

RE-ENTRY TO THE U.S. ON AN EXPIRED VISA OR AFTER CHANGE OF VISA STATUS

For Travel to Canada & Mexico or for F & J Visa Holders travel to Canada, Mexico or Adjacent Islands (excluding Cuba)

(Automatic Visa Extension or Automatic Change of Visa Classification if Visa Status has Changed in the U.S.)

The validity of an expired nonimmigrant visa may be considered to be automatically extended to the date of application for readmission at ports of entry. This includes cases where U.S. Citizenship and Immigration Services has changed the nonimmigrant classifications of an alien to another nonimmigrant classification. The validity of an expired or unexpired nonimmigrant visa may be considered to be automatically extended to the date of readmission and the visa may be converted as necessary to that changed classification. [22.C.F.R.41.112(d)]

A non-immigrant with an expired visa may travel to Canada or Mexico (and for F and J visa holders also to “adjacent islands”) and return to the United States without acquiring a new visa if s/he **returns within 30 days or less and meets the following conditions:**

1. They have maintained and intend to resume their status as a full-time student or scholar in good standing with immigration.
2. They **did not** apply for a new visa during the 30 days they were outside of the US. (*See explanation under “Please Note the Following” below*)
3. They have not traveled to any countries other than Canada and Mexico (or Canada, Mexico, or adjacent islands for F and J visa holders) within the 30-day time period.
4. They carry a valid **passport** (*must be valid for at least 6 months after the date(s) of travel and re-entry to the US*), an un-expired **I-94 card or electronic I-94 record**, and a current **Form I-20 (F visa holders) or Form DS-2019 (J visa holders)** (*signed for travel*) or I-797 Approval Notice (H1B and O1 visa holders or those who have changed visa status in the U.S.), and their **expired visa**. (*If the most recent visa is in an expired passport, remember to bring the expired passport as well*).
5. They are **not** required to obtain a waiver of inadmissibility for temporary admission to the U.S. under section 212 (d)(3) of the Immigration and Nationality Act. This is a provision for those students/scholars who would not normally be admissible due to being ineligible under the law. The waiver on grounds of inadmissibility is indicated on your visa and the I-94 by the notation “**212 (d)(3)(A)**”. If this notation appears, you must be granted another waiver in order to re-enter the U.S. after a temporary departure.
6. They are not a citizen of a country identified as supporting terrorism in the Department of State’s annual report to Congress. Countries that are currently ineligible for automatic visa revalidation may be found at the following website: <http://www.state.gov/j/ct/list/c14151.htm>

Please Note the Following:

- You should **not** surrender a paper I-94 card when you leave the U.S., as you will need it for re-entry under this provision.
- You should **NOT** apply for a visa (*see 22 CFR 41.112 (d)(2)(vii) on the other side of this handout*), because if you do, you **cannot** re-enter the U.S. under this provision. See website <http://www.ice.gov/sevis/travel>
- Depending on your country of citizenship, you may need to acquire a visa to enter Canada, Mexico or one of the adjacent islands.
- Regardless of your country of citizenship, you are not eligible to apply for a new U.S. visa while in Canada, Mexico or other contiguous territories and return to the U.S. to wait for it to be processed. Attempting to do so may lead to a cancellation of your visa status. Be advised that applications for visa renewal undertaken while in Canada, Mexico or one of these territories will require a possibly extended stay while the application is being processed.
- If you have changed visa status while in the U.S., and have evidence of it, you are eligible to re-enter the U.S. under this provision (if the rules of that visa status have been followed), even if you do not have a visa in the passport that matches the current visa status. However, you will still need to show your old visa (expired or un-expired) at the port-of-entry along with the approval notice showing approval of new visa status.

***[Adjacent islands (For F and J visa holder travel) include:** the Bahamas, Barbados, Bermuda, Hispaniola (Haiti and The Dominican Republic), Jamaica, Martinique, Saint Pierre and Miquelon, Trinidad and Tobago, The Leeward Islands (Anguilla, Antigua, Barbuda, Guadeloupe, Iles des Saintes, la Désirade, Marie-Galante, Montserrat, Nevis, Saba, Saint-Barthelemy, Saint Kitts/Saint Christopher, Saint Eustace, Saint Martin/Sint Marteen, and The British Virgin Islands), The Windward Islands (Dominica, Grenada, St. Lucia and St. Vincent & the Grenadines) and other British, French or Dutch territories or possessions in or bordering on the Caribbean Sea NOT including Cuba]

Additional islands that are considered “other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea” include:

UK: Cayman Islands, Turks and Caicos;
Netherlands: Aruba, Curacao, Bonaire, Netherlands Antilles

We recommend that you print the below federal regulations for reference, when traveling

DEPARTMENT OF STATE

22 CFR 41.112

[Public Notice: 3938]

Immigration and Nationality Act:

Automatic Visa Revalidation

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(d) *Automatic extension of validity at ports of entry.* (1) Provided that the requirements set out in paragraph (d)(2) of this section are fully met, the following provisions apply to nonimmigrant aliens seeking readmission at ports of entry:

(i) The validity of an expired nonimmigrant visa issued under INA 101(a)(15) may be considered to be automatically extended to the date of application for readmission; and

(ii) In cases where the original nonimmigrant classification of an alien has been changed by DHS to another nonimmigrant classification, the validity of an expired or unexpired nonimmigrant visa may be considered to be automatically extended to the date of application for readmission, and the visa may be converted as necessary to that changed classification.

(2) The provisions in paragraph (d)(1) of this section are applicable only in the case of a nonimmigrant alien who:

(i) Is in possession of a Form I-94, Arrival-Departure Record, endorsed by DHS to show an unexpired period of initial admission or extension of stay, or, in the case of a qualified F or J student or exchange visitor or the accompanying spouse or child of such an alien, is in possession of a current Form I-20, Certificate of Eligibility for Nonimmigrant Student Status, or Form IAP-66, Certificate of Eligibility for Exchange Visitor Status, issued by the school the student has been authorized to attend by DHS, or by the sponsor of the exchange program in which the alien has been authorized to participate by DHS, and endorsed by the issuing school official or program sponsor to indicate the period of initial admission or extension of stay authorized by DHS;

(ii) Is applying for readmission after an absence not exceeding 30 days solely in contiguous territory, or, in the case of a student or exchange visitor or accompanying spouse or child meeting the stipulations of paragraph (d)(2)(i) of this section, after an absence not exceeding 30 days in contiguous territory or adjacent islands other than Cuba;

(iii) Has maintained and intends to resume nonimmigrant status;

(iv) Is applying for readmission within the authorized period of initial admission or extension of stay;

(v) Is in possession of a valid passport;

(vi) Does not require authorization for admission under INA 212(d)(3); and

(vii) Has not applied for a new visa while abroad.

(3) The provisions in paragraphs (d)(1) and (d)(2) of this section shall not apply to the nationals of countries identified as supporting terrorism in the Department's annual report to Congress entitled Patterns of Global Terrorism.

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