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**Practice Pointer: What to Do If CBP Fails to Issue I-94 or Stamp
Passport for U Nonimmigrant**

ASISTA has heard from several members that CBP sometimes fails to issue an I-94 and/or stamp the passport of U nonimmigrants entering at a port-of-entry. The lack of an I-94 and/or passport stamp showing the period of admission as a U nonimmigrant can result in an RFE or denial if the client later files to extend their stay or adjust their status.

ASISTA reached out to the DHS Office for Civil Rights and Civil Liberties regarding this issue, which confirmed that CBP's policy is to issue an I-94 and stamp the passport of all U nonimmigrants seeking admission at a port-of-entry. However, from the reports we received, it is clear that some CBP officers are not always following agency policy.

As a result, we recommend that if you have a U nonimmigrant client who is entering at a port-of-entry, regardless of whether they have previously entered the United States on their U Visa:

- Give the client a letter from you, addressed to CBP, requesting that they (1) stamp the client's passport and indicate the expiration of authorized stay and (2) issue an electronic I-94 showing the date of admission, class of admission, and the date of expiration of authorized stay.
 - Explain to the client that they should present this letter to CBP along with their passport.
 - Alternatively, you can tell your client to ask CBP for the passport stamp and I-94, but this option will be more successful

for clients who feel comfortable speaking with CBP and in English.

- If CBP fails to issue an electronic I-94 or to stamp the client's passport, you should accompany the client to the nearest [Deferred Inspection site](#) to request a paper I-94 and/or passport stamp.
 - The I-94 and passport stamp should reflect the correct date of entry. If they do not and CBP refuses to correct the error, ask the officer to make a note in their database of the actual date of entry.
- If CBP refuses to issue a paper I-94 or to stamp your client's passport at the Deferred Inspection site:
 - Ask to speak with a supervisor. If the supervisor has questions, they can contact CBP Headquarters, which should confirm the policy.
 - If that does not work, submit a [Technical Assistance](#) request to ASISTA. Make sure to get the officer and/or supervisor's name.
 - If CBP says that they have a policy against issuing I-94s or stamping passports for U nonimmigrants, and/or that U nonimmigrants are paroled, not admitted, please let us know.

If you follow these steps, you should not have to file an I-539 or I-485 without the I-94 or passport stamp. However, if you do:

- In your cover letter, instruct the officer to check the ALTECs database and any other CBP databases for evidence of the client's admission
- You can also FOIA your client's CBP records, which may show the date of entry
- Have the client describe their manner of entry and efforts to obtain an I-94/passport stamp in their affidavit
- Submit a copy of your client's travel documentation, such as their boarding pass or bus ticket, showing that they traveled to the US on the date in question
- Submit any other evidence that your client entered the US on the date in question and that they were admitted in U nonimmigrant status

If USCIS issues an RFE or denial after you have submitted the information above, please submit a technical assistance request to ASISTA.

We hope this practice pointer is helpful to you and your clients, and please e-mail Amy Cheung at amy@asistahelp.org to let us know how this process is working.

Regards,

The ASISTA Team

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