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Immigration Alert: Summer Travel Advisory

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For those clients with foreign national workers who may have plans to travel abroad this summer, this brief advisory provides some basic guidance and reminders for international travel. The basic documents required for travel and re-entry to the U.S. for a foreign national include the following:

- A passport, valid for at least six months beyond the dates of approved admission to the U.S.;
- Original or copy of Form I-797, Notice of Approval (for foreign nationals with nonimmigrant-based status);
- A valid U.S. nonimmigrant visa (NIV) stamp, or a valid advance parole document if re-entering based on a pending adjustment of status application; and/or
- A valid Permanent Resident Card (Green card) for lawful U.S. permanent residents.

It should be noted that U.S. Customs and Border Protection (CBP) has an automated Form I-94 at air and sea ports of entry. When foreign nationals return to the U.S., they should go to the I-94 website at <https://i94.cbp.dhs.gov/> and input their information to ensure that their entry information, in particular, the expiration date of their authorized stay and their class of admission, were entered correctly by the CBP Officer. They can also print paper copies from the website at that time, if they wish.

If a foreign national needs to apply for a nonimmigrant visa abroad before returning to the U.S., please keep in mind the following:

- NIV appointments at many consular posts worldwide are backlogged during the summer season;
- Most applicants between ages 14 years and 79 years must have an in-person consular interview;
- Appointment scheduling times can be checked online at <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/wait-times.html>;

- S. Consular Posts links can be found at <https://www.usembassy.gov/>;
- Third Country National (TCN) processing at a U.S. consular post in Canada or Mexico is a complex and highly specialized field of U.S. immigration law. Applicants should be aware of the significant risks, including potential delays for security clearances, administrative processing, denials, and most important, the inability to return directly to the U.S. if rejected or delayed. The advice of an experienced attorney is highly recommended to research post policy, thoroughly review the applicant's U.S. immigration history and status, properly prepare the visa application forms and supporting documents, and be available to assist the applicant with the visa process; and
- Administrative Processing, which can result in significant delays (see <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/administrative-processing-information.html>), is possible when applying for an NIV, particularly in China or India.

Please feel free to contact a Vorys attorney if you have any questions regarding a foreign national employee with plans for international travel and a return to the U.S. Also, any individual with a criminal arrest and/or conviction (including a DUI), immigration status issues, or potentially subject to the Trump Travel Ban should consult an attorney *prior* to departing the U.S.