

**H-1B/ L-1 ASSOCIATES**  
**INTERNATIONAL TRAVEL WHILE FORM I-485 IS PENDING**

- Must have:
  - A Valid/Unexpired Advance Parole Document; or
  - Valid nonimmigrant (H or L) status, i-797 and I-94 + valid visa stamp
    - If you chose to travel without a valid H or L visa stamp in your passport, there is some risk to your pending I-485. As this is a personal immigration matter outside the scope of GM services/ support, we recommend you obtain legal guidance at your own cost **before** making travel arrangements/ plans.
- If you have an H-1 approval **notice for Consular Notification (e.g., an I-94 is not attached at the bottom right hand portion of your Form I-797 (and you have not otherwise obtained H/L visa stamping and I-94 with H/L visa status), but rather under the perforated section the notice states an American Consulate or Embassy has been notified of the petition approval), you do not have H-1B status in the U.S.** Cognizant internal policy requires that you initiate H-1B visa stamping, which should be pursued only if your I-485 is denied. Otherwise, rely on your EAD for employment authorization and Advance Parole for travel and readmission to the U.S. while your I-485 is pending at USCIS.

**Reentry on Advance Parole**

**1. What if the H/L I-797 Approval Notice has expired?**

- Initiate H-1B visa petition with consular notification
- If your I-485 is denied, associate will need to proceed with H-1B visa stamping at a U.S. Consulate

**2. What if the H/L I-797 Approval Notice is still valid?**

- Initiate H/L extension in MyVisa at least six months prior to the I-797 expiry date (e.g., six months prior to the expiration of the Associate's current H or L status)
- Associate may proceed with H-1B visa stamping at a U.S. Consulate

**3. If the last entry into the US was based on Advance Parole, will the associate need to extend EAD?**

**Regardless of entry to U.S. in H/ L or Advance Parole, associates should ensure EADs do not expire**

- Initiate EAD renewal four (4) months prior to expiration, **and**

- Initiate H/ or L extension as noted above
- According to the Cronin Memo (05/16/2000), H-1B or L-1 nonimmigrants re-entering the U.S. using an advance parole document will be in parole status, but are eligible for an H or L extension if there is a valid approved petition (i.e., unexpired I-797A). If the USCIS grants an extension of nonimmigrant status, the decision granting such an extension will have the effect of **terminating the grant of parole and admitting the alien in the relevant nonimmigrant classification**
  - If an associate uses Advance Parole for the last admission to the U.S., he/ she is eligible for an H-1B extension.

#### **IF OUTSIDE THE US AND GC GETS APPROVED:**

- No longer in nonimmigrant H or L Status, as nonimmigrant status is invalidated based on the approved GC.
- If the Associate is in possession of a valid advance parole, he can present the approved Advance Parole document for readmission. The CBP Agent will be able to view the Associate's status in the government's database, and the Associate should be paroled back into the U.S., and is then considered a U.S. lawful permanent resident.

#### **H-4/ L-2 DEPENDENTS**

#### **INTERNATIONAL TRAVEL WHILE FORM I-485 IS PENDING**

- Must have:
  - A Valid/Unexpired Advance Parole Document; or
  - Valid nonimmigrant (H or L) status/ visa

#### **Dependents Reentry on Advance Parole**

#### **What if the H/L I-797 Approval Notice has expired?**

- If traveling with H-1B associate, initiate H-1B visa petition with consular notification, and
- Associate and dependent(s) will need to proceed with H-1B visa stamping at a U.S. Consulate, **or**
- Dependent may be readmitted to the U.S. using valid/ unexpired advance parole (Note, Cognizant internal policy requires that Associates obtain H-1B visa stamping, it is optional for dependents)

- Associate dependent(s) should consult outside counsel at own cost to gain guidance as to which option to pursue, this level of detail is outside the scope of GM/ GIT services

**What if the H-4/L-2 I-797 Approval Notice is still valid?**

- Initiate H-4/L-2 extension in MyVisa at least six months prior to the I-797 expiry date (e.g., six months prior to the expiration of the current H or L status)

**If the last entry into the US was based on Advance Parole, will the dependent need to extend EAD?**

- If dependent is working, or plans to work, initiate EAD renewal four (4) months prior to expiration, and
- Initiate H/ or L extension as noted above
  - As long as EAD is valid/ unexpired, regardless of Form I-797/I-94 H-4 approval, dependent(s) are work authorized pursuant to valid/ unexpired EAD while Form I-485 is pending