

TRAVEL & RE-ENTRY INFORMATION FOR H-1B, E-3 & O-1 VISA HOLDERS

OVERVIEW

Cedars-Sinai Medical Center's employees sponsored on an H-1B, E-3 or O-1 visa must present a valid visa stamp at a US port of entry (except Canadian citizens) when entering the U.S. Accompanying dependents are required to apply for the derivative H-4, E-3 or O-3 visa stamps. All visa applicants also require a face-to-face interview at a U.S. Consulate or Embassy outside the U.S., unless otherwise indicated by the consulate. The visa application process can take up to 4-8 weeks, so plan accordingly.

Visit http://travel.state.gov/visa/temp/wait/wait_4638.html to view the current visa wait times.

This guide is provided to CSMC international employees as a service on general information about the visa process. Individual experiences may differ and Consular Offices' procedures may vary as the information is subject to change at any time. It does not constitute legal advice.

BASIC DOCUMENTS REQUIRED FOR VISA APPLICATION

Contact the nearest U.S. Embassy or Consulate to schedule a visa interview appointment well in advance prior your trip. A list of embassies and consulates are available at <http://usembassy.state.gov>

Prior to your visa appointment, visit the US embassy or consulate's website within your district for specific requirements. Go to the *Nonimmigrant Visa* section and follow the instructions. Many people are denied visas when they are unprepared.

Required Documentation:

- 1) Passport, valid up to six months after date of entry into the USA
- 2) Original I-797 Approval Notice
- 3) Copy of Immigration Petition (including a copy of the Labor Condition Application, if applicable and I-129)
- 4) Machine Readable Visa (MRV) fee for each visa applicant, including dependents if applicable
- 5) Reciprocity Fee (if applicable) – http://travel.state.gov/visa/fees/fees_1341.html
- 6) Nonimmigrant Visa Electronic Application (DS-160) - http://travel.state.gov/visa/forms/forms_1342.html
- 7) One 2x2 photograph — http://travel.state.gov/passport/quide/quide_2081.html
- 8) J-1 212(e) Waiver I-797 Approval Notice (if applicable)
- 9) Marriage or Birth Certificates for spouse and children (if applicable)
- 10) Employment Verification Letter from VISA office

H-1B TRANSFERS:

If you have a valid H-1B visa which was issued based on an H-1B status sponsored by your previous employer, you do not need a new visa to be re-admitted into the U.S. If the H-1B application filed on your behalf by CSMC is pending, in addition to the general documents required for entry into the United States, you should have in your possession a copy of form I-797 approval notice issued to your former H-1B employer and a copy of I-797 receipt notice issued to CSMC.

APPLYING FOR A U.S. VISA AT THE U.S. CONSULATE IN CANADA OR MEXICO

International scholars are strongly encouraged to apply for a visa in your home country because you may have difficulty getting a visa from a US embassy or consulate in a country other than your own. In some cases, the Consulate will require additional documentation such as proof of legal residence or residence permit in the appropriate country or consular district. Visit the Consulate/Embassy's website <http://usembassy.state.gov> for more information.

The following individuals are strongly discouraged from applying for a visa renewal as Third Country Nationals because there may be a high risk of denial:

- Applicants who entered the USA in one visa category and are seeking to re-enter the U.S. in a different visa category, e.g., F or J-1 to H-1B, but the visa did not have an annotation indicating intent to change status.
- Applicants who have been out of status in the USA having violated the terms of their visas or having overstayed the validity indicated on their I-94s.
- Applicants who obtained their current visa in a country other than that of their legal residence.
- Applicants who entered the U.S. with a visa issued in their home country and changed status with USCIS in the U.S. who seek a new visa in the new visa category.
- Citizens of Iran, Sudan, Libya, Iraq, North Korea, Cuba and Syria

A foreign national who is not a citizen of Canada or Mexico residing in the United States, when applying for a visa at a U.S. border post in Canada or Mexico, will be referred to as a Third Country National (TCN). Make sure that you have a Mexican permit or Canadian visitor's visa to enter Mexico or Canada. In Mexico, lack of an entry permit may lead to heavy fines and even detention. For a list of countries that are exempt from the Canadian visa requirement, visit: <http://www.cic.gc.ca/>

- Visit the Applicant Service Center to schedule an appointment at <http://usvisa-info.com>.
- Visit the U.S. Consulate's website for further detailed information at www.usembassy.state.gov

Please note, many posts accept only visa RENEWAL applications. Furthermore, eligible Third Country Nationals must be renewing the same visa type for which they received the first visa either in their home country or at a border post in Canada or Mexico. Please visit the specific U.S. Consulate/Embassy's website for more information.

CAUTION:

If you apply for a visa in a third country, including Canada and Mexico, you may not be allowed to re-enter the U.S. if the visa is denied. You may need to go directly to your home country to apply for a new visa to re-enter the U.S.

If you are subject to security clearance upon application for a visa in a third country, you may have to remain in that country until the security check is completed and the visa is approved before you are allowed to re-enter the U.S. This could take a number of weeks.

SECURITY CLEARANCES AND VISA PROCESSING DELAYS

Any international visa holders applying for visa stamps at U.S. consulates and embassies abroad may be subject to what is referred to as a "212(g)" or "Administrative Processing" check. **Most of the time, the employees selected for these checks are working in either the science, technology, engineering or mathematics fields.**

Additional factors include:

1. Males between the age of 16 and 45 from countries designated as state sponsors of terrorism.
2. Persons whose research or educational background is in an area considered by the U.S. government to be in the sensitive technology area.
3. Persons who have ever been arrested or if their name is similar to someone who has been arrested.

If you are likely to undergo security clearance, it is best to apply for the visa in your home country. You may have to wait from 2 to 8 weeks before your visa is issued. In addition, the Consular Officer may request additional documentation to support your visa application. You may choose to prepare the supporting documentation in advance in case if you are subject to this check to avoid additional delay as they can be presented at the interview if requested.

IF YOU ARE ASKED TO PRESENT THESE DOCUMENTS, PLEASE CONTACT OUR OFFICE IMMEDIATELY FOR ASSISTANCE.

The consulate may request for the following information, however, it is not always true or consistent in practices:

- **Invitation:** A verification letter from the sponsoring PI/Supervisor at CSMC. This letter is for initial application only but it should include details about your work.
- **Resume:** A detailed resume/CV, including your professional academic background, three professional references, and a list of all your publications
- **Research:** A complete and detailed description of 1) your past research; 2) your current research; and 3) any research you intend to conduct in the US. You must include a description of the practical applications of your research or study.
- **Position:** Your current job title and a full description of your work.
- **Purpose:** A detailed statement of the purpose of your visit to the US.
- **Itinerary:** An itinerary of all locations you will visit in the US, including dates, contact names, organizations, addresses, and telephone numbers.
- **Funding:** Name of the person or organization who is funding your trip.
- **Travelers:** A list of all the travelers who will accompany you, including family members and colleagues.
- **Travel:** Dates and locations of all your international travels for the last ten years, except for US travel.

DOCUMENTS REQUIRED FOR ENTRY INTO THE U.S.

- **Valid Passport.** Your passport needs to be valid for at least 6 months beyond the intended period of stay. If you need to renew your passport, contact your embassy or consulate in the United States (<http://embassy.org/embassies/>) or the appropriate authority in your home country.
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- **Valid Visa.** The annotation “M” on your visa, indicates multiple or unlimited entries (you can use the visa for admission to the US for as long as it is valid, or has not expired); Alternatively, a visa may have a “1”, “2”, or “3” “entries”, indicating that you may use the visa once, twice, or three times, respectively. A visa contained in an expired passport remains valid until it expires, is canceled or otherwise revoked. You should travel with both the valid and expired passport if your visa is in an expired passport.
- **Valid Form I-797 Approval Notice.** You should present the original notice when entering the U.S. The original top portion of your form I-797 is kept in the VISA office. You should request to “borrow” it at least a week before your departure. Remember to return it to the VISA office along with a copy of your new I-94 upon your return to CSMC.
- **Employment Verification Letter.** You may obtain this letter from the VISA office. While such letter is not absolutely necessary at the port of entry, it may facilitate re-admission, as inspectors may ask for proof of continued employment to return.

IMPORTANT:

Form I-94 (the white card) is one of your most important immigration documents. The expiration date on the I-94 controls your period of stay in the United States. If there is any discrepancy between the expiration date on the I-94 and the form I-797, the I-94 controls. Watch for any mistake on the I-94 when it is given to you at the port of entry. Check your dependents’ I-94s as well. It is easier to have a mistake corrected by the officer right there at the airport, than at a later stage.

IF YOU HAVE AN IMMIGRATION PETITION PENDING SUCH AS EXTENSION OF STATUS, CHANGE OF STATUS OR ADJUSTMENT OF STATUS TO PERMANENT RESIDENT, PLEASE READ THE FOLLOWING SECTION

You must be physically present in the U.S. when filing an application for change or extension of status. You must be present in the U.S. during the entire period that the petition for change of status from one non immigrant status to another, is pending. If you leave the U.S. while the petition is pending, Immigration Services will hold that you have abandoned the request for change of status and you will need to apply for a visa and re-admission to the U.S. before you can start employment in the new status. If you must travel while your application for change of status is pending, please notify AHR VISA office right away. While it is acceptable to travel abroad while an application for extension of status is pending, there are some timing issues that may cause you serious problems if not well considered. Therefore, please contact us if you plan to travel while an application for extension of status is pending.

Adjustment of status (I-485) applicants who are maintaining H-1B status

There are travel restrictions **only** for those who have filed an I-485. Individuals in H-1B status who are in the earlier stages of the green card process (labor certification (I-130) or immigrant visa petition (I-140)), or those who elected to proceed with consular processing of the immigrant visa, have no special travel restriction. These individuals travel in the usual manner with their nonimmigrant documents. Individuals who meet the following criteria are not required to travel with an advance parole document:

1. Are maintaining H-1B status;
2. Will resume employment with the same H-1B employer;
3. Are in possession of a valid H-1B approval notice; **and**
4. Are in possession of a valid H-1B nonimmigrant visa (if required);

The above individuals have two options for travel documentation:

Option 1: Travel with a valid passport and valid advance parole document; or

Option 2: Travel with a valid passport, valid H-1B visa, and valid original nonimmigrant petition approval notice (Form I-797).

If an adjustment applicant in H-1B status chooses to travel using Option 1 (uses an Advance Parole to re-enter the U.S.), the individual may continue employment pursuant to his/her H-1B status as long as the individual has continuously maintained nonimmigrant status. Therefore, if an individual currently in valid H-1B or H-4 status travels internationally, the individual can re-enter the U.S. with an advance parole and remain in valid H or L nonimmigrant status. The individual is not required to have an H-1B visa when re-entering the U.S. if he/she has an advance parole.

Advisory: If an individual in H-1B status uses an Employment Authorization Document (EAD) to work, they will violate their H-1B status, and will be required to have an advance parole document in order to travel. Mere possession of the EAD does not trigger this requirement; only use of the EAD to work will impact the individual’s H-1B status.

Advisory: Please note that an adjustment applicant must still be physically present in the U.S. at the time USCIS receives their I-485 application. Therefore, although the individual need not wait for the official receipt notice prior to departing the U.S., they must still wait until USCIS actually receives the I-485 application.

To request Advanced Parole you must complete form I-131. Form I-131 may be filed with your form I-485 (the adjustment application), or separately, if the need to travel comes up later.