



# Rona M. Lum, P.C.

## Attorneys at Law

Immigration Law Updates

May 18, 2010

### Foreign Nationals are Responsible for Recording their Departure from the U.S.

With the increased scrutiny of travelers at the U.S. borders and ports of entry, it is a good time to revisit reporting requirements for foreign travelers.

Our law office is frequently asked: *I failed to turn in my Form I-94 (white) or Form I-94W (green) Departure Record when I departed the U.S. What should I do?*

When you return overseas with Form I-94 or Form I-94W in your passport, you have not properly reported your departure from the U.S. This oversight could affect your eligibility to reenter the U.S. on a subsequent trip.

If you departed by commercial air carrier or sea carrier, your departure from the U.S. can be independently verified, and the U.S. Customs & Border Protection (CBP) advises that it is not necessary to take any further action, although retaining your outbound boarding pass can be helpful in expediting your reentry on your next trip to the U.S.

If you departed by land, private vessel or private plane, you will need to take steps to correct the departure record. If you fail to validate your timely departure from the U.S., or, if you cannot reasonably prove you departed within the timeframe granted to you upon your arrival, you may be denied entry into the U.S. on your next trip, because the CBP may conclude you remained in the U.S. beyond your authorized period of stay. If this happens, your visa may be subject to cancellation or you may be returned immediately to your foreign point of origin.

Under the Visa Waiver Program (VWP), visitors who remain beyond their permitted stay cannot reenter the U.S. without obtaining a visa from a U.S. Consulate. If you are a VWP visitor who traveled by land to either Canada or Mexico for an onward flight, it is very important for you to register your timely departure if your green Form I-94W was not taken by the CBP when you exited the U.S. If you fail to do so and arrive at a U.S. port of entry seeking admission under the VWP without a visa, CBP Officers may order your immediate return to a foreign point of origin.

There is a procedure by which persons may submit documentation to correct their departure record with the CBP, even after they have returned overseas. The Form I-94, along with supporting documents proving that a foreign national departed the U.S., may be sent to the following address:

**DHS – CBP SBU**  
**1084 South Laurel Road**  
**London, Kentucky 40744**

Do not mail your Form I-94 Departure Record or supporting documents to any U.S. Consulate, Embassy, or other CBP Office in the U.S. It must be mailed to the above address only. The London, Kentucky office is the only location where the necessary corrections to the CBP records can be made. Also, the London, Kentucky office does not answer correspondence, so please do not ask for confirmation that your record has been updated.

To validate your departure, CBP will consider documents such as original boarding passes you used to depart to another country, photocopies of entry or departure stamps in your passport indicating entry to another country after you departed the U.S., and dated pay stubs from your foreign employer or dated bank records showing transactions indicating you were in another country after departing the U.S.

It is recommended that you keep a copy of all documents submitted to the London, Kentucky office, and carry these documents with you on your next trip to the U.S., in case the CBP Officer has any questions about your eligibility to enter. Carrying a copy of the submitted documents will also allow your record to be corrected at the time of entry, if, for some reason, the London, Kentucky office has not yet done so.

For more information, please contact our law firm.

---

### Reporting the International Transportation of Currency or Monetary Instruments

Recently, I have received several calls inquiring about the reporting requirements for bringing currency into the U.S. With graduation and summer vacation fast approaching, this is another timely topic.

First of all, it is legal to transport any amount of currency or other monetary instruments into or out of the U.S. However, if you transport, attempt to transport, or cause to be transported (including by mail or other means) currency or other monetary instruments in an aggregate amount exceeding \$10,000 or its foreign equivalent, at one time from the U.S. to any foreign country, or into the U.S. from any foreign country, you must file a report with the U.S. Customs & Border Protection (CBP). Reporting is required under the Currency and Foreign Transaction Reporting Act (PL 97-258, 31 U.S.C. 5311, et seq.), as amended. Failure to comply with the reporting requirements can result in civil and criminal penalties and may lead to forfeiture of your monetary instrument(s).

Every person entering the U.S. on an airline or sea carrier originating from a foreign country must complete a customs declaration form (Form 6059B). Question 13 on the customs form specifically asks if you or anyone in your family traveling with you is carrying currency or monetary instruments over \$10,000 U.S. or foreign equivalent. You must answer "yes" or "no". If your response is "yes," the CBP Officer will ask that you complete FinCEN Form 105, "Report of International Transportation of Currency or Monetary Instruments."

**Monetary Instruments** include:

- U.S. or foreign coins and currency;
- Traveler checks in any form;
- Negotiable instruments (including checks, promissory notes, and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in a form that the funds can be transferred to another person;
- Incomplete instruments (including checks, promissory notes, and money orders) signed, but with the payee's name omitted; and
- Securities or stock in bearer form or otherwise in a form that the funds can be transferred to another person.

**Monetary Instruments** do not include:

1. Checks or money orders made payable to the order of a named person which have not been endorsed or which bear restrictive endorsements;
2. Warehouse receipts; or
3. Bills of lading.

For additional information on this topic, please contact our law firm.

---

### H-1B Visa Numbers — Latest Update from USCIS

As of May 6, 2010, the USCIS has reported that 18,000 cap eligible petitions have been received for processing. The cap is 65,000 for Fiscal Year 2011. 7,600 eligible petitions have been received that count against the 20,000 H-1B Master's exemption.

Our law firm will continue to provide our readers with updates.

---

The information contained in this e-newsletter is intended as information only, and is not to be construed as legal advice.



Rona M. Lum

**Rona M. Lum, P.C.**  
Attorneys at Law  
691 N. Squirrel Rd, Suite 185  
Auburn Hills, MI 48326  
248.340.1854

[rlum@corpimmigration.us](mailto:rlum@corpimmigration.us)  
[www.corpimmigration.us](http://www.corpimmigration.us)

If you know someone for whom this information may be useful, please click on the "Forward to a Friend" button at the bottom of the page.