

## ADMISSIBILITY OF H-1B/H-4 NONIMMIGRANTS WITH PENDING TRANSFER PETITION

A January 29, 2001 **Memorandum from INS Executive Associate Commissioner Michael A. Pearson** provides interim guidance for admission of H1B/H4 nonimmigrants with pending transfer petitions under American Competitiveness in the Twenty-First Century Act of 2000 (AC-21). The January 2001 memo was affirmed and restated in a June 19, 2001 guidance memorandum that summarized other changes made by AC21; this June 19, 2001 memorandum is currently featured on the USCIS website as continuing valid guidance, at <https://www.uscis.gov/sites/default/files/files/pressrelease/ac21guide.pdf>, pages 6-7.

Under this memorandum, H1B/H4 nonimmigrants must provide the following documents for admission:

1. Valid **unexpired passport** containing a valid unexpired H-1B/H-4 visa stamp
2. A copy of **previously issued Form I-94 or Form I-797 Notice of Approval** evidencing that USCIS has previously accorded H-1B/H-4 status
3. **Form I-797 Receipt Notice(s)** for the timely filed and currently pending H1B/H4 petition
4. **For H-4 dependents:** Marriage/birth certificates documenting family relation with the principal beneficiary.