

AUTOMATIC EXTENSION OF VALIDITY OF VISA

While international students and scholars must normally show a valid, unexpired visa for the visa category they want to hold in order to enter the US, there is an exception for many nonimmigrants who are traveling to Canada, Mexico for 30 days or less. Automatic extension of validity of visa, also called “automatic revalidation,” applies to an international student or scholar who is in valid immigration status and is eligible for an automatic extension of visa at the port of entry when traveling back to the US.

Based on 22 CFR 41.112(d), international student and scholars can request this “Automatic extension of validity at ports of entry” when the following conditions are met:

- They have a valid Form I-94, Arrival-Departure Record, for an unexpired period of stay or for Duration of Status (D/S)
- Valid travel documents:
 - A signed I-20 or DS-2019 (F or J visa status) or
 - A current Form I-797 Approval Notice (for those in H-1B, O-1 or other visa categories)
- They are planning to travel 30 days or less in contiguous territories (i.e., Mexico or Canada). In addition to Mexico and Canada, F-1 and J1 students/scholars and their families can also travel to the “adjacent islands other than Cuba.”*;
- Have maintained and intend to resume their nonimmigrant status;
- Is applying for readmission within the authorized period of initial admission or extension of stay;
- Have a valid passport;
- Have not applied for a new visa while on this trip outside the US
- Is not a national of the countries currently listed on the US Department of State’s list of countries ineligible for this benefit of automatic revalidation. These countries currently include North Korea, Iran, Sudan, Syria.
- Have not had their visa canceled under INA § 222(g) for “visa overstay” and/or is not inadmissible under INA § 212 (which includes a variety of legal issues, arrests or unlawful presence)**.

* While Cuba is part of the definition of an adjacent island, it is still not possible to use automatic revalidation to travel to and from Cuba. The Immigration and Nationality Act defines the adjacent islands at INA 101(b)(5); 8 USC 1101(b)(5) as: “...Saint Pierre, Miquelon, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Cuba, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique, and other British, French, and Netherlands territories or possessions in or bordering on the Caribbean Sea.”

**If you have ever had your visa automatically revoked or had a legal situation that involved an arrest, especially a DUI, please consult an experienced immigration lawyer before you travel. OIS has a list of immigration lawyers we can provide you.

You may contact our office if you have any additional questions about traveling on automatic revalidation. You may reach us by phone at 541-737-6310 during regular business hours or by email to ois.student@oregonstate.edu. You may also schedule an appointment online at <https://OISappointment.as.me/>