

TRAVELING & APPLYING FOR AN H ENTRY VISA

If you plan to travel outside of the U.S. and do not have a valid H entry visa, you will have to make an appointment at a U.S. Embassy or Consulate to apply for a new H entry visa in order to reenter the U.S. It is not possible to apply for an H entry visa in the U.S. Remember there may be a waiting time to get a visa appointment, so make sure to plan ahead.

You may apply for an H entry visa at any embassy or consulate which will accept your appointment. If you decide to apply for an H entry visa in a country which is not your country of citizenship, it is your responsibility to find out before you travel if you need a visa to enter that country. The Office of International Student Services recommends that you apply for your H entry visa in your home country because of the possibility of a delay in getting your new H entry visa. If you apply for an H entry visa in a country other than your country of citizenship and there is a delay, you may find yourself having to pay for a hotel room for three to six weeks, possibly longer. Also, the visa you have for that country may not allow you to remain there for the time needed by the U.S. Embassy or Consulate to process your H entry visa. Remember that you may not reenter the U.S. while your H entry visa application is being processed. On the other hand, if you apply for your H entry visa in your home country, you probably will not have to worry about hotel costs and visa issues if there is a delay.

A delay in getting your H entry visa can be caused by two things:

- You are subject to a security check (“additional processing”). A security check can take 3 to 6 weeks for processing and happens because:
 - Your work is in a sensitive field
 - You are a citizen of a country with a higher incidence of security checks
 - Your name matches that of a known criminal
- You are subject to a Petition Information Management System (PIMS) issue (“administrative processing”). It usually takes only a few days to resolve a PIMS issue, although it can take longer, which happens when the Department of Homeland Security (DHS) has not forwarded a copy of your H petition to the Kentucky Consular Center (KCC). The U.S. Embassy or Consulate where you have applied for your H entry visa must request that DHS forward a copy of your H petition to KCC for entry into a special Department of State database known as PIMS. The U.S. Embassy or Consulate is not allowed to issue your H entry visa unless they can verify that your H petition is in PIMS.

If you become subject to a security check or a PIMS issue, do not panic. This does not mean that you will be denied an H entry visa, only that there will be a delay. However, there is nothing that the Office of International Student Services or your department can do to speed up the process. You must simply wait for the security check or the PIMS issue to be resolved.

You should bring the following documents when you go for the visa interview:

- Valid passport
- Original H1B approval notice on Form I-797 Notice of Action
- Form I-129 (H petition submitted by your department to USCIS)
- Labor Certification Application (LCA)
- Letter from your department stating that you are currently employed at Marshall University
- Recent wages and earnings statement or bank statement if you have direct deposit
- Copy of diploma and transcripts
- Research plan
- Links to your department website, your webpage on the website, and any online publications you have
- Your supervisor’s CV
- Links to your supervisor’s webpage and online publications

Your H4 dependents should carry the following documentation:

- Valid passport
- Original H4 approval notice on Form I-797 Notice of Action (if applicable)
- Copies of all documents above for H1B sponsor
- Marriage certificate (for spouse)
- Birth certificate (for child)

When you go through customs and enter the U.S., please make sure:

- Status on your I-94 is correct (H1B or H4; I94 is retrievable online at <https://i94.cbp.dhs.gov/i94>)
- Expiration date on your I-94 matches the expiration date of H status on Form I-797
 - CBP officers have the discretion to give you an extra 10 days of status (but not employability) on your I-94 beyond the H expiration date on Form I-797
 - If the date the I-94 expires before your H status on Form I-797, politely ask the CBP officer why the dates do not match and try to have the CBP officer correct the I-94 before you enter the U.S.
 - If the CBP officer gives you an expiration date on the I-94 which expires before your H status ends on Form I-797 and will not correct it, then thank the officer, take the I-94, and enter the U.S. Do **not** argue with the CBP officer!
 - If the expiration date on your I-94 does not match your H status end date on Form I-797, contact the Office of International Student Services immediately after your return to MU for assistance in getting your I-94 corrected.

NOTE: If you are outside the U.S. for more than 30 days at any one time, the CBP officer may decide that your H status is no longer valid unless you can produce documentation showing that you had a legitimate reason for being away from your employment for that period of time. Legitimate reasons include: participation in a project or conference, summer research / sabbatical for faculty, family emergency, etc. If you know in advance that you will be away for more than 30 days, please have your department explain the reason for your absence in the employment letter they provide you.

When you return to Marshall University, please be sure to:

- Return the original H1B approval notice to the Office of International Student Services (the I-797 approval notice is property of Marshall University and is not the personal document of the beneficiary)
- Make copy of your new I-94 for the Office of International Student Services
- Make copy of your new H entry visa for the Office of International Student Services