



MAXIMIZING YOUR IMMIGRATION STATUS: 10 THINGS TO KNOW



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**“Helping employers create
an awesome workforce
with the infusion of
foreign talent”**

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Disclaimer



Introduction

Trying to understand U.S. immigration law on your own can feel like navigating a maze. With skilled guidance and information, you can save time, gain peace of mind, and *maximize* your stay.

We created this guide to help you. It is not intended to replace the personal advice given to you by immigration counsel based on your unique case and goals. Rather, we included ten key things foreigners should know to maximize their immigration status in the United States.

You can find additional information and updates in our newsletter, blog, and LinkedIn page.

Subscribe to Our Free Newsletter Here: <https://goo.gl/VMMg5i>

Our Blog: <https://www.marksgray.com/category/immigration>

LinkedIn: <https://www.linkedin.com/in/gisellecarsonimmigration>

If you'd like to learn more about work visas and answers to other important immigration questions, check out Giselle Carson's book, *Beyond the H-1B: A Guide to Work Visa Options for Employers, Foreign Nationals, and Graduating Students* on Amazon.

2. Your I-94 record

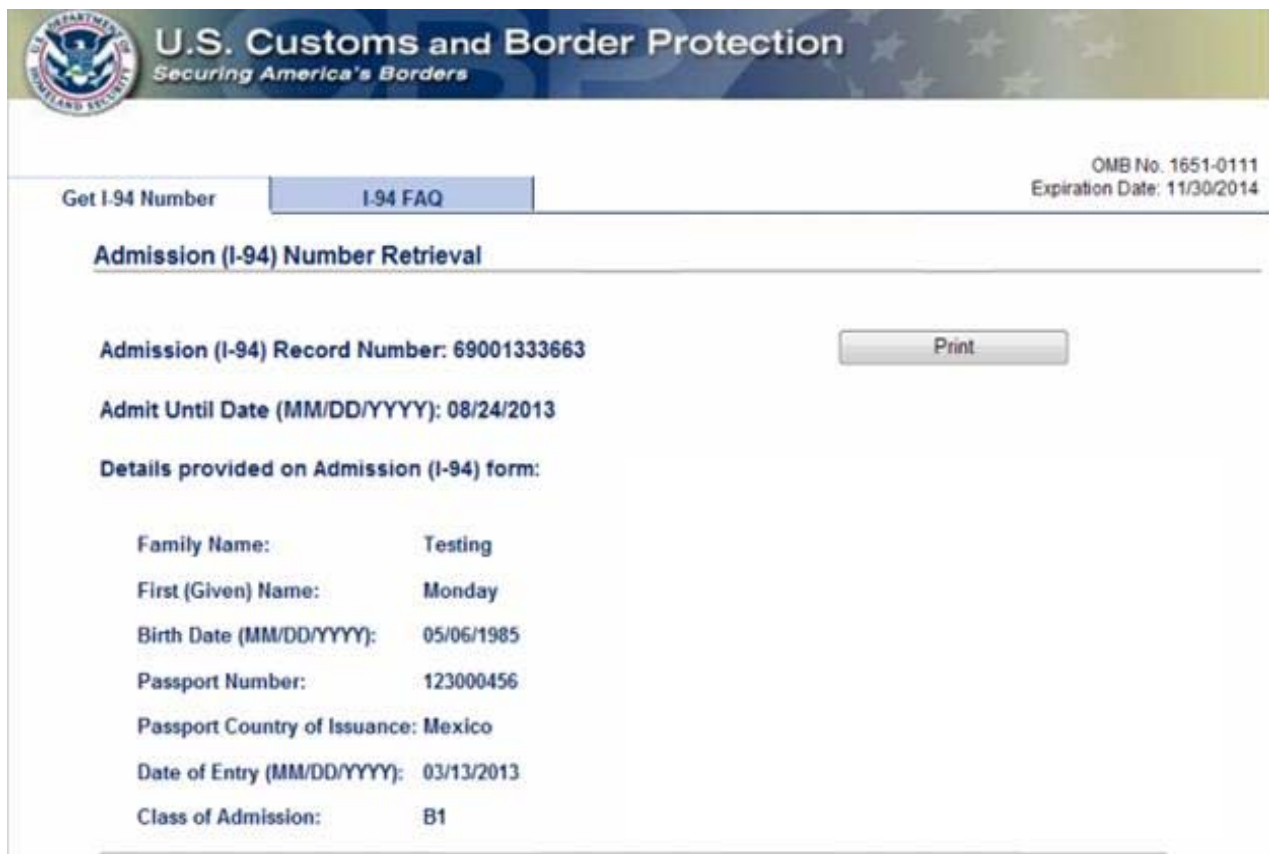
Upon admission to the United States, an immigration officer will create an electronic I-94 record for the applicant. This record is a critical document which serves as evidence of admission and legal status in the United States. It can also be used for employment verification and driver's license issuance.

The I-94 includes your date of entry, class of admission, and period of authorized stay. For students, the I-94 is marked "D/S" for "Duration of Status."

Foreigners should visit the website of U.S. Customs and Border Protection (CBP) to retrieve, review, and print a copy of their I-94 record.

Errors in this record should be reported to CBP as soon as possible for correction, because they can cause serious immigration problems.

Below is an example of the Electronic Form I-94.



The screenshot displays the U.S. Customs and Border Protection website interface. At the top, there is a header with the agency's logo and the text "U.S. Customs and Border Protection Securing America's Borders". Below the header, there are two navigation tabs: "Get I-94 Number" and "I-94 FAQ", with the latter being selected. In the top right corner, the text "OMB No. 1651-0111 Expiration Date: 11/30/2014" is visible. The main content area is titled "Admission (I-94) Number Retrieval". It shows the "Admission (I-94) Record Number: 69001333663" and a "Print" button. Below this, the "Admit Until Date (MM/DD/YYYY): 08/24/2013" is displayed. A section titled "Details provided on Admission (I-94) form:" lists the following information: Family Name: Testing; First (Given) Name: Monday; Birth Date (MM/DD/YYYY): 05/06/1985; Passport Number: 123000456; Passport Country of Issuance: Mexico; Date of Entry (MM/DD/YYYY): 03/13/2013; and Class of Admission: B1.

3. Visa stamp expiration



If you are not planning to travel abroad, you can be in the United States with an expired visa stamp as long as your I-94 record is valid and your immigration status is current and valid.

However, if you travel abroad when your visa is about to expire or has expired, you must renew it. You cannot enter the United States with an expired visa in most instances.

If your visa stamp has *not* expired, you should not need a new visa stamp when seeking admission in the same nonimmigrant classification. For example, if an applicant has a valid H-1B visa stamp and is seeking entry in H-1B status, they should be admissible under that visa.

Foreign workers who change employers while their visa stamp is still valid and remain in the same nonimmigrant category should apply for re-admission using their valid visa stamp, the current USCIS approval notice for the new employer, and evidence of current employment with the new employer.

4. Renewing a foreign visa

Renewing a visa requires travel abroad and advanced planning. An unsuccessful renewal might keep you abroad for several months.

The employer and foreign worker should work with immigration counsel to properly prepare all necessary documents. The documents and time needed vary depending on the type of visa.

The following are required for most employment-based visa renewals:

- ✓ Current passport
- ✓ Petition approval notice
- ✓ DS-160 visa application
- ✓ Visa application fee payment
- ✓ Schedule interview appointment
- ✓ Employer support letter and other supporting documents
- ✓ Recent pay statements
- ✓ Biometrics and consular interview



Spouses applying for visa renewals should have an original marriage certificate as well as a copy.

Dependent children applying for visa renewals should have an original birth certificate as well as a copy.

5. Foreign students and travel plans



Students in F-1 status traveling abroad should have their Form I-20 endorsed for travel by the Designated School Official (DSO). This signature is generally valid for re-entry for up to one academic year.

If the foreign student remains abroad for more than five months, they will need to request a new Form I-20 for re-entry.

For students who have graduated and are on Optional Practical Training (OPT), the DSO's signature is typically valid for only six months.

Students in J-1 status should have their Form DS-2019 endorsed by their DSO. These signatures are typically valid for one year.

To facilitate visa processing, students should have their visa documents signed shortly before their planned travel and be prepared to present required documents at the interview, including:

- ✓ Proof of funding to cover tuition and living expenses
- ✓ Evidence of ties to home country and intentions to return after program completion
- ✓ Academic records to show progress towards the desired degree

6. Keeping a record of your travels

Foreign workers in H-1B and L-1 status who are close to maxing out the time they are allowed to stay in the United States (such as six years for an H-1B, five years for L-1B, and seven years for an L-1A) can apply to recapture time spent abroad to extend their stay.

This opportunity is a key component of an overall immigration strategy when a few additional months are needed to keep the foreign worker in the United States during the immigration process.

To use this option, the foreign worker must produce very detailed travel records.

Useful travel records to recapture time include:

- ✓ Entry/exit stamps in the foreign worker's passport
- ✓ Travel itineraries
- ✓ Airline tickets, boarding passes, and related evidence

The burden is on the applicant to submit the required evidence, including the exact outline of travel dates in and out of the United States.



7. Foreigners with a pending adjustment of status (AOS)

The AOS is the final step of the green card process for permanent residency.

If a foreign national departs the United States while their AOS application is pending, USCIS will interpret this exit as an abandonment of the application unless the foreign worker has obtained Advance Parole (AP).

In general, AP allows most foreign nationals to apply for admission to the United States after traveling abroad.

However, admission on AP is not a guarantee. The foreign national will be placed in secondary inspection and should be prepared for additional questioning.



8. Travel to Canada and Mexico

Under the automatic revalidation provision, foreign workers with a valid I-94 and expired nonimmigrant visa may be allowed to re-enter the United States when returning from Canada or Mexico if:

- ✓ The trip to Canada or Mexico was less than 30 days
- ✓ They are in possession of a Form I-94 showing an unexpired period of stay and a valid passport
- ✓ Their admission does not require a waiver
- ✓ They maintained (and intend to resume) nonimmigrant status and have not applied for a new visa while abroad



This process revalidates their visa but does not renew it.

Students in F, M, or J status have additional requirements. They should consult with their DSO prior to traveling abroad.

Nationals from Cuba, Iran, Sudan, or Syria are not eligible for automatic revalidation of an expired visa.

9. Lost or stolen passport



If a foreigner loses his or her passport while in the United States, it must be reported and replaced.

There are several steps to take, including:

- ✓ Filing a police report and retaining a copy
- ✓ Reporting that the passport was lost or stolen to the applicable embassy in the United States
- ✓ Applying for a replacement as soon as possible

10. Who to contact regarding immigration issues

If the CBP officer admitted you incorrectly, the quickest and least expensive solution is to correct the error at the airport.

Alternatively, you can visit a designated CBP Deferred Inspection site. You can find lists of Deferred Inspection sites and Port of Entry locations on the CBP website.

If USCIS issued an incorrect I-94, contact USCIS to request a corrected one.

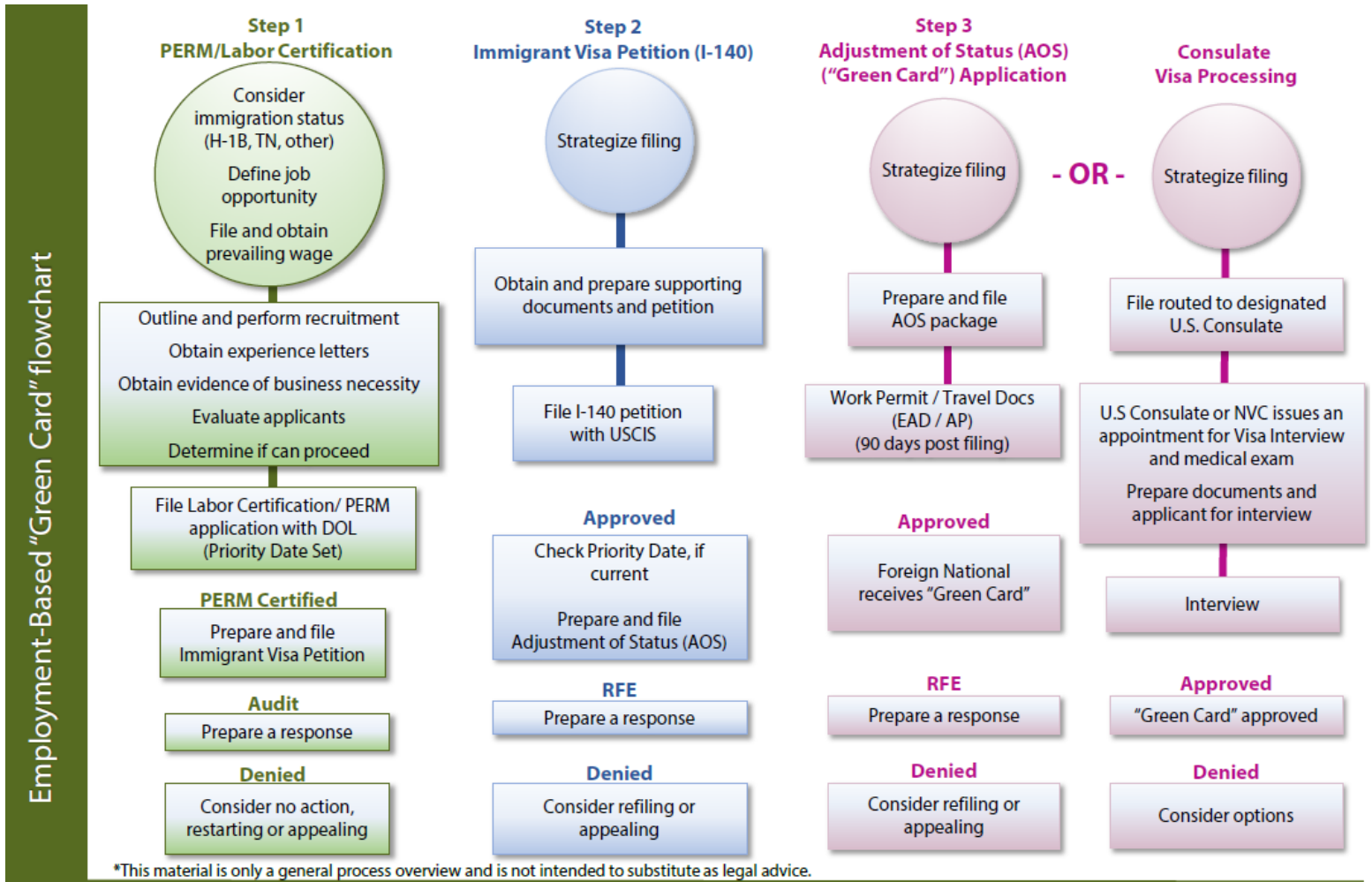
If you have unusual and/or ongoing difficulties during the admission process, contact the Department of Homeland Security (DHS) using the TRIP system to seek redress.

DHS TRIP routes the request to the appropriate office for review and adjudication. Additional information can be found on the DHS website.



Additional Information:

Creating Simplicity out of Complexity Green Card Flowchart



The Marks Gray Immigration Team and You

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ABOUT THE FIRM

Marks Gray has solid roots in Jacksonville, as well as throughout Florida and the Southeast United States. Founded in 1899, we are proud to be in our second century of service to our clients and our community.

Judges, lawyers, and community leaders know that Marks Gray stands for integrity, quality, and responsiveness. Our peers have given us an AV rating, the highest Martindale-Hubbell® rating available.

Whether our clients want to sponsor a foreign national, form a business, set up a will, or litigate a business matter, we work as a key partner with the companies, organizations, and individuals we serve.

We understand that legal issues can be stressful, and there is no one-size-fits-all approach. Our goal is to focus on your needs and work together with you throughout the process.



**“Alone we can do so little, together we
can do so much”**

Helen Keller

About Giselle Carson, Esq.



Immigration is not just one of my areas of practice - it is my only area of practice. I help employers create an awesome workforce with the infusion of foreign talent and remain in compliance with immigration laws so they can thrive in a global economy.

As a two-time immigrant, I have experienced the challenges and joy of immigration. I was born in Cuba, escaped to Canada, and later immigrated to the United States. I benefited from the advice and guidance of caring and experienced immigration attorneys to achieve my goals and dreams, and now I have the opportunity to help others like you.

I am driven by my own immigration experiences, my established practice and outstanding clients, and the joy and benefits we all receive when petitions and applications are approved. Every approval is step closer to crossing the finish line!

For over ten years, I have successfully helped employers obtain work visas and green cards for foreign nationals and helped immigrants from over sixty countries achieve their immigration dreams.

I am a published author and recognized speaker on immigration matters. I am an AV® peer review rated attorney, which is the highest rating possible from my peers through Martindale-Hubbell™.

I am also passionate about health and fitness. I believe that a fit lawyer is your best lawyer. I am a 4x Ironman finisher and 15x marathon finisher. In business and in life, I have crossed many finish lines, and I look forward to helping you cross yours.

If you would like to schedule a consultation, please contact us at immigrationteam@marksgray.com.

Disclaimer

The material contained in this guide is for information purposes only. Individual circumstances vary and are highly dependent on the facts. While this document serves as a general guide, it should not be used as legal advice, nor does the document create any type of attorney-client relationship.