

INTERNATIONAL TRAVEL IN H-1B STATUS

*Employees in H-1B status who need to travel internationally must be aware that they do so at their own risk, as **entry or re-entry into the United States is never guaranteed**. We have provided you with some information below in order to assist you in planning your travel and preparing for the visa application process. However, MUSC cannot guarantee that you will be issued a visa, or that you will be admitted into the United States.*

Generally, you will need a valid, unexpired H-1B entry visa in your valid passport for re-entry into the US. If you do not have an H-1B entry visa, if your H-1B entry visa has expired, or if your H-1B entry visa currently in your passport was not obtained with your current valid I-797 H-1B Approval Notice, you are required to obtain a new H-1B visa at a US embassy/consulate before you can re-enter the US in H-1B status.

IMPORTANT: If your passport will expire prior to the validity end date on your current I-797 H-1B Approval Notice, you must renew your passport prior to your travel. The Department of Homeland Security will not issue you a visa end date or an I-94 "Admit Until" date that exceeds the passport expiration date.

H-1B Visa

The visa stamp in your passport is the entry document that allows you to request permission to enter the US at a port of entry. H-1B visas are only issued at US embassies or consulates outside of the US, which means that you cannot apply for renewal of an H-1B visa stamp while in the US.

Refer to the website of the consulate where you plan to apply for more information on what you will need in order to apply for an H-1B visa. Each consulate is different and may have different requirements. Generally, you will need the following documents to apply for an H-1B visa:

- Valid, unexpired passport
- Original I-797A H-1B approval notice
- Copy of H-1B petition
- Current letter from your MUSC department (on letterhead) stating that you are employed, your salary, job title, and a brief description of your job duties

Please be aware that visa application processing times vary depending on the specific consulate, time of year, volume of other applicants, and your individual circumstances. You should be aware of processing times and the potential for delays due to security checks and plan your travel accordingly. For more information on processing times and procedures for visa application, visit <https://travel.state.gov/content/visas/en.html>.

Administrative Processing

Some visa applications require further administrative processing, which takes additional time after the visa applicant's interview by a Consular Officer. Applicants are advised of this requirement when they apply. When administrative processing is required, the timing will vary based on individual circumstances of each case, though most administrative processing is resolved within 60 days of the visa interview. Refer to the US Department of State website for more information on administrative processing: <https://travel.state.gov/content/visas/en/general/administrative-processing-information.html>.

If your case is selected for administrative processing, it is important that you inform CGH and your MUSC department so that we are aware of any delays that may prevent you from returning to the US. However, please be aware that there is no way for MUSC to intervene on your behalf to expedite the processing of your visa.

Applying for a US Visa in a Country Other Than Your Home Country

Applying for a US visa in a country which is not your home country (sometimes called a "third" country) can be more difficult and can take more time than applying in your home country. Visa refusal is more likely when applying for a visa in a country which is not your home country. This is because the consular officer must take extra measures to verify your relationship to your home country. Therefore, it is strongly recommended that you apply for a US visa in your home country.

However, if you do choose to apply for an H-1B visa in a third country, you must contact the consulate where you plan to apply and ask if they will accept an application from a “third country national.” Furthermore, you will need to determine the visa and other requirements for entry into the country where you plan to apply.

I-94 Record

You will be issued a new I-94 number each time that you enter the US. Your I-94 record is very important and provides proof of your legal status in the US. The US Customs and Border Protection (CBP) automated the I-94 arrival/departure record system in 2013, which means that foreign nationals arriving in the US (via air or sea) will no longer be provided with a paper I-94 form in most circumstances. Instead, you will be able to access your I-94 arrival/departure record (i.e., Form I-94) online at CBP.gov/I94.

You are responsible for accessing your I-94 record online *immediately* upon returning to the US, and you must print a copy for your records. You must also provide a copy of your I-94 record for each entry to the Center for Global Health. When you access your I-94 record, pay special attention to the “Admit Until” date, as this is the date of your legal status in the US. It is important that this date corresponds with the validity end date on your I-797 H-1B approval notice.

Pending H-1B Petition and Travel

An H-1B beneficiary must be physically present in the US at the time that an H-1B extension petition is filed with USCIS. Furthermore, travel outside of the US while an H-1B petition is pending with USCIS can be problematic, and should be avoided if at all possible. It is best for you to discuss any travel plans with CGH well in advance, so that we can plan the filing of the petition accordingly.

H-1B Change of Status

When an employer files an H-1B petition requesting the sponsorship of a foreign national in H-1B status, the employer may either request a change of status or consular processing. The change of status option is appropriate for foreign nationals already in the US in another nonimmigrant status. However, if the beneficiary of an H-1B change of status petition travels outside of the United States while that petition is pending with USCIS, the change of status request will be considered abandoned. For this reason, MUSC strongly recommends that H-1B beneficiaries do not travel outside of the US while an H-1B change of status petition is pending with USCIS.

H-1B Extension

If you wish to travel abroad after the H-1B extension petition has been filed, you must have an H-1B approval notice that will be valid for re-entering the US, along with a valid H-1B visa. However, even if you do have a valid H-1B visa and valid H-1B approval notice, travel while an H-1B extension petition is pending can still be problematic and should be avoided. Per the last action rule, if the new H-1B petition is approved while you are traveling, and you re-enter using your current visa, the current H-1B visa will trump the new H-1B petition, and making the new petition null and void.

Automatic Visa Revalidation

Certain nonimmigrants may be eligible for re-entry into the US with an expired visa after short-term travel to Canada or Mexico, as long as certain conditions are met.

These conditions include, but are not limited to, the following:

- Travel for less than 30 days to a contiguous territory (Canada or Mexico)
- In possession of a valid Form I-94
- In possession of a valid passport
- Has not applied for new visa while abroad

For more information on automatic visa revalidation, visit the US Customs and Border Protection website: https://help.cbp.gov/app/answers/detail/a_id/1218/~/automatic-revalidation-for-certain-temporary-visitors.

Each time that you enter the US after traveling abroad, you must provide CGH with the following:

- Copy of I-94 arrival record obtained from <https://i94.cbp.dhs.gov>
- Copy of H-1B visa stamp in passport
- Copy of passport biographic page and entry stamp