

H-1B Checklist for Travel Outside the U.S.

Required Documents for H-1B Employee

NOTE: Upon return to the U.S., please provide a color copy of your new visa stamp to the Office of the General Counsel for inclusion in our files.

- Valid passport with valid H-1B visa stamp. If visa stamp is no longer valid, then H-1B employee must apply for an H-1B visa stamp before re-entering the U.S. (Some exceptions apply; please see next page for information regarding automatic extension of visas or speak to an advisor before traveling.)
- Original top portion and bottom portion of I-797 approval notice
- Photocopy of entire I-797 approval notice (2 copies required if applying for visa stamp).
- Past three months' payroll deposit pay stubs.
- 1 photocopy of entire I-129 filed by Kent State University (**ONLY NECESSARY WHEN APPLYING FOR H-1B1 VISA STAMP**)
- Letter(s) of support from H-1B's department. You will need one letter to the Customs and Border Protection (CBP) to use upon re-entry to the U.S. **If you will be applying for an H-1B visa stamp, you will need a second letter for the U.S. Consulate.** The letter(s) should state the following:
 - o **[Required for both CBP and Consulate letter]:** (Name of H-1B employee) is currently employed in H-1B status in the Department of (Name of department) in the position of (position title) earning an annual salary of (dollar amount). (Name of H-1B employee) is authorized to work in the department until (end date of H-1B approval period), or
 - o **[Required for both CBP and Consulate letter]:** (Name of H-1B employee) is traveling to (country name) to (state purpose of trip, i.e. visit family and friends, or attend a conference) and is expected to return to Kent State University to resume (his/her) H-1B employment on (date).

H-4 Dependent traveling outside U.S. without H-1B Employee

- Valid passport with a valid H-4 visa stamp (if visa stamp is no longer valid, then H-4 dependent must apply for an H-4 visa stamp before re-entering. Some exceptions apply; please see information about automatic extension of validity or speak to an advisor before traveling.)
- Original top and bottom portion of I-797 approval notice for H-1B, and original I-797 approval notice for H-4 status if H-4 status was granted while inside the U.S.
- Photocopy of I-797 approval notice of H-1B (2 copies required if applying for visa stamp).
- 1 photocopy of entire I-129 filed by University on behalf of the H-1B Employee (**ONLY NECESSARY WHEN APPLYING FOR H-4 VISA STAMP**)
- Letter from department certifying the position title, salary and current employment of the H-1B employee, and certifying that the H-1B will remain employed until (end date on I-797 approval notice for H-1B).
- Past three months' payroll deposit advices. * recommends a notarized statement on departmental letterhead verifying that the University no longer issues payroll deposit advice statements in paper format, only electronically, and that the printed advice statements are true copies of the electronic statements.
- Document certifying relationship to H-1B (marriage license for spouse or birth certificate for children)

Automatic Extension of Validity

Generally, you must present a valid, unexpired H-1B visa each time you enter the United States. If you change status while in the U.S., or if your visa expires, the next time you travel you must obtain a new visa in order to be readmitted.

An exception to this rule exists for H-1Bs who travel **for less than 30 days to Canada or Mexico ONLY**. Your visa is considered to be "extended" to the date of reentry, eliminating the need to obtain a new visa at a U.S. consulate before that particular reentry.

You must meet the following criteria to be eligible for automatic extension of validity at the port of entry:

- Have a current I-797 approval notice
- Be applying for readmission after an absence not exceeding 30 days
- Have traveled **ONLY** to Canada or Mexico
- Have maintained and intend to resume nonimmigrant status
- Are applying for readmission within the authorized period of initial admission or extension of stay
- Have a valid passport
- Must **NOT** have applied for a new visa during this particular trip
- Have never had a visa canceled under INA 222(g)
- Is not a citizen or national of a country that has been designated as a "state sponsor of terrorism"

Exit/Re-entry Procedures

When exiting the U.S., you must do the following:

- **Surrender all I-94 Departure Record card(s)** to an airline official before boarding the international flight to leave the U.S. This can occur at the time you receive your boarding pass for the international flight. If you have not surrendered your I-94 Departure Record card(s) at the ticket counter, then you must surrender them to an airline official at the boarding gate prior to boarding the international flight. You must surrender all I-94 Departure Record cards. This includes not only the original white I-94 Departure Record card, but also all generated I-94 Departure Record cards issued on an I-797 approval notice. Be certain to detach any generated I-94 Departure Record card (right portion) from the Alien's Permanent Record card (left portion). Both of these cards comprise the original bottom portion of the I-797 approval notice. The Alien's Permanent Record card belongs to the H-1B employee and must not be surrendered.
- **As of May 2007, you no longer need to register your departure using the U.S. VISIT kiosks.**

When returning to the U.S., you must do the following:

- Complete the I-94 Arrival/Departure Record form that will be provided by an airline official enroute to the U.S. or at a landed port of entry. U.S. Customs and Border Protection will take the arrival portion upon inspection and return to you the I-94 Departure Record Card portion. Be certain to present to the U.S. Customs and Border Protection official your passport with valid H-1B visa stamp, and the original top portion and Alien Permanent Record bottom portion of the I-797 approval notice. Have available to present to U.S. Customs and Boarder Protection official the letter from your department certifying your H-1B employment and payroll advice statements in case there are questions concerning your H-1B employment.
- Be certain to look carefully at the I-94 Departure Record card after the inspector has completed the inspections process to insure that they have date stamped the I-94, written H-1B on the I-94 Departure Record card and have written the correct end date on the I-94 Departure Record card that corresponds with the end date on the I-797 approval notice. If the date written on the I-94 Departure Record card does NOT correspond with the end date on the I-797 approval notice, respectfully request to know why and request permission to see someone in secondary inspections to see if this date can be corrected before departing the inspections area. **IMPORTANT NOTE:** If your passport will expire less than one year from the time you enter the U.S., you will likely be inspected into the country for a period of time less than granted on the I-797 approval notice. U.S. Customs and Border Protection can NOT correct this. It will be important for you to seek advice immediately upon return to the University to discuss what action must be taken to extend your H-1B status.

U.S. Consulate Procedures

When applying for an H-1B visa stamp:

- Make an appointment in advance of travel with the appropriate U.S. Consulate abroad to apply for the visa stamp. Go to <http://usembassy.state.gov/> to locate the webpage for the U.S. Consulate at which you will apply for the visa stamp and follow their procedures for setting up an appointment. The webpage will also instruct you on what forms to complete, what fees to pay, photograph requirements, etc. when making application for a visa stamp. Be certain to apply for an appointment the first business day upon arrival to the country where you will apply for the visa stamp. **Consulates must now verify your H-1B petition approval using the Petition Information Management Service (PIMS). A record of your petition and its approval is sent to the Kentucky Consular Center (KCC) and entered into PIMS. The electronic PIMS record created by KCC is now the only form of evidence used to determine eligibility for an H-1B visa stamp. If for some reason the consulate is unable to located information on your H-1B petition, then the consulate must email the Kentucky Consular Center's Fraud Prevention Unit, who will then research approval of your petition and, if able to confirm its approval, make the details available through PIMS within two working days.** You must still be in possession of the original approval notice and I-129 petition filed as proof that you are entitled to an appointment with the consulate. In addition, security clearance checks may be required depending on your nationality and on your field of work. Security clearance checks can take at least two weeks. You need to apply early to allow enough time for the PIMS verification process and security clearance checks to be completed before the visa stamp will be issued.
- When appearing for the interview, bring with you all the forms, fees, and photographs required. In addition bring all the evidence certifying your eligibility for an H-1B visa stamp, including: Original top and bottom portion of the I-797 approval notice; one photocopy of the I-797 approval notice; photocopy of the I-129 petition filed; letter from your department to the U.S. consulate verifying your H-1B employment and description of your work; and copies of payroll advice statements. **Remember:** Never surrender the original top or bottom left portion of the I-797 approval notice. The only portion of the original I-797 approval notice that should be surrendered is the I-94 Departure Record card, which is surrendered to an airline official before departing the U.S. on the international flight.

If you experience a PIMS clearance delay of one week or more, or security clearance delay exceeding 30 days:

- If the PIMS verification process exceeds two days OR security clearance check takes more than 2 weeks, there is absolutely nothing that can be done to speed up the process or inquire of the delay. If the PIMS delay exceeds one week or the security clearance delay exceeds 30 days, then notify your supervisor who should then notify our office. Although there is nothing we can do to speed up the process, we can report the issue to its national organization, which then reports the problem to the Department of State. This reporting will not speed up the processing of the visa stamp, but at least the Department of State will be aware that visa issuance delays may be a problem at a particular consulate and it can then investigate the reason(s) for the delay. You must report to your supervisor which U.S. Consulate you applied at for the visa stamp, the date of your initial visa appointment, and any information regarding that appointment, as well as any other action taken by you or the consulate subsequent to the initial appointment. **It is your responsibility to report to your direct supervisor/mentor of your travel plans and any possible delays that may result if a security clearance check takes longer than expected.**

If your passport is about to expire or you are traveling using an Advance Parole travel document based on an I-485 adjustment of status petition pending with USCIS, you must see an advisor before traveling. All the above information is being provided to assist you in traveling, but should notice be construed as legal advice.