



U.S. Customs and
Border Protection

JUL 1 2 2013

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

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

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

SUBJECT: Determining Inadmissibility of Pregnant Visitors

U.S. Customs and Border Protection (CBP) is required to impartially inspect all applicants for admission into the United States in accordance with the Immigration and Nationality Act (INA). Recent events reported in the news media have highlighted the decisions made by CBP officers in making admissibility decisions of arriving visitors.

Pregnancy, per se, is not a ground of inadmissibility under Section 212(a) of the INA. CBP officers are encouraged to consider several factors before making a determination of admissibility, to include, but not limited to:

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It is important that CBP officers inspect each traveler objectively and apply the INA and 8 CFR impartially. Directors of Field Operations and Port Directors are required to ensure that CBP officers, supervisors, and managers are conducting inspections in an unbiased manner; and reviewing each case to ensure that personal prejudice do not enter into consideration. If legal advice is needed to assist in determining admissibility or to interpret the meaning of the law, ports may contact their local Office of Chief Counsel through the chain of command for clarification.

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) Acting Director, Enforcement Programs at (b) (6), (b) (7)(C)

Attachments

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Weekly Muster

Week of: Upon receipt
Topic: Determining Inadmissibility of Pregnant Visitors
References: Sections 101(a)(B), 212(a)(7)(A)(i)(1), and 214(b) of the Immigration and Nationality Act
Headquarters POC: (b) (6), (b) (7)(C)
Office: Admissibility and Passenger Programs

- Pregnancy is not a ground of inadmissibility, including the desire for a child to be born in the United States.

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- To determine the admissibility of an applicant for admission, including those entering for medical treatment, CBP officers must weigh several factors.

Factors to consider in determining admissibility:

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