



University at Buffalo
The State University of New York

Office of International Education
Immigration Services

H-1B Travel Information

H-1B Visa Stamp

In order to be lawfully admitted to the U.S. as an H-1B or H-4 (dependant of H-1B), you must obtain a corresponding visa stamp. The only exceptions to this rule are where your country of citizenship is visa exempt or you are traveling to Canada or Mexico for a short visit.* You will need to apply for your visa by scheduling a visa appointment at a U.S. embassy or consulate. Although each U.S. embassy or consulate has its own specific visa requirements, the following items, generally, are needed at the visa interview:

- The original H-1B Approval Notice (Form I-797) from the State University of New York at Buffalo or the Research Foundation. You may borrow the top portion of the H-1B extension Approval Notice from UB Immigration Services if needed for visa processing.
- A copy of your H-1B petition.
- A departmental letter confirming your H-1B employment. For purposes of obtaining your initial or extension H-1B visa, your copy of the original H-1B petition already contains this letter. For all other occasions, you should request a letter from your hiring unit. You must have a copy of the letter available when you re-enter the U.S.
- Items specific to the embassy or consulate that will be processing your visa application.

Documents Needed to Re-enter the U.S.

Individuals in H-1B status who will re-enter the U.S. in the same status, must have the following items at the time of inspection:

- The Personal Records segment (stub at left-hand corner of your original H-1B approval notice)
- A letter confirming employment from your department on department letterhead
- A valid H-1B visa

1. Canadian citizens are visa exempt. They are not required to obtain visas before entering the U.S. However, Canadian landed immigrants must hold valid visas to enter the U.S.
2. H-1B's that have changed employers since entering the United States and hold a valid visa through their previous employer, are permitted to re-enter the U.S. under that visa so long as they also present at the time of entry a valid approval notice issued to the University at Buffalo or the Research Foundation.

Travel While an H-1B Petition is Pending

Individuals who apply to change to H-1B status from another status and who travel outside the United States while the change of status petition is pending will abandon their request to change to H-1B status. They will need to consular process for the H-1B visa after the H-1B petition is approved. Only then will they be permitted to enter the U.S. in H-1B status.

Individuals who travel while an H-1B extension petition is pending do not abandon the extension petition. However, if USCIS approves the extension petition while you are outside of the U.S. and you will re-enter after or even near the validity date of your current visa, then the University will need to mail the new approval notice to your address overseas. You will need to obtain a new visa and present the most recent approval notice when being admitted into the U.S. If you do not present your most recent approval notice, then your period of admission as notated on the I-94 card could be entered by the customs official as the end date of your previous approval, requiring you to once again depart and re-enter the U.S. to obtain a properly dated I-94 card. You should always consult with your hiring unit before deciding to travel.

If you return to the U.S. while your H-1B extension is still pending, you will need a valid H-1B visa and a valid H-1B approval notice to re-enter the U.S.

CAUTION: You are not permitted to travel during the 240-day period of automatic extension of work authorization after the current H-1B period has expired because you will not be able to re-enter the U.S. until the extension is approved and you are issued a new visa.

***Travel to Canada or Mexico**

One exception to the rule that you must have a valid visa stamp in order to be lawfully admitted into the U.S. is the so-called "automatic revalidation" provision. This rule permits H-1B employees to re-enter the U.S. without a valid H-1B visa stamp after a trip of less than 30 days to either Canada, Mexico. The automatic revalidation provision does not apply to nationals of countries identified by the U.S. State Department as state

sponsors of terrorism. A list of these countries can be found at: <http://www.state.gov/s/ct/c14151.htm>.

Eligibility for automatic revalidation is based upon meeting all of the following conditions. The nonimmigrant alien:

- (1) Is in possession of a Form I-94, Arrival-Departure Record, endorsed by DHS to show an unexpired period of initial admission or extension of stay, or, in the case of a qualified F or J student or exchange visitor or the accompanying spouse or child of such an alien, is in possession of a valid Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status - for Academic and Language Students, or Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status;
- (2) Is applying for readmission after an absence not exceeding 30 days solely in contiguous territory, or, in the case of a student or exchange visitor or accompanying spouse or child, after an absence not exceeding 30 days in contiguous territory or adjacent islands other than Cuba;
- (3) Has maintained and intends to resume nonimmigrant status;
- (4) Is applying for readmission within the authorized period of initial admission or extension of stay;
- (5) Has a valid passport;
- (6) Does not require a waiver of ineligibility under INA 212(d)(3); and
- (7) Has not applied for a new visa while abroad.

You should not surrender your I-94 card when departing the U.S. if you wish to take advantage of automatic revalidation. Separately, you may need to obtain a Canadian or Mexican visa stamp to enter Canada or Mexico.

CAUTION: Unfortunately, there is always a risk that your visa application will be denied. There is also the risk that visa issuance might be delayed due to administrative or security clearances. In the event that you do experience a visa denial or delay, you should notify your hiring unit, which in turn, should contact UB Immigration Services for assistance.