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Unlawful Presence

Unlawful Presence ^[1]

Submitted by Chief Editor on Dec 5th 2012

ANSWER:

U.S. Customs and Border Patrol (CBP) indicates that the mere fact that there is no I-94 does not determine whether or not an individual overstays. Moreover, an individual who is admitted as a B, but does not receive an I-94 either on the southern or northern border is in a legally materially different status than an individual who is admitted as duration of status. Canadians accrue unlawful presence irrespective of whether they have an I-94.

Nonimmigrant Visas:

I-94 ^[2]

Agency:

CBP ^[3]

Countries and Nations:

Canada ^[4]

Unless the context shows otherwise, all answers here were provided by Rajiv ^[5] and were compiled and reported by our editorial team from comments and blog on immigration.com ^[6]

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[2] <https://immigration.com/visa/nonimmigrant-visas/i-94>

[3] <https://immigration.com/agencies/agency/dhs/cbp>

[4] <https://immigration.com/country/countries-and-nations/canada>

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