**memorandum**

**Date: «Date» – via fedex**

**To: «Name»**

**From: monty & Ramirez, llp – SARAH D. MONTY**

**re: «Subject»**

Enclosed is the copy of the Notice of Action approving your «Case\_Category» Visa petition filed by «Petitioning\_Company» on your behalf.  We are pleased to notify you that the U.S. Citizenship and Immigration Services (“USCIS”) has approved this petition.

**USCIS Notice of Action and Validity**

This approval authorizes your temporary employment with «Petitioning\_Company» from [**«Approved\_Date» to «Expiration\_Date»**.] Enclosed is the approval notice, Form I-797A, and a copy of the «Case\_Category» petition filing.

You should keep the original I-797A (bottom portion only) Form I-94 in your passport. You should also carry the top portion of Form I-797A whenever you travel and be prepared to present it at the port of entry. As always, please contact our office well in advance of any foreign travel (including Canada and Mexico).

The O-1 petition has been approved based on your employment as a Specialty Pipeline Production Leader with Ion Pro Services, LLC in Houston, TX. Please keep us updated on any job changes, including location. If your assignment with the employer changes (including job duties, job title, export control, and/or corporate restructure), please contact our office immediately so that proper and timely documentation can be filed with the appropriate government agencies.

**Visa Processing**

When you next depart the United States, you will be required to apply for a visa at a U.S. Consulate to permit re-entry into the United States. You and your family may be able to apply for the visas at a U.S. Consulate in a country other than your home country as a "Third Country National." However, please note that some U.S. Consulates restrict applications by Third Country Nationals and you may thus need to obtain visas prior to entering the other country where you wish to apply.

**Information on Possible Required Security Clearances**

All visa applicants are checked against the U.S. Department of State's lookout system at the time of application. This check is computerized and typically takes only a few seconds. The U.S. Embassy or Consulate will also perform a check to verify that the Applicant’s petition was approved by U.S. Citizenship and Immigration Services. This check can take several days or longer, particularly if the most recent petition was an extension or change of status.

In addition, the U.S. Embassy or Consulate may require certain visa applications to undergo an additional security clearance process, depending on the results of the name check and the nationality and background of the particular visa Applicant. If a security clearance is required, no visa may be issued until the clearance has been completed. As the security clearance process is generally confidential, most Embassies and Consulates will not confirm that a security clearance is underway but rather will typically inform the applicant only that additional "administrative processing" is required.

The following types of cases are most likely to require a security clearance:

* Applicants from countries that present U.S. national security concerns, particularly if the applicant is a male between 16 and 45.
* Applicants with names similar to individuals listed in the U.S. government's lookout system.
* Applicants engaged in activities involving sensitive technologies that may have potential military applications, including individuals with employment and/or advanced education in such areas as microbiology, biomedical engineering, nuclear engineering, high-speed computers, or nanotechnology.

While some security clearances can be completed in a few days, most take at least a few weeks, and some can take several months. The U.S. Department of State generally will not consider expediting security clearances except in cases of medical emergency or if travel is in the U.S. national interest, and the agency normally will not entertain inquiries on pending security clearance unless the clearance has not been resolved within 90 days.

**Entering the United States**

After obtaining an O-1 visa, you are permitted to enter the United States no more than ten days before the O-1 validity date as indicated on the enclosed approval notice, though you may not begin O-1 employment until the petition start date.

Upon entering the United States, you will be screened by a U.S. Customs and Border Protection (CBP) officer, who will ask questions about your reason for coming to the United States, employment and other issues. When the officer determines that you should be admitted, an admission stamp will be placed onto a page in your passport, reflecting your nonimmigrant status and authorized period of stay in the United States.

If you enter the United States through an air or sea port of entry, it is critical that you visit <https://i94.cbp.dhs.gov/I94/#/home> in order to print a paper version of the I-94 card. To access your I-94, enter your name, date of birth, passport number, country of passport issuance, date of entry, and class of admission. Enter the information as it appears on your visa stamp and admission stamp. (If you do not have a visa, enter the information as it appears on the passport biographic page.) The website will generate an I-94 that contains your admission information and a unique admission number. Once printed, this will become your I-94 card. Ensure that the dates on the electronic version match the dates on the admission stamp. Please send to our office copies of your paper I-94 printout, passport biographic page, visa stamp, and admission stamp for your file. Also, if there are any inaccuracies, please contact our office as soon as possible. Regardless of the expiration date on the Form I-797 or the visa stamp in your passport, the expiration date on the most recent I-94 marks the end of your lawful admission to the United States. It is your responsibility to always review each I-94 issued each time you enter the United States after travel abroad.

An error by the CBP Officer in issuing an incorrect nonimmigrant status and/or the wrong expiration date on the I-94 can have a very serious negative impact on your status in the United States. Please note that if you overstay the period noted on your I-94 card by even one day, you could be subject to a requirement to return to your home country to obtain all future nonimmigrant visas, i.e., you will not be able to obtain any future nonimmigrant visa in any country other than your home country. Overstaying the I-94 expiration date, even if the overstay was inadvertent, by more than 180 days, bars readmission to the United States for 3 years; overstays of one year or more bars readmission for 10 years.

**Departing the United States**

If you were issued an electronic I-94 and depart the United States by air, there is no documentation to surrender. If you were issued an electronic I-94 and depart the United States via a land port, however, please call our office to discuss departure procedures in more detail.

If you were issued a paper I-94, the I-94 must be surrendered to the commercial carrier or a CBP official before departure.

**Family Members**

In order for a dependent spouse and unmarried children under the age of twenty-one to accompany you to the United States, each must apply for an O-3 visa stamp. In addition to the items listed above, family members applying for an O-3 visa will need to provide evidence of their relationship to you by submitting a marriage certificate (spouse) or birth certificate (children).

United States immigration law recognizes an O-1’s lawfully married opposite-sex or same-sex spouse for purposes of O-3 dependent spouse status. An unmarried partner, such as a common-law spouse, a cohabitating partner or domestic partner is not eligible for an O-3 visa. However, it may be possible to obtain a B-2 visitor visa for an unmarried partner to temporarily accompany you to the United States. Typically, this will require documentation of a long-term relationship and evidence that your partner is wholly dependent on you financially.

O-3 dependent status does not authorize employment authorization. However, O-3 dependents may be eligible to work if they qualify for a nonimmigrant status that allows for employment and can identify a U.S. employer willing to act as a sponsor and file a petition with USCIS to grant the family member the appropriate nonimmigrant status. Upon approval of a change of status, his/her family member will be authorized to work.

If any of your dependents will be approaching their 21st birthday while in the United States in O-3 status, please notify us at least one year in advance so that we may discuss a strategy for changing your dependent’s status to a category independent of yours.

**Change of Address**

All foreign nationals must notify USCIS of changes in address by filing Form AR-11 with USCIS within ten days of such change of address occurring. Therefore, if after entering the United States you change address from that listed on the paperwork completed upon entry, you must File a Form AR-11 (This changes your address in our master database.) A fillable version of the form is available on the USCIS website (<https://egov.uscis.gov/coa/displayCOAForm.do> .

You will need to have the following information available before filing a Form AR-11:

* New address
* Old address
* When you last entered the United States (if you cannot remember this information, you should fill in an approximate date)
* Where you last entered the United States (through what port of entry you entered - whether by land, sea or air)

Please note that failure to provide a change of address or other required information can have serious consequences including fines, imprisonment, and even removal from the United States.

Should you have any questions regarding any of the above information, please don’t hesitate to contact us with these concerns.

Thank you.