

REMINDER: FILE NONIMMIGRANT PETITION EXTENSIONS EARLY TO AVOID DISRUPTION IN TRAVEL PLANS AND DIFFICULTY IN RENEWING TEXAS DRIVERS LICENSES

With the hustle and bustle of the holidays and the approach of what promises to be a busy start to a new year, employers and employees can be tempted to delay nonimmigrant status extensions on behalf of H-1B, L-1, O-1, TN, and other employees holding nonimmigrant status in the United States.

Please note that nonimmigrant visa petition extensions can be filed up to six months in advance of approaching expiration. While employees benefit from an extension of employment authorization while a petition is pending so long as the extension is filed before the existing status expiration, other concerns must factor into the decision regarding when to begin the extension process.

Because CIS adjudication time frames vary over time and can lengthen and cause delay in ultimate approval, we recommend that employers initiate the petition extension process on behalf of their nonimmigrant employees well in advance, in an effort to file as soon as possible within the six-month window.

Filing extension petitions early can help avoid disruptions in employee travel plans, the inconvenience of postponing planned travel, and/or the additional \$1,000 filing fee expense required for premium processing the extension with the CIS.

Additionally, due to recent changes in the Texas Department of Public Safety regulations governing the issuance of Texas driver's licenses and renewals, having a Nonimmigrant Visa Petition Extension Approval Notice on Form I-797 in hand prior to the expiration of the employee's previous nonimmigrant status will avoid difficulty and delay in renewing a Texas driver's license. Without timely extension of status, employees can experience a gap in the validity of their driver's licenses if their driver's licenses are also approaching expiration. Many other states have similar restrictions on driver's license issuance and renewal, and as more states move forward in efforts to meet the federal requirements set forth in the REAL ID Act, we expect these issues to continue in various states nationwide.

For more information and to initiate the nonimmigrant visa petition extension process, contact your Tindall & Foster or Quan, Burdette, & Perez immigration attorney. Your attorney will be able to assist you in avoiding travel delays and disruptions in driver's license validity for your nonimmigrant employees.