

December 28, 2007

MEMORANDUM FOR: EXECUTIVE DIRECTORS, FIELD OPERATIONS  
DIRECTORS, FIELD OPERATIONS  
ACTING DIRECTOR, PRECLEARANCE OPERATIONS

FROM: Assistant Commissioner  
Office of Field Operations

SUBJECT: Western Hemisphere Travel Initiative – Dual Nationality

Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), as amended, requires all travelers entering the United States, including U.S. citizens, to present a passport or other acceptable document for entry. This statutory change is being implemented through the Western Hemisphere Travel Initiative (WHTI), which became effective in the air environment on January 23, 2007, and will be implemented in phases in the land and sea environment beginning on January 31, 2008.

The purpose of this memorandum is to clarify U.S. Customs and Border Protection (CBP) procedures on processing travelers who claim to be U.S. citizens as well as citizens or nationals of another country under the documentary requirements imposed by WHTI. The U.S. Government does not formally recognize dual nationality; however, based on operational experience, CBP will encounter travelers claiming simultaneous citizenship to the United States and another country.

The pertinent regulation at 8 CFR § 235.1 provides that, “[a] person claiming United States citizenship must establish that fact to the examining officer’s satisfaction and must present a U.S. passport [if required]”. The full implementation of WHTI will change this regulation by eliminating a historical exemption that applied to travelers arriving from within the Western Hemisphere, with the effect that a person claiming to be a U.S. citizen must present a valid U.S. passport or other acceptable WHTI-compliant document in all circumstances, whether entering the United States by air, land, or sea ports of entry from anywhere outside the United States.

Under WHTI, CBP Officers

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If you have any questions or concerns regarding this memorandum, please have a member of your staff contact (b) (7)(C), (b) (6) [redacted], WHTI, at (b) (7)(C), (b) (6) [redacted]

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Thomas S. Winkowski

