

Muster

Date: February 24, 2014

Topic: Processing Non-Arriving Aliens Encountered By CBP

Headquarters POC: (b) (6), (b) (7)(C)

Office: Enforcement Programs Division

In the course of their duties, CBP officers may encounter aliens that are non-arriving and are inadmissible or removable. As law enforcement officers, CBP has the authority and responsibility to enforce the Immigration and Nationality Act (INIA) and take action when these classes of aliens are encountered. When non-arriving aliens are encountered, CBP has numerous courses of action to take depending on whether the alien falls under section 212 (Grounds of Inadmissibility) or 237 (Grounds of Deportation) of the INA.

All cases must be documented (b) (7)(E) and an A file opened. All cases must include a sworn statement and an I-213, Record of Inadmissible/Deportable Alien. (b) (7)(E)

(b) (7)(E)

(b) (7)(E) Below you will find basic information about processing requirements for the different types of non-arriving adverse actions:

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

~~For Official Use Only~~



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

FEB 24 2014

MEMORANDUM FOR: Directors, Field Operations
Director, Preclearance Operations
Office of Field Operations

(b) (6), (b) (7)(C)

FROM: Assistant Executive Director
Admissibility and Passenger Programs

SUBJECT: Processing Non-Arriving Aliens Encountered by CBP

A memorandum dated July 24, 2006, *Processing of Aliens in the United States Illegally and Encountered at a Port of Entry*, outlined authority and responsibility regarding aliens discovered by CBP Officers to be unlawfully present in the United States. This memorandum reiterates the delegation of authority that facilitates implementation of that guidance and provides guidance on case processing and other issues related to non-arriving inadmissible or removable aliens.

In the course of their duties, CBP officers may encounter aliens that are non-arriving and are inadmissible or removable. As law enforcement officers, CBP has the authority and responsibility to enforce the Immigration and Nationality Act (INIA) and take action when these classes of aliens are encountered. When non-arriving aliens are encountered, CBP has numerous courses of action to take depending on whether the alien falls under section 212 (Grounds of Inadmissibility) or 237 (Grounds of Deportation) of the INA.

Section 212 of the INA applies to inadmissible aliens, which when dealing with non-arriving aliens typically refers to aliens inadmissible pursuant to section 212(a)(6)(A)(i), Entry without Inspection. A removable alien is any alien who is unlawfully in the United States and, by statute, is not considered an applicant for admission. These aliens are deemed 'removable' or 'deportable' pursuant to section 237 of the INA.

There are various types of adverse actions that may apply to non-arriving aliens depending on the circumstances. When processing non-arriving alien cases, CBP officers must determine the applicable grounds of inadmissibility or deportability and the appropriate course of action to take. (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (5), (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

Although 8 CFR 239.1(a)(37) specifically names the “Deputy Port Director” as being an authorizing official, due to CBP hierarchy and the varying ranking structures at different ports, the intent of the “Delegation of Authority” is that at a minimum, (b) (7)(F)

(b) (7)(E)

(b) (7)(E)

Please ensure that this guidance is disseminated to all ports of entry within your area of responsibility. The attached muster should be provided to all Supervisory CBPO's and managers. Any questions you may have regarding this Memo may be directed to (b) (6), (b) (7)(C) Director, Enforcement Policy Division, at (b) (6), (b) (7)(C)

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT**

NOTICE OF INTENT TO DEPORT FOR VIOLATING THE TERMS OF YOUR ADMISSION UNDER
SECTION 217 OF THE IMMIGRATION AND NATIONALITY ACT

TO: (b) (6), (b) (7)(C)

FILE: (b) (7)(E)

(b) (7) (E)

Signature: (b) (6), (b) (7)(C)

Name and Title: Field Office Director

Date: January 1, 2013

Place: Seattle, Washington

(b) (7) (E)

(b) (7) (E)