Dear Peter,

Now that USCIS has approved the H-1B petition filed on your behalf by Visa U.S.A. Inc., we wish to provide you with an electronic copy of the petition and the I-797 Approval Notice(s), as well as information about passport and visa validity, entry to the U.S., I-9 verification, and updating your address with USCIS. Please read this message in its entirety, as this information is very important for you to know.

**Visas and International Travel**

If you depart the U.S., you must secure an H-1B visa at a U.S. consulate in order to re-enter the U.S. Our general instructions for applying for a visa may be found at the link below. There are a few exceptions which, if applicable to you, may allow you to re-enter the U.S. without a new visa. If you have a valid Advance Parole travel document based on a pending I-485 application for permanent residence, please discuss with BAL whether you still need to apply for a visa. In addition, certain foreign nationals may be able to travel to Canada or Mexico for up to 30 days without needing to obtain a new visa, thanks to the “automatic revalidation” rule. If you believe that either of these exceptions may apply to you, please confirm this with BAL prior to attempting to re-enter the U.S. without a valid visa stamp.

**General instructions for applying for a visa**: https://bal-publicdata-prd.s3-us-west-2.amazonaws.com/published\_docs/Resources/USA%20-%20Visa-Instructions-With-Approved-I-129.pdf

Please note that when you apply for a visa, you should be prepared in the event of a delay at the consulate. Some visa applications require further administrative processing after the consular officer interviews the applicant. “Administrative processing” means that a security clearance will be performed in Washington, D.C. in connection with national security issues. Unfortunately, there is usually no way to know in advance if further administrative processing will be required and there is no way to expedite the process. Applicants are first advised whether they need administrative processing at the conclusion of the visa interview.

If you have been arrested previously, whether inside the U.S. or not, you will likely be subject to additional administrative processing and should be prepared to produce any court documents related to the incident. If you have ever been arrested, please discuss travel plans with your BAL attorney prior to departing the U.S. Additionally, if you are a male aged 15 to 45 and were born in or are a citizen of Afghanistan, Algeria, Bahrain, Cuba, Djibouti, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Morocco, North Korea, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates, or Yemen, you will likely be subject to additional administrative processing. Administrative processing may also be requested if the U.S. National Name Check Program shows that your name is similar or identical to that of someone who is listed in a U.S. government database.

Most administrative processing is resolved within 90 days of the visa interview, but the timing will vary based on the individual circumstances of each case and can take much longer. You cannot return to the U.S. until the administrative processing is completed and the visa is issued. Accordingly, you should notify your HR representative and/or manager of your intent to apply for a visa, and if necessary, develop a contingency plan in case you are delayed during your visa processing.

**Passport Validity**

You must have a valid passport when traveling internationally. Ideally, when you seek to enter the U.S., your passport should be valid for at least six months beyond May 27, 2021, your U.S. status expiration date. If your passport expires earlier than May 27, 2021, Customs and Border Protection (CBP) may limit your period of stay to the expiration date of your passport. This can have significant repercussions, including the need to file an extension of status with USCIS, shortened validity dates on U.S. driver’s licenses, and hindered ability to execute financial and lease documents.

**Admission to the U.S.**

If you enter the U.S. at a land border port of entry, Customs and Border Protection (CBP) will issue you a paper Form I-94 arrival card for H-1B status. Before leaving the CBP counter, please be sure you were admitted in H-1B status valid until May 27, 2021, the end validity date as indicated on Form I-797 for your employment with Visa USA. If either the status or the date appears incorrect, politely ask a CBP officer to correct it.

If you enter the U.S. by air or sea, you will receive an electronic I-94 rather than a paper card. The CBP officer will stamp your passport and hand-write your class of admission and the date your stay expires. He or she will also provide you with written instructions on how to obtain the electronic I-94. Before you leave the CBP counter, please check your passport to verify that you were admitted in H-1B status valid until May 27, 2021, the end validity date as indicated on Form I-797 for Visa USA. If either the status or the date appears incorrect, politely ask the officer to correct it.

To view the electronic I-94 after admission to the U.S., go to https://i94.cbp.dhs.gov/ and enter your first and last name as it appears in your passport, date of birth, passport number, and country of passport issuance. The website will then display your “Admission (I-94) Record Number” and your “Admit Until Date.” Please print the I-94, check it against the admission stamp for accuracy, and send copies of both the I-94 form and admission stamp in your passport to BAL. If you have trouble accessing your electronic I-94, please view BAL’s FAQ on this issue (https://bal-publicdata-prd.s3-us-west-2.amazonaws.com/published\_docs/Resources/USA%20-%20I-94-Automation-FAQ.pdf) and try the tips we suggest. If you still cannot access the electronic I-94 after trying our suggestions, please contact your attorney.

Time spent outside of the United States while in H-1B or L-1 status does not count toward the six-year limit on H-1B status. In the future, it may be possible to “recapture” this time and use it to extend your H-1B status beyond the six-year limit. Therefore, please be sure to maintain accurate travel records and documentation of your trips outside the U.S., such as flight itineraries, airline tickets, hotel confirmations, etc. This could be helpful for future applications.

**Position and Worksite**

Please note that, although this is not explicitly stated on the Form I-797 Approval Notice, you are authorized for employment only with Visa USA in the position of Staff Software Engineer, and only at the following worksite: 900 Metro Center Blvd., Foster City, California. This means that you may not work for another employer who has not filed a petition on your behalf. Additionally, any change in the geographic area of your employment may necessitate the filing of a new Labor Condition Application and an amended petition to reflect the change of employment location. Finally, prior to your accepting a position with Visa USA which is substantially different from the position of Staff Software Engineer, it may be necessary for Visa USA to submit a new Labor Condition Application and an amended H-1B petition on your behalf. While a minor change in or addition to your job duties will not require the filing of an amended petition, any substantial change in your job duties will require an amended petition. Therefore, as soon as you become aware of any change to your position or worksite location, including assignments at client locations, please contact BAL and Visa USA HR so that we may take appropriate action to comply with the regulations.

**Employer I-9 Verification**

The Immigration Reform and Control Act of 1986 (IRCA) requires that U.S. employers complete a Form I-9, Employment Eligibility Verification, for all employees, track the expiration of their employment authorization, and note any extensions of employment authorization on the Form I-9. Now that your H-1B petition has been approved, we advise you to contact Visa USA Human Resources to complete the Form I-9 and establish your employment authorization. The original I-797 Approval Notice (including the I-94 portion at the bottom of the notice) and your valid passport will suffice to establish your I-9 employment authorization.

**Carrying Documentation of Your Immigration Status**

We recommend that you carry physical or electronic copies of the Form I-797 Approval Notice and your most recent Form I-94 issued by CBP. While present in the U.S., foreign nationals who are 18 years of age or older must carry and have in their possession such documentation evidencing their immigration status.

**Changing Your U.S. Home Address**

Please be aware that all foreign nationals residing in the U.S. for more than thirty days, whether temporarily or permanently, must formally notify USCIS of any changes to their home address using Form AR-11. A Form AR-11 should be completed for each family member within ten days of any change of home address. You may submit Form AR-11 electronically at https://egov.uscis.gov/coa/displayCOAForm.do. Please print your Form AR-11 electronic confirmation number for your records.

It has been a pleasure being of assistance to you. Please contact us if you have questions.

Regards,   
Danielle Westgard  
Associate Attorney