

Practice Pointer: CBP Stampless Entry Program

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As of April 2022, CBP implemented “Simplified Arrival” at all 238 arriving airports, at 34 seaports, and at all southern pedestrian and most northern secondary land ports. The goal is to streamline and digitize the legal entry process. As part of that program, CBP implemented in August 2022, a pilot program called “Stampless Entry” to eliminate ink stamps in passports at entry.

At the [October 2022 AILA National-CBP Liaison Meeting](#), CBP also confirmed that this program is here to stay and will be expanded. CBP also indicated that officers can continue to stamp passports upon request, although anecdotally, some ports are not complying with these requests. Nevertheless, attorneys need to encourage foreign national clients to always download their I-94 from CBP’s online system as well as check their I-94 history, each time they enter the United States and **promptly** take action to make any necessary corrections. As of March 2022, all current I-94s and history for land entries are now entered into the I-94 online system, and CBP has stopped issuing paper I-94s altogether. Stampless entry will be more challenging for our clients. Ink stamps for nonimmigrant visa holders can be critical proof for USCIS regarding maintenance of status, H and L recapture issues, or L-1 intermittent work, to name a few. The CBP I-94 online system is not always accurate, and an accurate record of international travel can be helpful for tax purposes to show “residence.” Additionally, the Social Security Agency and state DMVs often ask to see the admission ink stamp to verify status, and it remains to be seen how these agencies will shift to solely relying on the I-94 for proof of legal entry.

Practice Tip

It also poses a significant challenge for Lawful Permanent Residents (LPR). LPR entries are not tracked in the CBP I-94 online system, which can become an issue at the naturalization stage where LPRs have the burden of proof for documenting absences. At this time, LPRs may request an ink stamp upon each admission to the United States. Attorneys should be recommending that clients keep contemporaneous evidence of international travel such as itineraries, flight status emails, hotel, and other travel receipts.

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