



November 1, 2007

**USCIS Relaxes Travel Documentation Requirements for H and L Nonimmigrants
With Pending (I-485) Permanent Residence Applications**

U.S. Citizenship and Immigration Services ("USCIS") just published a final rule that allows H and L nonimmigrants with pending permanent residence applications to travel internationally as long as they have a valid H or L visa in their passport.

Historically, USCIS rules have required denial of a pending permanent residence application if a foreign national departs from the United States without permission. However, USCIS has been so slow in issuing this permission that many foreign nationals and the employers for whom they work have suffered great hardship. To partially remedy this problem, USCIS amended its rules several years ago to allow H and L nonimmigrants with pending permanent residence applications to travel abroad as long as they have the original receipt for their permanent residence application.

The unprecedented avalanche of permanent residence applications received by USCIS this summer has forced the agency to re-examine this rule again. Due to this volume, USCIS has been unable to generate the I-485 receipts in a timely manner that H and L nonimmigrants need to travel outside the United States. Today, USCIS issued a revised rule that permits H and L nonimmigrants with pending permanent residence applications to travel abroad as long as they have a valid H or L visa, and a valid passport, and meet all other requirements for admission to the United States.

Please note that this new rule applies only to those permanent residence applicants that also enjoy H or L nonimmigrant status. Nonimmigrants in any other status, such as E, O or TN status, still must receive permission from USCIS in the form of a travel document (advance parole) before they depart the United States.

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IMMIGRATION ALERTS

If you have questions about these issues or any other developments in the immigration area, contact:

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