

H-1B Travel Guidelines

Documents Needed for Travel

If you are making a trip outside the United States, to reenter the U.S., you will need the following:

1. Valid passport;
2. your “Personal Record” half of the I-797 you were given when the petition was approved;
3. letter from your department confirming employment in the position described in the H-1B petition and a recent pay slip;
4. valid H-1B visa stamp in your passport.

You will be given a new I-94 upon reentry. Please review your I-94 before walking away from the Department of Homeland Security (DHS) Officer to be sure that it is noted correctly as H-1B (or H-4 for dependents) and the end date coincides with the end of the H-1B petition. If you notice an error, bring it to the attention of the Officer. This is very difficult to correct after you leave. The date on the new I-94 overrides the expiration date on your I-797 H-1B approval notice and if it is an earlier date, it becomes the new expiration date of your H-1B work authorization and your H-1B status expires on this earlier date.

If you have filed for adjustment of status and are planning to travel, please contact your immigration attorney to discuss traveling with your H-1B documentation or advance parole.

Obtaining an H-1B Visa Stamp

Documentation for the H-1B visa stamp includes but are not limited to the following. Be sure to check the web site for the Consulate at which you will apply.

1. Original I-797. You should pick up the portion maintained in your file at the ISC. This must be returned to the ISC upon your arrival back in the U.S. Do not lose this document! Replacing the I-797 takes months and will cost a fee.
2. Your copy of the ETA-9035 Labor Conditions Application. This was included with the copy of the H-1B petition.
3. Copy of the Form I-129, also included with the copy of the petition.
4. If it has been several months since your petition was filed, a letter from your department confirming employment and that you are expected to return to the U.S. to resume your employment in the same position.
5. A recent pay slip.
6. Original waiver of the two year home residency requirement (if applicable and if this is the first H-1B visa stamp in your passport.)
7. Valid passport for at least 6 months into the future.
8. Prior year's tax return.
9. Although not always necessary, an abstract of your dissertation (for post-doctoral researcher and professor positions) and/or a summary of current research.
10. Copy of current Curricula Vitae or resumé.

11. If you were in the U.S. as an F-1 or J-1 student/scholar and this is the first time you are applying for an H-1B visa, be sure to have all I-20s or DS-2019s that were ever issued to you.

When having to apply for an H-1B visa stamp delays could be experienced due to security clearances.

In early 2008 the Department of State instituted a new procedure whereby the Consulate must check the validity of all H-1B petitions through the Petition Information Management System (PIMS). There have been reports of delays caused by the implementation of this new procedure. It is recommended that you alert the consulates in advance by including the receipt number and/or a copy of the I-797 approval notice with the visa application, online interview appointment application, or other correspondence.

Maintain a Travel Folder

Time spent outside of the U.S. while your H-1B petition is valid is not considered to be time spent in H-1B status. If necessary, time spent outside of the U.S. may be added on to the length of time you are allowed to remain in the U.S. in H-1B status. You should maintain a travel folder with the documentation that may be required to recapture H-1B time. Sometimes this extra time proves necessary in order to finish a project or in order to have enough time to change to another status. By maintaining a travel folder, with the required documentation for recapture of H-1B time, you can apply should the need arise.

In order to prove that you were outside of the U.S. here is a list of suggested documentation for your travel folder:

1. Boarding passes
2. Travel itineraries
3. Receipts from plane tickets
4. Frequent flyer mile records from airlines
5. Copies of past I-94s
6. Passport entry and exit stamps to other countries and the U.S.

The recapture of time spent out of the U.S. is granted at the discretion of the United States Citizenship and Immigration Services (USCIS), and is based on the documentation submitted. There is no guarantee the request will be approved.

It is **important to note** that the period of admission can be limited by the expiration date on your passport. In other words, the end date on your new I-94 can be the expiration of your passport if it expires before the H-1B end date noted on your I-797. The I-94 will override the I-797 and your H-1B will then end on the new, sooner date.

If you have any further questions regarding travel, contact Maria Beebe at the International Student Center at 785-532-6448 or email her at pappy@ksu.edu.