

I-797 Approval Notice and Travel Advisory Fact Sheet



This advisory addresses several critical points related to the I-797 Approval Notice that was issued by the U.S. Citizenship and Immigration Services (USCIS). Please review the information below carefully and contact our office if you have any questions about the way the rules on international travel apply to your case.

The I-797 Approval Notice is Not a Travel Document:

When the USCIS approves an H-1B, L-1 or any other nonimmigrant visa petition, it issues an I-797 Approval Notice. In addition to providing the validity dates, the I-797 indicates whether your status has been changed, extended or sent to a U.S. consular post abroad. If your status has been changed or extended, the notice will have a new I-94 card printed at the bottom of the form. Except for citizens of Canada, who are exempt from the visa requirement, the I-797 is not considered a travel document and cannot be used to re-enter the United States after a trip abroad. As noted in another section below, H-1B workers who have changed employers may use the new I-797 together with a previously issued H visa to travel as long as the H visa stamp continues to be valid. If your case has been approved as a "consular notification," the I-797 approval notice will not take effect until you are admitted to the U.S. under the terms of the new I-797. This will most likely involve a trip to the U.S. consulate to obtain a visa stamp. The remainder of this advisory contains information you will need to consider when booking a visa appointment at a U.S. consulate.

Schedule an Appointment at a U.S. Consulate During Your Next Trip Abroad:

If you have an I-797 Approval Notice and you are outside the United States, then you will have to apply for a visa stamp prior to entering the country. If you are currently in the United States, you may need to apply for a new visa stamp during your next trip abroad. If you have a still-valid visa in the same category issued based on a petition filed by a past employer, you can continue to travel using that visa along with your new I-797 Approval Notice. For a list of all U.S. consulates, you can refer to USEmbassy.gov. Most U.S. consulates will allow you to book the appointment over the phone or online. In-person interviews are generally required for applicants who are 14-79 years old. When scheduling an appointment, you should include all family members applying with you in the process. Expedited appointments for urgent situations are available on a limited basis at most consulates.



Verify Amount and Payment Process for Visa Application Fees:

Visa fees charged by U.S. consulates include a machine readable visa fee and, in some cases, a visa reciprocity fee and courier fee. You should check the appropriate U.S. consulate's website to determine the visa application fees for your type of case, and to verify the proper method of payment. In most cases, the fees must be paid in advance over the phone, at a local bank or post office. Additional visa reciprocity fees apply to nationals of certain countries and can normally be paid at the time of the interview. A list of visa reciprocity fees can be found at the U.S. State Department website.

Bring all the Necessary Documents with you to the U.S. Consulate:

Each U.S. consulate's website contains a discussion of the interview scheduling procedure and a list of documents that should be presented during the visa interview. The documentation required can vary depending on the consulate, but generally includes:

- Appointment confirmation email from consulate.
- Confirmation page of the [DS-160 \(Online Nonimmigrant Visa Application\)](#).
- Receipt confirming your payment of all required visa application fees.
- Passport valid for at least 6 months beyond your intended stay in the United States (ideally through at least the expiration of the approved petition).
- Printout of your full DS-160 application (see link above).
- One 5 x 5 cm (2" by 2") color photograph taken within the last six months (though this is not necessary if you already have successfully uploaded a digital photo when completing the DS-160).
- Any additional/special documents, per the requirements of the particular consulate or visa category.

Allow Enough Travel Time for the Issuance of the Visa:

Your consular appointment should be booked as far in advance as is reasonably possible, as there are often appointment backlogs and delays. We suggest checking the [Department of State's Visa Appointment & Processing Wait Times online tool](#) prior to making travel plans. After the interview, it can take up to seven (7) business days for the consulate to issue the visa and return your passport to you. In a small number of cases, consular procedures require extra security checks that can further delay the issuance of the visa by weeks or even months. Some consulates allow you to pick up your passport with the newly-approved visa in-person, while other consulates will return it only by mail or special courier.

Visa Appointments in Canada/Mexico:

As an alternative to securing a visa stamp during your next trip abroad, you may have the option to book an appointment at a U.S. consulate in Canada or Mexico. During most times of the year, U.S. consulates in Canada and Mexico will process visa applications for non-Canadian/Mexican applicants ("third-country nationals"). While the appointments sometimes need to be scheduled several months in advance, many of the consulates in Canada and Mexico have adopted special procedures to ensure third-country national applications are not subject to special delays. Note that, depending on your country of nationality, you may need a secure a visa in order to enter Canada or Mexico.

Restrictions on Third-Country National Processing:

Third-country national processing in Canada, Mexico or another post (other than country of nationality) is not available for people who have been out-of-status in the United States and nationals of countries designated as state sponsors of terrorism. A current list of countries designated as state sponsors of terrorism can be viewed online at the U.S. State Department website.

Electronic I-94 Records:

The U.S. Customs and Border Protection (CBP) no longer issues a paper Form I-94 to travelers to the United States who arrive by air or sea. The CBP will place an annotated stamp with the date of admission, class of admission and status expiration date in your passport. In addition, the CBP will create an electronic record of arrival, which can be accessed, viewed, and printed online at www.cbp.gov. We recommend reviewing the electronic information recorded by CBP after each entry to ensure that your admission has been recorded correctly and then keeping a copy of the page as evidence of your status in the United States. If the information recorded by CBP is incorrect, then it can be corrected by visiting a local CBP deferred inspection site or at a port of entry. Mistakes in the I-94 record may cause you to violate your status and even subject you to deportation, so any incorrect information should be brought to the attention of CBP immediately. A print out of the Form I-94 can be used as proof of your lawful admission to the United States when applying for a driver's license, Social Security number, and immigration or public benefits. The print out of the Form I-94 can also be used by visitors who are authorized to work for completion of the Form I-9, Employment Eligibility Verification. Departure from the United States will be recorded electronically using information provided by the airline when the visitor leaves. A paper I-94 card will continue to be issued to visitors who are admitted at a land border port of entry.

Automatic Revalidation:

Under automatic revalidation, a person who has an expired visa stamp can still travel to contiguous territories, including Canada and Mexico, for periods of up to 30 days. In order to take advantage of automatic revalidation, you must present the expired visa along with a current I-797 Approval Notice. This provision is not available for nationals of the following countries: Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria. Also, automatic visa revalidation is not available to anyone who has traveled to Canada or Mexico to obtain a new U.S. visa stamp.

Travel on Visa Issued for Previous Employer in Same Visa Classification:

If you have just received a new I-797 approval notice and you still have a valid visa stamp in your passport for the same visa classification but with a notation listing the name of an old employer, then you can continue to use the same visa for travel. This issue most commonly arises when an H-1B visa holder changes from one employer to another. The Department of State permits this procedure to avoid having to continually reissue visa stamps for the same classification merely because a person changes jobs, but it can create some confusion at the port of entry regarding the correct expiration date if it is not handled properly. In order to ensure you are being admitted for the correct period of time, when you clear U.S. Immigration at the port of entry, you will need to show the officer two documents: 1) your previously issued visa stamp; and 2) your new I-797 approval notice. The officer should then issue an I-94 record that matches the expiration date on your new I-797 approval notice. After you clear customs, you should confirm that you were given the correct expiration date on your I-94 record by visiting www.cbp.gov. Of course, once the visa stamp in your passport expires, you will need to take your I-797 approval to a U.S. consulate and apply for a new stamp if you plan to travel internationally.