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## **THE IMMIGRATION PUBLISHED REGULATION TO STREAMLINE READMISSIONS FOR CERTAIN H AND L NONIMMIGRANTS WITH PENDING GREEN CARD APPLICATIONS**

**By: Adrien Medvei, Esq.**

The U.S. Citizenship and Immigration Services (USCIS) on November 1, 2007 published a final rule 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 an original receipt notice 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 or 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 the original 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 original 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:

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

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.

This article was prepared by the Law Offices of Adrien Medvei, Attorney at Law for informational purposes only and therefore, it should not be considered legal advice. With your immigration questions or independent evaluation of your case, please contact the Law Offices of Adrien Medvei, 3055 Wilshire Blvd., Suite 900, Los Angeles, CA 90010. For Thai language customer service please call (213) 984-4013, or (818) 495-4102 extension 102. You can also reach us toll free at (866)731-1067 or via our web site at [www.medvei-immigration.com](http://www.medvei-immigration.com).