential for delays in the visa issuance process and should factor visa appointments and adjudications into travel planning.

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