

TRAVEL ISSUES FOR CANADIAN CITIZENS AND LANDED IMMIGRANTS | FAQ

1. Who needs an H-1B, L-1 or O-1 visa to enter the United States?

All nonimmigrants except Canadian citizens. (Note that Canadians do need visas for other visa categories such as E-1/E-2 or K-1.) Prior to March 2003, some Canadian landed immigrants were also visa exempt. This is no longer true; all Canadian landed immigrants now require nonimmigrant visas.

2. Which landed immigrants are exempt from the visa requirement?

NONE. All landed immigrants are required to have nonimmigrant visas.

3. What does it mean to be exempt from the visa requirement?

Canadian citizens need not apply for a visa stamp. Canadian citizens seeking admission to the United States in a work-authorized visa status should instead present the following documents to the USCBP inspector at the port of entry:

- Your attorney-certified visa petition documents (furnished by our office)
- Original USCIS approval notice (Form I-797) (furnished by our office upon receipt). Note that the USCIS approval notice is not applicable in cases of applications for TN/TD or L1/L2 status at the U.S.-Canada border, preflight inspection or Class A port of entry
- An updated employment verification letter
- A Canadian passport valid six months beyond the intended period of stay
- **Dependents who are visa exempt and applying for entry** should present all of the above documents together with documentation of the family relationship (e.g., marriage and birth certificates). Family members who are **not** visa exempt, must take the same documents to a U.S. Consulate and apply for derivative visas (e.g., H-4, L-2) before entering the U.S.

4. Do Canadian citizens need new I-94 cards for each time they travel?

TN/TD visa holders traveling through land ports of entry will be issued a “multiple entry” I-94 card indicating the category of nonimmigrant status and expiration date. They do not need to surrender their I-94 card when they travel. H-1B/H-4, L-1/L-2, and O-1/O-3 visa holders will be issued a new I-94 card with each admission unless traveling to Canada/Mexico for less than 30 days and “traveling” on their Forms I-94.

Note that travelers entering the United States through certain air or seaports may not be issued a paper Form I-94 Arrival/Departure Record. The Form I-94 serves as evidence that a nonimmigrant has been lawfully admitted to the United States. Nonimmigrants who do not receive a paper Form I-94 card at the port of entry are advised to print a copy of their Form I-94 record from the US Customs and Border Protection (CBP) website, <https://i94.cbp.dhs.gov/i94>.

Refer to the general Travel FAQ, <http://www.jackson-hertogs.com/?p=5982>, and Travel page, <http://www.jackson-hertogs.com/?p=4801>, on our website for additional information applicable to all U.S. nonimmigrants.