**U.S. Citizenship
and Immigration
Services**

HQOPRD 70/42.10

Interoffice Memorandum

To: Regional Directors
        Service Center Directors
        District Directors

From: William R. Yates /S/
        Associate Director for Operations

Date: March 30, 2004

Re: I-94 Errors Issued by U.S. Citizenship and Immigration Services

This memorandum provides guidance for cases in which CIS or Asylum offices issue an I-94 with erroneous information. Should an alien enter a USCIS district office and demonstrate to a CIS officer that some information on an I-94 issued either by USCIS or an Asylum office is incorrect, the officer shall provide the alien with a new I-94 with the correct information. Some examples of errors can be a misspelled name or other data entry error at a Service Center, or, occasionally, an incorrect date of admission. The officer must be clearly convinced from the alien's statements and the evidence presented that the I-94 was in fact issued in error and that neither the original error nor the proposed correction involve deliberate deception or fraud on the part of the alien. If the officer is not, the alien should be advised to file Form I-102.

This memo does not cover any I-94s issued by U.S. Customs and Border Protection (CBP). Should an alien enter a CIS office and ask for a new I-94 based on an I-94 issued at a port-of-entry or otherwise by CBP, the CIS officer should direct the alien to CBP in accordance with that agency's procedures.

This change will be incorporated into the Adjudicator's Field Manual (AFM) in the near future. Until such time as that change is affected, all officers should adhere to the guidance contained in this memorandum.

This memorandum is intended solely for guiding USCIS personnel in performance of their professional duties. It is not intended to be, and may not be relied upon, to create any right or benefit, substantive or procedural, enforceable at law by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.