

H-1B/O-1 Travel Information To Canada or Mexico (Contiguous Territory)

A valid unexpired U.S. entry visa is **not** required if you travel to contiguous territory (Canada or Mexico) for less than 30 days. NOTE that the Caribbean islands are not included. This is known as “automatic extension of (visa) validity” or automatic (visa) revalidation. These guidelines apply to current H-1B and O-1 workers whether they entered the U.S. as H-1B or O-1, or later changed status to H-1B or O-1.

You may reenter the U.S. from Canada or Mexico without a valid visa if you:

- 1) Are **not** a citizen of Iran, Syria, Libya, Sudan, North Korea or Cuba, or other country designated as a terrorist country by the Department of State. (See <http://www.state.gov/s/ct/>)
- 2) Your stay in Canada or Mexico was for less than 30 days.
- 3) You maintained your H-1B or O-1 nonimmigrant status when last in the U.S. and intend to resume your H-1B or O-1 activity upon reentry.
- 4) You apply for readmission within your initial admission or extension of stay (i.e., not after your approval has expired.)
- 5) Your visa was not cancelled or otherwise not declared inadmissible to the U.S. under Section 212(a) or 212(d)(3)(A) of the Immigration and Nationality Act (INA). Note: Do not confuse 212(a) with 212(e). Automatic revalidation applies even if you are subject to 212(e).
- 6) You did **NOT** apply for a new visa in Mexico or Canada during your visit. If you apply for a new U.S. visa while in one of these countries, you must wait for a decision before being eligible to reenter the U.S. Individuals subject to security or technology checks (performed as part of the visa application process) may experience delays of 30 additional business days or more, while the visa application is being reviewed. If the visa application is denied, you cannot reenter the U.S. until you obtain a new entry visa from the U.S. Consulate or Embassy in your home country. That is, if denied, you must travel to your home country for a new visa in order to reenter the U.S. For more information on visa applications, go to http://travel.state.gov/visa/visa_1750.html.

When reentering the U.S. from Canada or Mexico using automatic visa revalidation, the minimum required documentation you must present is:

- 1) Form I-94. **DO NOT SURRENDER YOUR VALID FORM I-94 TO IMMIGRATION OFFICIALS UPON DEPARTURE FROM THE UNITED STATES.**
- 2) valid passport
- 3) original Form I-797 H-1B or O-1 Approval Notice
- 4) ID badge
- 5) a current letter of employment explaining that you are currently employed by NIH in the same position as described in the H-1B or O-1 petition, and that you must enter the U.S. to continue that employment (can request such letter from your IC)
- 6) if H-1B, copy of Labor Condition Application (LCA)
- 7) if H-1B, original Form I-797 Approval Notice to Waive Foreign Residence Requirement (if applicable).

Automatic revalidation is not valid to travel from a contiguous territory (ex: Canada) to a non-contiguous country (ex: Germany) and return to the U.S. via a contiguous territory. The use of automatic revalidation to enter the US after travel to a third country is a violation of immigration laws that may lead to deportation.

Citizens of certain countries require an entry visa to enter Canada (<http://www.cic.gc.ca/english/visit/>) or Mexico (<http://www.embassyofmexico.org/>). Please contact the appropriate consulate for information regarding this matter.

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