

# AUTOMATIC VISA REVALIDATION FACT SHEET (FOR F AND J VISAS)



*We recommend that all UTEP international students and exchange visitors review this Fact Sheet before traveling with an expired visa, and that they bring a copy (all pages) to the port of entry if any issues arise due to the expired visa when applying for admission.*

Most temporary (nonimmigrant) visitors to the United States must present a valid, unexpired U.S. visa, among other documents, in order to be admitted by U.S. Customs and Border Protection (CBP). In some cases, individuals who meet all other admissions requirements may be admitted with an expired visa through a provision called Automatic Revalidation. The following conditions must be met in order to qualify:

- Consecutive absence from the United States totaled 30 days or less;
- Travel was limited to Mexico, Canada, or an adjacent island (except Cuba)<sup>1</sup>;
- Nonimmigrant status is maintained as documented by a valid (unexpired) admission stamp or I-94 Arrival/Departure Record;
- Authorization for the current status continues to be valid, as documented on Form I-20 for F visa holders or Form DS-2019 for J visa holders;
- Application for a new visa is not pending/has not been rejected; and
- Not a citizen of a country designated by the United States as a state sponsor of terrorism<sup>2</sup>.

The CBP officer at the port of entry has the discretion to determine whether a visa will be automatically revalidated. Automatic Revalidation is concretely outlined in the U.S. Code of Federal Regulations (CFR) in two places: 8 CFR 214.1 and 22 CFR 41.112.

While many UTEP international community members frequently rely on Automatic Revalidation for admission to the United States, it is beneficial and recommended to travel with a valid visa and reapply whenever one is about to expire. This allows flexibility in the event that travel plans change and an individual will unexpectedly be out of the United States for more than 30 days, or if emergent situations require travel to a country other than Canada, Mexico, or an adjacent island. Both Mexican citizens and third country nationals (citizens of a country other than Mexico) can apply to renew their F or J visas at the U.S. consulate in Juárez, Mexico<sup>3</sup>.

The attached pages contain excerpts from the CFR, along with guidelines from CBP's website to confirm their procedures.<sup>1</sup>

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<sup>1</sup> Only F and J nonimmigrants may qualify for revalidation after travel to an adjacent island; all other nonimmigrants only qualify after travel to Canada or Mexico. Adjacent islands include: Saint Pierre, Miquelon, The Dominican Republic, Haiti, Bermuda, The Bahamas, Barbados, Jamaica, The Windward and Leeward Islands, Trinidad, Martinique, and Other British, French, and Netherlands territories/possessions in/bordering on the Caribbean Sea.

<sup>2</sup> Democratic People's Republic of Korea (North Korea), Iran, Sudan, and Syria: [www.state.gov/j/ct/list/c14151.htm](http://www.state.gov/j/ct/list/c14151.htm).

<sup>3</sup> Applicant must apply to renew in the same category: <https://mx.usembassy.gov/visas/nonimmigrant-visas/>.

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## 8 CFR 214.1

### 8 CFR 214.1(b)(1)

**(1)** *Section 101(a)(15)(F)*. The inspecting immigration officer shall readmit for duration of status as defined in §214.2(f)(5)(iii), any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to 22 CFR 41.125(f) and who is applying for readmission under section 101(a)(15)(F) of the Act, if the alien:

**(i)** Is admissible;

**(ii)** Is applying for readmission after an absence from the United States not exceeding thirty days solely in contiguous territory or adjacent islands;

**(iii)** Is in possession of a valid passport unless exempt from the requirement for presentation of a passport; and

**(iv)** Presents, or is the accompanying spouse or child of an alien who presents, an Arrival-Departure Record, Form I-94, issued to the alien in connection with the previous admission or stay, the alien's Form I-20 ID copy, and either:

**(A)** A properly endorsed page 4 of Form I-20A-B if there has been no substantive change in the information on the student's most recent Form I-20A since the form was initially issued; or

**(B)** A new Form I-20A-B if there has been any substantive change in the information on the student's most recent Form I-20A since the form was initially issued.

### 8 CFR 214.1(b)(2)

**(2)** *Section 101(a)(15)(J)*. The inspecting immigration officer shall readmit for the unexpired period of stay authorized prior to the alien's departure, any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to 22 CFR 41.125(f) and who is applying for readmission under section 101(a)(15)(J) of the Act, if the alien:

**(i)** Is admissible;

**(ii)** Is applying for readmission after an absence from the United States not exceeding thirty days solely in contiguous territory or adjacent islands;

**(iii)** Is in possession of a valid passport unless exempt from the requirement for the presentation of a passport; and

**(iv)** Presents, or is the accompanying spouse or child of an alien who presents, Form I-94 issued to the alien in connection with the previous admission or stay or copy three of the last Form IAP-66 issued to the alien. Form I-94 or Form IAP-66 must show the unexpired period of the alien's stay endorsed by the Service.

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## 22 CFR 41.112

### 22 CFR 41.112(d)

(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.

# AUTOMATIC VISA REVALIDATION FACT SHEET (FOR F AND J VISAS)



11/6/2018 Automatic revalidation for certain temporary visitors

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#### Can I re-enter the U.S. with a valid I-94 and expired visa?

Under the automatic revalidation provision of immigration law, certain temporary visitors holding expired nonimmigrant visas who seek to return to the United States (U.S.) may be admitted at a U.S. port of entry by U.S. Customs and Border Protection (CBP), including, but not limited to the following:

- Non-immigrants who departed the U.S., for brief travel to Canada, Mexico, or an adjacent islands, except Cuba (for F and J non-immigrants) for 30 days or less;
- Non-immigrants with a valid (unexpired) admission stamp or paper from I-94, Arrival/Departure Record, endorsed by Department of Homeland Security (DHS).

A person is eligible for automatic visa revalidation provided the following conditions are met:

- The underlying authorization for the current status continues to be valid for the [Form I-129](#) for non-immigrant workers and [Form I-20](#) for students in F status.
- The person's absence from the U.S. was 30 days or less.
- The person did not visit any countries other than Mexico or Canada in that period. Travelers who are on a [F visa](#) or [J visa](#) status are allowed to visit adjacent islands to the U.S. (i.e., the Caribbean).
- The person does not have a pending or rejected application for a new visa. Since it is not possible to renew a non-immigrant visa in the U.S., a person on a non-immigrant visa may travel to a nearby country to apply for a new visa.
- The person is not a citizen of one of the countries designated by the U.S., as a [state sponsor of terrorism](#).

As of 2015 the Department of State list includes four countries: Iran (designated January 19, 1984), Syria (designated August 12, 1993), Sudan (designated December 29, 1979) and Democratic People's Republic of Korea (North Korea designated November 20, 2017). Cuba was removed on April 4, 2015.

For more information about the automatic revalidation provisions and re-entry to the U.S., see the [Automatic Revalidation Fact Sheet](#).

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#### Sources:

USCIS/CFR: <https://www.uscis.gov/laws/8-cfr/title-8-code-federal-regulations> & <https://www.uscis.gov/ilink/docView/22CFR/HTML/22CFR/0-0-0-1.html>

DOS: <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/visa-expiration-date/auto-revalidate.html>,

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