



U.S. Customs and
Border Protection

NOV 09 2009

MEMORANDUM FOR: Executive Directors
Field Operations

Directors, Field Operations
Office of Field Operations

Director, Field Operations Academy
Office of Training and Development

Director, Preclearance
Operations (b) (6), (b) (7)(C)

FROM: Executive Director
Admissibility and Passenger Programs

SUBJECT: Document Validity Requirements for Canadians

Western Hemisphere Travel Initiative (WHTI) document requirements were successfully implemented at land and sea ports of entry on June 1, 2009. It has come to the attention of the Office of Field Operations that further clarification and guidance is necessary regarding the documentary requirements for certain Canadian citizens, for example Intracompany Transferees (L-1s) and NAFTA Professionals (TNs).

Pursuant to Section 212(a)(7)(B)(i)(I) of the Immigration and Nationality Act (INA) and 8 CFR § 214.1, nonimmigrant aliens generally must present a passport valid for at least six months beyond their intended period of stay. Since Canada is a member of the "Six Month Club," and has agreed to recognize passports as valid for return to Canada for a period six months beyond the expressed expiration date, a Canadian passport must remain valid for the entire period of admission only.

In lieu of a passport, Canadian citizens may instead present alternative documents that denote identity and citizenship in compliance with WHTI. U.S. Customs and Border Protection (CBP) is adopting the policy that, like passports, alternative WHTI-compliant documents such as Enhanced Driver's Licenses (EDLs) and Trusted Traveler Program cards (NEXUS, SENTRI, FAST), must remain valid for the entire period of a nonimmigrant's admission.

In cases where CBP issues an I-94, *Arrival Departure Record*, for a nonimmigrant, as with a TN or L-1, the I-94 may be issued only up to the period of validity of the passport or WHTI-compliant document presented by the alien. For example, a TN may be issued for a period up to

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three years only if the accompanying passport or WHTI-compliant document is valid for three years (and all other TN requirements are met).

In cases where a nonimmigrant's document is not valid for the entire initial period of stay, if otherwise admissible, the individual may be admitted until the expiration date of the document presented. If the individual applies for admission with a new document at a later date, a new I-94 (if required), may be issued for the entire period of stay (as long as any required additional documentation, such as TN paperwork is presented).

Unless specifically exempt, the above validity requirements apply to all nonimmigrant classifications.

It is important to note that, until subsequent guidance is issued regarding WHTI enforcement procedures, CBP is continuing its practical and flexible approach to implementation. As outlined in the May 14, 2009 WHTI memo, CBP is exercising its statutory authority under § 212(d)(4)(A) of the INA to admit noncompliant Canadian citizens who establish identity and citizenship and are otherwise found admissible without requiring Form I-193, *Application for Waiver of Passport and/or Visa*. This policy continues to apply to all Canadian nonimmigrants arriving by land or sea who are not in compliance with WHTI.

Please find attached a muster topic on document requirements for Canadian nonimmigrants. If you have any questions or concerns, please have a member of your staff contact (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Director, WHTI, at (b) (6), (b) (7)(C)

Attachment

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Weekly Muster

Week of Muster: Upon Receipt

Topic: Document Validity Requirements for Canadians

HQ POC: (b) (6), (b) (7)(C). OFO – WHTI Program Management Office
(b) (6), (b) (7)(C)

Message: Passports and WHTI-compliant documents must remain valid for the entire period of a Canadian nonimmigrant's admission

A Canadian nonimmigrant's passport or alternative Western Hemisphere Travel Initiative (WHTI)-compliant document, such as an Enhanced Driver's License (EDL) or Trusted Traveler Program card (NEXUS, SENTRI, FAST), must remain valid for the entire period of admission.

In cases where CBP issues an I-94, *Arrival Departure Record*, for a nonimmigrant, as with a TN or L-1, the I-94 may be issued only up to the period of validity of the passport or WHTI-compliant document presented by the alien. For example, a TN may be issued for a period up to three years only if the accompanying passport or WHTI-compliant document is valid for three years (and all other TN requirements are met).

In cases where a nonimmigrant's document is not valid for the entire initial period of stay, if otherwise admissible, the individual may be admitted until the expiration date of the document presented. If the individual applies for admission with a new document at a later date, a new I-94 (if required), may be issued for the entire period of stay (as long as any required additional documentation, such as TN paperwork is presented).

Unless specifically exempt, the above validity requirements apply to all nonimmigrant classifications.

It is important to note that until subsequent guidance is issued regarding WHTI enforcement procedures, CBP is continuing its practical and flexible approach to implementation. CBP is exercising its authority to admit noncompliant Canadian citizens who establish identity and citizenship and are otherwise found admissible without requiring Form I-193, *Application for Waiver of Passport and/or Visa*. This policy continues to apply to all Canadian nonimmigrants arriving by land or sea who are not in compliance with WHTI.

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