

# Global Immigration alert

September 2025

## United States

### U.S. Department of State issues new instructions requiring NIV applicants to apply in home country

#### Executive summary

On 6 September 2025, the U.S. Department of State (DOS) updated its instructions affecting the scheduling of nonimmigrant visa (NIV) interviews. Effective immediately, NIV applicants are instructed to schedule their visa interview appointments at a U.S. embassy or consulate located in their country of nationality or residence. This represents a shift in DOS policy, which previously employed a more globally connected approach and sought to leverage appointment availability in third countries.

Nationals of countries where the U.S. government does not conduct routine NIV operations must apply for a visa at a designated U.S. embassy or consulate, unless they reside elsewhere.

#### Background and analysis

DOS has long encouraged applicants to attend NIV appointments in their country of residence or nationality. However, in practice, many applicants have scheduled interviews in third countries for a variety of reasons, including lengthy wait times, planned work in or other travel to a third country, and consular backlogs. Nonimmigrants already residing in the United States in particular would rely on generous third-country national application policies at consular posts in Canada and Mexico due to their proximity. The new policy may have the effect of increasing appointment availability in Canada and Mexico in particular for that reason, although residents and nationals of those countries were always afforded higher priority.

The updated instructions from DOS eliminate this practice, requiring applicants to demonstrate residence in the country where they apply, unless they are nationals of countries

without routine NIV operations. In such cases, designated consular posts have been assigned (e.g., Afghan nationals must apply in Islamabad). DOS has published a list of designated locations for such nationals, which can be found [here](#).

The updated instructions apply broadly to NIV categories, including business, employment, student, and visitor visas. While certain exceptions remain, they are limited and subject to consular discretion. DOS has clarified that this update does not apply to applicants for diplomatic-type visas. Furthermore, consular sections may continue to exercise discretion in accepting non-resident applicants, but such cases are likely to be limited to exceptional circumstances, such as humanitarian needs or compelling foreign policy interests.

Applicants and their employers should review this change carefully to ensure compliance and avoid delays. DOS has stated that existing nonimmigrant visa appointments will generally not be cancelled.

#### What this means

Applicants must now plan to attend interviews in their country of residence or nationality, which may involve significant travel and longer wait times. Attempting to book an appointment in a third country may result in cancellation or refusal of service.

Consular sections are not obligated to accept non-resident applicants, and application fees are non-refundable if an interview is denied or canceled due to non-compliance with

this policy. The announcement from DOS also advises that applicants who schedule an appointment for a NIV outside their home country “might find that it will be more difficult to qualify for the visa.”

As indicated above, DOS has advised that existing appointments will generally not be cancelled, but applicants with pending cases are advised to confirm their designated processing location and prepare documentation proving residency if applying outside their country of nationality. Exceptions to the policy are limited. Applicants seeking such exceptions should be prepared to present compelling evidence. Applicants may need to reassess travel plans to avoid disruptions.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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EYG no. 007331-25Gbl

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