ALERTS

Immigration Law Alert - New I-94 Card Automation

April 15, 2013 | Atlanta | Chicago | Columbus | Delaware | Elkhart | Fort Wayne | Grand Rapids | Indianapolis | Los Angeles | Minneapolis | South Bend

Customs and Border Protection (CBP) announced the automation of Form I-94, Arrival/Departure Record. Paper cards will be phased out at airports and seaports in the U.S. and U.S. territories beginning April 30, 2013. The airport and seaport implementation schedule is listed below as provided by CBP. Foreign nationals seeking admission at land border crossings will continue to be issued I-94 cards.

According to the CBP alert, existing paper I-94 cards will no longer be issued, and foreign nationals who need I-94 cards as evidence of their entry into the U.S., will need to print their I-94 entry record by accessing the CBP website (www.cbp.gov/I94) from any computer access point, with internet connection and printing capabilities, once they have left the airport or seaport. The website will be active starting on April 30, 2013. Although printing the I-94 is not mandatory, all affected foreign nationals and their employers should consider doing so.

After entering the U.S., the foreign national should consider logging on to the CBP website and check the correct name spelling, all personal information, the visa category and expiration date of the authorized stay. If errors are found, the CBP should be contacted as soon as possible. If there are no errors, the foreign national should print out the I-94 entry record accessed through the CBP website, and retain the entry record as proof of entry and authorized period of stay in the United States. Employers of foreign nationals on work visas should also keep a copy of the I-94 record in the employee's file or with the I-9 form if the practice is to keep copies of documents used for employment eligibility verification. The company can either keep the printed copy of the I-94 entry record or a scanned copy.

As the I-94 entry record will be automated, the Social Security Administration and state departments of motor vehicles agencies will refer to information collected by the CBP officer during the foreign national's last entry into the U.S. It is expected that the automated process will reduce the processing times in which the Social Security Administration issues Social Security Numbers, and state departments of motor vehicles issue driver's licenses. However, applicants should consider bringing a copy of the I-94 entry record to these offices when applying for a benefit. Furthermore, while foreign nationals will have access to the I-94 entry record through the CBP website while they are in the United States, once they leave the country, there will be no more access given to the I-94 entry record information. Foreign nationals in the U.S. and, where applicable, their U.S. employer, should retain paper or electronic copies of the I-94 card. This will help re-construct an individual's immigration history and U.S. presence in the future, if necessary. Because this program is new and it is not known how well it will function, the CBP may make adjustments and changes as needed and give proper notice.

RELATED PEOPLE

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Summary and best practices:

- Starting April 30, 2013, paper I-94 cards will begin to be phased out at airports and seaports as noted below.

- After entering the U.S., foreign nationals should consider printing out I-94 entry records through the CBP website. Multiple copies are recommended and a copy should be given to the employer.

- If the information is incorrect, contact the CBP at the port of last entry.

- Have available a printed copy of the I-94 card when applying for a driver's license or social security card.

Paperless I-94 will be implemented gradually as follows:

I-94 Automation Implementation Schedule

Effective Date	Major Air And Sea Ports Within The Following Field Offices
4/30/13	- Charlotte Douglas International Airport - Orlando International Airport - Las Vegas Airport - Chicago O'Hare - Miami International Airport
5/7/13	- New York - Boston - Buffalo - Baltimore - Detroit - Atlanta - Tampa - Puerto Rico - Miami - Chicago - New Orleans - Houston
5/14/13	Pre-Clearance

- San Francisco (includes Hawaii and Guam)

- Tucson

- El Paso

- Seattle

- Portland (includes Alaska)

- Los Angeles

- San Diego

- Laredo

| 5/21/13 | All remaining airports and seaports |

Additional information is available at:

Announcement of Paperless I-94 and the enforcing airports and ports' schedule
http://www.cbp.gov/xp/cgov/travel/id_visa/i-94_instructions/i94_rollout.xml

Description of new paperless I-94 and Q&A
http://www.cbp.gov/linkhandler/cgov/newsroom/fact_sheets/travel/i94_factsheet.ctt/i94_factsheet.pdf

For more information, contact the Barnes & Thornburg attorney with whom you work, or Mariana Richmond, chair of the firm's Immigration Practice Group, at (317) 231-7476 or mariana.richmond@btlaw.com.