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## International Travel Tips for Foreign Nationals

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Foreign nationals who plan to travel abroad during the upcoming holiday season should make sure that they have the requisite immigration documents and instructions before they depart and reenter the United States. Before traveling abroad, we recommend the following:

- Check your passport validity date. In most instances, passports should be valid for at least six months beyond the expiration date of the period of authorized admission in the US.
- Check the US visa stamp in your passport to make sure that it is valid for reentry. When a foreign national returns to the US after international travel, the visa stamp in the passport must (a) reflect his or her current nonimmigrant visa status; (b) be unexpired; and (c) if the visa has a limited number of entries, have a remaining valid entry available on the intended date of reentry. Note: Canadian citizens in most cases are not required to have a valid visa to enter the US. Also, a foreign national with a valid I-94 arrival and departure record who takes a short trip (30 days or less) to either Canada or Mexico can reenter the US on a previously issued visa even if it has expired (unless he or she has applied for a new visa while abroad).
- If you have a pending application for adjustment of status (AOS) to permanent resident (green card status), you may be required to obtain advance permission to travel (also called advance parole) abroad and reenter the US. Those with valid H-1B, H-4, L-1A, L-1B or L-2 visas may reenter using such visas without the need for advance parole; however, family members who hold either H-4 or L-2 status and who have worked in the US pursuant to an employment authorization document issued in connection with the AOS should be cautious when traveling, and it is advisable in this circumstance to obtain advance parole in order to reenter.
- If an extension of your nonimmigrant status has been filed and remains pending with US Citizenship and Immigration Services (USCIS), traveling abroad should not jeopardize the application; however, if USCIS adjudicates the extension request while you are outside the US, reentry could reverse the expiration date on the newly issued Form I-94.
- If you have a pending application to change status from one nonimmigrant category to another, international travel should be avoided until USCIS has made a decision, because USCIS will consider the change of status request to be abandoned if you depart while it is pending. In such a case, the underlying nonimmigrant petition could still be approved, but

you would need to apply for and obtain a new visa while abroad, and reenter in the changed status.

#### **Additional Information About US Embassies, Consulates and Ports of Entry**

- It is especially important to plan for the possibility of visa issuance delays at US embassies and consulates abroad during the holiday season, when they are extremely busy and may have reduced hours. If there is a need to apply for a new visa stamp while abroad, please check the relevant consulate or embassy website at [travel.state.gov](https://travel.state.gov) for specific information about appointments, application procedures and processing times. In addition, anticipate delays that may result from imposition of a security clearance during the visa application process (additional security checks may be triggered for any number of reasons). If a security clearance is required, a visa cannot be issued until the clearance has been completed. Because this process is confidential, the embassy or consulate will not confirm that a clearance is underway, but will most likely indicate that “administrative processing” is required. A security clearance can take anywhere from a few days to several weeks or longer.
- Be prepared for additional security screening procedures at US ports of entry. When a foreign national returns to the United States, he or she will be subject to the Biometric Data Collection System, a process during which fingerprints, photographs and travel documents are scanned against US national security and police databases. Foreign nationals may also be subject to intensive questioning about immigration status, travel history, purpose of visit, background, employment, etc. It is important to remain patient during these procedures, answer all questions clearly and seek clarification if you do not understand.
- Once cleared for entry into the US, your passport will be stamped to indicate the date and class of admission, and the corresponding expiration date of authorized stay. Immigration information and duration of stay will also be entered into US Customs and Border Protection’s online Form I-94 arrival record system. (Please download a copy of [Form I-94](#) and provide a copy to WilmerHale after your arrival in the US.) The expiration date indicated on the passport stamp and on Form I-94 reflects the expiration of eligibility to remain in valid legal status in the United States. Overstaying this date can have serious consequences.

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