



**U.S. Customs and
Border Protection**

DEC 14 2011

MEMORANDUM FOR: Director, Field Operations
San Francisco (b) (6), (b) (7)(C)

FROM: Executive Director
Admissibility and Passenger Programs

SUBJECT: Parole of Citizens of Russia into Guam

On May 8, 2008, President George W. Bush signed the Consolidated Natural Resources Act of 2008, P.L. 110-229 (CNRA). One of the provisions of the CNRA created the Guam-Commonwealth of Northern Mariana Islands Visa Waiver Program (G-CNMI VWP). On January 16, 2009, an Interim Final Rule (IFR) was issued by the Department of Homeland Security (DHS), which created the regulations for the G-CNMI VWP, including listing the eligible countries. The IFR did not include a provision for citizens of the People's Republic of China (PRC) and the Russian Federation to travel without a visa to Guam and the CNMI.

On October 21, 2009, DHS announced to Congress that citizens of the People's Republic of China (PRC) and Russia would be permitted to travel to the CNMI and those travelers would be paroled into the CNMI, based on the Secretary of Homeland Security's discretionary parole authority found in Section 212(d)(5)(A) of the Immigration and Nationality Act (INA) [8 U.S.C. 1182(d)(5)(A)]. On November 28, 2009, the G-CNMI VWP became effective, and citizens of the People's Republic of China (PRC) and Russia were permitted to be paroled into the CNMI only.

On November 15, 2011, the Secretary of Homeland Security signed a Decision Memorandum permitting citizens of Russia to be paroled into Guam under the discretionary parole authority of the Secretary. Effective Sunday, January 15, 2012, a citizen of Russia will be eligible to be paroled into Guam, in addition to the CNMI; provided, the traveler meets the following conditions:

- Travel to Guam and/or the CNMI on a signatory carrier to the G-CNMI VWP directly from a foreign port of embarkation.
- Travel to either Guam and/or the CNMI must not to exceed forty-five (45) days.
 - A citizen of Russia may be paroled in either Guam or the CNMI, may travel between Guam and the CNMI, but may not remain in the region longer than forty-five (45) days.
- Be in possession of a round-trip ticket that is nonrefundable and nontransferable and bears a departure date not exceeding forty-five (45) days from the date of entry to Guam or the CNMI.
- Be in possession of a completed and signed Guam-CNMI Visa Waiver Information Form (CBP Form I-736).

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Parole of citizens of Russia into Guam

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- Be in possession of a completed CBP Form I-94, Arrival-Departure Record.
- Be in possession of a valid, unexpired International Civil Aviation Organization (ICAO)-compliant, machine-readable passport.

Additional conditions the citizen of Russia must meet include:

- Traveler must be classifiable as a visitor for business or pleasure.
- Parole authorization is limited to Guam and the CNMI only and does not confer the benefit of travel to another location within the United States.
- Visitors who are paroled under this authority may not engage in local employment or labor for hire.

Eligibility requirements for carriers:

- To be eligible to transport nonimmigrant citizens from Russia into the United States, the carrier must:
 - Be signatory to the G-CNMI VWP.
 - Ensure that travelers meet the eligibility requirements for the Guam-CNMI parole of citizens of Russia into Guam and the CNMI.

Processing Instructions:

- The travelers will be paroled using the processing instructions and standard operating procedures listed in the November 23, 2009 memorandum from the Executive Director, Admissibility and Passenger Processing.
- Travelers will be paroled for the time listed on his or her tickets, plus seven days – not to exceed 45 days.
- A traveler will be paroled to visit both Guam and the CNMI.
- The term of the parole will not be extended.
- Inadmissible passengers will be processed as arriving aliens under Section 235(b)(1) of the INA.
 - Inadmissible passengers will not be charged with violating Section 212(a)(7)(B)(i)(II) of the INA, nonimmigrant "... not in possession of a valid nonimmigrant visa" since the requirement for the visa is being waived as a result of this discretionary measure.

Transitional conditions and limitations:

- In those cases where a citizen of Russia has a current discretionary parole issued by CBP at a CNMI port of entry on the effective date of this revision and is present in the CNMI, that person will be eligible to visit Guam within the term of the parole.
- This discretionary authority does not grant a citizen of Russia the benefit of forty-days (45) days in the CNMI and a separate forty-five (45) days in Guam, but a total of forty-five (45) days between both U.S. territories.
- The parole for the citizen of Russia applying for this benefit is limited to the geographic limits of Guam and the CNMI; a valid nonimmigrant visa is required to travel to another part of the United States.
- Citizens of the People's Republic of China (PRC) continue to be limited to a discretionary parole to the CNMI only and cannot apply to visit Guam or another geographic part of the United States without a valid nonimmigrant visa issued by a U.S. Embassy or Consulate.

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- The continued eligibility of the People's Republic of China (PRC) and Russia under this exercise of discretionary authority is subject to review.

Please ensure that this memorandum and muster are disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact (b) (6), (b) (7)(C) Director, Enforcement Programs at (b) (6), (b) (7)(C)

Attachments

Cc: Directors, Field Operations
Director, Preclearance Operations (Acting)
Office of Field Operations

Director, Field Operations Academy
Director, Advance Training Center
Office of Training and Development

Weekly Muster

Week of: When Received (prior to January 15, 2012)
Topic: Parole of Citizens of Russia into Guam
References: Public Law 110-229, Consolidated Natural Resources Act of 2008
Section 212(d)(5)(A) of the INA
8 CFR 212.1(g), 8 CFR 212.5
Headquarters POC: (b) (6), (b) (7)(C)
Office: Admissibility and Passenger Programs

Background

On May 8, 2008, President George W. Bush signed the Consolidated Natural Resources Act of 2008, P.L. 110-229 (CNRA). One of the provisions of the CNRA created the Guam-Commonwealth of Northern Mariana Islands Visa Waiver Program (G-CNMI VWP). On January 16, 2009, an Interim Final Rule (IFR) was issued by the Department of Homeland Security (DHS), which created the regulations for the G-CNMI VWP. The IFR did not include a provision for citizens of the People's Republic of China (PRC) and the Russia to travel without a visa to Guam and the CNMI.

On October 21, 2009, DHS announced to Congress that citizens of the People's Republic of China (PRC) and Russia would be permitted to travel to the CNMI and those travelers would be paroled into the CNMI, based on the Secretary of Homeland Security's discretionary parole authority found in Section 212(d)(5)(A) of the Immigration and Nationality Act (INA) [8 U.S.C. 1182(d)(5)(A)]. On November 28, 2009, the G-CNMI VWP became effective, and citizens of the People's Republic of China (PRC) and Russia were permitted to be paroled into the CNMI only.

On November 15, 2011, the Secretary of Homeland Security signed a Decision Memorandum permitting citizens of Russia to be paroled into Guam under the discretionary parole authority.

Procedures

Effective Sunday, January 15, 2012, a citizen of Russia will be eligible to be paroled into Guam, in addition to the CNMI; provided, the traveler meets the following conditions:

- Travel to Guam and/or the CNMI on a signatory carrier to the G-CNMI VWP directly from a foreign port of embarkation.
- Travel to either Guam and/or the CNMI must not to exceed forty-five (45) days.
 - A citizen of Russia may be paroled in either Guam or the CNMI, may travel between Guam and the CNMI, but may not remain in the region longer than forty-five (45) days.
- Be in possession of a round-trip ticket that is nonrefundable and nontransferable and bears a departure date not exceeding forty-five (45) days from the date of entry to Guam or the CNMI.
- Be in possession of a completed and signed Guam-CNMI Visa Waiver Information Form (CBP Form I-736).
- Be in possession of a completed CBP Form I-94, Arrival-Departure Record.

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- Be in possession of a valid, unexpired International Civil Aviation Organization (ICAO)-compliant, machine-readable passport.

Additional conditions the citizen of Russia must meet include:

- Traveler must be classifiable as a visitor for business or pleasure.
- Parole authorization is limited to Guam and the CNMI only and does not confer the benefit of travel to another location within the United States.
- Visitors who are paroled under this authority may not engage in local employment or labor for hire.

Eligibility requirements for carriers:

- To be eligible to transport nonimmigrant citizens from Russia into the United States, the carrier must:
 - Be signatory to the G-CNMI VWP.
 - Ensure that travelers meet the eligibility requirements for the Guam-CNMI parole of citizens of Russia into Guam and the CNMI.

Processing Instructions:

- The travelers will be paroled using the processing instructions and standard operating procedures listed in the November 23, 2009 memorandum from the Executive Director, Admissibility and Passenger Processing.
- Travelers will be paroled for the time listed on his or her tickets, plus seven days – not to exceed 45 days.
- A traveler will be paroled to visit both Guam and the CNMI.
- The term of the parole will not be extended.
- Inadmissible passengers will be processed as arriving aliens under Section 235(b)(1) of the INA.
 - Inadmissible passengers will not be charged with violating Section 212(a)(7)(B)(i)(II) of the INA, nonimmigrant "... not in possession of a valid nonimmigrant visa" since the requirement for the visa is being waived as a result of this discretionary measure.

Transitional conditions and limitations:

- In those cases where a citizen of Russia has a current discretionary parole issued by CBP at a CNMI port of entry on the effective date of this revision and is present in the CNMI, that person will be eligible to visit Guam within the term of the parole.
- This discretionary authority does not grant a citizen of Russia the benefit of forty-days (45) days in the CNMI and a separate forty-five (45) days in Guam, but a total of forty-five (45) days between both U.S. territories.
- The parole for the citizen of Russia applying for this benefit is limited to the geographic limit of Guam and the CNMI; a valid nonimmigrant visa is required for the person to travel to another part of the United States.
- Citizens of the People's Republic of China (PRC) continue to be limited to a discretionary parole to the CNMI only and cannot apply to visit Guam or another geographic part of the United States without a valid nonimmigrant visa issued by a U.S. Embassy or Consulate.

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- The continued eligibility of the People's Republic of China (PRC) and Russia under this exercise of discretionary authority is subject to review.

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**U.S. Customs and
Border Protection**

NOV 23 2009

MEMORANDUM FOR: Executive Directors
Field Operations

Directors, Field Operations
Office of Field Operations

Director, Field Operations Academy
Office of Training and Development

FROM: Executive Director **(b) (6), (b) (7)(C)**
Admissibility and Passenger Programs

SUBJECT: CNMI-Only Parole

On May 8, 2008, President George W. Bush signed the Consolidated Natural Resources Act of 2008, P.L. 110-229 (CNRA), which requires the imposition and implementation of Federal immigration laws in the Commonwealth of the Northern Mariana Islands (CNMI). The implementation date for the CNRA is November 28, 2009. Once implemented, U.S. Customs and Border Protection (CBP) will be responsible for the inspection and admissibility determination of all travelers into the United States at CNMI ports of entry.

The CNRA required CBP to promulgate a regulation governing the new Guam-CNMI Visa Waiver Program (G-CNMI VWP). The G-CNMI VWP Interim Final Rule (IFR) was published in the Federal Register on January 16, 2009. The current Guam Visa Waiver Program, found at 8 CFR 212.1(e), will be replaced by the G-CNMI VWP upon implementation of the CNRA. The IFR, as published, did not include nationals from the People's Republic of China or the Russian Federation as eligible participants in the G-CNMI VWP. The CNMI currently allows Chinese and Russian tourists to visit the islands visa-free.

On October 21, 2009, DHS announced to Congress the Secretary's decision to allow nationals from these two countries to continue visa-free travel to the CNMI after the implementation of the CNRA under her parole authority. (See attached notification)

As a result of the Secretary's announcement, CBP, in close coordination with DHS, has developed the specific parameters for carrier and traveler eligibility for the CNMI-Only Parole.

Eligibility requirements for carriers

To be eligible to transport nonimmigrant nationals from the Russian Federation and the People's Republic of China into the United States, the carrier must:

- Already be signatory to the Guam-CNMI Visa Waiver Program*
- Ensure that travelers meet the eligibility requirements for the CNMI-Only Parole

*Carriers that are not currently signatory must complete CBP Form I-760 and initiate the process with CBP no later than November 23, 2009 to be eligible by the November 28, 2009 implementation date.

CBP will not initiate fines against the carrier under Section 273 of the INA for boarding such nonimmigrant aliens without a valid U.S. visa, provided the carrier is signatory to the Guam-CNMI Visa Waiver Agreement and the carrier acknowledges its responsibility for the removal of such aliens if they are determined to be inadmissible to the United States on grounds other than INA 212(a)(7)(B)(i)(II).

Eligibility requirements for visitors from the Russian Federation and the People's Republic of China for the CNMI-Only Parole

To be eligible for the parole provision, prior to embarking on a carrier for travel to the CNMI, each nonimmigrant alien must:

- Be a national of the People's Republic of China or the Russian Federation;
- Be solely entering and staying in the CNMI for a period not to exceed forty-five days;
- Be in possession of a round trip ticket that is nonrefundable and nontransferable and bears a confirmed departure date not exceeding forty-five days from the date of entry to the CNMI;
- Be in possession of a completed and signed Guam-CNMI Visa Waiver Information form (CBP Form I-736);
- Be in possession of a completed I-94, Arrival-Departure Record (CBP Form I-94); and
- Be in possession of a valid unexpired ICAO-compliant, machine readable passport.

Additional conditions of the parole provisions

- Traveler must be classifiable as a visitor for business or pleasure;
- Parole authorization is limited to the CNMI only
- Visitors who are paroled under this authority may not engage in local employment or labor for hire.

In addition to developing the parameters for the carriers and travelers under the CNMI-Only Parole, CBP has developed Standard Operating Procedures (SOP) for CBP officers to follow when inspecting these travelers. (See Attached SOP)

Please find attached a muster topic on the CNMI-Only Parole for nationals of the People's Republic of China and the Russian Federation. If you have any questions or concerns, please have a member of your staff contact Ms. (b) (6), (b) (7)(C) Program Manager, Admissibility and Passenger Programs, at (b) (6), (b) (7)(C)

Weekly Muster

Week of Muster: Upon Receipt

Topic: CNMI-Only Parole

HO POC: (b) (6), (b) (7)(C) OFO- Admissibility and Passenger Programs
(b) (6), (b) (7)(C)

Message: On October 21, 2009, DHS announced to Congress the Secretary's decision to allow nationals from these two countries to continue visa-free travel to the CNMI after the implementation of the CNRA under her discretionary parole authority.

- Carriers that meet the established eligibility requirements will be allowed to board nationals of the Russian Federation and the People's Republic of China without a visa for the purpose of business or pleasure.
- CBP will not initiate fines against the carrier under Section 273 of the INA for boarding such nonimmigrant aliens without a valid U.S. visa, provided the carrier is signatory to the Guam-CNMI Visa Waiver Agreement and the carrier acknowledges its responsibility for the removal of such aliens if they are determined to be inadmissible to the United States on grounds other than INA 212(a)(7)(B)(i)(II).
- Prior to embarking on a carrier for travel to the CNMI, each nonimmigrant alien must:
 - Be a national of the People's Republic of China or the Russian Federation;
 - Be solely entering and staying in the CNMI for a period not to exceed forty-five days;
 - Be in possession of a round trip ticket that is nonrefundable and nontransferable and bears a confirmed departure date not exceeding forty-five days from the date of entry to the CNMI;
 - Be in possession of a completed and signed Guam-CNMI Visa Waiver Information form (CBP Form I-736);
 - Be in possession of a completed I-94, Arrival-Departure Record (CBP Form I-94); and
 - Be in possession of a valid unexpired ICAO-compliant, machine readable passport.
- Additional conditions of the parole provisions:
 - Parole authorization is limited to the CNMI only
 - Visitors who are paroled under this authority may not engage in local employment or labor for hire.
- Officers will follow the established SOPs (attached) for the processing of travelers under the CNMI-Only parole provisions.

Standard Operating Procedures
Processing Instructions for CNMI-Only Parole

Start of Shift/Operational Day

CBP officers will utilize a daily flight schedule including date specific admission periods:

- The maximum period of authorized stay for travelers under the CNMI-Only parole provisions is 45 days.
- CBP officers should authorize parole for the period of time indicated on the return trip ticket plus a week (seven days) to offset possible flight delays due to weather conditions or mechanical reasons.

Processing the traveler

Primary officers will conduct a standard primary examination to include but not limited to:

- Document Swipe through reader to query the appropriate systems.
- Review of I-94 and I-736 to ensure they are properly completed, and the I-736 is signed.
- Enroll the traveler into USVISIT.
- Make a determination of admissibility*

○

(b) (7)(E)

- Traveler will be **(b) (7)(E)**
- I-94 arrival and departure portion will be stamped with a parole stamp. This will be done using current guidelines for paroles (blue security ink).
- I-94 arrival and departure portion will be annotated with the scheduled departure date plus a few extra days, with the maximum authorized stay not to exceed 45 days.
 - I-94s will be annotated with a date specific period of authorization on the "until" line of the parole stamp.
- Scheduled flight number and departure date will be annotated on the back of the I-94 in the comments section.
- Primary officer will annotate "CP - CNMI Only" on the purpose lines.
- Primary officer will annotate the line stamp on the line indicating date/location/officer.
 - Line stamp impression will be made using the current practice (rust color ink).
- Primary officer will staple the I-94 arrival portion to the Form I-736.
- Primary Officer will staple the departure I-94 into the traveler's passport, preferably adjacent to the parole stamp.
- The traveler will be permitted to proceed to baggage claim and to CNMI Customs.

* The only inadmissibility ground excepted by the CNMI-Only Parole is INA §212(a)(7)(b)(i)(II) – Non- immigrant without a Valid Visa

At the conclusion of the flight:

- The officer will log into IO-95 and close out the CNMI-Only parole referrals in the Secondary Log.
- The officer will indicate the date paroled until, code of parole (CP), and in the remarks will annotate, "Paroled per INA Section 212(d)(4)(A) – CNMI Only
 - The default date for parole is automatically 1 year. It is imperative that the officer change the default to the authorized date indicated on the I-94.
- Additionally, if the scheduled flight number and departure date was recorded on the I-94, this information should be annotated in the remarks.

After all data is recorded to close out the secondary referral, the I-94s and I-736s will be bundled for shipment to the data entry contractor (ACS - London, KY).

DHS Notification to Congress
October 21, 2009

During the period from November 28, 2009 (the transition program effective date), until the date of publication of the final Guam-CNMI Visa Waiver Program (VWP) rule (or other date that the Secretary of Homeland Security may determine), the Secretary of Homeland Security will exercise her authority to parole into the CNMI, in the Secretary's discretion on a case-by-case basis, visitors for business or pleasure who are nationals of the Russian Federation and the People's Republic of China who present valid passports and who are not inadmissible except for the lack of a valid U.S. visitor visa. Parole, if granted, will be permitted for a period generally not to exceed 45 days and may be revoked or terminated upon notice. Parole will be authorized only for entry into the CNMI and will not extend to other areas of the United States. Visitors who are paroled under this authority may not engage in local employment or labor for hire.

Under U.S. immigration laws, the Secretary may grant parole to applicants for admission "under such conditions as [she] may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit."

With CBP assuming immigration functions in the CNMI, new security features including

- notice of entry via Advance Passenger Information data transmissions to CBP prior to flight take-off;
- clearance of security watchlist vetting prior to entry; and
- compliance with strict exit controls upon departure from the CNMI will be in place for all travelers entering the CNMI from outside the United States, including Chinese and Russian visitors.

CBP and DHS will continue to evaluate the comments received regarding the Guam-CNMI Visa Waiver Program interim final rule and will work toward issuance of a final rule.

Eligibility Requirements for Nonimmigrants in Guam and the Commonwealth of Northern Mariana Islands (CNMI) ONLY

Country of Citizenship	Entry into Guam			Entry into the Commonwealth of the Northern Mariana Islands (CNMI)		
	Visa Waiver Program (INA Section 217)	Guam-CMNI VWP (INA Section 212(l))	Discretionary Parole (DHS Secretary)	Visa Waiver Program (INA Section 217)	Guam-CMNI VWP (INA Section 212(l))	Discretionary Parole (DHS Secretary)
Andorra	Yes	No	No	Yes	No	No
Australia	Yes	Yes	No	Yes	Yes	No
Austria	Yes	No	No	Yes	No	No
Belgium	Yes	No	No	Yes	No	No
Brunei	Yes	Yes	No	Yes	Yes	No
China (People's Republic - PRC)	No	No	No	No	No	Yes
Czech Republic	Yes with e-Passport (ICAO Symbol)	No	No	Yes with e-Passport (ICAO Symbol)	No	No
Denmark	Yes	No	No	Yes	No	No
Estonia	Yes with e-Passport (ICAO Symbol)	No	No	Yes with e-Passport (ICAO Symbol)	No	No
Finland	Yes	No	No	Yes	No	No
France	Yes	No	No	Yes	No	No
Germany	Yes	No	No	Yes	No	No
Greece	Yes with e-Passport issued by Hellenic Polica after 8/26/2006	No	No	Yes with e-Passport issued by Hellenic Polica after 8/26/2006	No	No
Hong Kong	No	Yes - Including both British National Overseas and Hong Kong (SAR) passports. All must present Hong Kong Identification Card.	No	No	Yes - Including both British National Overseas and Hong Kong (SAR) passports. All must present Hong Kong Identification Card.	No
Hungary	Yes with e-Passport (ICAO Symbol)	No	No	Yes with e-Passport (ICAO Symbol)	No	No
Iceland	Yes	No	No	Yes	No	No
Ireland	Yes	No	No	Yes	No	No
Italy	Yes	No	No	Yes	No	No
Japan	Yes	Yes	No	Yes	Yes	No
Latvia	Yes with e-Passport (ICAO Symbol)	No	No	Yes with e-Passport (ICAO Symbol)	No	No
Liechtenstein	Yes	No	No	Yes	No	No
Lithuania	Yes with e-Passport (ICAO Symbol)	No	No	Yes with e-Passport (ICAO Symbol)	No	No
Luxembourg	Yes	No	No	Yes	No	No
Malaysia	No	Yes	No	No	Yes	No
Malta	Yes with e-Passport (ICAO Symbol)	No	No	Yes with e-Passport (ICAO Symbol)	No	No
Monaco	Yes	No	No	Yes	No	No
Nauru	No	Yes	No	No	Yes	No
Netherlands	Yes	No	No	Yes	No	No
New Zealand	Yes	Yes	No	Yes	Yes	No
Norway	Yes	No	No	Yes	No	No
Papua New Guinea	No	Yes	No	No	Yes	No
Portugal	Yes	No	No	Yes	No	No
Russia	No	No	Yes	No	No	Yes
San Marino	Yes	No	No	Yes	No	No
Singapore	Yes	Yes	No	Yes	Yes	No
Slovakia	Yes with e-Passport (ICAO Symbol)	No	No	Yes with e-Passport (ICAO Symbol)	No	No
Slovenia	Yes with red cover Slovenia passport	No	No	Yes with red cover Slovenia passport	No	No
South Korea	Yes with e-Passport (ICAO Symbol)	Yes	No	Yes with e-Passport (ICAO Symbol)	Yes	No
Spain	Yes	No	No	Yes	No	No
Sweden	Yes	No	No	Yes	No	No
Switzerland	Yes	No	No	Yes	No	No
Taiwan (Republic of China or Chinese Taipei)	No	Yes if meeting the following conditions: 1) Begin travel in Taiwan and who travel on direct flights from Taiwan to Guam and the CNMI; and, 2) Are in possession of a Taiwan National Identification Card and a valid passport issued with a re-entry permit issued by the Taiwan Ministry of Foreign Affairs.	No	No	Yes if meeting the following conditions: 1) Begin travel in Taiwan and who travel on direct flights from Taiwan to Guam and the CNMI; and, 2) Are in possession of a Taiwan National Identification Card and a valid passport issued with a re-entry permit issued by the Taiwan Ministry of Foreign Affairs.	No
United Kingdom	Yes with unrestricted right of permanent abode in England, Scotland, Wales, Northern Ireland, the Channel Islands, and the Isle of Man.	Yes	No	Yes with unrestricted right of permanent abode in England, Scotland, Wales, Northern Ireland, the Channel Islands, and the Isle of Man.	Yes	No

1. Applicants for the Visa Waiver Program must meet ESTA requirements.
2. Passengers will be processed under the most "beneficial" benefit.