



Homeland
Security

Frequently Asked Questions

June 20, 2007

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Western Hemisphere Travel Initiative Land & Sea Notice of Proposed Rulemaking

What is the Western Hemisphere Travel Initiative?

The Western Hemisphere Travel Initiative (WHTI) will require all travelers to and from Canada, Mexico, the Caribbean and Bermuda to present a passport or other approved document that establishes the bearer's identity and nationality in order to enter or re-enter the United States. WHTI is designed to strengthen border security and facilitate entry into the United States for U.S. citizens and legitimate international visitors while minimizing the social and commercial impacts on international travelers and U.S. citizens, particularly residents living along the border.

Why is the U.S. government implementing the travel initiative?

The Western Hemisphere Travel Initiative (WHTI) is the plan to implement a 9/11 Commission recommendation. This Congressionally-mandated action helps close an important security vulnerability. The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), as amended, mandates that the U.S. Departments of Homeland Security and State develop and implement a plan to require U.S. citizens and foreign nationals to present a passport or other appropriate identity and citizenship documentation when entering the United States.

For many years, U.S. citizens, and some citizens of other countries in the Western Hemisphere including Canadians, have been exempt from the presentation of a passport or other acceptable document to enter the United States. Currently, a traveler may make a verbal declaration of citizenship, or present a myriad of documents to enter the United States that cannot currently be validated or verified in a timely manner, such as birth certificates and driver's licenses.

CBP officers have intercepted over 90,000 fraudulent documents since 2005 and apprehended over 60,000 individuals at the ports of entry trying to cross the border with fraudulent claims of citizenship or documents. The challenge at the borders is how to determine the admissibility of individual travelers, based on the documents they present, without significantly slowing the processing time for admission into the United States. Full implementation of WHTI is a critical step towards meeting this challenge.

In light of the new security efforts, the United States proposal would require travelers to present a passport or other accepted document for entry into the United States. This will enable CBP to quickly, reliably and accurately identify a traveler.

Who will the travel initiative affect?

The travel initiative will affect all United States citizens entering or re-entering the United States by land or sea – including by pleasure vessel or ferry – who currently do not need to possess valid passports.

It will also affect certain foreign nationals who currently are not required to present a passport to travel to the United States, namely citizens of Canada, Bermuda and Mexico.

For citizens of Canada, Bermuda and Mexico, the following documents are accepted forms of identification:

- A passport issued by the Government of Canada, or a valid trusted traveler program card (FAST, NEXUS, or SENTRI).
- A passport issued by the Government of Bermuda or the United Kingdom. This includes travel from within the Western Hemisphere.
- WHTI imposes documentary requirements on those travelers who previously have not been required to present identity and citizenship documents to cross U.S. borders. Mexican nationals are currently required to present an entry document.

A passport issued by the Government of Mexico and a visa, or a valid Form DSP-150, B-1/B-2 laser visa and Border Crossing Card (BCC).

When will the travel initiative be implemented?

The following dates are key milestones in the WHTI timeline:

- ***January 23, 2007*** – Passports, Merchant Mariner Documents (MMD) or NEXUS Air cards are acceptable for air travel to or from Canada, Mexico, the Caribbean and Bermuda.

DHS and DOS recently announced that U.S. citizens traveling to Canada, Mexico, the Caribbean, and Bermuda who have applied for but not yet received passports can nevertheless temporarily enter and depart from the United States by air with a government issued photo identification and Department of State official proof of application for a passport through Sept. 30, 2007. The federal government is making this accommodation for air travel due to longer than expected processing times for passport applications in the face of record-breaking demand.

- ***January 31, 2008*** – Under existing authority, oral declarations would no longer be accepted from U.S., Canadian or Bermudian travelers seeking to enter the United States at sea and land ports of entry as sole proof.
- ***Summer 2008*** – At a date to be determined by the Secretary of Homeland Security, in consultation with the Secretary of State, the Departments will implement the full requirements of the land and sea phase of WHTI. The implementation date will be determined based on a number of factors, including the progress of actions undertaken by the Department of Homeland Security to implement the WHTI requirements and the availability of WHTI compliant documents on both

sides of the border. DHS and DOS expect the date of full WHTI implementation to be in the summer of 2008. The precise implementation date will be formally announced with at least 60 days notice.

How do I get a passport?

United States citizens can visit the State Department's travel Web site www.travel.state.gov, or call the U.S. National Passport Information Center: (877) 4USA-PPT; TDD/TTY: (888) 874-7793. Please allow 12 to 16 weeks for processing of the passport application. If you need to travel urgently and require a passport sooner, please visit www.travel.state.gov for additional information.

Foreign nationals should contact their respective governments to obtain passports.

How is the U.S. Government implementing the travel initiative?

The rulemaking process is the government's method of informing the public about proposed regulations. There is also a public comment period – in this case 60 days – that allows any groups or individuals who wish to submit comments or concerns on the government's proposals. These comments are reviewed and responded to prior to full implementation. This transparency is an important part of the process. Please see the Q&A below on how to submit comments.

What types of documents will be acceptable under this initiative for land and sea travel for....

- U.S. citizens can present a valid passport or a valid trusted traveler program card (NEXUS, FAST or SENTRI); a valid Merchant Mariner Document (MMD) when traveling in conjunction with official maritime business; or a valid U.S. Military identification card when traveling on official orders. The NPRM also outlines ongoing efforts to provide other alternative documents.
- U.S. Lawful Permanent Residents can continue to use their Alien Registration Card (Form I-551), or other valid evidence of permanent residence status. All acceptable documents for LPRs denote identity and citizenship, and are secure, fully adjudicated documents that can be verified and authenticated by Customs and Border Protection at ports of entry.
- Canadian citizens can present a valid passport or a valid trusted traveler program card (FAST or NEXUS).
- Bermudian citizens would be required to present a valid passport.
- Mexican nationals would be required to present a valid passport and a visa or a valid Form DSP-150, B-1/B-2 laser visa – also called a Border Crossing Card (BCC), or a valid SENTRI card.

Will I need a passport if I am traveling on a commercial cruise ship?

In addition to the other documents designated under WHTI, U.S. citizens on round trip cruise ship voyages that originate from and end at the same port of entry in the United States could also carry a government-issued photo ID and birth certificates, Consular Reports of Birth Abroad or Certificates of Naturalization. Foreign nationals would need a WHTI-designated document to travel to the United States on a cruise ship.

How will members of the U.S. armed forces be affected by the WHTI requirements?

U.S. citizen members of the U.S. Armed Forces would be permitted to present valid military identification and travel orders in lieu of a passport when arriving in the United States at air, sea or land ports of entry.

Currently, non-U.S. citizen members of the U.S. Armed Forces are also not required to present a valid passport to enter the United States, provided that they present valid military identification and travel orders.

This does not apply to spouses and dependents of these military members. Spouses and dependents will be required to present a passport or other designated WHTI document when traveling into the United States.

Can the general public provide input into the planning and implementation of the travel initiative?

As with the Advance Notice of Proposed Rulemaking, this Notice of Proposed Rulemaking provides the general public an opportunity to submit written comments. Comments may be submitted on or before August 15, 2007. Comments may be submitted by one of the following methods:

- **Federal e-Rulemaking Portal:** www.regulations.gov. Follow the instructions for submitting comments.
- **Mail:** Comments by mail are to be addressed to:
U.S. Customs and Border Protection
Office of International Trade Office of Regulations and Rulings
Border Security Regulations Branch
1300 Pennsylvania Ave., N.W.
Washington, DC 20229, Attn: Mint Annex.
Submitted comments by mail may be viewed at the Bureau of Customs and Border Protection at 799 9th St., N.W., Washington, DC 20001. To view comments, please call (202) 572-8768 to set up an appointment.
- **Instructions:** Submissions must include the agency name and rulemaking docket number “USCBP 2007-0061”. Comments will be posted without change to www.regulations.gov, including any personal information sent with a comment.

What happens if I do not have the required document when I return to the U.S.?

To prevent delays at the port of entry, all US Citizens and foreign nationals alike are strongly encouraged to obtain the appropriate documents to enter the United States

There have been concerns within the travel and tourism industry about the effect that the passport requirement will have on the economy. How is this being addressed?

DHS has prepared a separate economic assessment, which is summarized in the Notice of Proposed Rulemaking and available in full for review and public comment from the docket. The rule and economic assessment have been reviewed by the Office of Management and Budget (OMB). DHS has determined that the benefits – facilitation of travel and increased security that would reduce the probability of a terrorist attack – are greater than the potential costs. In analyzing the costs and benefits of the rule, DHS also considered a range of alternative documents. A final economic assessment will be published with the final rule and will take into account the public comments received.

A complete and detailed “Regulatory Assessment” can be found in the docket for this rulemaking: www.regulations.gov; see also www.cbp.gov.

CBP will also be issuing an environmental assessment of the proposed rule. A notice will be published in the Federal Register announcing the availability of the environmental assessment for public review for a period of 30 days from the date of the notice. This notice will also provide details on ways to obtain copies of the assessment.

After publication in the Federal Register, those wishing to comment on the environmental assessment will be able to access the Federal e-Rulemaking Portal at www.regulations.gov and follow the instructions for submitting comments. Submissions must include the agency name and docket number “USCBP 2007-0060.”

Will travelers from U.S. territories need to present a passport to enter the United States?

No. These territories are considered to be a part of the United States. U.S. citizens returning directly from a U.S. territory are not considered to have left the country and do not need to present a passport. U.S. territories include the following: Guam, Puerto Rico, the U.S. Virgin Islands, American Samoa, Swains Island and the Commonwealth of the Northern Mariana Islands.

Will children be required to present passports under the rule?

As announced by the departments on Feb. 22, 2007, U.S. and Canadian citizen children under age 16 and children age 18 and under traveling in designated school or youth groups could carry birth certificates. U.S. children could also present Consular Reports of Birth Abroad or Certificates of Naturalization.

Mexican nationals, including children, are currently required to present an entry document that denotes identity and citizenship, and therefore there is little to no expectation of disruption to these families from WHTI.

What about commercial or charter vessels that enter international waters but do not dock at a foreign port? Are its passengers required to present passports upon returning to the United States?

No. As long as a vessel does not call at a foreign port, immigration law does not consider this a “departure” from the United States and therefore upon return, is not considered an entry that would require a passport. Therefore, passports or other designated documents would not be required for those, including commercial fishermen, traveling on a vessel that sails from a U.S. port and returns without calling at a foreign port.

Will Native Americans be required to present a passport to enter the United States?

The NPRM seeks comments on proposed alternative approaches to document requirements for Native American/First Nation tribes/bands. Members of the Kickapoo Band of Texas and Tribe of Oklahoma would be permitted to present the Form I-872 American Indian Card in lieu of a passport, as they do today.

How will the travel initiative affect offshore workers?

Offshore workers who work aboard Mobile Offshore Drilling Units (MODUs) will not need to present a passport or other designated document upon return to the United States, as long as they do not enter a foreign port or place. However, a U.S. citizen or foreign national who travels to a MODU from outside

the U.S. and therefore who has not been previously inspected and admitted to the United States, must present a passport and visa, if required, for entry by sea.

How is the United States working with Canada and Mexico to further this initiative?

The Secretaries of DHS and DOS have worked closely with the Canadian and Mexican governments on numerous fronts, including the Security and Prosperity Partnership (SPP) of North America, the Smart Border Declaration, and the Shared Border Accord. The objectives of the initiatives are to establish a common approach to security to protect North America from external threats, prevent and respond to threats within North America, and further streamline the secure and efficient movement of legitimate traffic across our shared borders. The Secretaries are committed to working with our international partners to establish a common security strategy. In fact, DHS and DOS remain committed to considering travel documents developed by the various U.S. states and the Governments of Canada and Mexico in the future that would denote identity and citizenship and would also satisfy section 7209 of IRTPA.

What is the status of the DHS partnerships with the states to produce enhanced driver's licenses as alternative documents for WHTI?

DHS remains committed to considering, as appropriate, documents such as state driver's licenses that satisfy the WHTI requirements by denoting identity and citizenship. In addition to denoting identity and citizenship, these documents will have compatible technology, security criteria, and respond to CBP's operational concerns.

DHS announced in March its commitment to Washington State to accept the State's enhanced state driver's licenses as proof of identity and citizenship for WHTI purposes. This was formally done through a Memorandum of Agreement signed by the Secretary and Governor Gregoire. DHS is encouraging other states to submit similar proposals to enhance their driver's licenses and identification documents for use at land and sea ports of entry. Several border states have commenced discussions with DHS to this end.

DHS has also met with Canadian provincial and federal officials to discuss efforts to issue an enhanced driver's license, which could be used as an alternative to the Canadian passport. DHS is working closely with Canada to consider potential alternatives to a passport at land and sea ports of entry, including expansion of the trusted traveler programs such as NEXUS.

Under which circumstances will a passport waiver be granted?

The passport requirement may be waived for U.S. citizens in certain individual cases on a case-by-case basis. A waiver may be granted in the case of an emergency, such as individuals in need of emergency medical treatment, fire fighters responding to a call, emergency workers responding to a natural disaster, Medi-vac (land and air ambulance) cases, sick or injured crewmembers, and shipwreck or plane crash survivors. A waiver may also be granted in other cases of humanitarian or national interest.

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