



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

International Travel Tips for The Holidays

Guidance for your
Foreign National Employees
November 28, 2023



INTRODUCTION



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INTRODUCTION

- **Founded in 2014, Meltzer Hellrung leverages technology, a service-oriented mindset, and a compassionate approach to assist high-growth corporations in scaling their immigration programs, increasing their access to talent, and expanding operations into new markets.**
- **200+ corporate clients w/3000+ matters handled per year – venture-backed, high-growth unicorns in EdTech, FinTech, SaaS, and Logistics and Fortune 500 companies in insurance, transportation, and manufacturing.**
- **Recognized in 2023 by Crain Magazine as top 100 best places to work in Chicago.**

VOYAGER®



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- **Voyager is an immigration program management software platform that is designed to provide a seamless immigration experience for employers and employees.**
- **The Voyager proprietary platform was created for our clients and their employees and is used by our exceptionally skilled attorneys, paralegals, and legal assistants to fulfill our mission of improving the immigration experience.**
- **Voyager was created to drive efficiency, transparency, and information accessibility throughout the immigration process.**



VOYAGER[®] (continued)

- **Our all-inclusive platform provides:**
 - Transparency throughout all immigration processes
 - Efficient workflows that will save the user time
 - Lifetime information and data storage
 - Intuitive user experience for employers and employees
 - Comprehensive Knowledge Center

Learn more about Voyager at meltzerhellrung.com/voyager

PRESENTERS



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 **PRESENTERS**



MATTHEW HELLRUNG

Co-Founder and Managing Partner

Specializes in scaling immigration programs for high-growth clients via immigration policy creation and stakeholder training.



MATTHEW MELTZER

Co-Founder and Managing Partner

Specializes in assisting foreign companies to enter the U.S. market and building custom solutions for entrepreneurial and high net-worth clients.

AGENDA



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AGENDA

- **How to prepare for International Travel**
- **Visa Stamps**
 - What is a visa stamp and when is a visa stamp required?
- **Visa Processing Delays**
 - What to expect and recommendations
- **Impact of Travel on Pending Cases with USCIS**
 - Advance parole, adjustment of status, change of status and dependent extensions.
- **How Passport Validity Can Impact I-94 Validity**
- **Returning to the United States**
- **Company Foreign National Travel Policies**

How to Prepare for International Travel



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- **Ensure travel documents are valid and complete**
 - Passport: should be valid at least until the expiration of status on the I-797 approval notice;
 - Visa stamp: most nonimmigrant workers need a valid visa stamp for the appropriate visa category in their passport to return to the U.S.
 - I-797 Approval or other document showing eligibility to return to the US in a specific visa category: Employment visa holders should carry their most recent petition I-797 approval notice. Students should carry their most recent SEVIS I-20 and L-1 blanket petition applicants will carry their endorsed form I-129S.



- **Ensure travel documents are valid and complete (cont.)**
 - Proof of continuing employment: Employees should carry recent pay slips or an employment verification letter.
 - Check visa requirements in countries that the employee will be transiting through on the way to their destination.
 - Copy of Petition: It is helpful for employment visa holders to carry a copy of the sponsorship petition submitted by the employer.

[Please see this link for additional Consular processing tips](#)

Visa Stamps



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Visa Stamps

- **A visa stamp is a physical stamp in a passport that is issued by a U.S. embassy or consulate outside the U.S. It indicates a person is eligible to apply for entry to the US in a specific immigration category, such as F-1, H-1B, TN, E-3, etc.**
- **Nonimmigrants with an expired visa stamp will need to obtain a new one before returning to the U.S.**
 - Make a visa appointment via the DOS website before departing the US: Complete form DS-160 application online before booking travel to determine the availability of visa appointments.

[Please see this link for more information on how to schedule an appointment at a U.S. Consulate](#)

- **Visa stamp must be valid for the correct visa category. For example, if an individual changed from F-1 to H-1B on October 1 and has not yet received a new visa stamp, that person will need a new H-1B visa stamp to re-enter the country.**
- However, a valid visa stamp in the correct visa category continues to be valid even after a change in employer or amendment to employment.



• Exceptions to Visa Stamping

1. Automatic Visa revalidation: An exception for those with a valid I-94 travelling only to Canada or Mexico for fewer than 30 days, who meet certain criteria.
 - Citizens from Iran, Sudan, or Syria with an expired visa, as well as those who have applied and are waiting for a visa stamp, or had a visa denied, will need to obtain a valid visa stamp regardless of the length of stay in Canada or Mexico.
 - Those travelling to other countries or who plan to stay in Canada or Mexico for more than 30 days, should plan to obtain a new visa stamp before returning to the U.S.
2. Canadian citizens do not require visa stamps.
 - Dependents that do not share Canadian citizenship will need a visa appointment and visa stamp to return to the US.

[Please see this link for additional travel tips for visa exempt Canadian Citizens](#)

- **Exceptions to Visa Stamping**

3. Visa Interview Waiver: In the following limited circumstances, a visa holder may obtain a visa stamp renewal without attending a visa interview, although a DS-160 application is still required.
 - Applicant is applying at the consular post in the country of usual residence;
 - Applicant has a previously issued U.S. visa in the same classification as the visa for which they are applying, and the prior visa is still valid or has expired within the last 48 months;
 - Applicant's prior visa is not annotated "Clearance Received" or "Department Authorization";
 - Applicant's most recent visa in the same classification for which they are applying was not lost/stolen or canceled; and
 - Applicant was not previously refused a visa in any classification

Visa Processing Delays



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Visa Processing Delays

- **Based on appointment demand, consulate staffing and visa backlogs, visa appointment availability varies from consulate to consulate.**
 - Appointments for visa stamping should be made as early as possible as appointments may be limited due to local and U.S. holidays. Each U.S. Consulate lists its holiday closures on its website, and estimated visa appointment and processing wait times can be found on the U.S. Department of State's website.



● Changing Appointment Scheduling Systems at US Consular Posts

- Several consulates have transitioned from the US TravelDocs platform to a new scheduling platform called US Visa Scheduling. This is particularly true for the US consulates in India.
- The change in the appointment scheduling systems has resulted in several challenges:
 - Login Credentials not migrating from US travel docs
 - Appointment dates and Fee Payments not migrating from US travel docs
 - Petition “Request” Number
 - Petition Start and Expiration Times
 - Tracking Passport Delivery After Visa issuance



Visa Processing Delays (Continued)

- **Many consulates will not accept 3rd country nationals or provide limited visa appointment availability to 3rd country nationals.**
- **Emergency visa appointments are only available in limited humanitarian and urgent business situations.**



- **Administrative Processing: A visa refusal under section 221(g) of the Immigration and Nationality Act (INA) means the applicant did not establish eligibility for a visa to the satisfaction of the consular officer.**
 - A visa refusal under 221(g) may be reconsidered at a later date, based on additional information or upon resolution of administrative processing.
 - Administrative processing may take 30-90 days or longer depending on the information the consular office requests or background information that needs to be verified.
 - Visa processing during busy times, such as holidays, may result in Increased administrative processing after the appointment, so it is helpful to book the visa appointment for the beginning of travel, book refundable return tickets and coordinate with HR on potential delays.

Impact of Travel on Pending Cases with USCIS



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Impact of Travel on Pending Cases with USCIS

- **Pending Adjustment of Status**

- Many non-immigrant statuses require Advance Parole to travel abroad
- Individuals with initial Advance Parole applications should not travel as USCIS will likely view these applications as abandoned which will result in denial.
- Individuals with pending Advance Parole extensions from I-485 cases are able to travel after the extension is filed.
- Individuals with dual intent visas such as H-1B, H-4, L-1, and L-2, do not require Advanced Parole to travel abroad, and can return to the U.S. using a valid visa stamp

- **Pending Non-immigrant cases**

- Pending change of status: Individuals should remain in the U.S. while the application is pending. Departing the U.S. can result in petitions approved for consular processing.
- Dependent extensions will likely be deemed abandoned if you travel while it is pending.

Passport Validity



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- **Passports should be valid for the period of intended stay. If entering with a passport that expires before end date on the I-797 approval notice, U.S. Customs and Border Protection may shorten the new I-94 to match the passport expiration date.**
 - Individuals from certain countries must have passports valid for at least six months beyond the period of the intended stay, however, most countries are exempt from this requirement.
 - We recommend that every foreign national check their I-94 record online at [CBP.gov](https://www.cbp.gov) to ensure that it was issued for the correct validity period.

Returning to the United States



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Returning to the United States

- **When returning to the U.S. on a nonimmigrant visa we suggest carrying the following documents:**
 - Current passport
 - Current I-797 approval notice
 - Two most recent paychecks or signed employment verification letter confirming current position, wage, start date and work location.
- **Additionally, individuals should be ready to answer basic questions posed by U.S. customs and immigration officials, such as:**
 - What is the name of your employer?
 - What is your job title?
 - Where do you work?
 - How long do you expect to stay in the United States?



Returning to the United States (Continued)

- **Advance Parole: Applicants for adjustment of status with a pending I-485 application are eligible to receive an Advance Parole travel document which enables them to travel without the need of an underlying visa while they wait for their green card.**
 - When an individual enters the US on advance parole they are admitted as a parolee in an administrative stay that lasts until the underlying adjustment of status application is decided.
 - An individual that uses an advance parole to return to the US and return to H or L employment, may later file an extension application to reactivate their nonimmigrant status.
- **When entering on Advance Parole, the following documents are required:**
 - Advance Parole form I-512L document or EAD/AP combo card with “Serves as I-512” endorsement
 - Copy of I-485 receipt notice
 - Passport



Returning to the United States (Continued)

- **Students on M-1 or F-1 status should hand carry the following document:**
 - Current passport
 - Student visa
 - Form I-20
- **Any student that is admitted but receives a Form I-515A, “Notice to Student or Exchange Visitor” from the CBP officer should immediately contact their school’s Designated School Official (“DSO”) for assistance.**
- **Upon returning to the U.S., all foreign nationals should take a moment to obtain their most recent I-94 so they are aware of their status expiration date. Each person should also review their I-94 record for consistency with other immigration records. If there is an inconsistency, please contact us immediately for advice on correcting the mistake.**



Returning to the United States (Continued)

- **Secondary Inspection: Customs and Border Patrol (CBP) conducts further investigation to verify information and admissibility to the U.S.**
- **Secondary inspection can include:**
 - Specific questions about travel, immigration history, and other related topics.
 - Inspection of goods and/or vehicle including personal items
 - Search of electronic devices
 - Search of the CBP records
 - Search of the internet, including social media page

[Follow this link for additional information regarding secondary inspection](#)

Company Foreign National Travel Policy



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- **Does your company have a travel policy for Foreign National employees?**
 - Are employees able to work outside of the country? Are employees required to notify their employer of international travel?
 - Do employees need to use PTO for visa stamping delays?
 - Upon re-entry to the U.S., are I-94 records being updated?

QUESTIONS?



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