

Publications

Immigration Alert: Automation of Form I-94 Arrival/Departure Record

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The U.S. Customs and Border Protection (CBP) published an interim final rule on March 27, 2013, indicating its intention to automate its Form I-94, Arrival/Departure Record. Form I-94, among other purposes, provides documentation of the admission and approved length of stay for individuals in a temporary immigration status. The current form is paper-based and includes a detachable portion with an admission number, which the nonimmigrant alien keeps while in the United States as documentation of status. The interim final rule will revise current regulations to permit CBP to transition the Form I-94 from paper to an electronic process.

The interim final rule will become effective on April 26, 2013, at which time nonimmigrants traveling to the United States by air or sea will no longer need to fill out a paper Form I-94. However, individuals who go through secondary inspection, such as asylees, refugees and parolees, will be provided a paper copy of Form I-94 by a CBP officer.

Despite these changes by CBP, the U.S. Citizenship and Immigration Services (USCIS) will continue to require applicants to submit a paper copy of Form I-94 when requesting certain benefits. Other government agencies, such as state Departments of Motor Vehicles, also require a paper copy of Form I-94. Moreover, nonimmigrants who are authorized to work may present a paper copy of Form I-94 to their employers during the employment eligibility verification (Form I-9) process.

Nonimmigrants who need a paper copy of Form I-94 for such purposes will be able to access their electronic Form I-94 via a secure website CBP has established for this purpose at <https://www.cbp.gov/I94> (currently unavailable). The website will provide nonimmigrant aliens with read-only access to the automated I-94 record associated with his or her admission. Nonimmigrants may log onto the website using their name and other identifying information. The website will provide the limited information of the CBP assigned I-94 number and the "Admit until" date in a printable format. This limited information cannot be used to obtain benefits unless accompanied by valid photo identification that matches the bearer. The printout from the website will be similar to the departure portion of the paper form with respect

to the information it contains.

CBP will continue to stamp the traveler's passport at the time of inspection and admission. CBP will also distribute information about the website and procedures for obtaining a printout to the nonimmigrant upon arrival in the United States.

Please contact your Vorys attorney if you have any questions.