

November 17, 2023

The Honorable Antony Blinken
Secretary of State
Office of the Secretary
201 C Street NW
Washington, DC 20520

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Office of the Secretary
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

Dear Secretary Blinken and Secretary Mayorkas,

On behalf of the undersigned institutions representing a broad spectrum of constituents and stakeholders, we strongly encourage the Department of State (DOS) and the Department of Homeland Security (DHS) to extend the interview waiver authorities set to expire on December 31, 2023.¹ These authorities allow consular officers to waive in-person interviews for certain, low-risk nonimmigrant visa applicants and have resulted in significantly decreased wait times for nearly all visa applicants.

The expiration of interview waivers threatens the great progress made by the Biden Administration to reduce the record-breaking wait times and pandemic-era backlogs that have harmed businesses, kept families apart, and undermined the travel economy since the onset of the COVID-19 pandemic. The interview waivers have become an indispensable discretionary tool to increase consular efficiency. They have bipartisan support in Congress and have allowed DOS to focus its resources on potential security threats, rather than redundant examinations. Moreover, as noted in the Executive Order on Artificial Intelligence issued on October 30, 2023, streamlining visa processing and ensuring visa appointment availability is critical to facilitating innovation and competition.²

In 2022, nearly half of nonimmigrant visas were issued without an in-person interview, which led to reduced wait times for nearly all categories of travelers.³ Despite progress, wait times still surpass pre-pandemic norms, causing ongoing challenges for employers, universities, families, and not least of all, the agencies involved. Currently, the average wait time for an appointment at a U.S. consulate for a visitor visa is 25 weeks, with some consulates exceeding two years.⁴ These delays are costly: in 2023, it is estimated that American businesses missed out on \$7 billion in foreign visitor expenditure as a result of visa wait times.⁵ Businesses face significant hurdles as they struggle to navigate delays that leave foreign-born experts stranded overseas. The extensive

¹ “Important Announcement on Waivers of the Interview Requirement for Certain Nonimmigrant Visas,” U.S. Department of State, (December 2022), <https://travel.state.gov/content/travel/en/News/visas-news/important-announcement-on-waivers-of-the-interview-requirement-for-certain-nonimmigrant-visas.html>.

² “Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence,” The White House, (October 2023), <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/>.

³ “The case for extending visa interview waivers for some non-immigrant visa applicants,” Cecilia Esterline, Niskanen Center, (April 2023), <https://www.niskanencenter.org/the-case-for-extending-interview-waivers-for-some-non-immigrant-visa-applicants/>.

⁴ Visa Limbo, <https://www.visalimbo.org/>.

⁵ “Long visa wait times are a de facto travel ban,” U.S. Travel Association, (October 2022), <https://www.ustravel.org/sites/default/files/2022-10/visafactsheet-oct2022.pdf>.

delays are also impeding attendance of professional conferences and other critical aspects of scientific collaboration—setting back the very research these visas are intended to facilitate—while deterring international students from coming to the United States. If these waivers expire, the situation will only worsen. Consular capacity alone cannot ensure reasonable processing times without the waiver authority. Without it, the burden on affected parties will continue to increase.

Furthermore, the waivers have eased consular pressures without jeopardizing national security objectives. The waiver authorities target low-risk applicants who have traveled to the United States previously, and the government already has the applicant's biometric information on file. Applicants eligible for interview waivers remain subject to the background checks, screening, and vetting required for all nonimmigrants, including name checks, biometric screening, and review by multiple vetting partners throughout the U.S. government. Importantly, the use of waivers is at the discretion of the consular officer, so an applicant may be interviewed whenever the need arises.

The waiver authority allows consular officials to allocate limited resources toward visa applicants who require further scrutiny. Waivers are not available to applicants who have previously been denied a visa, who are listed on the Consular Lookout and Support System, who require a Security Advisory Opinion or State Department clearance, who are applying from outside their country of nationality or residency, or who are applying from a country designated as a state sponsor of terror.⁶ These criteria ensure that the interview waiver authorities do not affect the safety and security of the United States.

In looking at pre-pandemic nonimmigrant visa issuance and distribution, an estimated 30 percent of nonimmigrant visa applicants could be eligible for interview waivers if the current contours of the interview waiver policies continued.⁷ Should these waiver authorities expire, millions who would have qualified for waivers will face mandatory in-person interviews in 2024. This sudden surge is poised to overwhelm consulates already struggling to keep up with existing demand, which will further exacerbate the ability of individuals to legally enter the United States and strain the agencies' ability to protect American security while processing visas. Not only will nonimmigrant visa processing be impeded, but the added workload will also slow down immigrant visa processing as well as services offered to U.S. citizens abroad, like passport processing.

We urge you to extend the current interview waiver authorities immediately to ensure consular capacity can handle its workload. We encourage you to announce the extensions expeditiously to allow American consulates and the students, researchers, professionals, temporary workers, and other travelers to plan accordingly. These extensions impact businesses, universities, and various industries throughout our economy that rely on the exchange of ideas and commerce facilitated by international travel, so proper notification is critical. Thank you in advance for your prompt attention to this matter.

⁶ "Visa Interview Waivers After COVID," Jeremy Neufeld, Amy Nice, and Divyansh Kaushik, Federation of American Scientists, (May 2023), <https://fas.org/publication/visa-interview-waivers-after-covid/>.

⁷ "Update on Worldwide Visa Operations," U.S. Department of State, (October 2022), <https://travel.state.gov/content/travel/en/News/visas-news/update-on-worldwide-visa-operations.html>.

Sincerely,

1. African Communities Together
2. American Farm Bureau Federation
3. AmericanHort
4. American Immigration Council
5. American Immigration Lawyers Association
6. American Physical Society
7. American Rental Association
8. Americans for Prosperity
9. Airlines for America (A4A)
10. Association of American Universities
11. Association of Equipment Manufacturers
12. Association of Public and Land-grant Universities
13. Ayuda
14. Brooklyn Immigrant Community Support
15. Church World Service
16. Communities United for Status & Protection (CUSP)
17. Compete America Coalition
18. Council on National Security and Immigration
19. Envoy Global
20. Evangelical Lutheran Church in America
21. Exhibitions & Conferences Alliance
22. Federation of American Scientists
23. Federation of Employers and Workers of America
24. Forest Resources Association
25. Freedom Network USA
26. FWD.us
27. Global Detroit
28. H-2B Workforce Coalition
29. Hispanic Federation
30. IAAPA, The Global Association for the Attractions Industry
31. Immigrant Defenders Law Center
32. Immigration Hub
33. Institute for Progress
34. International Refugee Assistance Project (IRAP)
35. Irrigation Association
36. Labor Mobility Partnerships (LaMP)
37. Mackinac Island Convention and Visitors Bureau
38. NAFSA: Association of International Educators
39. National Association of Landscape Professionals
40. National Club Association
41. National Golf Course Owners Association
42. National Immigration Forum
43. National Network for Immigrant and Refugee Rights
44. National Retail Federation

45. National Thoroughbred Racing Association
46. National Tour Association
47. Niskanen Center
48. Ohio Landscape Association
49. Optica (formerly OSA), Advancing Optics and Photonics Worldwide
50. Peak Season Workforce
51. Pool and Hot Tub Alliance
52. Presidents' Alliance on Higher Education and Immigration
53. Professional Convention Management Association (PCMA)
54. Software & Information Industry Association (SIIA)
55. Talent Beyond Boundaries (TBB)
56. TechNet
57. The Advocates for Human Rights
58. The LIBRE Initiative
59. UnidosUS
60. United States Hispanic Chamber of Commerce
61. United States Tour Operators Association
62. U.S. Chamber of Commerce
63. U.S. Travel Association
64. Western Growers
65. World Education Services (WES)
66. Worldwide ERC (WERC)