

TRAVEL FACT SHEET FOR NONIMMIGRANTS

In order to return to the United States after international travel, you and your dependents must have valid visa stamps in your passports. Please verify the validity of your visa stamp before you make any international travel plans. Note that Canadian citizens do not require a visa in order to enter the United States from abroad. If you already have a valid visa stamp in your passport for your current nonimmigrant classification, you still must bring your original approval notice (Form I-797) and your unexpired passport in order to re-enter the U.S.

Obtaining a New Visa at a United States Consulate

To apply for a visa at a U.S. Consulate abroad, you will need to bring to the Consulate :

- **Your original approval notice** (Form I-797).
- **Unexpired passport** for all applicants (yourself and any dependent family members). Your passport must be valid for at least six months beyond the expiration of your period of admission to the United States, to ensure that you will be able to depart the United States at the end of your stay and return to your home country, or another country. Under international treaties, however, over 90 countries have an agreement with the United States whereby a passport is deemed valid for an additional six months past its expiration date. British and Canadian passports are; Chinese passports are not.
- **Form DS-156, Nonimmigrant Visa Application with Photograph:** An electronic version of this form can be downloaded and completed online from the appropriate U.S. Consulate's website, which are listed at <http://usembassy.state.gov>. Please complete and sign this form. Please note that a separate DS-156 form is required for each family members(s) applying with you.
- **Form DS-157, Supplemental Nonimmigrant Visa Application:** A completed form is required for all men between the ages of 16-45. In addition, some U.S. Consulates require this form for other applicants, including men above the age of 45 and women. Therefore, please refer to the appropriate U.S Consulate's website to determine if the form is required.

We also strongly recommend that you carry the following (to be submitted if requested by the Consular officer):

- An attorney-certified copy of your H-1B, L-1, or O-1 petition;
- A letter from your employer verifying your current employment; and
- Your two most recent paystubs.

For dependent family members who will be applying for a visa (e.g. H-4, L-2), in addition to all the above documents, they should also provide proof of their relationship to you (the principal nonimmigrant) by carrying:

- Copy of marriage certified, with certified translation if not in English, for dependent spouses; and
- Copy of birth certificate for each dependent child, with certified translation if not in English.

If you wish to leave the United States, on any trip other than a visit of less than 30 days to Canada or Mexico (see below), you must have a valid visa stamp in your passport evidencing your current nonimmigrant status in order to re-enter the United States. You may apply for a visa either at a United States Consulate in your home country, or as a “third-country national” at a United States Consulate in Canada or Mexico. Individuals who have entered the U.S. in nonimmigrant status and remained in the U.S. beyond the expiration date indicated on the Form I-94 may **only** apply at a U.S. Consulate or Embassy in their home country.

If you are a citizen of, or were born in one of the following countries, please speak with your attorney before making an appointment to apply for a visa: Afghanistan; Algeria; Bahrain; Cuba; Djibouti; Egypt; Eritrea; Indonesia; Iran; Iraq; Jordan; Kuwait; Lebanon; Libya; Malaysia; Morocco; North Korea; Oman; Pakistan; Qatar; Saudi Arabia; Somalia; Sudan; Syria; Tunisia; Turkey; the United Arab Emirates; and Yemen. Nationals from these countries are subject to certain restrictions.

For information on applying for a visa at a U.S. Consulate or Embassy in your home country, please visit the relevant consular website. All consular websites, as noted above, may be accessed through <http://usembassy.state.gov>. If you wish to consider processing your visa application in Canada or Mexico, please contact your attorney or human resources representative to discuss the appropriateness in your particular case of such an application. It will be necessary to schedule an appointment in advance online. For Canadian appointments, visit

www.nvars.com. For appointments at a U.S. consulate in Mexico, please schedule an appointment through www.usvisa-mexico.com.

You may also check the appointment waiting times and processing times for visa applications at Consulates at: http://travel.state.gov/visa/temp/wait/tempvisitors_wait.php

For third-country national appointments in Canada or Mexico, if the U.S. Consulate refuses to issue your visa, you will not be eligible to re-enter the U.S. from Canada or Mexico, and will need to return to your home country to apply for a visa. If you choose to go to Canada or Mexico, you may need to apply for a visa to enter either of these countries. Please make sure that you understand the Canadian or Mexican visa application procedures and requirements prior to finalizing your travel plans. Nationals of certain countries will first need a visa to enter Canada or Mexico.

For a complete list of who needs a visa to enter Canada, please refer to the Citizen and Immigration Canada website at: <http://www.cic.gc.ca/english/visit/visas.asp>. For visiting Mexico, please visit the Embassy of Mexico website for details on who needs a visa: <http://portal.sre.gob.mx/usa/> (click on “Consular Services” on the left-hand side). Note that nationals of the list of countries posted on the Embassy of Mexico’s website do not need a visa. Nationals of all other countries will need to apply for a visa to visit Mexico. Our office is happy to provide you with assistance in the visa application process for either of these countries.

Visa applications are now subject to greater scrutiny than in the past. For virtually all applicants, an in-person consular interview is required. Additionally, applicants may learn at the interview that their application requires additional security screening, which may delay visa issuance from a few days to several weeks. According to the Department of State, the time needed for adjudication of individual cases will continue to be difficult to predict. For travelers, the need for an interview will mean that additional coordination with the embassy or consulate is needed to schedule an interview appointment. The Department of State recommends that individuals allocate sufficient time before their planned travel date when seeking to obtain a visa.

Payment of a \$131 U.S. non-refundable fee for the machine readable visa is required for all visa applications. All visa applicants, including children, are required to pay this fee. In addition, there may be an additional application fee, depending upon reciprocity agreements with the U.S. A list of additional fees based on reciprocity agreements may be found at (listed by the applicant’s country of nationality):

http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3272.html.

Please also refer to the appropriate U.S. Consulate website to determine if there are any additional fees.

Arrival in the U.S.

Upon inspection at the port of entry, a Customs and Border Protection (“CBP”) officer will note on Form I-94 your nonimmigrant status and the length of time you are permitted to remain in the U.S. It is very important that the notation on Form I-94 reflect the duration indicated on your approval notice. Before moving away from the CBP counter, **please review the time period** for which you are authorized to remain in the U.S., as shown on Form I-94. If you believe there is a mistake on your Form I-94, please contact your immigration attorney after you have arrived in the U.S.

Please remember that your nonimmigrant status is determined by the expiration date on your Form I-94, not the expiration date of the visa stamp in your passport. Staying beyond the expiration date indicated on Form I-94 could result in severe penalties. Therefore, it is very important that you forward to your attorney and human resources representative a copy of the new Form I-94 issued by CBP for you and each family member as soon as possible *each time* you return to the U.S. from a trip abroad.

Entry Procedures

Most nonimmigrant visa holders will be subject to the US-VISIT Entry inspection procedure. If you are traveling through a port at which US-VISIT entry procedures are in operation, you will be required to provide fingerprints and photographs. Using an inkless scanner, the CBP officer will record your fingerprints. The officer also takes a digital photograph of the visitor. The fingerprint and photographic date, along with information in your travel documents, are used to verify your identity and will be scanned against law enforcement and national security lookout lists. If data in the verification process indicate possible national security or law enforcement concerns, you will be referred for additional screening. More information on US-VISIT procedures, may be found at: www.dhs.gov/us-visit.

Special Note for F-1 Students

If you are currently in F-1 status and in a period of authorized post-completion Optional Practical Training (“OPT”), you may travel only if you have:

- A valid F-1 visa stamp in your passport;
- A valid Employment Authorization Document (“EAD”);
- A recently endorsed Form I-20; and
- Have never violated your status.

In addition, please check with your International Student Office to verify that your SEVIS record is still open. Applying for a new F-1 visa at a Consulate while on OPT can be problematic;

please let your attorney know if you plan to do this. Please travel only if you already have a valid F-1 visa stamp that will not expire prior to your return to the United States.

Please be advised that, except for trips of fewer than 30 days to Canada or Mexico, you will be required to turn in your Form I-94 before departing the United States and will receive a new one upon your return. Nonimmigrants in TN or TD status will be issued a “multiple entry” Form I-94, indicating the expiration date of their status, and will not need to surrender the Form I-94 when departing the U.S.

Trips to Canada or Mexico (for less than 30 days)

If you are planning to travel to Canada or Mexico for less than 30 days and have a nonimmigrant visa stamp in your passport that has **expired**, you may still be able to travel without applying for a new visa stamp under “automatic visa revalidation.”

You will not need a new visa to reenter the United States after a brief trip to Mexico or Canada if the following conditions are met:

- The stay in Canada (or Mexico) does not extend beyond 30 days;
- You do not travel to any other country besides Mexico or Canada;
- You do not apply for a visa at a U.S. consulate while in Mexico or Canada; and
- You have not violated your nonimmigrant status since the last time you entered the U.S.

If you seek to reenter the U.S. after a brief trip to Mexico or Canada without a new visa stamp, you will need to present the following documents to the immigration inspector upon reentry:

- Form I-94 (issued at the time of last U.S. entry) contained in your passport; and
- Original Form I-797 Approval Notice issued in connection with the nonimmigrant petition (H, L, O, etc.) filed by the company.

Because some exceptions may still apply, please contact your immigration attorney if you think you may be eligible for automatic visa revalidation.