

The Western Hemisphere Travel Initiative

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On August 11, a Notice of Proposed Rule Making (NPRM) was published in the Federal Register describing a proposed plan by the Department of Homeland Security (DHS) and the Department of State to implement the first phase of the Western Hemisphere Travel Initiative (WHTI). **Phase I will require all travelers, including U.S. citizens, to present a passport or other accepted travel document as evidence of citizenship and identity when entering the United States by air or sea.**

Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) requires U.S. citizens and non-U.S. citizens alike to present a passport or other acceptable document as evidence of identity and citizenship when entering the United States. The IRTPA specifically imposes a document requirement for all international travel within the Western Hemisphere (travel to/from Mexico, Canada, the Caribbean, and Bermuda), which affects many travelers who were previously exempt. The WHTI proposes a phased approach to implementation. The document requirement would be effective on **January 8, 2007 for air and sea travel** and on **January 1, 2008 for land borders**. WHTI will strengthen border security and facilitate entry into the United States for American citizens and legitimate foreign travelers by ensuring that travelers possess secure, verifiable identity and citizenship documents.

At the present time, U.S., Canadian and Bermudan citizens traveling within the Western Hemisphere are exempt by regulation from the passport requirement. Evidence of citizenship and identification required for entry into the United States currently consists of a wide variety of less secure documents: driver's licenses, birth certificates, school IDs, etc. This requires U.S. Customs and Border Patrol (CBP) officers to be familiar with numerous types of documents to make entry decisions. The IRTPA eliminates this exemption and requires the Secretary of DHS, in consultation with the Secretary of State, to develop and implement a plan to require U.S. citizens and all foreign travelers to present a passport or other document(s) deemed by the DHS Secretary to be sufficient to denote identity and citizenship when entering the United States. Only a limited number of specific documents will be acceptable for presentation at U.S. ports of entry under this plan.

Under IRTPA, U.S. citizens and foreign nationals must have "a passport or other document, or combination of documents, deemed by the Secretary of DHS to be sufficient to denote identity and citizenship" to enter the United States. The U.S. Passport Office has been increasing capacity to meet the rising demand for passports.

In addition to the passport, the NPRM is proposing two alternative options for air and sea travel:

- The NEXUS Air card, when used in conjunction with a NEXUS kiosk, would be acceptable in lieu of a passport for U.S. and Canadian citizens and Canadian permanent residents enrolled in this trusted traveler program. U.S. permanent resident NEXUS Air members would also need to present their Alien Registration Card (ARC) ("green cards" or I-551).
- The Merchant Marine document (MMD) issued by the Coast Guard would be sufficient alternative documentation for U.S. citizen seamen.

There will be no change to the requirements for U.S. or NATO military members. They will still be able to enter with U.S. military ID or a NATO country ID plus official orders.

Documentary Requirements for special groups are defined:

- Mexican citizens arriving by air or sea would need to present a valid Mexican passport along with a Border Crossing Card (BCC) or Visa.
- Commercial fishermen, who do not land at a foreign port, would not be considered to have departed and the passport requirement would not apply.
- Native Americans (born in the U.S., Canada, or Mexico) would be required to carry a passport when arriving by air or sea.
- There would be no change to travel between U.S. territories and the United States unless transiting through a foreign port.

Exceptions for individual cases of emergency travel and for humanitarian and national interest cases remain in place. CBP retains authority to make determinations of eligibility at ports of entry and cannot deny entry once they determine someone is a U.S. citizen.

Effect on non-U.S. citizens:

- Because document requirements for citizens of Canada and Bermuda traveling to the United States have been the same as those in effect for U.S. citizens, the Initiative will apply requirements similar to those for U.S. citizens to citizens of Canada and Bermuda, beginning with air and sea travel as of January 8, 2007.
- Mexican citizens arriving by air or sea will need to present passports with visas or BCCs with passports for admission to the United States.

The public has been formally notified via the publication of a Notice of Proposed Rule Making in the Federal Register. Anyone wishing to comment on the proposal may access the Federal eRulemaking Portal at <http://www.regulations.gov> and follow the instructions for submitting comments.

A detailed message on WHTI and how it may affect travelers is also available on the State Department's consular website <http://travel.state.gov> and the Department of Homeland Security's website <http://www.dhs.gov> .

For more information about American Citizen Services, including service fees, please refer to our website at <http://www.ait.org.tw/en/uscitizens/>