



# USCIS Update

November 1, 2007

## **USCIS STREAMLINES READMISSIONS FOR CERTAIN H AND L NONIMMIGRANTS WITH PENDING PERMANENT RESIDENCE APPLICATIONS**

WASHINGTON — U.S. Citizenship and Immigration Services (USCIS) today published a final rule in the [Federal Register](#) to streamline the readmission of certain “H” and “L” nonimmigrants who have applied for adjustment of status to become permanent residents. The rule removes the requirement that such persons present a receipt notice (Form I-797, *Notice of Action*) for their adjustment applications when returning to the United States from travel abroad.

This rule benefits certain types of H or L nonimmigrants who have a pending adjustment of status application. H-1 nonimmigrants affected by this rule are the H-1B classification for “specialty occupation” workers and the H-1C classification for certain registered nurses. L-1 nonimmigrants affected by this rule are the L-1A classification for certain intracompany transferees who are managers or executives, and the L-1B classification for “specialized knowledge” workers. Dependents of affected H-1s and L-1s, who are admitted as H-4s and L-2s, are also relieved of the receipt requirement.

Generally, adjustment of status applicants must obtain Advance Parole (Form I-131, *Application for Travel Document*) from USCIS prior to leaving the United States or else their applications are deemed abandoned. H-1 and L-1 nonimmigrants (and their H-4 or L-2 dependents) are now exempt from this requirement. Previously, they were required to present a receipt for their adjustment application at the time of readmission to the United States following foreign travel. This final rule eliminates the unnecessary burden of presenting this receipt since the application information in the receipt is in USCIS databases available to immigration inspectors and adjudicators.

H-1 and L-1 nonimmigrants (and their dependents) with pending adjustment of status applications, who are not under exclusion, deportation, or removal proceedings, are reminded to comply with all other requirements of the regulations. Upon application for readmission to the United States, they must provide evidence to a U.S. Customs and Border Protection (CBP) Inspector at the port of entry that they are:

- Still eligible for H-1 or L-1 status,
- Coming to resume employment with the same employer for whom they were previously employed, and
- In possession of a valid H-1 or L-1 visa, if required.

In the case of H-4 or L-2 dependents, the spouse or parent through whom they received their H-4 or L-2 status must meet the above requirements and the dependent must remain eligible for admission in H-4 or L-2 classification.

For further information, contact the USCIS National Customer Service Center at 800-375-5283 or visit the USCIS website: [www.uscis.gov](http://www.uscis.gov).