

STATE DEPARTMENT TIGHTENS RULES FOR VISA APPLICANT INTERVIEWS: WHAT EMPLOYERS SHOULD KNOW AND DO NEXT

Insights
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The Department of State recently announced new rules requiring visa applicants to attend interviews in their home countries – a change that could significantly impact employers that rely on foreign talent, in addition to the State Department’s recently expanded visa vetting program. Employers should assess the impact on workforce mobility and talent planning in light of these developments. Here’s what you need to know and three steps you can take now.

Background

Visas are travel documents issued by US consulates that allow foreign nationals to seek admission to the United States for specific purposes (such as employment) on either a temporary (nonimmigrant visas) or permanent (immigrant visas) basis. Historically, visa applicants could use a “third-country national” (TCN) process, which allowed them to schedule interviews at a US consulate located outside of their home countries. The TCN process provided faster appointment availability, fewer local backlogs, and convenience for individuals already traveling internationally for work or study.

What Changed?

The Department of State recently made two announcements regarding the elimination of the TCN option for visa processing.

- **Nonimmigrant Visas.** Effective September 6, nonimmigrant visa applicants must schedule interviews at

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the US embassy or consulate in their country of nationality or residence (subject to limited exceptions). For more information, click [here](#).

- **Immigrant Visas.** Effective November 1, immigrant visa applicants must schedule interviews in the consular district serving their place of residence or in their country of nationality if requested (subject to limited exceptions). For more information, click [here](#).

Employer Impact

The new visa adjudication rules carry significant implications for employers managing international talent. The end of the TCN option for visa processing will likely delay visa issuance for many foreign professionals, increase travel and logistical costs, and disrupt assignment planning for global projects.

Potential issues for employers include:

- **Non-refundable fees** if interviews are scheduled outside of the correct consular jurisdiction.
- **Longer wait times** in certain posts that may affect deployment timelines. The State Department maintains a list of [Global Visa Wait Times](#), which provides information on the average time nonimmigrant visa applicants waited for an interview in the previous month.
- **Disruptions to relocation and project planning** when workers cannot secure timely appointments.
- **Additional documentation burdens** to establish residence in the country of application.
- **Narrow exceptions that rarely apply** outside of diplomatic or emergency contexts.
- **Reliance on the National Visa Center** for immigrant visa scheduling changes, rather than direct embassy requests.

Taken together, these developments – along with the news that [continuous visa vetting is coming](#) – introduce new compliance hurdles that heighten the risk of delay and expense. Employers will need to adjust workforce mobility strategies to account for longer processing times and reduced flexibility.

What Employers Should Do Now

- **Review** upcoming assignments and visa applications in light of these developments.
- **Advise** employees to apply in the correct consular jurisdiction to avoid lost fees and delays.
- **Adjust** timelines and relocation plans to accommodate longer appointment wait times.

These policy updates introduce new constraints on where visa interviews may be scheduled. Employers benefit from proactive planning and guidance to mitigate delays and manage compliance risks.

Conclusion

If you have any questions about these developments or how they may affect your workplace, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Immigration Practice Group](#). For emergencies, reach out to our [Employers' Rapid Response Team](#) at 877-483-7781 or DHSRaid@fisherphillips.com. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information.