



EMAIL BULLETIN

NONIMMIGRANTS SHOULD RENEW PASSPORTS EARLY TO RECEIVE MAXIMUM PERIOD OF AUTHORIZED STAY UPON ENTRY INTO THE UNITED STATES

15 July 03

Foreign nationals should check the expiration date of their passports. If time permits, it is best to renew any passport as soon as permitted by the issuing government. In the past, the BCIS (formerly INS), US Immigration Inspectors, and US Consular Officers were lax about reviewing the expiration date of a foreign national's passport. In recent months, they have been reviewing the expiration date much more closely. We are seeing visas and I-94 Departure Records being issued until the expiration date of the passport, and no longer.

Most foreign national employees present three documents for entry to the US. A valid passport, a BCIS I-797 Notice of Approval, and a valid visa which corresponds to the status listed on the Notice of Approval (such as H-1B, L-1, H-4, L-2, etc.). Regardless of the ending date of any of these, the ending date the US Immigration Officer writes on the I-94 Departure Record is the date that controls the length of time a foreign national is allowed to remain in the US.

Immigration Inspectors are allowed to use their discretion to give a shorter amount of time regardless of the expiration date of the Notice of Approval or the passport. But quite often, giving the shorter time is just an error that the Immigration Inspector will correct if the foreign national politely points out the ending date of the Notice of Approval. If a foreign national is given a Form I-94 that has a shorter period of time than what is on the Notice of Approval, please contact your Tindall & Foster immigration professional so that remedial action can be commenced as soon as possible.

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