

Admission to the United States



When you enter the United States, you are inspected by a Customs and Border Protection (CBP) agent. After approving your admission to the United States, the border inspector does two things:

1. Stamps your passport with an admission date, expiration date, and the class of admission (such as B-2 for tourist, WT for ESTA, or H-1B for H-1B worker).
2. Enters your admission record into CBP's database.

Always check your passport to ensure you know when the period of admission ends (i.e., the expiration date of your status) before leaving the port of entry. The best time to catch and fix a mistake is at that moment.

Passport Expiration

Expiration dates are different for different visa categories, but there is one rule that governs all admissions: The government should never give you a period of admission beyond the expiration of your passport. If your passport will expire soon, make sure you pay attention to when your admission period expires, because it may be shorter than you expect.



How to Confirm the Date Your Status Expires

CBP used to staple a paper I-94 into a traveler's passport. This no longer happens. Now, travelers can access their admission records online at <https://i94.cbp.dhs.gov>. This will list your I-94 admission number, visa classification, and the date your status expires. You can also access your travel history on the CBP website.

Changing or Extending Your Status in the United States

People often can extend their stay in the United States or change the class of admission. This is done by USCIS. When USCIS extends a stay or changes a class of admission, USCIS issues a new I-94 that replaces the one issued by CBP. The new I-94 is usually a detachable portion in the lower right-hand side of the I-797A Approval Notice. The new I-94 now controls the period of admission.

USCIS will issue a new I-94 when approving a change of status or an extension of status. However, this information is not updated on CBP's I-94 website. It is essential, therefore, that you keep a copy of any USCIS approval notice.

Immigration attorneys and government agencies will need this information to help you.

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▶ What If There Is a Mistake in the Admission Record?

The sooner a mistake is found, the easier it is to fix. To fix a mistake, you must go to the right agency, prove why it was a mistake, and ask for the admission record to be corrected. This is not as clear-cut or as easy as it should be. If you have any fears or concerns about trying to correct a mistake, you should contact your immigration attorney. An immigration attorney can help fix a governmental mistake.

If the border inspector makes a mistake in your admission record, you will need to visit a local CBP Deferred Inspection Site to have the admission corrected. A list of Deferred Inspection Sites can be found on CBP's website, <https://www.cbp.gov>, under the "Ports" link at the bottom of the page.

If USCIS makes a mistake in your admission record when extending or changing your status, you need to contact USCIS. This usually requires filing an application or petition with USCIS.

What to Do If the Mistake Is Discovered After the Admission Period Ends

Fixing a mistake before the admission period ends is always best. Sometimes, the expiration date has already passed before the mistake is discovered. If you discover that the I-94 has already expired, do not panic.

Contact your immigration attorney first. The attorney can evaluate whether it is possible to fix the mistake in the United States or whether you will have to leave the United States and apply for a new visa. You will have to explain why the mistake was not discovered before the I-94 expired. The attorney will help you create a plan to manage and resolve the problem. Sometimes, it is possible to fix a mistake in the United States, depending on the situation. Sometimes, the only way to fix the problem is to leave the United States. The attorney can help you make the best plan for your situation.



If you would like more information on this issue or would like to retain our services, please contact the Law Offices of Spojmie Nasiri, PC at www.nasirilaw.com or (925) 520-5195.

