



# Frequently Asked Questions

## **New Border Crossing Procedures Beginning January 31, 2008** *Marks Transition Phase Toward More Secure, Standardized Document Requirements*

(Web layout)

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### **Questions on the Transition**

**What is the change beginning January 31, 2008?**

Currently, upon entering the United States at a land border port of entry, an individual without documentation can verbally claim to be a U. S. citizen. On January 31, DHS is ending this practice such that oral declarations alone to prove identity and citizenship will

no longer be sufficient. Travelers will be asked to present certain documentation from a specified list when entering the United States at land or sea ports of entry.

### **What is the purpose of the January 31<sup>st</sup> change?**

Close a well-documented security gap, reducing the potential for an individual to gain access to the U.S. by falsely claiming through an oral declaration to be a U.S., Canadian or Bermudan citizen.

Allow U.S. Customs and Border Patrol (CBP) officers to standardize inspections against a narrower class of documents. The Jan. 31 change is a step forward from the largely subjective standard that allows travelers to present an almost limitless array of documents, such as baptismal certificates, to satisfy CBP officers of their citizenship.

Accustom travelers to presenting documentation when entering the United States. This transition period will prepare travelers for the implementation of new secure travel document requirements that will go into effect as early as June 1, 2009.

### **Who is affected by this change?**

This change affects all U.S. citizens entering the United States by land or sea – including pleasure vessel or ferry. It also affects citizens of Canada and Bermuda who are currently exempt from document requirements. Please see the January 31, 2008 Fact Sheet for a specific list of acceptable documents.

### **Who is NOT affected by this change?**

- Travelers entering the U.S. by air. All travelers entering the United States by air have been required to present a passport or secure document since January 23, 2007.
- Mexican citizens and Lawful Permanent Residents are not impacted by this change.
  - Mexican citizens, including children, are currently required to present a passport with a nonimmigrant visa or a laser visa border crossing card.
  - Lawful Permanent Residents may continue to present their Form I-551, Permanent Resident Card.
  - Nonimmigrants who have been required to present a passport and visa, or other travel document, to enter the U.S.

### **What documents will travelers be asked to present after January 31<sup>st</sup>?**

- ● **U.S. and Canadian citizens ages 19 and older** will be asked to present documentation from a specified list. Please see the Fact Sheet for document options:[http://cbp.gov/xp/cgov/newsroom/news\\_releases/archives/2007\\_news\\_releases/122007/12032007\\_4.xml](http://cbp.gov/xp/cgov/newsroom/news_releases/archives/2007_news_releases/122007/12032007_4.xml).

- **U.S. and Canadian children ages 18 and under** will only be asked to present proof of citizenship, such as a birth certificate.
- **Bermudians** should present a passport issued by the Government of Bermuda or the United Kingdom, or a government-issued photo ID along with proof of citizenship.

**What happens if I don't have any documents when I cross the border at a land or sea port of entry?**

Travelers who do not have the appropriate documents may be delayed while CBP officers attempt to verify their citizenship and identity. They will also be given the informational tear sheet explaining the new procedures. The intent of this transition is to raise awareness of the change, educate travelers, and allow ample time for travelers to obtain the necessary documents.

**How long will the transition period last? What will happen when it ends?**

The transition period will last for approximately 18 months at which time the Departments of Homeland Security and State will implement the requirement for secure travel documents, under the congressionally mandated Western Hemisphere Travel Initiative (WHTI).

**When will implementation of the new requirements occur?**

Implementation will occur as early as June 1, 2009. At that time, only secure documents meeting identity and citizenship requirements under WHTI will be accepted for cross-border travel through land and sea ports of entry. The public will be given considerable advance notice of the full implementation of new document requirements.

**What documents will be acceptable after implementation?**

The final land and sea rule for WHTI will describe which documents will be accepted after implementation. Upon publication, a list of those documents will be found on the CBP website. We anticipate that U.S. and Canadian passports; the U.S. passport card; NEXUS, SENTRI and FAST cards; and enhanced driver's licenses and tribal cards designated by the Secretary will be accepted.

**What is DHS doing to facilitate smooth implementation of the January 31 procedures?**

Notice and Outreach to the Traveling Public and Border Communities

- June 26, 2007: DHS began providing notice to the traveling public and border communities regarding the Jan. 31 procedures, in conjunction with publication of

the WHTI Land/Sea Notice of Proposed Rulemaking and as part of associated outreach.

- Ongoing: Since June 2007, DHS has conducted a variety of media interviews and grassroots outreach efforts. Since December, field representatives have been engaged in significant outreach activity at the local level to alert the traveling public to these upcoming changes on January 31, 2008.
- December 3, 2007: DHS and CBP issued a press release reminding the traveling public that as of January 31, 2008, all adult travelers should no longer expect that they will be able to prove identity and citizenship by relying on an oral declaration alone. Instead, travelers will be asked to present identity and citizenship document when entering the United States at land and sea ports of entry.
- Mid-December 2007: CBP officers have been providing an informational tear sheet regarding the new procedures to border crossers at land and sea ports of entry.
- December 21, 2007: CBP published a notice in the federal register advising the public that, effective January 31, 2008, CBP officers will no longer generally allow travelers claiming to be U.S., Canadian, or Bermudian citizens to establish citizenship by relying only on an oral declaration.
- January 18, 2008: DHS issued a press release reminding the traveling public of the Jan. 31 procedures and initiated an intense two-week long media push that includes outreach by regional public affairs officers and travel by headquarters officials, including the Secretary, to the border for public events.
- Now until June 2009: DHS is launching a more robust and concerted public education campaign, intended to inform travelers of document requirements which will be implemented next year.

#### Training of CBP Officers

- December 2007: Extensive field guidance (musters, tear sheets for the traveling public, training plans and guidance) was provided to our CBP officers in preparation for the new procedures on Jan. 31.
- January 8: More than 70 CBP Field representatives met in Washington, DC, for detailed training and information sessions about the new procedures, transition efforts and public outreach.
- Ongoing: During the transition, CBP field offices will report on traveler compliance, operational impact, and associated wait times starting on January 31, 2008.

## Questions on Specific Documents

### **What is a Passport Card?**

A passport card is a low-cost, limited-use travel document produced by the U.S. Department of State acceptable for land and sea travel within the Western Hemisphere. Applications for the card will be accepted starting February 1, 2008, and the cards will be available for distribution in late spring 2008. See [www.travel.state.gov](http://www.travel.state.gov) for details.

### **What is an enhanced driver's license?**

Several states including Washington, Vermont, New York, and Arizona are working with DHS to develop Enhanced Driver's Licenses (EDLs) for U.S. citizens. These documents denote both identity and U.S. citizenship. Several Canadian provinces are also considering production of EDLs for use by Canadian citizens.

U.S. and Canadian citizens can use EDLs instead of a passport to cross the sea borders with Canada and Mexico. EDLs include special features that improve security and facilitate travel such as radio frequency technology and a machine-readable zone.

### **Will I be able to use an Enhanced Driver's License at locations outside of my state?**

Yes. Enhanced Driver's Licenses will be accepted for entry into the U.S. from Canada, Mexico, Bermuda, and the Caribbean at any land or sea port of entry.

### **What are the NEXUS, SENTRI and FAST programs?**

These cross-border trusted travel programs facilitate land border crossing of prescreened low-risk travelers and commercial truck drivers through exclusive dedicated lanes. Members in these voluntary programs must meet certain eligibility requirements and pay a 5-year membership fee. NEXUS (the northern border program) and SENTRI (the southern border program) are for drivers and passengers; FAST (Free and Secure Trade) is the commercial equivalent for truck drivers.

For a complete list of participating locations, eligibility requirements, and application information, please visit the "Travel" link at [cbp.gov](http://cbp.gov) and click "Trusted Traveler Programs."

### **Where can I go to obtain a passport or passport card?**

The U.S. Department of State issues passports and passport cards to U.S. Citizens. Visit their web page at [www.travel.state.gov](http://www.travel.state.gov) for information on locations.

### **Where can I go to obtain a birth certificate?**

You may obtain a birth certificate by contacting the appropriate agency for your state. A listing of agencies may be found through the National Center for Health Statistics at [www.cdc.gov/nchs](http://www.cdc.gov/nchs).

### **Does my birth certificate need to be an original or a certified copy?**

DHS recommends that, where possible, an original or a certified copy of your birth certificate be presented. An original or certified copy is generally required to apply for secure, reliable documents, such as the U.S. passport. However, a copy will be accepted during the transition period.

### **How does REAL ID fit into this?**

REAL ID is a nationwide effort to improve the integrity and security of State-issued driver's licenses and identification cards, which in turn will help fight terrorism and reduce fraud.

DHS recognizes that the changes required to create more secure driver's licenses will not happen overnight. While DHS will accept a driver's license during the transition phase, the traveler must also present proof of citizenship for entry into the U.S.

DHS is working with some states to develop the enhanced driver's license (described above) that, because it meets standards agreed to by both DHS and the state, will meet the criteria of denoting both identity and citizenship. A document that meets only REAL ID standards will not be a WHTI-compliant document, acceptable alone as proof of identity and citizenship.

## **Questions on Specific Travelers and Populations**

### **How do these requirements affect Native Americans?**

The Indian and North Affairs Canada Card and Tribal Enrollment Cards with a photo affixed to the card will be accepted during the transition phase.

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 currently.

DHS encourages tribes to further enhance the security of their identity documents, particularly if they are interested in producing documents that may be accepted for cross-border travel under WHTI. Information is available at [cbp.gov](http://cbp.gov).

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

No. U.S. territories are considered a part of the United States. U.S. citizens traveling 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.

**How do these requirements affect First Responders or medical emergency situations?**

There is no change for standard processing of first responders or medical emergency personnel for January 31.

DHS has had and will continue to have procedures in place to ensure prompt processing for these individuals.

Special consideration will continue to be made for urgent medical issues, First Responder situations, and cross-border emergency services. However, presenting an acceptable document is likely to be the most expedient means of crossing the border for personnel who routinely cross the border.

**How will the new requirements affect passengers going on cruises during the transition?**

U.S. and Canadian citizens arriving on cruises from Canada, Mexico, Bermuda, or the Caribbean will be able to enter or depart the country with proof of identity and citizenship, such as a birth certificate and government-issued photo ID, as provided at [www.cbp.gov](http://www.cbp.gov).

Please be aware that you may still be required to present a passport when you dock at a foreign port, depending on the islands or countries that your cruise ship is visiting. Check with your cruise line to ensure you have the appropriate documents for the stops you'll be making on your cruise.

**How are ferries and small boats (pleasure vessels) affected?**

Ferries and small boats are processed much like land travel, and all individuals traveling by these modes of travel are subject to the new requirements.

**What if I have an I-68 registration? Will I still need travel documents?**

Yes, boaters who have an I-68 form will need to follow the new travel document procedures. Bear in mind that a NEXUS card is an alternative to a passport for entry into the U.S. for Canadian and U.S. citizens, and ensuring that you have either a NEXUS card or a passport will enable you to continue to utilize telephonic clearance procedures currently in place for I-68 holders.

An I-68 form is similar to any kind of vehicle registration, and is not an identity document or a travel document.

Legislative Background



## **Why are travel requirements changing?**

For many years, Canadians and U.S. citizens have been exempt from presenting a passport or other secure document to enter the United States. The 9/11 Commission recommended and Congress mandated the requirement that all travelers – including U.S. and Canadian citizens – present a passport or other secure document that denotes citizenship and identity when entering the United States. The Secretary of Homeland Security is moving now to close a significant security gap such that oral declarations alone are no longer accepted as proof of identity and citizenship for entry to the U.S.

Secure and reliable documentation is critical for border officials to accurately determine admissibility into the United States. During October to December 2007, Customs and Border Protection (CBP) officers reported 1,517 cases of individuals falsely claiming to be U.S. citizens. In one of those cases, CBP officials determined that an individual falsely claiming to be a U.S. citizen was wanted for homicide in California. This individual was paroled for entry into the U.S. and transported into the custody of the San Diego Sheriff's Department.

This requirement was successfully instituted for air travel on January 23, 2007. Compliance with the requirement has been, and continues to be, extremely high – over 99%.

## **How will the Departments of Homeland Security and State increase the security of our borders without causing backups at the land borders?**

DHS is using a practical approach to increasing the security of our borders. DHS and the Department of State are utilizing radio frequency Identification (RFID) technology to help speed processing at the border by eliminating manual data entry and queuing a traveler's information to the border officer as the traveler's vehicle approaches the inspection booth. The technology also automates searches for any outstanding/arrest warrants and conducts standard criminal checks so that we can facilitate the processing of legitimate travelers while focusing our attention on higher-risk individuals.

This technology has been used in the Trusted Traveler programs since 1995, and is also used in everyday applications such as toll tags, metro cards, and building passes.