



November 20, 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 2052

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

Dear Secretaries Blinken and Mayorkas,

On behalf of the U.S. for Success Coalition, a multi-sector effort that aims to foster international student success in the United States, we write today to request that you further strengthen the security of the visa adjudication process by making permanent the authority of consular officers to use their discretion in waiving in-person interviews for applicants who have already been vetted so that resources can be focused instead on interviewing applicants who need more scrutiny. In particular, we urge you to make permanent the ability 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. If that is not possible, we 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.

As you know, interview waivers are not available for all nonimmigrant visa applicants under the existing policy, but only for those who have been previously vetted. 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.¹ We commend the State Department for this wise use of resources, which further enhances our security.

The in-person visa interview waiver authorities implemented during the COVID-19 pandemic 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. 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. Most importantly, having the authority to waive the in-person interview requirement allows consular officials to allocate limited resources toward visa applicants who require further scrutiny.

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). The unusual and emergent circumstances during the height of the COVID-19 national emergency met the second criterion: it was necessary to waive in-person interviews for those who had been previously vetted to ensure we could continue to develop friends and allies around the globe. Continuing to do so remains in the national interest if we are to effectively compete and cooperate on a global stage for the international student talent needed to further our national and economic security. Given the limited resources available to the State Department, the increased demand for visas, and the continued need to welcome back to the United States those who have already been vetted, the first criterion is met as it remains “in the national interest of the United States” to do so.

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.

¹ 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: 9 FAM 403.5(A)(1)(a)(3).

The United States competes with other countries to attract and retain international student talent as they proactively establish 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 so that resources can continue to focus on applicants who need more scrutiny.

Sincerely,

AIEA: Association of International Education Administrators

AIRC: The Association of International Enrollment Management

Alliance for International Exchange

ETS

FWD.us

Institute of International Education (IIE)

NAFSA: Association of International Educators

Niskanen Center

Presidents' Alliance on Higher Education and Immigration

Shorelight

World Education Service

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