

YOUR WORKING CHECKLIST

Overstay, status violation and unlawful presence are different questions

Are being out of status and accruing unlawful presence the same thing?

Do not collapse those terms. USCIS's unlawful-presence framework concerns its own statutory provisions and exceptions, while an admission, status condition and pending request can raise other questions. Visa expiration alone is not a complete answer to any of them.

Check the boxes on screen or by hand. Use the notes area for records to find and questions to ask.

Your preparation checklist

- ☐ Establish the documented starting event and wording.
- ☐ Preserve filings and decisions that may require separate legal interpretation.
- ☐ Describe what actually happened without substituting an assumed immigration label.
- ☐ Retain any agency statement that uses the disputed term.

Notes and questions to follow up

Source links and current instructions

Sources checked October 25, 2026. Follow current instructions at the linked institution.

USCIS: Unlawful presence and inadmissibility: statutory framework and current alerts

<https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility>

U.S. Department of State: Visa information: frequently asked questions

<https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/frequently-asked-questions.html>

USCIS: I-539: Extend/Change Nonimmigrant Status

<https://www.uscis.gov/i-539>

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Return to the complete guide

<https://immigrantinsider.com/status/overstay-language/>

General information

This free organizer is not a government form and does not submit an application, establish eligibility, preserve a deadline or replace individual legal advice. Government filing fees and professional services are separate.