

AGENDA FOR AILA HOUSTON CBP LIAISON MEETING

Wednesday: May 6, 2020
Teleconference

The Houston CBP Liaison Committee of the American Immigration Lawyers Association (AILA) would like to thank Houston CBP's Leadership for the opportunity to communicate and discuss relevant and current issues which affect passengers traveling into Houston airports. We remain appreciative of Houston CBP's long standing relationship with AILA.

1. AILA will like to thank IAH for disseminating its procedure for processing Satisfactory Departure requests for travelers under the Visa Waiver Program due to COVID-19. However, members have reported that due to the decreased availability of flight schedules, it is sometimes hard to obtain a new flight itinerary. Can you confirm that IAH will entertain requests for Satisfactory Departure when travelers cannot obtain a changed itinerary due to unavailability of flight options?

Response:

All Satisfactory departure requests are being addressed on a case-by-case basis. Furthermore, CBP understands that currently travel reservations cannot be made, and CBP has been handling requests without reservations. This, however, may change in the future.

Currently, the most important factor that CBP considers is whether the individual is applying before the authorized period of admission has expired (i.e. applicants are within their original 90 days of admission period or their original 30 days period of satisfactory departure). Applicants are advised to apply in person about 14 days in advance as the Deferred Inspection office has been very busy. PPE is available on site to applicants who need it.

2. The COVID-19 Pandemic has affected every industry, but the travel industry has been especially damaged by the current situation. Can you describe any change to IAH operations (i.e. decrease in flight processing, number of passengers admitted, any personnel changes)?

Response:

Staffing levels have not changed and CBP stands prepared to process passengers at pre-COVID-19 levels. Deferred Inspection and Badging units are working and operational. The Global Entry office has ceased operations temporarily. Due to repatriation flights, there are days that IAH is processing more passengers than JFK; however, passenger traffic is about 90% down.

3. Please provide for the membership the travel restrictions for individuals traveling to the United States in light of the government's instructions on COVID?
4. Is CBP admitting dependents of lawful permanent residents who obtained their immigrant visas abroad prior to the President's Executive Order of March 2020?

Response for #3 and #4:

Any restrictions on border traffic from Mexico and Canada were placed on land border crossings only; there are no restrictions on flying in from Canada or Mexico. Travel and entry to the U.S. is restricted for most people (except USCs and LPRs) who traveled to the following countries within the past 14 days: China, Iran, Ireland, UK, and Schengen area. Airlines should be identifying these passengers and not clearing them for boarding. Houston is not a screening port, so there are no flights coming in from China or Schengen area. There are no restrictions on flights from South and Central America.

A person with an immigrant visa issued after the date of the executive order will be admitted.

5. Please explain restrictions for U.S. citizens, permanent residents and foreign people with nonimmigrant visas who have traveled abroad and are seeking entry into the United States as of the Presidential Proclamation of March 13, 2020?

Response:

There are no restrictions on flights from Mexico, Central America and South America. Anyone from Schengen area must go through the screening port. Houston is not a screening port as it does not have CDC to decide screening issues.

6. Are CBP employees required to wear masks and gloves at the airport and during interviews? Is there a policy for masks for people arriving at the Houston airports?

Response:

CBP employees have been provided with masks and gloves and are practicing social distancing according to CDC guidelines. For example, Currently, only 20 GE kiosks out of our 40 are operational to ensure social distancing. There are 10 each on the north and south side.

7. AILA has discussed in the past with IAH the situation when non-petition-based nonimmigrants (i.e. TNs and Es) are admitted for the validity of the visa instead of the regulatory times (3 years for TNs and 2 years for Es). Although it is understood that a number of factors are considered at time of admission, such as the employment letter or credibility, practitioners often advise their clients to re-enter within the visa validity and request admission for the regulatory period. However, the COVID-19 pandemic has limited travel options and left nonimmigrants with shortened I-94s without such option. Can you confirm that IAH would review these situations on a case-by-case basis and correct

an I-94 that could have been issued for the regulatory period at the time of entry (barring any restrictions from passport validity)?

Response:

I-94s that were incorrectly processed can be corrected at the Deferred Inspection office. CBP will not entertain extension requests. There has been no change in policy or regulation regarding the period of admission.

8. Certain visitors, either on B status or under the VWP, will be forced to spend prolonged periods of time in the US due the COVID-19 pandemic. In the future, an officer may review a person's travel history and may impute immigrant intent due to that prolonged stay. Can you confirm that IAH will not consider the time spent in the US during the pandemic as detrimental in an analysis of his or her immigrant intent absent any other derogatory information)?

Response:

Admissibility decisions will be made on a case-by-case basis. A request for satisfactory departure alone will not necessarily create a bar but CBP will look at the totality of the circumstances.

If the person has evidence that their prior travel history did not include any extended periods of stay and the COVID-19 was the reason for their extended stay, then it should not lead to a finding of immigrant intent later. CBP confirmed that it would be positive for an individual to travel with corroborating evidence in support.

9. There may also be lawful permanent residents who decide to ride out the pandemic abroad with their family. Can you confirm that IAH will not count the time spent abroad during the pandemic as evidence of abandonment when an LPR is trying to return?

Response:

Admissibility decisions will be made on a case-by-case basis. This would be one of the times when people will need documentation to show that they had to stay out for reasons that were out of their control, for example, they were in a country that disallowed travel to the US. Some of the reason why that people cannot travel right now has nothing to do with the United States, for example because of decisions made by airlines, leaders in other countries, etc.

10. Individual holding global entry and an otherwise valid B2 visa stamp proceeds to the global entry kiosk. Individual is asked to go to a CBP officer before being admitted. After, the individual is cleared by the CBP officer neither the passenger's passport is stamped nor is the I-94 record available in the system. Please confirm the best way to document a passenger's admission into the US in B-2 status and the admission period granted by CBP.

Response:

I-94s that were incorrectly processed can be corrected at the Deferred Inspections office. I-94s that are not showing up in the system can also be confirmed at the Deferred Inspections office. CBP has not heard of this issue. In the specific case described, the issue should be addressed at the Deferred Inspections office.