

U.S. Department of Justice
Immigration and Naturalization Service

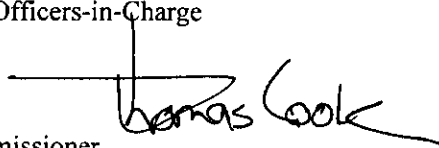
HQ 70/6.2.9

425 I Street NW
Washington, DC 20536

JUN 18 2001

MEMORANDUM FOR: All Service Center Directors
All District Directors
All Officers-in-Charge

FROM: Thomas Cook
Acting Assistant Commissioner,
Office of Programs



SUBJECT: Travel After Filing a Request for a Change of Nonimmigrant Status

The purpose of this memorandum is to correct an article published in the March 26, 2001, issue of Interpreter Releases. Quoting a statement by the Immigration and Naturalization Service (INS) officer, the article advises that an alien on whose behalf a request for a change of nonimmigrant status has been filed may travel outside of the United States and the request for a change of status would not be considered abandoned. This is not an accurate interpretation of current INS policy.

INS officers are reminded that an alien on whose behalf a change of nonimmigrant status has been filed and who travels outside the United States before the request is adjudicated is considered to have abandoned the request for a change of nonimmigrant status. This has been, and remains, the INS's long-standing policy. The Office of Adjudications has described this particular policy in numerous letters and correspondence with the public and the legal community.

If at any time it comes to the attention of the INS that an alien on whose behalf a request for a change of nonimmigrant status has been filed has traveled outside of the United States during the pendency of the request for a change of status, the application or petition should be denied pursuant to 8 CFR 248.3(g).

Attached for your information is a copy of the article from the March 26, 2001, issue of Interpreter Releases. Please note that the reference contained in the article to an October 20, 1999, letter written by Thomas Simmons is not germane to this issue because it relates to the filing of an extension of temporary stay, not a request for a change of nonimmigrant status. Current INS policy does not preclude an alien from traveling outside of the United States while a request for an extension of temporary stay is pending with the INS.

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For additional information regarding this issue, contact Adjudications Officer John W. Brown at 202-616-7435.

Attachment