CLIENT ALERTS & INSIGHTS

Mission India Update Following Implementation of Online Presence Review - Widespread Rescheduling of H-1B and H-4 Visa Appointments

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Key Takeaways

- U.S. consulates in India have begun mass rescheduling of H-1B and H-4 visa interviews to implement a new Online Presence Review, causing many appointments to be pushed to March 2026 or later and requiring applicants to make their social media profiles public before interviews.
- These changes may lead to significant travel and work disruptions for visa applicants and their employers, with risks of project delays, staffing gaps and potential tax or compliance complications due to extended stays abroad.
- Employers and applicants should monitor appointment updates closely, ensure social media compliance, formally document any temporary remote work arrangements and consult local tax and employment counsel to address cross-border legal risks.

This alert provides an update to our client communication issued last week regarding the Department of State's new Online Presence Review requirement for H-1B applicants and their dependents. Following that announcement, several U.S. consular posts in India have begun significant operational changes, including the mass rescheduling of H-1B and H-4 visa interviews. This update summarizes these developments and offers practical guidance for employers and applicants who may be affected.

Background

As of December 8, 2025, U.S. consulates in India-including Hyderabad and Chennai-have begun unilaterally rescheduling H-1B and H-4 interviews originally scheduled on or after December 15, 2025. Many applicants have received notifications moving their interviews to March 2026 or later. Consular posts state that these changes are necessary to implement the Online Presence Review process, which requires a temporary reduction in daily interview volume.

Key Operational Points

1. **Prior to Interview**: Applicants should make social media accounts public at least one week prior to their scheduled interview and keep their profiles public until approval is received.

2. **Rescheduled Interviews**: Applicants must not appear on their original appointment date and should attend only the newly assigned date.
3. **Biometrics (VAC) Appointments**: VAC biometrics appointments are unchanged and remain valid.
4. **Rescheduling Limitations**: Applicants may reschedule only once, and only if their MRV fee receipt is less than one year old. Expired receipts cannot be used to reschedule.

Guidance for Employers and Applicants

1. Anticipate Travel and Work Disruptions

- Visa issuance delays may be significant. Individuals with expired visas or those seeking initial issuance should avoid non-essential travel.
- Employers should assess potential impacts on staffing, project deadlines and remote work needs.

2. Monitoring and Compliance

- Applicants should regularly check their visa appointment portals and message centers for updates.
- It is important to understand the one-time rescheduling limit and the risk of fee forfeiture if the new appointment is missed.

3. Document Temporary Remote Work Arrangements

For employees who must remain abroad while awaiting visa issuance, employers should formally document any temporary remote work arrangement. Documentation should:

- Clarify that the arrangement is temporary and due solely to consular delays;
- Confirm that duties, compensation and reporting lines remain unchanged;
- Reserve the employer's right to modify or terminate the arrangement if compliance concerns arise.

Clear documentation helps reduce the risk of future questions from immigration authorities, tax authorities and auditors.

4. Immigration-Related Considerations

- Working abroad for a home-country employer generally does not create U.S. immigration issues, but local work authorization rules may apply.

- Lengthy stays abroad may prompt questions at later border entries or consular appointments; documentation of the temporary remote work arrangement can help address these inquiries.

5. Tax, Payroll and Employment Law Implications

Extended physical presence abroad may trigger:

- Corporate tax exposure if local authorities view the activities as creating a taxable presence;
- Payroll tax or registration requirements after certain time thresholds;
- Individual tax residency for employees;
- Social security or workers' compensation obligations; and
- Applicability of local employment laws and labor protections.

Because these issues vary widely by jurisdiction, employers should consult local tax and employment counsel where appropriate.

Summary

The widespread rescheduling of H-1B and H-4 visa appointments at Mission India is a direct result of the new Online Presence Review process. Employers and employees should:

- Make social media accounts public at least one week prior to any scheduled interview and keep profiles public until approval is received;
- Monitor appointment portals closely;
- Document temporary remote work arrangements;
- Plan for extended delays and potential tax and compliance considerations;
- Communicate proactively with internal stakeholders and project teams.

We will continue to monitor developments, and issue further updates as additional information becomes available.