Traveling in H-1B Status

H-1B Travel Document Checklist

- Valid I-797 Approval Notice for Yale University
- Copy of all supporting documents issued to you in the OISS approval package (Form I-797 approval notice, I-129, and the Labor Condition application)
- Copy of most recent payroll from Yale
- If this will be your first H-1B visa application, and you were subject to the two-year home-residency requirement, bring a copy of your Form I-612 Waiver
- International travel with H-1B status can be complicated. Below are some basic guidelines with which you should be familiar. However, it is recommended that you check with your adviser [1] before you travel if you have any questions about your situation.

Passports

All international students, scholars and family members planning to depart from the U.S. and return after a temporary absence must have a valid passport in order to exit the U.S. The passport must also be valid for a minimum of six months into the future at the time of re-entry to the U.S. Some countries have an agreement with the U.S. that automatically extends passport validity for 6 months [2], for U.S. entry purposes only. Please make sure to review the information in the Passport Expiration section below. [2]

Visas

Except for Canadian citizens, all international scholars will also need to have a valid H-1B visa stamp in their passport issued by a U.S. embassy or consulate. Visa stamps cannot be obtained or renewed inside the U.S.

I-94 Record

H status holders are given a specific departure date on the I-94 and must depart the U.S. by this date. It is critical that you know and check this date upon every entry to the U.S. If this date does not match your H-1B approval notice, you must speak with your OISS adviser [1]. Please also see the Passport Expiration and I-94 Validity sections below.

General Guidance for Traveling and Re-entering the U.S. [3]

H-1B Travel Considerations

Change to H-1B Status

Scholars are advised to not travel outside the U.S. during a pending change of status petition (e.g., those who are changing from an F-1/J-1/Other to H-1B.) Please contact your OISS adviser [1] for further details.

Extension of H-1B Status

If you have any plans to travel outside the U.S. during the H-1B extension process, you should speak to your OISS adviser [1] as soon as possible.

- If you plan to return to the U.S. before the expiration of your current approved H-1B status and with a valid H-1B visa stamp, there may not be any difficulty.
- However, depending on when the H-1B extension petition is submitted to USCIS, your international travel
plan may complicates your H-1B status; therefore it is highly recommended to travel with the extension approval. This may require premium processing [4].

- If you travel after the H-1B extension petition is approved but will return before the current H-1B petition expiration date, it is advisable to travel with both the current and new approval notices. If your H-1B visa stamp is valid on your reentry date, you may use it for admission.
- If you plan to leave the U.S. while the extension petition is still pending and your current H-1B status is expired, you cannot return to the U.S. until the extension petition is approved. The approval notice must be sent to you abroad. You would also have to apply for a new H-1B visa stamp with a consulate or embassy before you can return to the U.S.
- After you have received the new H-1B extension approval notice, you may travel outside the U.S. once again. However, while outside the U.S., you will have to obtain a new H-1B visa stamp at a U.S. embassy or consulate. It is not possible to obtain visa stamps inside the U.S.

Changing H-1B Employer to Yale

If you have any plans to travel outside the U.S. during the portable H-1B (changing employer) process, you should speak to your OISS adviser [1] as soon as possible.

- If you plan to return to the U.S. before the expiration of your current approved H-1B petition with an old employer and with a valid H-1B visa stamp, there may not be any difficulty. However, if your return date to the U.S. is after your start date with Yale, you may have a difficulty at a port of entry.
- Depending on when the portable petition is submitted to USCIS, your international travel plan may complicates your H-1B status with Yale; therefore it is highly recommended to travel with the portable H-1B approval. This may require premium processing [4].
- If you travel after the portable petition is approved and after your start date at Yale, you must travel with the new approval notice for the Yale appointment. If your H-1B visa stamp is valid on your reentry date, you may use it for admission, even if the visa stamp may have your old employer’s name on it. Make sure your I-94 validity [5] will have the Yale end date in this case.
- If you plan to leave the U.S. while the portable petition is still pending and your current H-1B petition with the old employer is expired, you cannot return to the U.S. until the portable petition is approved. The approval notice must be sent to you abroad. You would also have to apply for a new H-1B visa stamp with a consulate or embassy before you can return to the U.S.
- After you have received the portable H-1B approval notice, you may travel outside the U.S. once again. However, while outside the U.S., you will have to obtain a new H-1B visa stamp at a U.S. embassy or consulate. It is not possible to obtain visa stamps inside the U.S.

Passport Expiration

If you or your H-4 dependents are traveling with a passport that will expire before your H approval notice, you will be admitted to the U.S. only for the duration that your passport is valid. This means that your I-94 and legal stay in the U.S. will end earlier than your H-1B approval notice. You will be required to renew your passport and may need to travel outside the U.S. again to be admitted for the full duration of your H approval. If you are in H-1B status and do not travel, Yale will be required to file an H-1B extension on your behalf. H-4 dependents who do not travel will need to file an extension of their H-4 status. It is your responsibility to communicate any status issues to your OISS adviser [1].

I-94 Validity

Please pay extra attention to your most recent I-94 record and make sure that you won’t inadvertently lose H-1B status and work authorization [6]. At the immigration officer’s discretion, some H visa holders may be given a 10-day grace period reflecting on their I-94. The grace period is outside the approved H-1B petition period that allows you to work in the U.S. Do not confuse with the date discrepancy and speak with your OISS adviser [1].

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Links:
[1] https://oiss.yale.edu/about/contact-oiss