

December 22, 2006

MEMORANDUM TO: SEE DISTRIBUTION

FROM: Executive Director /s/ (b) (6), (b) (7)(C)
Traveler Security and Facilitation

SUBJECT: Canadian Boater Landing Permit Standard Operating Procedures
(TC# TSF-FY07-0403)

Attached are the revised Standard Operating Procedures (SOP) for the Canadian Boater Landing Permit (I-68) Program which include the following changes:

Entering I-68 applicant information into the (b) (7)(E) within TECS.
The Local (b) (7)(E) will generate a Boater Registration (BR) number which will be used as the I-68 number.

The BR number when entered into the (b) (7)(E) arrival screen will allow for information to be automatically populated in the arrival screen for expedited clearance.

The updated SOP will store all I-68 permit holders in a national database for easy review, and will standardize requirements throughout the Field Offices.

These procedures need to be implemented immediately upon receipt. Should you have any questions or concerns they can be directed to (b) (6), (b) (7)(C)

Attachment

CANADIAN BORDER BOAT LANDING PERMIT (I-68) PROGRAM
POLICIES AND PROCEDURES

OVERVIEW

Description of Program

The Canadian Border Boat Landing Permit Program, Form I-68 (hereafter referred to as the I-68 program), is a voluntary Alternative Inspections Program, implemented to provide a mechanism by which frequent recreational boaters can comply with CBP reporting requirements upon arrival to the United States.

To determine an applicant's admissibility to the I-68 program, a document review for citizenship and a complete (b) (7)(E) is conducted. Final processing includes an interview of the applicant and the capturing of the applicant's photograph and fingerprint, which are placed on the I-68 document. The applicant is provided the original I-68 as proof of program participation.

1.2 Authority/Background

8 CFR 235.1(e) – Inspection of Persons Applying for Admission; Scope of Examination; 19 CFR 4.2(a) – Reports of Arrivals of Vessels
19 CFR 4.3 – Vessels Required to Enter; Place of Entry
19 CFR 4.94 – Yacht Privileges and Obligations
19 CFR 141.4 – Entry of Merchandise; Entry Required

1.3 Responsibilities

The Commissioner of CBP has responsibility for setting I-68 program policy for internal Customs and Border Protection operations.

The Assistant Commissioner of CBP for the Office of Field Operations (OFO) has responsibility for the operation of the I-68 program, ensuring that policies are implemented, adequate procedures are enacted and followed, and effective program monitoring takes place.

Directors, Field Operations, are responsible for ensuring that sufficient staffing and facility resources are available for the I-68 program.

Port Directors are responsible for overseeing the daily operation of I-68 issuances and reporting requirements and to ensure resources are available for the I-68 program.

1.4 Benefits

The I-68 program is voluntary. Because these participants have been inspected in advance, they are allowed to report arrival into the U.S. by phone in lieu of a face-to-face inspection by a CBP officer, thus expediting the entry process for both immigration and customs formalities (unless importing foreign merchandise). I-68's are valid for 1 year from the date of issuance.

Basic Requirements

Applicants will be interviewed and vetted through various law enforcement indices to establish eligibility into the program. Each person must submit evidence of citizenship *or* legal permanent residence status. A non-refundable application fee of \$16 per person or \$32 per family will be collected. All persons 14 years of age and older will be issued an individual I-68 form. Children under the age of 14 may be added to a parent's I-68 form.

QUALIFICATION REQUIREMENTS

Criteria for Eligibility

For the purpose of eligibility determination, applicants may qualify for the I-68 program if they are:

U.S. citizens

Lawful permanent residents of the U.S.

Citizens of Canada

Permanent residents of Canada who are nationals of designated Visa Waiver Program countries listed in 8 CFR 217.2(a) in possession of a valid, unexpired passport issued by his/her country of nationality and an unexpired multiple entry Form I-94W, Nonimmigrant Visa Waiver Arrival/Departure Form, or an unexpired passport, valid unexpired U.S. visa and I-94 Arrival/Departure Form.

It should be noted that the I-68 validity cannot last beyond the passport or visa.

2.2 Criteria for Ineligibility

Applicants will not qualify for participation in the I-68 program if they:

Provide false or incomplete information on the application or during interview;
Have committed a violation of any immigration, customs, or agriculture regulation or, in the case of an alien, is inadmissible to the United States.

HOW TO APPLY

3.1 Applications

Applicants should contact the nearest CBP port for an appointment. At the time of appointment, documentation will be required to prove identity and status. The applicant is to provide 3 passport-sized photographs, one of which that will be attached to each copy of the I-68 form.

PROCESSING APPLICATIONS

4.1 CBP Processing

At the time of application, applicants will be required to provide proof of identity and citizenship and residence status. At a minimum, (b) (7)(E) should be run on all applications. Enforcement checks will be conducted along with the capturing of a fingerprint and photograph of the applicant. An interview will complete the application process.

4.2 Risk Assessments

All applicants age 14 and over will be vetted through (b) (7)(E)
(b) (7)(E)

4.3 Resolving Risk Assessment Issues

When an officer conducting a risk assessment evaluation discovers issues that need to be addressed or are unclear, a follow up check will be conducted in any or all of the following ways:

Contacting the (b) (7)(E) for clarification;

Contacting (b) (7)(E) for clarification/further research, etc.; and,

Contacting the applicant for clarification/certified copies/employment or address history.

4.4 Denials after Risk Assessments

A CBP supervisor or other supervisory officer specifically designated by the Port Director will review all applications that failed the risk assessment. Denials must be approved by a Supervisory CBP officer or higher.

Applicant denials must be in writing per 8 CFR 235.1 (e)(3) (b) (7)(E) should detail results of the interview and reasons for denial.

Electronic storage of I-68 data

CBP officers will utilize the (b) (7)(E) to capture I-68 participant data. Information placed into the (b) (7)(E) that will generate a Boater Registration (BR) number that will be issued for the life of the I-68. The BR should be placed on the I-68 form. Interview comments should be entered in the (b) (7)(E)

Upon 1st arrival to the U.S., the CBP officer will key the BR number onto the (b) (7)(E) arrival screen, which will initiate the auto populating of other fields within the arrival screen with boater information stored in the (b) (7)(E). This function will eliminate the need for the CBP officer to repopulate general boater information upon each subsequent arrival.

ENROLLMENT INTERVIEW

5.1 Scheduling Interviews

All initial (First time applicants) must be interviewed to verify eligibility into the I-68 program. Applicants previously granted into the I-68 program may apply by mailing to the issuing port with a copy of the previous Form I-68 included in the application. It will be the discretion of the issuing port if the applicant will be required to appear for an interview in person if the applicant does not appear to be clearly eligible for renewal.

Interview

The following questions are provided as a general guideline:

(b) (7)(E)

(b) (7)(E)

5.5 Resolving Interview Questions

When an issue arises during an interview such as: (b) (7)(E)
(b) (7)(E) the applicant will be deemed
ineligible until the issue can be resolved. Of equal, if not greater importance, is (b) (7)(E)
(b) (7)(E)

5.6 Denials at Interview

An applicant who will be denied based on their interview may or may not be informed of the denial at the interview. Officers should use their discretion in making this decision. If it is in the officer's best interest to deny via mail, the applicant will be advised that their records need further review and that they will be contacted by mail with the decision.

5.8 Briefing on I-68 Procedures

Approved applicants will be instructed on the terms and conditions of the program.

Every person on board the pleasure craft must either be a participant of the I-68 program or the NEXUS/SENTRI programs to effect phone-in reporting.

Participants should be apprised of either a 1-800 number or any other designated phone number to utilize to phone-in arrival information.

Designated ports of entry and hours of operation must be identified.

Participants should be reminded that any CBP officer, at any time, may require a face-to-face inspection of any I-68 or NEXUS/SENTRI participant. Additionally, members of the Border Patrol, the Air and Marine Office and the U.S. Coast Guard may on occasion request boarding and/or information from pleasure boaters due to the (b) (7)(E)

Participants should be advised that the I-68 is not a replacement for their official travel documents and they must carry their entry documents on their person when entering the US. This could include passport, birth certificate, permanent resident card, visa, work permit, employment authorization, or proof of residence in the United States or Canada.

5.9 I-68 Distribution

The original completed document is provided to the approved applicant. The second copy is retained in the issuing office's files and the third copy may be provided to the respective Border Patrol Office based on local agreement.

ENTRY PROCESSING

6.1 Phone-In Reporting

The CBP officer may accept a phone-in report of arrival if the boater and all on board are participants of the I-68, or NEXUS/SENTRI programs. Verification of participation in the I-68, NEXUS, or SENTRI programs should be performed on a regular basis. All arrival information will be placed into (b) (7)(E)

6.2 Referrals for Secondary Inspection

The following are to be considered mandatory referrals for in person and/or physical inspection by a CBP Officer at a POE.

The captain, charterer, master, or owner of each vessel bringing people is responsible for determining all persons aboard are in possession of a valid I-68. If any person on board is not in possession of an I-68 the captain, master, or owner must transport that person to a staffed POE for in-person inspection.

Compliance blitzes and enforcement operations;

Referrals from other offices or agencies; i.e. Border Patrol, Air and Marine Office and/or U.S. Coast Guard.

In Person INSPECTIONS

Referrals

Enforcement checks must be performed prior to any in person inspection.

Obtain a verbal customs declaration;

Verify the participants' travel documents/ID;

Conduct enforcement examination of pleasure craft as well as verification of identification of all individuals on board.

(b) (7)(E) I-68 participants will be allowed to proceed. If a violation exists, I-68 privileges may be revoked.

7.2 Lost or Stolen Cards

(b) (7)(E) will be generated for all such cases and a new BR number issued. Re-issuance should also be noted in the (b) (7)(E) under comments.

VIOLATORS AND REVOCATIONS

Violations

Circumstances that may result in revocation of I-68 privileges include, but are not limited to, the following. The participant:

Allows the use of their I-68 number by a non-participant;

Knowingly transports non-participants on their pleasure craft and attempts phone-in reporting;

Alters their I-68 form;

Fails to declare merchandise;

Fails to carry required travel documents along with their I-68 document; and,

Fails to comply with the inspection process when required.

8.2 Revocations

A CBP supervisor must be consulted prior to the revocation of I-68 privileges. Participants in the I-68 program must agree to abide by the rules of the program. Any violation of the program rules may result in the revocation of privileges.

8.3 Database Updates

If a participant's I-68 privileges are revoked, the (b) (7)(E) will be updated to reflect the revocation. The comment field in the (b) (7)(E) will be annotated to reflect the reasons for the revocation. (b) (7)(E) will be generated indicating that the individual's I-68 participation has been revoked for violating the program.

8.4 Penalties

Penalties for failure to report should be followed under 19 USC 1436 (b): Any master, person in charge of a vehicle, or aircraft pilot who commits any violation listed subsection (a) of this section is liable for a civil penalty of **\$5,000 for the first violation, and \$10,000 for each subsequent violation**, and any conveyance used in connection with any such violation is subject to seizure and forfeiture.

DENIALS

9.1 Denial List

All denials must be added to (b) (7)(E)

9.2 Appeal of Denials

There is currently no appeal process for denials. On a case-by-case basis, dependent on applicant circumstances, the applicant may be advised to apply again for entry into the program prior to the next boating season.

MEASURES

10.1 Inspections

Inspections should be conducted in the most professional manner possible and without unnecessary delay to the master and passengers.

Compliance Checks

Periodic compliance checks should be conducted within the entire calendar year. As boating season approaches, compliance checks should still be conducted (b) (7)(E) Compliance checks should be so noted (b) (7)(E)