

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**. 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. **NOTE** that this benefit does ***not*** extend to travel to the Caribbean Islands.

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

- 1) Your stay in Canada or Mexico is **for less than 30 days**.
- 2) You are ***not*** a citizen of Iran, Syria, Sudan or Cuba, or other country designated as a state sponsor of terrorism by the Department of State (<http://www.state.gov/s/ct/>).
- 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 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 do ***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 to 120 additional business days or more in some cases**, 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/>.

When traveling on a cruise ship, check with the carrier for any immigration restrictions **before** booking your trip. Depending upon where the cruise docks, automatic revalidation may ***not*** be available.

Please inform the DIS of your travel plans at least **2 weeks** in advance. When reentering the U.S. from Canada or Mexico using automatic visa revalidation, the documentation to present should include:

- 1) Form I-94. **DO NOT SURRENDER YOUR VALID FORM I-94 TO IMMIGRATION OFFICIALS UPON DEPARTURE FROM THE UNITED STATES**
 - Your I-94 information may be requested upon departure, so carry a copy of the I-94 and provide it if requested
- 2) Valid passport
- 3) Original, valid Form I-797 H-1B or O-1 Approval Notice
- 4) 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. The letter should include a brief description of your research activities at NIH (request from your Institute/Center; a sample can be found at <http://dis.ors.od.nih.gov/advisories/SampleLetterTravel.doc>)
- 5) Identification Badge (ID) badge
- 6) Copy of most recent pay stub
- 7) If H-1B, copy of Labor Condition Application (LCA)
- 8) If H-1B, and if applicable, original Form I-797 Approval Notice for a Waiver the Foreign Residence Requirement (Form I-612)

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 U.S. 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 entry requirements.



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