



Blaneys on Immigration

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This newsletter is designed to highlight new issues of importance in immigration related law. We hope you will find it interesting, and welcome your comments.

Feel free to contact any of the lawyers who wrote or are quoted in these articles for more information, or call the head of our Immigration Law Group, Ian Epstein at 416.593.3915 or iepstein@blaney.com.

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UNITED STATES CUSTOMS AND BORDER PROTECTION ROLLS OUT ELECTRONIC FORM I-94 DEPARTURE RECORD AT AIRPORTS AND SEAPORTS

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Although Canadian citizens travelling to the United States as visitors for business (B-1) or visitors for pleasure (B-2) typically don't receive a Form I-94 Departure Record, those entering under other non-immigrant classifications will receive a Form I-94 at the time of entry. Citizens of other countries, even those who hold Canadian permanent resident status, will also receive a Form I-94 when they enter the United States.

A Form I-94 indicates the date of admission, the classification under which the non-immigrant traveller has been admitted, and the expiration date of their non-immigrant status. Among other things, it serves as evidence of the non-immigrant's lawful admission to the United States. In addition, when a non-immigrant traveller surrenders her Form I-94 at the time of departure, United States Customs and Border Protection (“USCBP”) is able to verify that she has not overstayed her previously authorized period of stay.

On April 30, 2013, USCBP began rolling out an electronic Form I-94 system at airports and seaports. Under the new system, instead of issuing a

paper Form I-94 to the non-immigrant traveller at the time of entry, USCBP gathers the necessary arrival/departure information automatically from his or her electronic travel records.

USCBP will continue to stamp the passport or travel document of each arriving non-immigrant traveller. As before, the admission stamp will show the date of admission, the class of admission, and the expiration date of their non-immigrant status. However, instead of receiving a paper Form I-94, travelers will receive a flier alerting them to visit CBP.gov/I94 for their admission record information. If a non-immigrant traveler needs the information from their Form I-94 admission record to verify her immigration status or employment authorization, the record number and other admission information will be available there.

It usually takes several days for a traveller's Form I-94 information to appear at CBP.gov/I94. In addition, some travellers have reported errors such as incorrect entry and expiration dates. In light of these reports, non-immigrant travellers who receive electronic Form I-94s should verify the accuracy of their online Form I-94 records at their earliest opportunity and, if necessary, request that any errors be corrected.

All airports and seaports converted to the electronic Form I-94 system at the end of May 2013. However, land ports of entry will continue to issue paper Form I-94s for the foreseeable future. ■



Henry J. Chang is a partner in the firm's Immigration Law group. He is admitted to the practice of law in the Province of Ontario and the State of California. Henry is also an Executive Member of the Canadian Bar Association National Citizenship & Immigration Law Section. A recognized authority in the field of United States and Canadian immigration law, he lectures extensively on the subject in both the United States and Canada.

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GOVERNMENT OF CANADA ANNOUNCES 10-YEAR BIOMETRIC PASSPORTS FOR CANADIANS

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On July 2, 2013, the Citizenship, Immigration and Multiculturalism Minister (the "Minister") announced that 10-year ePassports, also known as biometric passports, will now be available to Canadian citizens. The Minister also announced that Citizenship and Immigration Canada ("CIC") would immediately assume primary responsibility for Passport Canada, which had previously been part of the Department of Foreign Affairs and International Trade.

The new ePassport contains new security features designed to make the passport tamper-proof. These features include:

- An electronic chip ("e-chip") embedded in the back cover, which will store the same personal information that appears on Page 2 of the Passport (except for the signature), the photo and a digital security feature that proves the passport was issued by the Government of Canada; and
- New images in the inside pages that provide additional security.

Over 100 countries, including the United States, the United Kingdom and France, already issue ePassports to their citizens.

According to CIC, when information is first stored on the e-chip in the passport, the e-chip is electronically locked so that information cannot be modified. CIC also states that the information on the e-chip cannot be read unless the ePassport is held within 10 centimetres of an ePassport reader, open to page 2, and the machine-readable zone has first been read. Canadians who would like to see the information stored on their e-chip to make sure it is accurate may do so by visiting one of Passport Canada's 34 regional offices.

At border crossings equipped with ePassport readers, the ePassport is placed into a scanner that reads the machine-readable zone, which allows the e-chip to be read also. The machine also checks other security features, such as the country-specific signature. Canada Border Services Agency authorities that do not yet have ePassport readers in place will continue to examine travelers' passports by examining existing security features such as the holographic images.

For an adult (age 16 or older), a 5-year ePassport will cost \$120 and a 10-year ePassport will cost \$160. For a child (up to 15 years old), the cost will be \$57. ■

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We welcome your comments. Address changes, mailing instructions or requests for additional copies should be directed to Kylie Aramini at 416 593.7221 ext. 3600 or by email to karamini@blaney.com. Legal questions should be addressed to the specified author.