

AUTOMATIC REVALIDATION | FREQUENTLY ASKED QUESTIONS

1. What is automatic revalidation?

Automatic revalidation allows certain nonimmigrants traveling to a territory contiguous to the U.S. (i.e., Canada or Mexico) or to an adjacent island (see list below), to enter the U.S. **as long as they have a nonimmigrant visa stamp (either valid or expired, in any classification) in their passport.** If your current passport does not contain the nonimmigrant visa, you must present a prior passport with a visa along with the valid passport.

2. How does it work?

Current regulations provide that if you are departing the United States for a trip of not more than 30 days and are traveling to either Mexico or Canada (or in the case of individuals on F and J visas, adjacent islands excluding Cuba) and if you did not apply for a visa stamp at a U.S. Consulate in Canada or Mexico, you can be readmitted to the U.S. with the following documents:

- If you hold F-1 status: you may use Form I-94 and your valid Form I-20.
- If you hold J-1 status: you may use Form I-94 and your valid Form DS-2019 showing date of expiration of stay.
- If you hold another nonimmigrant status, such as H-1B, L-1 or O-1 (including family members on H-4, L-2 or O-3), and are departing the U.S. for not more than 30 days and are only traveling to Mexico or Canada (not adjacent islands): you can use your unexpired Form I-94 (and your Form I-797 Approval Notice).

3. What if I surrender my original I-94 upon leaving the United States and entering Canada or Mexico? How can I get back into the United States?

The original I-94 is your ticket back into the U.S. Please do not surrender it when you travel to Canada or Mexico. You may keep a copy and surrender the copy if requested.

4. Can I take advantage of the automatic revalidation rule if I am from a country which the U.S. government deems a “state sponsor of terrorism”?

No, you cannot take advantage of the automatic revalidation rule if you are from one of these countries (currently Iran, Syria, Sudan, and Cuba). If you are a national or citizen of one of these countries, you will not be readmitted without a valid visa and cannot “travel on the I-94”.

5. What if my passport has expired?

You will need a valid passport (i.e. unexpired passport) along with the other items mentioned above, in order to return to the U.S. using automatic revalidation.

6. What islands are considered “adjacent”?

Adjacent islands include the following: St. Pierre, Miquelon, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique, and other British, French and Netherlands territories or possessions in or bordering on the Caribbean Sea.

Remember, this regulation does not apply to those in H, L or O status and is limited to F and J status only.

7. I am on an H-1B from a country which is not a state sponsor of terrorism. Can you explain to me how automatic revalidation works?

Below are several examples of the automatic revalidation process.

- I entered the U.S. on an F-1 visa and have an F-1 visa stamp in my passport. It has expired. My status was changed to H-1B and I have a valid H-1B approval notice and valid I-94. I am going to Canada to visit my brother for two weeks. Can I take advantage of the automatic revalidation rule?

Yes, provided you remain in Canada for 30 days or less and you do not travel to another country before returning to the U.S. You may simply present your passport and I-94 card to the immigration inspector at the port of entry. It is advisable to carry a recent employment verification letter and/or recent paycheck stubs from your employer to confirm the employment relationship still exists.

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- I entered the U.S. on an H-1B visa stamp but the H-1B visa stamp in my passport has expired. I changed employers and have a new H-1B approval notice which authorizes me to work for my new employer. Although my H-1B visa stamp has expired, I do have a valid I-94 and a valid passport. I am going to Canada to attend a wedding for five days. Can I take advantage of the automatic revalidation rule?

Yes, provided you remain in Canada for 30 days or less and you do not travel to another country before returning to the U.S. Again, you should carry a recent employment verification letter or paycheck stubs.

- I entered the US on an F-1 visa and have an F-1 visa stamp in my passport. It has expired. My status was changed to H-1B and I have a valid H-1B approval notice and valid I-94. I am going to Canada to visit a friend for two weeks. While I am there, I have an appointment at the American Consulate in Vancouver to obtain an H-1B visa stamp in my passport. Can I take advantage of the automatic revalidation rule?

No. If you apply for a visa in Canada or Mexico, you are ineligible for the automatic revalidation rule. You must wait for the Consulate to issue the visa before returning to the United States. If the visa is denied or the Consulate refuses to entertain the visa application, a notation will be placed in your passport which will prevent you from taking advantage of the automatic revalidation rule. If this occurs, you will have to return to your home country directly from Canada or Mexico or adjacent island and apply for a new visa stamp before returning to the U.S.