

January 27, 2006

Guidelines* On Travel For Foreign Nationals With Temporary Visas

When you are traveling abroad after you have obtained your temporary status to work in the United States, it is important that you have all the following documents in order to ease your return to the United States. The type of documentation depends on your immigration category.

A. Obtaining a “Visa”

As a general rule, visas are required to enter the United States from a foreign country. Canadians in H-1B, TN, and other immigration categories are exempt from the visa requirements, but citizens of other countries generally require a valid visa in a particular, nonimmigrant category to enter the United States.

The Form I-797 Approval Notice with Form I-94 is not a “visa.” Visas are issued only through U.S. embassies and consulates abroad, which are under the Department of State (not the Department of Homeland Security). However, so long as you plan to remain in the United States and not travel abroad, including to Canada or Mexico, you only need the I-94 showing status and not a valid visa.

For foreign nationals who plan to travel abroad, and who need a new visa, there are essentially two ways to obtain a new or extended visa:

- (1) Schedule an appointment to travel to a U.S. Embassy or Consulate for a visa appointment. If traveling to the home country, then plan to obtain the visa there.
- (2) If you are planning to travel to another country, then you might be able to schedule an appointment to apply for the visa at a U.S. Consulate in Canada before the travel abroad.
- (3) Check the fee requirements. The processing fee for machine readable visas (MRV) is U.S. \$100.00. In addition, for citizens of some countries there is an additional reciprocity fee. You can see whether there is a reciprocity fee for your country and visa category at <http://travel.state.gov/visa/reciprocity/index.htm>.

* These materials are provided as general information. The contents do not constitute legal advice. Changes in U.S. law, policy, or procedure may render these materials inaccurate. Consult a qualified immigration attorney before seeking immigration benefits.

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- (4) Check the fee payment procedures. Some consulates require payment only in cash for the MRV processing fee and any reciprocity fee. At other consulates, the fees must be paid in advance at a bank and the receipt must be presented at the time of the appointment.
- (5) Check the processing time. In summer and around holiday times, there can be lengthy waits for visa appointments. The State Department provides information about how long it might take to schedule a visa appointment, as well as how long to process the visa, at its consulates and embassies. The information is available at http://travel.state.gov/visa/temp/wait/tempvisitors_wait.php.

Note that many consulates and embassies do not allow cell phones inside.

B. Documents Required For Travel Abroad and Re-entry Into the United States

TN status -- Canadian Citizens

- [] **Evidence of Canadian citizenship, and photo identification**, in the form of either of the following:
 - [] **Valid passport** (Canadians are not required to present passports to enter the U.S. in the categories listed, but a passport is the recommended form of documentation to present.)
- or**
- [] **Birth certificate and photo identification**
- [] **Unexpired I-94 card in TN status**

TN status – Mexican Citizens

- [] **Valid passport** (When you come back to the United States your passport must be valid for six months longer than your immigration status)
- [] **Valid TN visa** in passport
- [] **Unexpired I-94 card in TN status**

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H-1B status -- Canadian Citizens

- [] **Evidence of Canadian citizenship, and photo identification**, in the form of either of the following:
 - [] **Valid passport** (Canadians are not required to present passports to enter the U.S. in the categories listed, but this is the recommended form of documentation to present.)

or

- [] **Birth certificate and photo identification**
- [] **Unexpired I-94 card**
- [] **Copy of Form I-797 Approval Notice for H-1B status**

H-1B status -- Citizens from countries other than Canada

- [] **Valid passport** (When you come back to the United States your passport must be valid for six months longer than your immigration status.)
- [] **Unexpired I-94 card**
- [] **Valid H-1B visa** in passport
- [] **Copy of Form I-797 Approval Notice**
- [] **If attending a visa appointment, also take the following:**
 - [] **A copy of the entire H-1B petition documentation**
 - [] **Completed form DS-156, with photo attached**
 - [] **Completed form DS-157 (if applicable)**
 - [] **Acceptable payment or evidence of payment**
 - [] **Additional form of photo i.d., besides passport**
 - [] **Employment verification letter.** You must obtain this from Human Resources before you travel.

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Students with Optional Practical Training (OPT) work authorization

- [] **Valid passport** (When you come back to the United States your passport must be valid for six months longer than your immigration status.)
- [] **I-94 card**
- [] **New SEVIS Form I-20 with a signature** from your international student advisor (“ISO”) that will not be older than 6 months by the time you come back to the United States
- [] **Valid F-1 visa** in passport
- [] **Proof of Enrollment** (Transcript or letter of enrollment from your school’s international student advisor)
- [] **Employment verification letter.** You must obtain this from Human Resources before you travel.

Additional Resources

The following additional resources provide information about employment-based visas and retrogression:

- The U.S. State Department’s website: www.travel.state.gov.
- U.S. Citizenship & Immigration Services website: <http://uscis.gov>
- U.S. Customs & Border Protection website: www.cbp.gov