Traveling with an H-1B Visa or H-1B Status

If you are making a trip outside the United States, you will need the following to re-enter the U.S.

- Valid passport;
- Original Form I-797A (H-1B Approval Notice for your current position);
- Letter from GC confirming current employment in the position described in the H-1B petition; and
- Valid H-1B visa stamp in your passport. If you do not have a valid H-1B visa stamp in your passport, you must apply for one at a U.S. Embassy or Consulate abroad.

Any international employee planning to travel outside the United States **MUST** notify the OLA at least two weeks **PRIOR** to the date of travel.

**Obtaining an H-1B Visa Stamp**

If you have changed and/or extended your non-immigrant status while in the United States and have never had an H-1B visa stamp in your passport, or if your H-1B visa stamp has expired, you must make an application with a U.S. Embassy or Consulate outside of the U.S. to obtain an H-1B visa for re-entry. You will need to present the following documentation:

- Original Form I-797A (H-1B Approval Notice for your current position);
- Copy of Form ETA-9035 Labor Conditions Application (LCA);
- Copy of Form 1-129 (petition for H-1B submitted to USCIS on your behalf);
- Letter from your department confirming employment and that you are expected to return to the U.S. to resume the terms of your contract;
- Original waiver of the two year home residency requirement (if you were previously in J-1 visa status and received a waiver); and
- Valid passport (valid 6 months into the future).

Please contact the specific U.S. Consulate or Embassy where you plan to apply for other requirements, including photos and fees. Also, note that some Consulates and Embassies have recently changed to an appointment system. Please confirm application procedures prior to your trip.

Electronic verification of H-1B case records is done at U.S. consulates and embassies using the Petition Information Management Service (PIMS) system. Not all cases involving a transfer of H-1B status between employers or extension of H-1B status are necessarily in PIMS and this can cause delays in obtaining visa issuance. GC faculty and staff are strongly encouraged to schedule appointments with U.S. Consulates or Embassies to request visa issuance with sufficient time to accommodate any delays in processing prior to a planned re-entry into the U.S.

**Traveling to Canada, Mexico for less than thirty days**

If you have an expired H-1B visa stamp or if you have an expired U.S. non-immigrant visa of any other type (e.g. B, F, J) and you have a valid I-94 card stating your current valid H-1B status, your visa will be considered automatically revalidated when you re-enter the U.S. from Canada.
or Mexico as long as ALL of the following are true:

- You have only been in Canada or Mexico for less than 30 days;
- You have with you a current I-94 card stating your valid H-1B status;
- You do not apply for a visa while in Canada or Mexico; and
- You are not from one of the countries currently considered by the U.S. Department of State to be state sponsors of terrorism.

For this automatic revalidation to apply to you, you must be careful to keep your I-94 card when leaving the U.S. to enter Canada or Mexico for a trip of less than 30 days. Present your I-94 card along with your valid passport, original Form I-797A (H-1B Approval Notice for your current position) and a letter from GC confirming current employment in the position described in the H-1B petition.

**Travel while change of status to H-1B is pending**

A non-immigrant who is changing from one non-immigrant category to another (OPT to H-1B, for example) is considered to be changing status. Traveling while changing status can have important consequences. A non-immigrant that travels abroad while an application for change of status to H-1B is pending is considered to have abandoned the change of status portion of the petition. Only the change of status portion of the H-1B application is affected by travel, though. If the H-1B petition is later approved, and the alien is still abroad, he or she can apply for an H-1B visa at a U.S. consulate and then enter the United States in H-1B status.

If an alien who departed the United States while an application for change to H-1B status was pending reenters the United States in another non-immigrant category (B-1 visitor, for instance), he or she is not considered to be in H-1B status even if USCIS subsequently approves the change of status request that was pending at the time of the alien's departure. In that case, the alien would either have to exit the United States with the approval notice, obtain an H-1B visa and then reenter in H-1B status, or have GC file a new Form I-129 requesting a change of status once more. The latter course of action could be difficult, as immigration inspectors may infer preconceived intent on the part of the alien.

**Travel while H-1B extension of stay is pending**

Unlike travel while a change of status application is pending, travel while an extension of stay application is pending is not viewed as an abandonment of the application for extension of stay.

Although an application for extension of stay is not considered abandoned if the alien departs while the application is pending, when the alien needs to re-enter the U.S., he or she still needs both a valid H-1B visa as well as a valid I-797 Approval Notice. If the extension of stay is not approved by the time the alien needs to re-enter, he or she can use a prior approval notice, but only if the period of employment on that notice has not yet expired.

Travel during the 240-day automatic extension of work authorization after the current H-1B period has expired is not allowed. If the alien could not avoid traveling abroad during this period of time, he or she will have to stay abroad while awaiting the H-1B extension approval in order to be able to apply for a new visa or be readmitted to the United States in H-1B status.