



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

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

FROM: Executive Director
Admissibility and Pa

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 (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

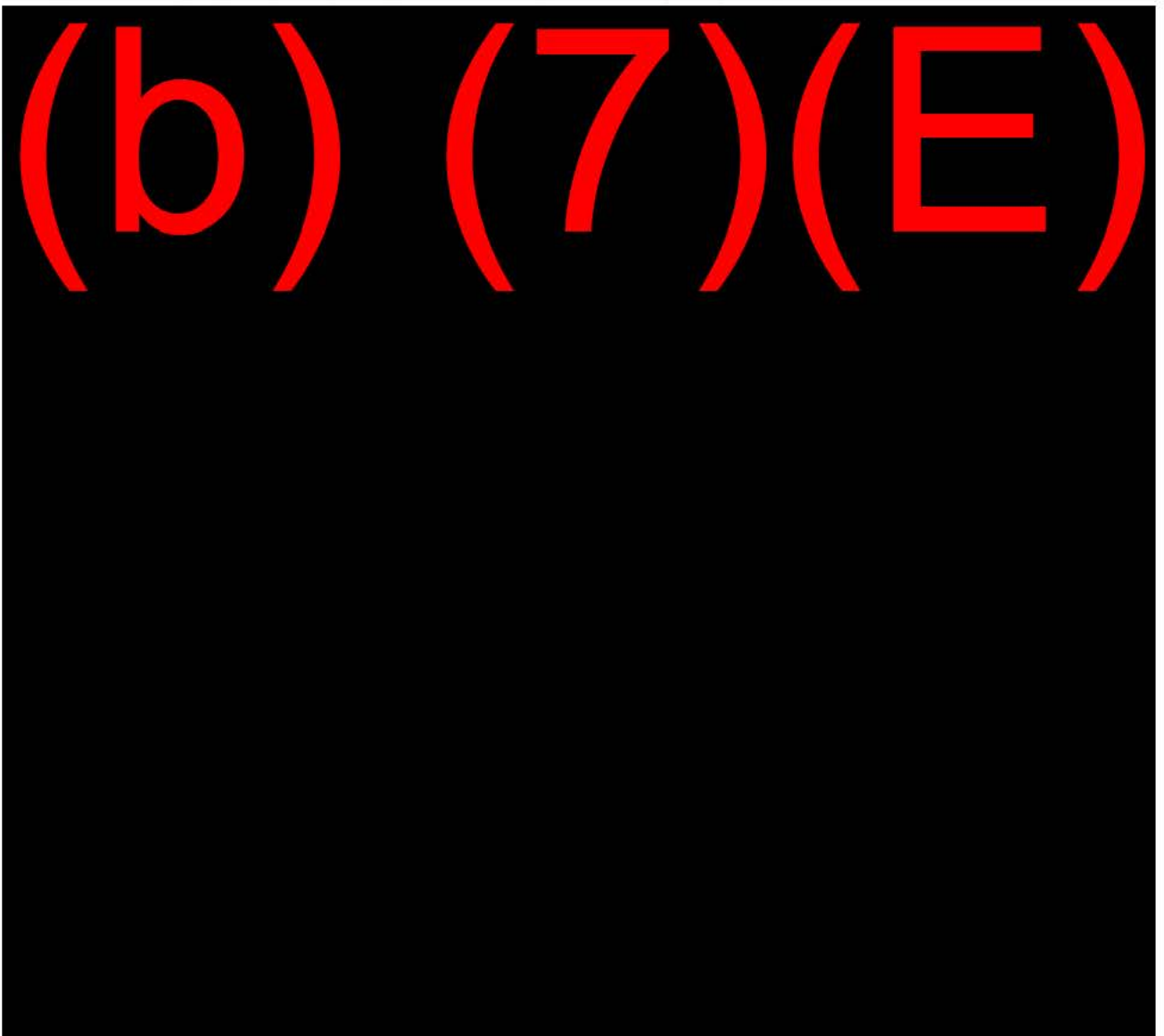
Start of Shift/Operational Day

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:



(b) (7)(E)

(b) (7)(E)

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.