

AILA Texas Chapter, Houston Section
Liaison Questions for
Customs and Border Protection Houston Field Office
April 13, 2022, at 2:00 pm

1. CBP is issuing new annotations for spouses of E, L and E-3 visa holders. Would you please confirm that applicants may request a modification of the spouse annotation at Deferred Inspection office in Houston, if the applicant is physically present within the Houston authority? It would not seem practical to make an applicant travel outside of the United States to obtain a correct annotation on the I-94 entry document.

Answer:

After Jan. 31, 2022, CBP has added the “S” annotation to all L-2 I-94s in the CBP system for those 22 and older with an unexpired period of stay. The annotation was not added to E-2s because the E-2 classification can apply to the principal applicant, spouse, and dependent child. The E-2 applicants will need to travel to obtain a new, correct annotation. For travel to Mexico and Canada, clients should be advised to check that their I-94 was not automatically revalidated; clients should request a new I-94.

Houston will correct I-94s at Deferred Inspection location in person if the entry was after January 31, 2022, and the annotation is missing. CBP Deferred Inspection office will not correct annotations made by CBP prior to January 31, 2022 as these annotations are not errors by CBP.

2. We provided you with a Public Information Notice (PIN), issued by CBP in Dallas on April 12, 2017, that provides information about the different cities that may seek I-94 corrections within the Dallas deferred inspection authority. You have stated that this PIN is no longer valid. Would CBP Houston and Dallas issue a new PIN or a guidance as to the areas within the Dallas and Houston authority that are eligible to seek correction of the I-94 at Deferred Inspection location in Houston?

Answer:

The Dallas and Houston Deferred Inspection offices will not accept requests for I-94 correction of the Forms I-94 via email. The Houston and

Dallas Deferred Inspection offices will accept in person requests during the designated times. Corrections for I-94 records may be requested at any Deferred Inspection location. There are 77 CBP Deferred Inspection locations in the U.S., and 22 Deferred Inspection offices do accept e-mail requests. These offices will review the requests and issue corrections via e-mail regardless of where the entry was made. CBP in this district does not have the resources or required staff to manage the volume of e-mail requests.

Committee note: Deferred Inspection sites and their contact details are listed at <https://www.cbp.gov/contact/ports/deferred-inspection-sites>

3. When clients travel on advance parole, the USCIS provides one original advance parole document with multiple entries. We advise our clients to travel with the original and copies of the advance parole document. Upon entry, CBP inspects the applicant for admission and keeps the advance parole document. Members are reporting that CBP is taking the original advance parole document, not the copy presented at the port of entry. In one case an applicant holding an advance parole based on TPS asked the CBP Officer to return the document as it was valid for one year. The CBP officer refused to return the document. Please clarify how these applicants can get their I-512 documents back. Will CBP accept a copy of a parole document at admission subsequent to an entry in which a CBP officer retained the original advance parole?

Answer:

In general, CBP will retain one copy of the advance parole document and return the original to the traveler. If the CBP officer does not return the original, the traveler should request to speak to a supervisor at the airport to document the incident. CBP will accept a copy of the advance parole document because CBP can verify its authenticity in the system. CBP recommends that travelers bring a copy of the advance parole document for CBP to keep. If a copy is not available, CBP may defer the traveler to secondary inspection to make a copy of the advance parole document.

4. There are lawful permanent residents who were visiting Ukraine when Russia invaded the country. In some instances, lawful permanent residents have not been able to get flights out of Ukraine to the U.S. due to the Russia invasion. Will CBP officers consider the extraordinary circumstances of

the war situation in Ukraine to determine in their discretion that the applicants are not abandoning their permanent residence in the United States, but that they did not return earlier due to the current invasion and inability to leave the country at this time?

Answer:

Identity, citizenship, and admissibility are determined at the time of entry and on case-by-case basis. LPRs must have a definitive reason for leaving the U.S. CBP will evaluate and consider the reason for the travel to Ukraine, and determine intent upon departure from the U.S.

5. When a Mexican national applicant applies for admission to the United States with a TN visa issued by the U.S. Consulate for one year, the Form I-94 is issued for three years by CBP based on an offer of employment for three years. If the applicant travels to Mexico after the TN visa has expired, would CBP allow that applicant to return on his or her Form I-94, assuming that the applicant is otherwise admissible to the United States?

Answer:

Yes, TN applicants returning under automatic visa revalidation will be admitted, if otherwise admissible, for the period of stay remaining in the three years allowed. They will be readmitted using their Form I-94.

6. Can a Canadian citizen seek admission as a TN at a U.S. airport, which is not a Canadian pre-flight inspection or port of entry?

Yes, a Canadian citizen seeking admission as a TN may be admitted at any Class A port of entry. Canadian citizens seeking the TN and L-1 classifications under USMCA (formerly NAFTA) at a port of entry will receive optimized processing at certain designated ports. A designated port of entry is a port that has been selected because of the high volume of TN and L applicants it normally handles. CBP optimized the adjudicative process for first-time TN and L applicants to achieve consistency and enhance quality in processing. Optimized processing does not affect TN and L requirements and status and does not prevent a Canadian citizen from applying at a non-designated port of entry. However, applying at other ports of entry is not advised due to the amount of time these other

ports would take to adjudicate the application for admission and the level of training and experience of CBP officers.

Committee note: Ports of entry are listed per class and district under 8 C.F.R. section 100.4. Check <https://www.cbp.gov/contact/ports> for contact information about Class A ports of entry. For a list of designated ports of entry, refer to <https://www.cbp.gov/travel/canadian-and-mexican-citizens/traveling-tn-or-l1-visa-canada>

7. Is there a specific procedure to surrender a permanent resident card at the port of entry? Does the applicant need to have an I-407 filed with USCIS in advance?

Answer:

The Record of Abandonment of Lawful Permanent Resident Status, Form I-407, may be submitted by mail to USCIS, at a U.S. Consulate or Embassy abroad, or at a port of entry in the United States. If Form I-407 is submitted to CBP at the port of entry, applicant will file an Application for Waiver of Passport or Visa, Form I-193. There is no fee to file. The applicant can then be admitted as a visitor.

8. Please describe the procedure to follow at admission when a lawful permanent resident returns to the United States with an approved SB-1 visa application.

Answer:

The consulate will provide the applicant an SB-1 packet, similar to the IV application envelope, to present to CBP. The applicant will have an SB-1 visa in his or her passport to board the plane. If the I-551 card is unexpired, CBP will return the permanent resident card to the applicant. If the I-551 card has expired, CBP will endorse the passport and the applicant will receive a new I-551 card in the mail.