



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

MAY 17 2010

MEMORANDUM FOR: Directors, Field Operations
Office of Field Operations

Director, Pre Clearance Operations

Director, Field Operations Academy
Office of Training and Development

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

SUBJECT: Automation of the CBP Form I-94W in the Air and Sea
Environments

The Office of Management and Budget (OMB) ordered that U.S. Customs and Border Protection (CBP) eliminate or significantly reduce the use of the CBP Form I-94W. The Electronic System for Travel Authorization (ESTA) Interim Final Rule (IFR), published June 9, 2008, stated that the form may be eliminated for Visa Waiver Program (VWP) travelers arriving by air or sea once carriers are capable of receiving and validating ESTA status messages. CBP has worked diligently to meet these obligations by making technical changes to support eliminating the form, providing policy support and guidance to the field, and working with carriers to leverage the APIS infrastructure to allow for the receipt and validation of ESTA status messages by air carriers.

Enhancements to the Traveler Primary Arrival Client and (b) (7)(E) are complete and the systems are now capable of (b) (7)(E)

(b) (7)(E)

(b) (7)(E) Modifications have also been made to (b) (7)(E) to allow officers to complete an automated I-94W admission record if applicable. Successful testing of the new process has taken place using selected flights arriving at Los Angeles and Philadelphia and departing from Shannon Preclearance. The paper form CBP I-94W will continue to be required for VWP travelers when the ESTA status cannot be verified, either because of an outage or because the traveler has not applied for travel authorization. CBP has worked collaboratively with US-VISIT to develop an advanced process for electronically matching arrival and departure records based on admission data and carrier outbound manifest transmissions with a specific focus on enhancing the integrity of arrival and departure data.

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An aggressive roll out strategy of this new capability will commence on May 25, 2010 with all flights arriving at the Philadelphia Port of Entry. Automated capabilities will then be implemented by field office based on the following schedule:

- June 1, 2010: Preclearance locations.
- June 8, 2010: Southwest Field Offices (Laredo, Houston, San Diego, El Paso, Tucson, Los Angeles).
- June 15, 2010: Northwest Field Offices (San Francisco, Portland, Seattle, and Chicago).
- June 22, 2010: Southeast Field Offices ((Atlanta, Tampa, Miami, San Juan, New Orleans).
- July 29, 2010: Northeast Field Offices (New York, Boston, Buffalo, Baltimore, and Detroit)

For additional guidance refer to memo titled *Electronic System for Travel Authorization Enforced Compliance - Port Procedures* dated January 20, 2010 (attached) and the memo entitled *Electronic System for Travel Authorization - Processing Travelers with Denied Travel Authorizations* dated September 1, 2009.

The attached Muster explains the processing requirements for all CBP Officers processing Visa Waiver Program passengers.

For further information, contact (b) (6), (b) (7)(C) Program Manager, ESTA, of my staff at (b) (6), (b) (7)(C)

Attachments

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Muster

Date: May 17, 2010

Topic: I-94W Automation Project-Air and Sea

Reference Materials: Memo dated May 17, 2010, Automation of the CBP Form I-94W in the Air and Sea Environments

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

Office: Admissibility and Passenger Programs/Electronic System for Travel Authorization

- U.S. Customs and Border Protection (CBP) processing systems used in the air and sea environment are now capable of (b) (7)(E)
(b) (7)(E) (b) (7)(E)
(b) (7)(E) Automated processing is available in the Traveler Primary Arrival Client (TPAC), (b) (7)(E)
- (b) (7)(E)
- Ports of entry will be granted the new automated processing capabilities based on a regional roll out strategy intended to limit operational impact.
- A Quick Reference Guide has been developed to serve as a reference document for CBP officers that describe changes to all affected computer systems. The guide may be found on the CBPnet ESTA Training Page.
- CBP will begin the transition to automated processing on May 25, 2010 for ESTA compliant travelers arriving by air and sea under the Visa Waiver Program (VWP) pursuant to INA Section 217.
- Some travelers eligible for automated processing may arrive with a completed CBP Form I-94W provided by the airline. To avoid duplication of records, CBP officers should collect the form and politely explain that it is not necessary due to the new procedure.
- Officers must obtain an oral declaration from travelers of their intent to apply for admission under the VWP.
- Officers must verify that a traveler has been granted a travel authorization via ESTA associated with the passport they are presenting in application for admission. This information is available in TPAC, (b) (7)(E) and the ESTA internal site.
- Officers must stamp the passport with the admission stamp and annotate the passport with the admission class and the exact date to which admitted.
- (b) (7)(E)
(b) (7)(E) The conditions for admission are specified in section 217 of the Act and 8 CFR 217.
- Travelers eligible for readmission after a departure to contiguous territory or one of the adjacent islands may be readmitted if all other requirements are met.

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- Aliens admitted under the VWP may be readmitted to the U.S. after a departure to foreign contiguous territory or adjacent islands for the balance of their original admission period, provided they are otherwise admissible and meet all the conditions of the VWP. For additional information on readmission under the VWP, reference the Inspector's Field Manual, chapter 15.7(i).
- TPAC and (b) (7)(E) will automatically display admission records created within 90 days and offer the option for the officer to reuse the record.
- In accordance with current policy, the paper CBP Form I-94W will continue to be required of VWP travelers that do not have a travel authorization via ESTA on file. For additional information refer to Memo dated January 20, 2010, and entitled *Electronic System for Travel Authorization - Enforced Compliance*.
- Applicants for admission with denied travel authorization via ESTA should be processed in accordance with current guidance. For additional information refer to Memo dated September 1, 2009 and entitled *Electronic System for Travel Authorization - Processing Travelers with Denied Travel Authorizations*.
- During outages, normal port procedures will be followed and CBP Form I-94W forms will be required for all passengers admitted under the VWP to ensure admission data is properly documented. Carriers have been instructed that they will be required to provide paper forms to passengers before they reach the FIS area during outages.

For further information, contact (b) (6), (b) (7)(C) Program Manager, ESTA, at (b) (6), (b) (7)(C)

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Muster

Date: May 17, 2010

Topic: I-94W Automation Project-Land Border Muster

Reference Materials: Memo dated May 17, 2010, Automation of the CBP Form I-94W in the Air and Sea Environments

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

Office: Admissibility and Passenger Programs/Electronic System for Travel Authorization

- U.S. Customs and Border Protection (CBP) processing systems used in the air and sea environment are now capable of (b) (7)(E)
- (b) (7)(E) Automated processing is available in the Traveler Primary Arrival Client (TPAC), (b) (7)(E)
- (b) (7)(E)
- Air and sea ports of entry will be granted the new automated processing capabilities based on a regional roll out strategy intended to limit operational impact.
- A Quick Reference Guide has been developed to serve as a reference document for CBP officers that describe changes to all affected computer systems. The guide may be found on the CBPnet ESTA Training Page.
- CBP will begin the transition to automated processing on May 25, 2010 for ESTA compliant travelers arriving by air and sea under the Visa Waiver Program (VWP) pursuant to INA Section 217.
- Officers must obtain an oral declaration from travelers of their intent to apply for admission under the VWP.
- Officers must verify that a traveler has been granted a travel authorization via ESTA associated with the passport they are presenting in application for admission. This information is available in TPAC, (b) (7)(E) and the ESTA internal site.
- Officers must stamp the passport with the admission stamp and annotate the passport with the admission class and the exact date to which admitted.
- (b) (7)(E)
- (b) (7)(E) The conditions for admission are specified in section 217 of the Act and 8 CFR 217.
- The ESTA requirement does not currently apply to the land border, however travelers admitted via the new process will be encountered.
- Travelers eligible for readmission after a departure to contiguous territory or one of the adjacent islands may be readmitted if all other requirements are met.

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- Aliens admitted under the VWP may be readmitted to the U.S. after a departure to foreign contiguous territory or adjacent islands for the balance of their original admission period, provided they are otherwise admissible and meet all the conditions of the VWP. For additional information on readmission under the VWP, reference the Inspector's Field Manual, chapter 15.7(i).
- Admission records are automatically generated upon admission under the VWP in the air and sea environment are immediately available in TECS SQ94 and indicate a status code of "G".
- Existing admission records are available in the Vehicle Primary Client. Active I-94s for a traveler may be seen by selecting the (b) (7)(E) and are automatically shown in the center of the screen on U.S. Pedestrian after a document swipe.
- U.S. Arrival will show active I-94s after a (b) (7)(E) (b) (7)(E) s displayed. As the expansion of this capability continues, this will become the routine process for VWP travelers arriving in the sea and air environment.
- In accordance with current policy, the paper CBP Form I-94W will continue to be required of VWP travelers that do not have a travel authorization via ESTA on file. For additional information refer to Memo dated January 20, 2010, and entitled *Electronic System for Travel Authorization - Enforced Compliance*.
- Applicants for admission with denied travel authorization via ESTA should be processed in accordance with current guidance. For additional information refer to Memo dated September 1, 2009 and entitled *Electronic System for Travel Authorization - Processing Travelers with Denied Travel Authorizations*.
- During outages, normal port procedures will be followed and CBP Form I-94W forms will be required for all passengers admitted under the VWP to ensure admission data is properly documented. Carriers have been instructed that they will be required to provide paper forms to passengers before they reach the FIS area during outages.

For further information, contact (b) (6), (b) (7)(C) Program Manager, ESTA, at (b) (6), (b) (7)(C)

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