

The I-94 Question: Entering the U.S. as a Canadian and Understanding Your Obligations



Immigration Blog

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In today's stricter enforcement environment in the U.S., it is imperative that travellers be both aware of and attentive to their status when admitted to the U.S. Making assumptions about status — such as that you have been admitted in the correct one for the purpose of your trip, or that you have been given six months minus a day of status as a visitor, for example — can lead to endless and significant problems. Never has “assuming” facts been more perilous than it is for today's traveller entering the U.S.

As a Canadian, you are generally visa exempt, meaning that no visa or visa waiver authorization is required in order for you to enter the U.S. If you come in as a simple visitor, even for an extended stay, you will generally be given six months of authorized time by Customs and Border Protection (CBP) upon each entry. Generally — but not always.

So how can not being attentive to your I-94 Arrival/Departure record impact your ability to re-enter the U.S., stay in the U.S., or even impact a future work authorization application? The short answer is: a lot.

I recently had a Canadian client who had been coming to the U.S. with some frequency and staying for extended periods of weeks or months at a time. Upon his entry, he told the admitting officer that he intended to stay for several months. For an unknown reason, the officer seemed to think he had been spending too much time in the U.S. — and without telling him, only admitted him for one week. However, this client did not check his online I-94 Arrival/Departure record to confirm this and assumed he had been admitted for six months.

Luckily, we were working on a visa application for him to be able to work in the U.S., and as part of that process, it was discovered that he had already “overstayed” his allotted time granted by CBP. The most dangerous risk this causes is accruing time in the U.S. in “unlawful presence.” Unlawful presence is any period of time when you are present in the U.S. without being admitted or paroled, or when you are present in the U.S. after your period of authorized stay expires. If you accrue more than 180 days of unlawful presence but less than one year during a single stay, you are automatically inadmissible for three years following your departure from the U.S.; if you accrue one year or more of unlawful presence during a single stay, or re-enter or try to re-enter the U.S. without being admitted or paroled after you accrued more than one year of unlawful presence, in total, during one or more stays in the U.S., you will be inadmissible for 10 years after leaving or being removed from the U.S.

Preventing this from happening is generally as simple as always double-checking that you have been admitted in the correct status, and what your “admit until” date is, after each and every entry to the U.S. This information is recorded, upon each entry, in CBP’s online I-94 Arrival/Departure record system, available at the U.S. Customs I-94/I-95 website. This is especially important now, since a valid I-94 Arrival/Departure record showing your status is proof that you have fulfilled the “Alien Registration Requirement” long required but only newly being enforced as of April 2025, for foreigners spending 30 days or more in the U.S.

If you have been admitted in the wrong status (such as “B-1” or “B-2” visitor, when you have a work authorization approval), you can reach out to CBP Deferred Inspection at either (a) the port you entered at, or (b) the location nearest to where you are in the U.S. A list of Deferred Inspection sites and contact information for requesting a correction are available online. You should let CBP Deferred Inspection know you were admitted in the wrong status, and provide them with a copy of your passport bio page and a copy of your visa, work authorization stamp in your passport, or I-797 Approval Notice from U.S. Citizenship and Immigration Services, if requesting the change via email. In some instances, they may be willing to make the change to your I-94 Arrival/Departure record based on a phone request as well.

As noted above, a valid, accurate I-94 Arrival/Departure record also serves as proof of “Alien Registration” with Department of Homeland Security, required of all foreign nationals who will be/are in the U.S. for 30 days or longer on any single visit. If you have a valid visa and/or (matching) I-94, you are considered already registered and do not need to complete the Form G-325R to otherwise register. If asked for proof of status for any reason while in the U.S., you should present your I-94 showing your valid status, including your “admit until” date.

As a newer development, some Canadians will find that they do not have an I-94 online, particularly when entering by land border or certain ferry ports of entry. When this happens, U.S. Department of Homeland Security, through its various agencies, will generally consider the entry to be as a visitor, and the period of admission will be for six months minus a day. Importantly, this does not satisfy the Alien Registration requirement. To avoid that requirement, a request must be made for an I-94 to be issued at admission to the U.S. Canadians can also apply for a “provisional” I-94 within the seven days prior to their intended entry, which would then trigger issuance of an I-94 upon admission to the U.S. Applications for a provisional I-94 can be made at CBP’s website, by clicking on “Apply

for an I-94” on the dashboard at the top of the page.

It is important to understand that the U.S. government will also take no responsibility for having admitted you in the wrong status at the time of entry, or for not telling you they admitted you for a shorter amount of time than expected, if you overstay and inadvertently accrue unlawful presence. It is incumbent on you, the foreign traveller, to take full responsibility for knowing what status you were admitted into the U.S., requesting a timely correction if needed, and departing the U.S. before or on your “admit until” date. CBP has made it very clear that they will not correct I-94s unless the issue is raised and correction requested immediately or close-in-time to issuance of the I-94 Arrival/Departure record. This is why it is absolutely pivotal to check your I-94 Arrival/Departure record each and every time you enter the U.S. Mistakes or oversights can have devastating consequences, but errors are generally easily avoidable, and may be fixable if identified and addressed swiftly.

For questions about entering the U.S. as a Canadian, please contact Elizabeth M. Klarin at eklarin@lippes.com or Eileen M. Martin at emartin@lippes.com. The experienced practice team at Lippes Mathias is prepared to assist you as you navigate these issues.

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