

# Practice Pointer: Admission Issues for Canadian Visitors

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The [CBP Liaison Committee](#) strongly recommends that attorneys alert Canadian citizen clients to the potential risks of unintentionally overstaying after entering the United States as B-1 or B-2 visitors.

When entering by air, Canadians, like all travelers, are issued electronic I-94 cards. To determine the duration of the authorized period, check the CBP I-94 [website](#). At land ports of entry, I-94 cards are not typically issued. Many Canadian visitors do not know they have been issued an I-94, or they assume that they have been admitted for six months and do not check their I-94 or the CBP website to verify their period of admission.

Several members have reported situations where, subsequent to the issuance of a 6-month electronic I-94 at an airport, a Canadian citizen client returned to Canada and then reentered the U.S. at a land border crossing during the original I-94 validity period. In this scenario, it is common practice for CBP at the land border to "revalidate" the existing I-94 and original period of admission rather than create a new I-94 record with a new period of admission. For example, a Canadian citizen enters the U.S. by air on June 1 and is given a 6-month period of admission, through December 1. When he departs the U.S. in August and seeks readmission in September, he may only be readmitted until December 1, without any explicit notice from CBP. The client would not necessarily know that he was admitted pursuant to a pre-existing I-94 unless he checks the CBP website. As a result, Canadians who frequently travel to the United States may unknowingly overstay and may only find out upon a later attempt to reenter.

The lack of notice given to Canadian visitors is problematic, and the practice of revalidation, at least for B-2 entrants, also appears to violate 8 CFR §214.2(b)(2), which states:

**Minimum six month admissions.** Any B-2 visitor who is found otherwise admissible and is issued a Form I-94 (see §1.4), will be admitted for a minimum period of six months, regardless of whether less time is requested, provided, that any required passport is valid as specified in section 212(a)(26) of the Act. Exceptions to the minimum six month admission may be made only in individual cases upon the specific approval of the district director for good cause.

Since a revalidated I-94 for a B-2 visitor is less than 6 months and is typically issued at primary inspection without supervisory approval, this practice appears to violate the regulations.

The [CBP Liaison Committee](#) has raised this issue with CBP, and CBP is reviewing this practice. In the meantime, we encourage attorneys to advise their clients of these risks and the importance of

habitually checking the I-94 website after being admitted to the U.S. to avoid unintentional overstays.

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