

IMMIGRATION UPDATE®

Wednesday, April 15, 2009

PLAN NOW FOR THE SUMMER TRAVEL SEASON;

File Applications for Advance Parole Renewals and Nonimmigrant Status Extensions as Soon as Possible to Avoid Potential Travel Delays

As the summer travel season rapidly approaches, foreign nationals who will be traveling abroad during this upcoming peak travel season are advised to plan ahead to avoid potential disruption in travel plans.

U.S. Visas

Most nonimmigrants require a valid visa for readmission into the United States following international travel. Nonimmigrants who do not have valid visas will need to apply for new visas at a U.S. Consulate abroad prior to their return to the United States. Applicants are encouraged to contact their Foster Quan immigration attorney now, well before any anticipated departure, in order to ensure that all required documents have been secured for visa application abroad. Additionally, because U.S. consulates experience varying backlogs in visa appointment availability, applicants are encouraged to check-appointment-availability and visa issuance time frames well in advance of their desired departure dates, and to schedule visa appointments now for application at high-volume posts.

Applicants for Adjustment of Status in the United States

Applicants for Adjustment of Status ("green card" applicants) who rely on Advance Parole travel documents for readmission to the United States must have a valid Advance Parole document in hand prior to their departure in order to use the document for readmission. The U.S. Department of Homeland Security (DHS) does not permit readmission using an Advance Parole document that was issued after the applicant's departure and forwarded to the applicant abroad. Therefore, applicants who will require a new Advance Parole for readmission to the United States are advised to contact their Foster Quan immigration attorney as soon as possible in order to minimize travel delays.

Some Applicants for Adjustment of Status may continue to travel using valid H or L visas, even after filing for Adjustment of Status. Eligible H or L visa holders are encouraged to review their visas and Form I-797 Approval Notices to ensure that all required documents have been secured prior to departure.

Travelers who are unsure of the document requirements for their readmission, or who may be missing one or more required documents, should contact their immigration attorney for more information on the documents required for visa application abroad and readmission into the United States. Your Foster Quan attorneys will be able to assist in the development of an appropriate strategy to help your company's employees avoid or minimize costly travel delays during the peak travel season.