



U.S. Customs and
Border Protection

MAR 23 2005

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS
DIRECTOR, PRECLEARANCE OPERATIONS

FROM: Acting Executive Director
Immigration Policy and Programs

SUBJECT: Restatement of Policy Pertaining to the Correction of
Documentation Issued in Error at the Port-of-Entry

Customs and Border Protection (CBP) has been advised by various entities that the some deferred inspection offices and ports-of-entry (POE's) have not been following established guidelines for the correction of Forms I-94, Departure Record and other entry documents issued in error. In addition, we have received several inquiries concerning the correction of erroneous admissions when using the new admission stamps. The "Date Admitted" portions of the new admission stamps do not include a year prior to 2005 making it difficult to properly backdate a Form I-94 when the actual admission occurred in prior years.

Restatement of Policy

The jurisdiction for correcting errors made at the POEs lies with CBP. Therefore, CBP locations are responsible for the review and issuance of the appropriate documents to correct the error, to include updating the appropriate Interagency Border Inspection System record. Guidelines have been established and publicized on the CBP web-page to allow aliens to report to the nearest CBP deferred inspection office or POE to request a review of the questionable document for possible correction, regardless of where the actual document was issued. In many instances, the location of the traveler's final destination where the discrepancy will be resolved may not be the POE of first arrival. Aliens requesting assistance need not return to the port of initial entry to resolve the discrepancy.

The authority exists in 8 CFR 101.2 to create a record of a previous admission where none exists or to correct an erroneous record, provided the error was not a result of deliberate deception or fraud on the part of the alien. Muster materials and the corresponding updated Inspector's Field Manual information are attached.

Correction of Erroneous Admissions Using New Admission Stamps

Section (c)(1) of Chapter 15.12 of the Inspector's Field Manual (IFM) says in pertinent part:

Backdate an admission stamp to the original admission date. Affix the admission stamp in the appropriate location on the departure portion of the replacement Form I-94. Annotate the admission stamp with the corrected class of admission and / or the corrected date admitted to.

To achieve compliance with the above-cited policy, CBP Officers are to take the following additional steps when completing a new Form I-94 to correct an erroneous admission when the corrected admission date is prior to 2005:

1. Set the month and day on the admission stamp "Date Admitted" section to the corrected date of admission;
2. Set the year on the admission stamp "Date Admitted" section to the blank portion (between "2005" and "PM" on the rubber wheel);
3. Affix the admission stamp in the appropriate location of the Form I-94 and hand write the year of admission next to the date and month;
Note: A narrow line may transfer to the Form I-94 in the "year" area.
4. Place the CBP Officer's initials directly next to the year of admission on the Form I-94; and
5. Ensure that the CBP Officer with NIIS maintenance authority updates the NIIS record within 72 hours of issuance of the corrected Form I-94.

It is important to note that all other requirements found in Chapter 15.12 of the IFM remain in force and that the above procedures are to be used only when issuing a new Form I-94 to correct an erroneous admission with an admission date prior to 2005. Because this issue will be eliminated with the passage of time, Chapter 15.12 of the IFM will not be updated to reflect this additional guidance. Chapter 15.12 has been updated to reflect current procedures for updating IBIS records when correcting Forms I-94.

Responsibilities

Director's Field Operations (DFO's) are responsible for the overall quality of the documents issued to the alien, as well as, documents submitted to another agency or contractor for further action (i.e. immigrant visas, Forms I-90 and Form I-94, Arrival Records). Proactive measures must be taken to ensure that initial documents issued at the port of arrival are complete, correct and endorsed with the appropriate CBP stamp. DFO's are to establish data collection and quality control procedures to include supervisory review to insure full compliance with set standards.

If additional information is needed, please have a member of your staff contact Beverly Zaslow, at (202) 344-1563.

Linda M. Ameliss
Michael J. Hrinyak *(for)*

Attachments