

Inspector's Field Manual

INSPECTOR'S FIELD MANUAL (IFM)

IMPORTANT NOTICE

The following Operations Instructions are removed:

OI 101(all), 103.1(e), 103.1(e-1), 103.1(f), 103.1(g), 208 (all), 211.1, 211.2, 211.5, 212.3, 212.8, 212.9, 212.10, 212.11, 212.12, 215(all), 231(all), 233(all), 235(all, including appendixes), 236(all), 241(all), 242.1, 242.2(including appendix), 242.3, 242.4, 242.5, 242.6(a) through (c), 242.7(a) through (c), 242.10, 242.12, 243.1(a), 243.3(c), 243.5, 244(all), 246(all), 251(all), 252(all except 252.5 and appendix to OI 252.5), 253(all), 289(all), and Appendices 212.1 and 212.8.

OI Appendix 212.1 (six month list only) is redesignated as Appendix 15-2 of the IFM. OI Appendix 212.8 and 212.8(e), Exchange Visitors Skills List and amendments, have been updated and will appear as a separate handbook on this issue of INSERTS.

Nothing in this manual shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

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Chapter 1: Organization and Content of the Inspector's Field Manual

Welcome to the *Inspector's Field Manual* (IFM). This manual is a comprehensive "how to" manual detailing official Service policies and procedures for all aspects of the Inspections Program. The IFM is intended to be used in concert with several other references: the Immigration and Nationality Act ("INA" or "Act"), Title 8 of the Code of Federal Regulations (8 CFR), and the agency's *Administrative Manual* (AM), among others. Each of these other volumes contain unique information. The IFM is not intended to duplicate or replace any of them. The table in IFM Appendix 1-1 gives examples of various types of materials contained in regulations, field manuals, form instructions, and the AM. The table will be useful for you to distinguish the purposes of each.

The IFM, as well as the other volumes mentioned above, are included in the Service's CD-ROM reference library program, Immigration and Naturalization Service Easy Research and Transmittal System (INSERTS). INSERTS is organized by "books" on a "bookshelf" and the IFM is one of those books. The books are electronically connected so that you can conveniently flip from one to the other (referred to as "hypertext" links) without having to close one book and open the next. Searching for particular topics among several books is also convenient using INSERTS.

The IFM will provide ready access to procedural and policy materials relating to every aspect of the Inspections Program. It is intended to replace Part VI of the previous *Examinations Handbook*, which is now rescinded, as well as former Operations Instructions, which will be withdrawn as the relevant IFM chapter is completed. In addition, the IFM will incorporate all currently valid service policy wires and memoranda. The IFM will become available chapter by chapter, in each successive CD-ROM INSERTS release. Once completed, the IFM will be updated in the releases to INSERTS, incorporating new policies or procedures which may have been implemented through cables or memoranda to field offices.

The IFM is intended to be "user friendly." Please send your suggestions for improvements and ideas for new items you think should be included in the IFM to the Office of the Executive Associate Commissioner for Programs, Attention: Field Manual Project.

IMPORTANT NOTICE:

Nothing in this manual shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

Chapter 2: Mission and Conduct of Inspections Officers

2.1 Mission Statement.

In a timely and consistent manner, determine the admissibility of persons seeking entry; deny entry to inadmissible aliens; enforce criminal provisions against those who conspire to promote illegal entry and stay; and deter future illegal entry and stay in the United States.

2.2 Authority.

The United States, as a matter of sovereign right, exercises control over aliens seeking to enter, pass through, or remain in the national territory. The purpose of the controls is to protect the national interest and the continuing good order and well-being of the nation. Immigration inspection procedures are designed to simplify the examination and admission of United States citizens who can readily establish their identity, and to determine whether each alien meets the admission requirements of the Immigration and Nationality Act (INA).

The authority of the INS to conduct immigration inspection of arriving persons is contained in section 235 of the INA. Your authority as an officer of the Service is contained in section 287 of the INA. The principal authorities granted are:

- to question, under oath any person seeking to enter the U.S. in order to determine admissibility and,
- to search, without warrant, the person and belongings of any applicant seeking admission.

2.3 Reporting Assaults.

Individuals who forcibly assault, resist, or impede Service officers are subject to severe penalties [See 18 U.S.C. 111 and 1114.]. It is not, however, the policy of this Service to initiate prosecutions based on trivial or technical violations such as assaults which are entirely verbal, do not involve physical contact, and which do not involve substantial impairment of Service functions.

Inspectors are required to report all assaults that occur, this includes assaults that may or may not have resulted in an injury and those that may or may not have a weapon involved. As the FBI has investigative responsibility for assaults on Federal officers, report any assault to the FBI for a determination as to prosecution under 18 U.S.C. 111. Within the Service, Form G-725, Report of Assault on Service Employee(s), is used to report assaults on inspectors. Form G-725 must be completed in its entirety, including the narrative on the reverse. Item 18 should also note whether the assault case was presented and accepted for prosecution by a United States Attorney. Copies of Form G-725 should be forwarded to the following locations: one copy is retained at the originating district, one copy is sent to the Deputy Regional Director, Enforcement, one copy is sent to Headquarters, Associate Commissioner, Enforcement, and the original is sent to Headquarters, Assistant Commissioner, Inspections. If accepted for prosecution, notification of the case's final disposition should be forwarded via memorandum in a similar manner.

2.4 The Inspector and the Public.

At a port-of-entry, the inspector is customarily the first representative of our Government the public meets. First impressions last, so it is important that you maintain a highly professional appearance and standard of conduct at all times, regardless of circumstances. It is your responsibility as an immigration inspector to carry out the duties and responsibilities of your position in accordance with law, regulation, and agency policy. Remember that you are both a law enforcement officer and service provider. As an inspector, you must constantly be aware of your "customers," the American public whose laws you have sworn to uphold and enforce and the traveling

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public who expect and deserve prompt, efficient, courteous, inspectional services.

As a general guideline, you should be familiar with the *Officer's Handbook*, Form M-68, which you received when you entered on duty. This handbook sets forth Service policy concerning the conduct of officers in both their official capacity and in their private lives.

It is important that the applicant for admission be left with the impression that you were honest, fair, courteous, and considerate. There is no room in the inspection booth for bias or prejudice. Since inspectors may talk to hundreds of persons daily, a conscious effort must be made to remain patient. Your decisions concerning the people you inspect could seriously affect their lives.

2.5 Uniforms, Badges, and Identification.

(a) **The Inspector Uniform.** All Inspectors are required to be properly attired in the appropriate Inspector uniform at all times when on duty. AM 21.003 describes when the uniform is to be worn. The official uniform consists of four categories: 1) ceremonial uniform, 2) dress uniform, 3) duty uniform, and 4) rough-duty uniform. AM 21.003 describes in detail these four categories of uniforms. The proper rank insignia must be worn on the uniform. That insignia is determined by grade and position held. AM 21.003 describes the proper rank insignia to be worn. Additional insignia, buttons, patches, and badges are authorized to be worn on the uniform. Some are required, others are optional. All must be worn in accordance with the AM.

The official uniform when worn as one of the four categories of uniforms, described above, must be worn only with the items described for that category. Uniform items described as required must be worn, as prescribed in AM 21.003, at all times. Optional items may be worn at the discretion of the Inspector. Inspectors are not allowed to mix uniform items between categories of uniforms. Inspectors are not allowed to wear non-uniform items, such as personal jackets or sweaters, with the official uniform. This includes coming to or leaving from work, if in uniform.

Inspectors are not allowed to wear unauthorized pins or adornments on any part of their uniforms. Authorized pins or accessories are described in AM 21.003.

The dress coat and the officer's standard cap are optional for all Inspectors except supervisors. Inspectors wearing a firearm must wear a Sam or Sadie Brown belt or a River Belt and it must be worn with double snap belt keepers. Inspectors will not be allowed to wear weapon holsters on their trouser belt. Weapons or empty holsters will not be worn during primary inspection at airports. Leather gear must be purchased from the INS uniform contractor or be of the same type. No shiny or basketweave leather gear is allowed.

The Inspector uniform contains both summer and winter items. The summer or winter items can be worn at any time of the year, at the inspector's discretion.

Formal semi-annual in-ranks inspection of inspectors uniforms should be performed in accordance with AM 21.003 using Form G-525. Informal daily inspection of all Inspectors should occur before the inspector begins his or her duty shift.

Failure to comply with instructions from supervisory officers pertaining to the Inspector uniform may be cause for disciplinary action.

Official specifications for each clothing item of the inspector uniform are maintained by Headquarters, Office of Inspections; the Headquarters contracting officer; and by the contractor.

(b) **Uniform Allowance.** Each full-time Inspector is authorized a uniform allowance of \$400 for the fiscal year beginning 1 October each year pursuant to 5 U.S.C. 5901-5903. Less than full-time employees are authorized a uniform allowance of \$200. Policies, procedures, and responsibilities relating to administration of uniform allowance accounts and ordering procedures are described in AM 06.905. Inspectors exceeding their allowance are allowed to make personal payment for items purchased above the \$400 allowance. Allowance amounts not used by an inspector in a particular fiscal year do not carry-over to the next year but are forfeited on the last day of the fiscal year. Inspectors allowances are not prorated. An inspector is allowed a full allowance of \$400 (\$200 for less than full-time Inspectors) regardless of when the inspector entered-on-duty during the fiscal year.

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Any order received by the contractor on or before the last day of the fiscal year will be applied to that year's allowance. Any orders received by the contractor after the last day of the fiscal year will not be honored and will be returned to the inspector to be submitted again in the new fiscal year against the new fiscal year allowance. It is the responsibility of the inspector to confirm receipt by the contractor, by telephone, orders placed near the end of the fiscal year. Inspectors may mail or fax orders (or both) to the contractor. Allowance accounts with the contractor are based on the last seven digits of the inspector's social security number. Inspectors calling the contractor should have their social security numbers available when making the call. Confirming telephone calls are encouraged for orders placed at the end of a fiscal year. The current uniform contractor is:

R&R Uniforms, Inc
PO Box 27002
Nashville, TN 37020

Tel (INS orders & customer service): 800-543-2389
Fax (INS fax orders): 615-248-3437

(c) **Grooming Standards.** Appearance is a critical part of forming a favorable impression with the arriving traveller. The Officers' Handbook, *A Guide for Proper Conduct and Relationships with Aliens and the General Public*, M-68, (revised 1981) governs the conduct, appearance, and grooming standards of all INS officers. Pages 16 and 17 of the Officers' Handbook cover grooming standards for all INS officers.

(d) **Badges and Credentials.** Every officer of the Service is issued a shield (badge) and credentials for identification. You are responsible for these items and need to safeguard them against possible theft or loss. See AM 03.202 through 03.206 for further information.

2.6 The Work Environment.

Your work environment as an inspector can, at times, be difficult and challenging. There are many programs in place that help insure a safe and healthy work environment, and to guarantee that you, as an employee, are treated equitably and professionally and given the tools necessary to succeed. Following is a brief description of many of the current programs designed to support you in your job. Each, in its own way, contributes to the success of the Service's overall mission.

(a) **Health and Safety Programs.** The component elements of the INS Safety and Occupational Health (SOH) Program are set forth in AM 03.005. The SOH Program consists of:

- _ A Servicewide/Headquarters SOH Program Manager in the Headquarters Logistics Division;
- _ SOH Managers at each Administrative Center, serving the Administrative Center, Regional Office and Districts/Sectors; and
- _ At least one management and one union designated collateral duty SOH officer for each district or sector, as well as at other facilities (e.g., off-site Headquarters facilities).

Some mainstay elements of the INS SOH Program include:

- _ SOH training for collateral duty SOH officers as funding permits;
- _ Annual safety and occupational health committee meetings at the District/Sector, Regional, and Servicewide levels between management and the unions to identify safety and occupational health problems;
- _ SOH officer facility inspections to identify safety and occupational health problems;
- _ The issuance of personal protective equipment and the conduct of environmental assessments, as funding permits;
- _ Annual training on bloodborne pathogens and tuberculosis (TB) training, Hepatitis B vaccinations, and TB skin tests;

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- Worker compensation claims by INS employees who are exposed to or contract, an illness, or who are injured; and
- Fatality reporting.

Any INS employee (other than one stationed in Headquarters) wishing to report unsafe conditions, to inquire about any safety and occupational health issue, or to obtain updated information on the provisions of the Administrative Manual should contact the jurisdictional collateral duty and/or Administrative Center SOH Officer. Headquarters employees should contact the Servicewide/Headquarters Safety and Occupational Health Programs Manager.

In December 1995, the Commissioner approved an enhanced SOH program, to be known as the Environmental, Occupational Safety and Health Program, which is to be implemented before the end of FY-96. The enhanced program will elevate the program organizationally, increase staffing in the Headquarters and Administrative Center SOH Programs, provide full-time SOH Officers at select District/Sectors (based on size and risk), and augment the SOH budget.

(b) Employee Assistance Program.

(1) **General.** The INS Employee Assistance Program (EAP) is designed to provide training and confidential short-term counseling, information, and referral and assistance in the areas listed below. For more information refer to AM 04.103 or call: Ted Schwartz, LCSW/ACSW, INS EAP Administrator at (202) 514-5763 or FAX (202) 514-5928 or pager (800) 796-7363 PIN # 101-4729.

Assistance areas:

- Emotional/Stress
- Family/children/education
- Relationships/Marital
- Drug/Alcohol
- Trauma (shootings, etc.)
- Financial/Legal Referrals
- Day Care/Elder Care
- Special Education
- Work Performance Problems
- Interpersonal/work site issues

(2) **Purpose.** The purpose of the EAP is:

- to provide services for treating the mental health, alcohol, and other drug related problems of the workforce. Participation is *always* voluntary;
- to assist employees with work performance problems and to provide support and guidance throughout the problem-solving period in a positive non adversarial manner; and
- to serve as a resource for management in providing guidance in working with employees whose personal problems have affected their job performance.

(3) **Trauma Debriefings.** Trauma debriefings are mandatory for any employee involved in an operational incident such as a shooting, accident, drowning, etc. Debriefings are conducted to minimize psychological injury to the employee. Debriefings are conducted by a licensed Police Psychologist or Social Worker. Supervisors of the affected employee must request the debriefings ASAP by calling 800-467-3277 or the PAGE number noted below.

(4) **Confidentiality.** This program is authorized by laws which protect the privacy of the individual and confidentiality of records in accordance with the provisions of Pub. L. 93-282. An employees job security will not be affected by requests for counseling or referral assistance. Information shared between the employee and the EAP counselor is considered confidential.

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(5) **Service Limits**. Employees and their family members are entitled to meet with an EAP counselor, funding permitting. Administrative leave may be authorized to see an EAP counselor. There is no charge for EAP services. Information & Referral Services are provided on a broad range of interests for employee and family members. The EAP will do your "research" in finding necessary resources your family might need.

(c) **Equal Employment Opportunity Program**. See *Equal Employment Opportunity Handbook*.

(d) **Incentive Awards Program**. The Service actively encourages all employees to be innovative and to continually perform to the best of their abilities. Individual employee incentive awards available for innovative ideas and exceptional performance are discussed in AM 04.309.

(e) **Employee Union Activities**. Two unions represent different segments of INS bargaining unit employees. The National INS Council of the American Federation of Government Employees (AFGE) represents INS district employees. The National Border Patrol Council represents Border Patrol employees. The National INS Council, of which Inspectors are members, is comprised of various AFGE Locals organized throughout the INS districts. Officials of the Locals and the Council are elected by bargaining unit members.

A negotiated Agreement (often called the union Contract) regulates some of the interactions that take place between INS employees and management, and between union representatives and management. For example, an article of the Agreement (3B) states that discussions between a supervisor and an employee concerning counseling, evaluations, workload, or disciplinary action should be conducted to insure the employee's privacy. The Agreement is national in scope. Various AFGE Locals have negotiated supplemental agreements that pertain to the Local's area only. These agreements may cover a range of topics; often they state how Inspections overtime will be scheduled. [See *Agreement between INS and National Immigration and Naturalization Service Council, M-203* and *Agreement Between INS and National Border Patrol Council, M-422*.]

Sometimes port, district, or other managers overlook an obligation to contact an appropriate union representative before changing a policy or practice, or initiating a new procedure that changes working conditions for bargaining unit employees. Part of a manager's planning for these changes should include notification to appropriate union representatives. (See Article 9) If in doubt whether or not to contact a union representative over a specific matter, a manager may seek advice from the district administrative office, or the regional or Headquarters Office of Labor-Management Relations.

In keeping with the INS partnership with the National INS Council, an even better procedure to notifying the union of changes is for managers to invite appropriate union officials to participate in planning such changes. Union representatives can provide a complimentary perspective, valuable front-line experience, and ideas for carrying out procedures or solving attendant problems. For union participants, on the other hand, helping with such planning sessions gives better insight into constraints managers must work within, valuable experience in planning and implementing projects, and an opportunity to share ideas and contribute to improving the Inspections Program. Using a duly-designated union representative to help plan changes often relieves managers of the need to notify the union later of changes and bargain over their impact. When union input is incorporated into the planning process, the plan often meets the needs of both the employees and managers better. The Inspections Program strongly endorses the concept of the Partnership. Union representatives currently participate on many national and port committees and task forces.

(f) **Training**.

(1) **General**. All immigration officers will receive the necessary training to successfully perform the duties of their position. This is both a promise and a challenge. The job of the immigration inspector has undergone many changes in recent years, a result of technological improvements, legislation, and an effort by the Service to create a more professional officer corps.

(2) **Precademy Training**.

When Inspectors first come on duty there may be some delay in going to the Academy. During this time, new officers should begin a locally-prepared precademy training course. The first step in this program should be the preparation of a training file, to be maintained by the local training officer or supervisor. This file should contain the training agreement, signed certification of having read and discussed "The Officer's Handbook" (Form M-68), a list of instructional materials provided to and mastered by the trainee, evaluations (Form

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G-445), and other materials that will later be useful in determining the trainee's readiness for promotion. The training itself should include a combination of academic instruction and on-the-job training (OJT) assignments. Providing such instruction usually involves the cooperation of training officer and journeyman inspectors. Each step in the academic training and the OJT should be recorded. Special attention in the preacademy training should be given to those areas that are not covered thoroughly in the Academy and areas involving local policy covering situations commonly encountered at the trainee's duty station.

(3) Academy Training.

New permanent full time inspectors generally enter the Service at the GS-5 level and go through a two year training period to reach the journeymen level of GS-9. Some inspectors enter through special programs at the GS-7 level. In both cases, the Inspector goes through a one year period of probation. During this time he or she is required to attend The Immigration Officers Basic Training Course (IOBTC) at the Immigration Officer Academy (IOA) in Glynco, Georgia and to complete a twenty-week Post Academy Course. A trainee will be detailed to the IOA within thirty days of entry on duty when administratively and operationally feasible.

The course at IOA consists of ten weeks of Immigration and law enforcement courses. Each attendee is also tested in Spanish. Those that are found to be adequate in the Spanish language return to their duty station on graduation from the basic course. Those who need more instruction are kept for a four week total immersion course in Spanish.

Other than permanent full time (OTP) inspectors are also hired at the GS-5 level with promotion potential to GS-7. They are required to attend and satisfactorily complete a special OTP basic training program. Phase I of this course is a four week course given at IOA. Phase II is completed at the Inspector's duty station. Phase II must be completed within 90 days of the completion of phase I. If the individual cannot pass the course, he or she will be given another opportunity to take and pass the course. If an individual cannot pass the course on the second attempt, district management will review the individual's case and consult with Regional Personnel.

Successful completion of the IOBTC is a requirement for any OTP immigration inspector who is converted to a full-time, permanent Officer Corps position.

(4) Post Academy Training.

IOBTC and OTP basic are both followed by formal post academy training courses. Both courses are obtained from and administered by the Immigration Officer Academy. These courses cover most of the material needed by the immigration inspector. However, inspectors work in a complex, constantly changing work environment. There is a need for continuing informal post academy training that provides for the updating of knowledge and skills. Some of the needed information will come from supervisory briefings, some from formal classes given by training officers, special operations officers, intelligence officers, or senior inspectors, and some training material is provided by the Service in the form of video tapes.

One form of self-help instruction comes in the form of locally prepared "how to" manuals. They have copies of completed forms, sample A files, form letters or memoranda, instructions on the use of computer systems, sample copies of exclusion or prosecution cases, etc. These books provide easy references for work in progress and study materials for both trainees and journeymen.

(5) Computer Training.

Computers have played a part in the inspection process for quite some time. Each year more of our processes become automated. The inspector needs certain computer skills to do his or her job. On primary there is need to query vehicles and individuals. In secondary he or she must be able to run on-line queries on CIS, NIIS, STSC, NAILS, IBIS, NLETS/NCIC, and OASIS. Inspectors must be able to change their passwords in PICS and IBIS. Reports and memoranda are prepared on off-line systems such as Word Perfect, or on Service-developed systems such as the Performance Analysis System (PAS). Many offices have established a local area networks (LAN) that contain the software for word processing, spreadsheets, and databases. The Academy has provided for some orientation in the on-line systems but "hands-on" training in these systems as well as most off-line training is done locally.

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2.7 Reporting Unusual Incidents.

In recent years, INS has become the focal point for a much higher level of public interest than in the past. The inspections program, since it is so highly visible, is an obvious target of those seeking publicity. You should anticipate national media attention and prepare yourself to act promptly and properly in emergency situations. For instance, strikes and demonstrations on either northern or southern borders are not uncommon, threats of terrorist activities are frequent at international airports, and natural disasters can occur anywhere. As an immigration inspector, you may be confronted with such situations. Local ports should insure all officers have access to and are familiar with guidelines for reporting and handling such situations through the chain of command.

Each district director and chief patrol agent is responsible for transmitting to the Regional Director timely, complete, and accurate information concerning any significant incident. After normal hours, the Regional Director is responsible for providing such information to the Headquarters Command Center. The Office of Field Operations is responsible for notifying other Headquarters offices, as appropriate.

It is also important that you be proactive, anticipating public interest in operations you may be planning. If you are involved in any potentially high profile operation, or one which may receive media attention (favorable or unfavorable), such as one that may result in significant fines, a large volume of apprehensions, or a disruption of port traffic, you are required to submit a report (sample format in Appendix 2-1), through channels, at least three and no more than 14 working days in advance of the operation. Submit your report simultaneously, by facsimile, to your Regional Director, and to Headquarters, Office of Field Operations, FAX# (202) 514-0051. Field Operations will coordinate information with the Office of Public Affairs.

Reporting incidents relating to the discharge of firearms is discussed separately in Chapter 34 of this manual.

2.8 Hostage Situations.

As federal officers we are particularly susceptible to terrorist action based in part on our being stationed at ports-of-entry. Over the years, U.S. targets both at home and abroad have become attractive to terrorists not only because of their symbolic importance but because of their basic vulnerability.

In general, terrorism is a viable political tool because it is both successful and cost effective. It is most effective when used against the democratic governments of the West. As such, we are making an effort to provide information to all those officers who may at some time find themselves involved in a hostage situation. The hope is that victims taken hostage by terrorists can retain or regain substantial control over their own conduct and maximize their chances of survival despite the initial shock of victimization, if they give advance consideration to the prospect of being taken hostage.

Regardless of the individual terrorist's motivation, in simple terms, hostage taking puts the terrorist in a position of ultimate power and control. It helps him or her inflict fear and terror on the society as a whole and tries to show how ineffective the government is in stopping them. In addition, it provides the terrorists with a stage replete with all the publicity they desire in order to advance their cause.

There are, however, certain steps and types of conduct that have over the years proved beneficial in helping hostages cope with and emerge safely from their situation. The following thirteen steps are offered by the New York City Police Hostage Negotiating Team:

1. **Don't be a hero** - Accept your situation and be prepared to wait. In such a case, time is an ally, not an enemy. Besides, any drastic action on the part of the victim might bring immediate violent action from the captor.
2. **The first 15 - 45 minutes are the most dangerous - follow instructions** -The first few minutes are the most dangerous for all concerned. The terrorist is most likely to strike out at this time. **Do not give him or her any reason to do so. Follow instructions. Do not hesitate. Remember, you are trying to stay alive.** After the initial shock of the confrontation subsides, the captor is better able to handle his or her own emotions and recognize his or her position. At this point, after as little as ten minutes, the phenomenon of "transference" or

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"Stockholm Syndrome" starts to develop. As this happens you will be less likely to be harmed. Remember transference is a normal occurrence. You will not be able to avoid it. It is natural and has kept many hostages alive.

3. **Don't speak unless spoken to and then only when necessary** - try not to appear hostile but do not be overly friendly or phony.
4. **Try to rest** - After things settle down, try to get as much rest as possible without turning your back on your captor.
5. **Don't make suggestions** - This is very important. If your suggestion is used and something goes wrong, your captor may feel that you planned it that way to trick him. At that point there is the danger that he or she may begin identifying you as his or her enemy rather than a bystander caught in the middle (negative transference).
6. **Escape: Should you or shouldn't you?** - Simply stated, don't try to escape unless you are absolutely sure you will be successful. If you are recaptured violence may be used to "teach the others a lesson".
7. **Special medication or aid** - If there are any hostages who require special medication or aid, inform your captors. Be matter of fact about it and do not pester them. Most captors do not want anyone to die on their hands or they would not have taken hostages in the first place.
8. **Be observant - you may be released or escape and can help the police** - Try to remember everything that you see and hear. Memorize the descriptions of your captors, what names they use and how they refer to each other. What kind of weapons or other equipment do they have? Where are the hostages being kept? Has a routine been established for eating and/or sleeping? Finally, try to recall the number and identities or descriptions of the other hostages as well.
9. **Be prepared to answer the police on the phone** - If you are permitted to answer the phone, be prepared to answer questions with "yes" or "no" responses. If the captor is listening in try to advise the police by saying something like, "Don't lie to us because he (or she) can hear what you're saying". If what you are made to tell the police is untrue, make reference to some relative or factual incident in an incorrect manner so that the police know that you are under duress. For example, you can tip the police off by saying, "My brother will handle the bills", when in fact, you do not have a brother.
10. **Don't be argumentative** - Non-cooperative attitudes with the captors or with other hostages have brought harm to some hostages in the past. The captor may perceive this behavior as aggression towards him or her.
11. **Treat the captor like royalty** - Don't turn your back on your captor unless ordered to. Don't stare at him or her either. A so called "down the nose look" may bring a violent reaction. Remember, a captor is less likely to harm someone with whom he or she has eye contact.
12. **Be patient** - Though it may seem that the police are doing nothing they are working on a plan to get you out along with the other hostages. Be patient and be prepared to wait.
13. **If a rescue comes** - If you believe a rescue attempt is taking place or if you hear a noise or shooting, hit the floor and stay down. **Keep your hands on your head and do not make any fast moves.** If you are ordered out, follow the directions quickly with your hands in full view. Be prepared to be frisked by the police. Remember, they may not be sure about the number of terrorists involved and you don't want to bring about a reflex reaction by the police if you balk at being frisked. Just submit, its nothing personal.

There are no guarantees, but by following these guidelines over the years, many lives have been saved.

Most of the information is taken from *Hostage Cop*, by Cap't. Frank Bolz and Edward Hershey, Rawson, Wade Publishers, NY, 1979. In addition, the Service course outline on Terrorism and Victimization was used.

2.9 Dealing with Attorneys and Other Representatives.

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No applicant for admission, either during primary or secondary inspection has a right to be represented by an attorney - unless the applicant has become the focus of a criminal investigation and has been taken into custody. An attorney who attempts to impede in any way your inspection should be courteously advised of this regulation. This does not preclude you, as an inspecting officer, to permit a relative, friend, or representative access to the inspectional area to provide assistance when the situation warrants such action. A more comprehensive treatment of this topic is contained in the *Adjudicator's Field Manual*, Chapter 12, and 8 CFR 292.5(b).

Chapter 3: The Organization of Inspections

References:

INA: 286(k)

3.1 The Chain of Command.

The official chain-of-command for inspectional, as well as other INS personnel is set out in 8 CFR 100 and AM 01.001. Local channels within districts will vary, depending on office size and configuration. Proper communication is critical to the effective operation of the Service. All officers must be familiar with and adhere to local procedures for reporting through proper channels. To function effectively in emergencies and other sensitive situations, be sure you have access to phone numbers for local, regional, and Headquarters officials.

3.2 Job Duties of Positions within Inspections.

There are several different position descriptions within Inspections. Within these major position descriptions, there are a number of local variations which reflect the variety of workload patterns at different locations. Sample position descriptions contained in the appendices of this chapter are typical ones for each major occupation, although actual duties and responsibilities (and the position descriptions used at each location) may vary among ports, even within the same district. [Note: some position descriptions use the older format, since they have not yet been rewritten using the new "factors."]

a. **Immigration Inspector** (GS-1816). The immigration inspector conducts inspections of all classes of applicants for admission to the US. He/she enforces various criminal and administrative statutes of the US, apprehends violators, adjudicates a wide variety of applications for various immigration privileges and benefits that are processed at the ports-of-entry and interprets and/or furnishes guidance and advice regarding I&N laws, regulations, and operating instructions for other immigration personnel (trainees) and other agency personnel.

[A sample position description is included in Appendix 3-1.]

b. **Supervisory Immigration Inspector** (GS-1816). The supervisory immigration inspector plans work distribution for immigration inspectors, assistants, and clerical personnel, makes frequent inspections to observe and evaluate the effectiveness and efficiency of operations, establishes production standards and prepares personnel related materials (i.e. performance appraisals) and develops and implements local policies for the enforcement and facilitative aspects of the Inspections Program. He/she makes decisions on and resolves problems involving complex phases of law or unusual situations requiring the interpretation and application of Service policy, maintains or directs the maintenance of appropriate reports and production records, and maintains liaison with other government, state, and local agencies and civic organizations. Supervisory inspectors also supervise the adjudication of various types of applications and petitions, and exercise supervision over the GS-11 senior immigration inspectors, immigration inspectors (Special Operations), free trade examiners and other port personnel. Carries out Equal Employment Opportunity (EEO) policies and activities.

[A sample position description is included in Appendix 3-2.]

c. **Port Director** (GS-1816). The port director plans, coordinates, and directs, through assistant port directors, all functions and activities relating to the inspections program at the port-of-entry. He/she develops and prescribes policies and procedures for inspection activities and operations, and furnishes guidance to subordinates, supervisors, and other district personnel concerning port and inspection activities. He/she conducts studies to evaluate the effectiveness of operations, determines what programs can be initiated or curtailed and recommends resource allocations for specific program activities. The port director adjusts and realigns personnel and workloads to meet existing needs and priorities and consults with and advises superiors and staff officers concerning inspections activities. He/she must maintain harmonious working relations with

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officials of foreign governments, federal, state, and local governments as well as civic and social organizations. The port director must also resolve problems involving complex phases of the law or unusual situations requiring interpretation and application of Service policy and provide technical and administrative direction of officers and employees engaged in determining admissibility or remote adjudications activities.

[A sample position description is included in Appendix 3-3.]

d. **Assistant District Director for Inspections (GS-1816).** The assistant district director for inspections, located only in very large districts, plans, organizes, and directs the primary and secondary inspection of all persons entering the United States within the District Office's jurisdiction. He/she interprets and directs the implementation of Inspections policies and procedures at the district's ports-of-entry, briefs the district director and higher Service management on significant developments in the Inspections program, and coordinates, negotiates, and interprets the district's Inspections program with management officials and program managers in the district, region, headquarters, and border patrol sectors. He/she is responsible for maintaining the district's large inspections staff at peak efficiency and for evaluating the performance of key inspections officials within the district. He/she formulates long range plans, ensures port contingency plans for emergencies are in place, executes and controls the district's inspections budget and oversees the expenditure of overtime funds. The assistant district director for inspections also serves as public relations focus for the district's inspections program.

[A sample position description is included in Appendix 3-4.]

e. **Immigration Inspector (Special Operations) (GS-1816)** The immigration inspector (special operations) performs a wide range of complex advisory and coordinating duties, and other specialized assignments involving highly sensitive inspection, enforcement, and facilitation issues. He/she collects raw and finished intelligence data from inspectors; develops profiles, patterns, and blitz "targets," and monitors trends and forces (political, economical, social, and cultural) for impact on illegal migration, terrorism, or drug trafficking. The IISO may serve as a team leader, providing advice and guidance to inspectors on a wide variety of procedures and methods to widely diversified inspection activities; may function as a rover, mingling among passengers to identify suspicious individuals who warrant further questioning; may serve as a special project officer, planning and carrying out assignments, projects, studies or investigations to explore and resolve major problems or improve procedures that result in more efficient and effective program operation. For ports lacking a senior immigration inspector, the IISO serves as a specialist regarding inspection, enforcement, and facilitation functions on Inspections National Terrorism, Drug, and Fraud Task Force (TDF) to support special law enforcement operations (e.g. smuggling of aliens and drugs). The IISO may also serve as a training officer, instructing inspector trainees, journeyman officers, other officers occasionally assigned to inspectional duties (examiners and deportation officers), and Customs inspector trainees.

[A sample position description is included in Appendix 3-5.]

f. **Carrier Consultant (GS 1816).** The carrier consultant carries out temporary duty (TDY) assignments to locations overseas to advise international airline and shipping carriers, develops standardized Service instruction and guidance for presentation to members of the transportation industry concerning a wide range of issues (i.e. identifying fraudulent documentation, immigrant and nonimmigrant requirements, and fines and liquidated damages), acts as the Service's primary source of technical expertise on entry and documentary requirements and engages in liaison activities with representatives of major airlines and sea transportation companies.

[A sample position description is included in Appendix 3-6.]

g. **Senior Immigration Inspector (GS1816)** The senior immigration inspector enforces the Immigration and Nationality Act and criminal statutes by identifying, investigating, apprehending, and prosecuting persons attempting illegal entry into the United States. He/she continues questioning individuals suspected by inspectors of involvement with organized smuggling of aliens, terrorism, drug smuggling and document fraud and presents all evidence to the US Attorney's Office for prosecution. The senior inspector reviews and recommends local policy and procedures needed to collect and disseminate effective intelligence data and information and develops and conducts training for all officers in terrorism, drug smuggling, and document fraud. In addition, the senior inspector reviews all motor vehicle seizure documents to determine applicability of 8 USC 324(b) and for compliance with Service guidelines.

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[A sample position description is included in Appendix 3-7.]

h. Inspections Assistant (GS-1802) The inspections assistant performs a wide variety of administrative, technical, and clerical tasks in support of the Inspections Program. He/she completes operational and administrative duties such as filling out entry documents for aliens, immigrant visa processing, mailing documents and forms, etc., conducting searches of INS records, indices, and automated systems, collecting fees for applications and services provided, and assisting inspectors or supervisors in the execution of functions, including collecting, compiling, and maintaining program data. The inspections assistant may also be required to conduct research to provide information on routine inquiries, and to answer telephonic and in person inquiries for information and forms. He/she may also provides administrative support in the inventory and control of property, vehicles, firearms and ammunition etc.

[A sample position description is included in Appendix 3-8.]

i. Free Trade Examiner (GS-1816) The free trade examiner examines free trade applications for benefits and privileges. He/she serves as an examiner for the port-of-entry handling a broad range of applications for immigration benefits removed from the district offices. As time permits, he/she performs primary and secondary inspection of persons applying for admission to the United States. The free trade examiner also trains personnel at the port in the provisions of the North American Free Trade Agreement (NAFTA) and serves as primary point of contact for the public for information on NAFTA.

[A sample position description is included in Appendix 3-9.]

j. Assistant Chief Inspector/Chief Inspector (Headquarters and Regions) (GS-1816) These positions are staff positions, assisting in all phases of Inspections Program management. The assistant chief inspector consults and advises chief inspectors, and other management officials in either the Office of Programs, the Office of Field Operations or the Office of the Regional Director concerning overall policies, plans, and procedures, or operational activities within the Inspections Program. He/she analyzes proposed legislation to determine probable effect on inspection functions and programs and recommends whether the Service should support or oppose such legislation; establishes, amends, or otherwise controls Service programs insuring Service-wide conformity in the application of laws, regulations, and policies relating to inspections.

[A sample position description is included in Appendix 3-10.]

3.3 The National Inspections Advisory Board.

The Inspections National Advisory Board (INAB) was created in Fiscal Year 1994 by the Headquarters Office of Inspections. The purpose of the INAB, as stated in its Charter, is to "...provide vision, guidance and feedback to the Inspections Program so that the necessary changes occur to make the Inspections Program an efficient, effective and dynamic entity into the 21st century..." Composition of the INAB includes managerial and bargaining unit employees from throughout the Inspections Program. Board members range from district directors to journeyman grade inspectors. Each region is also represented by the assistant regional director for Inspections and a union representative. One Headquarters Inspections officer is also an INAB member.

The INAB conducts four meetings per year. The site of the meeting is rotated through Headquarters and ports-of-entry in each region and will be rotated through air, sea, land, and preflight Inspection ports.

3.4 The User Fee Advisory Committee.

The INS User Fee Advisory Committee was first established under the authority of Section 286(k) of the INA, as amended by the Department of Justice Appropriations Act of 1986 [Pub. L. 99-591; enacted October 30, (8 U.S.C. 1356(k)); and the delegation of authority under 28 CFR 0.105.] Section 14(b)(2) of the Federal Advisory Committee Act. The Charter for the User Fee Advisory Committee was approved by the Department of Justice and signed by the Commissioner of the INS on November 19, 1992.

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This Advisory Committee conducts meetings approximately every six months in accordance with the provisions of the Federal Advisory Committee Act and implementing regulations. The meetings of this Advisory Committee are chaired by the INS Commissioner or his/her designee. INS provides the necessary administrative support to this Advisory Committee.

Committee membership is composed of representatives from major air carriers and cruise lines as well as officials from various major airport authorities and other industry-related organizations. Views espoused range from the parochial to industry wide. The Committee focuses attention on those areas of most concern and benefit to the travel industry, the traveling public, and the Federal government.

The responsibilities of the Advisory Committee are to advise the Commissioner of INS on issues related to the performance of immigration inspectional services at commercial air and seaports. This advice also includes such issues as the time period during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fees.

Committee consultation has been beneficial to INS in various ways. Advice from the Committee has been utilized in making staffing decisions at field locations, improving traffic flow patterns, shortening inspection time frames, and improving fraudulent document detection.

Chapter 4: Research.

4.1 General Considerations.

As an immigration officer, you will often encounter novel issues or factual situations. In the course of your duties, you will also be exposed to other areas of immigration law that may have a bearing on the action you take. The correct resolution of these issues, or whether they are relevant at all, will not always be apparent. Even when an outcome is clearly apparent, you should always provide a basis for an action grounded in legal authority. There will thus be occasions when you will need to perform research before you make a decision. This chapter will seek to familiarize you with some of the basic methods of legal research and with the general organization of the immigration law.

It is important to remember that you must take an active role as an officer. Not every situation will be the same, and not every situation will suggest an easy resolution. You must be on the lookout for issues and circumstances which can affect your decision. Creative thinking and a willingness to "dig" beneath the surface will make you a more effective officer. This manual, along with the new administrative manual, reflects the Service's commitment to improve availability of timely and complete policy information for its officers. Referring to the Act and the regulations are only the beginning of your duties as a Service officer. Supplemental materials provide insight into the regulations and clarify your legal duties.

4.2 Sources and Organization of Immigration Law.

The Immigration and Nationality Act (the Act, INA) is the major source of immigration law. Any lawful action by the Service or by any of its officers must be traced back to and authorized by the provisions of the Act. Provisions of the Act are often referred to by their position within the Act. Thus "section 245" refers to that section of the Act. The Act itself, part of the larger U.S. Code system, is contained at 8 U.S.C. §§ 1-1434, and particular sections are frequently referred to by their U.S.C. citation rather than their INA citation (e.g. section 245 of the INA may also be referred to as 8 U.S.C. 1255.)

The other major source of authority in immigration law is the Code of Federal Regulations. When Congress passes a provision of law, it often delegates authority to implement the law to the agency, consistent with the terms of the statute. Congress may provide that a certain class of aliens may be eligible for a particular benefit, but it is not until the Service issues regulations concerning details such as application procedures, filing fees, etc. that the statutory provisions come to life. Regulations, though not issued by Congress, have the same force and effect as the statute. The Service's regulations are contained in Title 8 of the Code of Federal Regulations (CFR). Generally, but not exclusively, the numbering of the regulations tracks the numbering of sections in the Act. Rules dealing with section 245 of the Act would thus be found at 8 CFR part 245. Other parts of the Code of Federal Regulations may have an effect on immigration issues. This is especially so with State Department regulations, which can be found at 22 CFR. Generally, whenever you see a statutory citation, the relevant CFR title will track the United States Code title, so that 7 U.S.C. will lead you to 7 CFR.

While the statute and regulations are the primary source of law, materials that interpret these are also an important source. The Board of Immigration Appeals (BIA) in Falls Church, Virginia is the major appellate body deciding immigration matters. Its decisions have the force of law and are binding upon Service officers. Significant BIA decisions are published and indexed to make them readily accessible by Service employees as well as the general public. Appeals are taken to the BIA from Service decisions on adjudicative matters such as visa petitions and adjustment of status petitions, and are also taken from Immigration Court on matters such as deportability and excludability and relief from deportation. The Office of the Chief Administrative Hearing Officer (OCAHO) is similar, except it hears cases dealing only with fines and penalties. Internally, directives designated "P" following their file number and issued in the form of memoranda and cables, are binding on Service employees as are other policy issuances such as the materials contained in INSERTS (Immigration and Naturalization Service Easy Research and Transmittal System). Many cases not appealable to the BIA are appealable internally to the Administrative Appeals Office (AAO). Although less frequent, that office may also

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publish its decisions as precedent, in which case they are indexed and published in the same volumes as those of the BIA.

4.3 Basic Research Methods.

Legal research is a search for authorities and standards to apply in resolving legal issues. As a beginning researcher you probably feel that you are faced with an impossible task: to perform effective research, you need to know where to look for information, but in order to know where to look, you first need to know something about your subject. This problem reveals the fundamental principle of successful research: successful research is nothing more than a process of building upon what you already know. If you approach research in this way, you are bound to be successful. You only need one piece of information to find another. For example, you may have nothing more than a reference to a section of the Act. From that information, you can obtain the U.S. Code section. U.S. Code Annotated will often refer to judicial cases dealing with the particular section. The case will usually cite various relevant regulations, law review articles, and other interpretive materials. Those materials will in turn refer to other materials and issues. From a very small amount of information you are able to find a wealth of materials.

(a) **Federal Regulations.** The Code of Federal Regulations changes literally every day. Thus, although you may know the controlling regulations and your regulation may not be affected, you need to know how to find the latest version of a relevant regulation. While the changes you find may often be small, this is not always the case.

Federal regulations are published every day, chronologically, in the Federal Register. It is in the Federal Register that you will first see changes to the regulations. In addition to regulations, the Federal Register also publishes executive orders, presidential statements, and proposed changes to the regulations. When rules are published in the Federal Register, they almost always contain a preamble, which is a statement by the agency promulgating the rule both explaining the rule and the basis for issuance of the rule. By reading the preamble, you will often find guidance on how a specific provision of the regulations is meant to apply. Recent Federal Register notices relating to INS programs can also be found in INSERTS.

After initial publication in the Federal Register, the regulations are compiled annually by subject and issuing agency and published in the more familiar Code of Federal Regulations. Several items in the Federal Register will help you determine if your regulation has been affected. At the beginning of each issue of the Federal Register you will find a table of contents arranged by agency name. This is followed by a "list of CFR parts affected" by that day's issue. You can quickly scan this list to determine if you need to read further in that day's issue. At the end of each day's issue, you will find a cumulative list of parts affected listing all the parts affected for the current month. The Federal Register also publishes on a monthly basis a pamphlet entitled: *LSA: List of CFR Sections Affected*. This list is also cumulative and lists by Federal Register page number each section affected. By following this process, you will ensure that you are aware of the most current version of the regulations. The Service endeavors to provide early notice to affected programs whenever significant changes are about to occur in the regulations.

(b) **Board of Immigration Appeals (BIA) Decisions.** Not all decisions of the BIA are published. While you may on occasion have access to unpublished Board decisions, these do not have precedential value. When first published, Board decisions are designated with an "interim decision" number. Periodically, interim decisions are collected and published chronologically. There are currently twenty volumes of published precedent decisions entitled *Administrative Decisions Under the Immigration and Nationality Laws of the United States*. Once published in this format, they may still be referred to by their interim decision number but are more likely to be referred to by volume and page number. For example, 19 I&N 234 is found in volume 19, beginning on page 234. The most recent volume contains a subject index covering cases contained from Volume 16 forward. Volume 15 contains an index for cases published in volumes 1-15. You can thus find relevant cases by searching under a subject heading in the index. Because the most recent decisions have not been published in this format, you need to check the "index of interim decisions" periodically published by the board to make sure you have all the relevant case law.

It is equally important to be sure that the case law you are reading is still the law. Recent decisions often modify aspects of earlier ones, and occasionally overrule them completely. Checking the "index of interim decisions" mentioned above will give you some indication of whether the topic or case you are researching has been

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affected. Some offices may have access to *Shepard's Immigration and Naturalization Citations*. This volume, commonly referred to as "Shepard's", is a comprehensive cross-reference of all immigration citations. Shepard's exists for almost all Federal statutes and regulations as well as all Federal and state case law. Shepard's is organized by citation. For Immigration Decisions, for example, an index heading can be the statute, a regulation, or a decision from the BIA. Within each category, the entries are listed numerically. Thus, the portion dealing with the Act will begin with 8 U.S.C. § 1 and continue in order. BIA decisions will begin with the first published decision in volume one and continue on through volume 20. Underneath each heading, every decision, statute, or regulation mentioning that heading will be listed, again in sequential order. There are codes next to each entry indicating whether the reference supports the index case, overturns it, or simply questions it. A similar index titled "Notice of Decisions Affected" is included in volumes 15 and 20 of the Interim Decisions.

(c) **Federal Court Decisions.** The Service is often involved in litigation which affects its operations. Although not as common, judicial decisions not directly involving the Service can also affect operations. You need to understand these decisions and the authority of the Federal courts in order to know if they affect your duties. The federal court system is divided into three levels of authority. The district court is the trial body of the Federal court system and there are many district courts. Generally, district court decisions are only binding upon judges within that district. Thus, a statement of the law in the Northern District of California may not be the same as one in the District of Wisconsin. (In smaller states, there is only one district court, while larger states are divided into several districts). While the law in a District is binding only upon judges in that circuit and is merely advisory upon other judges in other circuits, a District Judge has authority to issue an order affecting the entire nation. Thus, injunctions or other orders requiring the Service to act in a certain way often issue from the District Courts.

Appeals from the District Court are taken to the Circuit Courts of Appeals. There are 13 circuits. Again, decisions of law are binding only upon judges within that circuit. From the Circuit level, appeals are heard by the Supreme Court of the United States. Decisions of the Supreme Court are binding upon any court in the United States.

It is important to be aware of the law in your district, circuit, and nationwide. *Interpreter Releases*, mentioned below, usually mentions recent judicial decisions affecting the Service. Internal Service communications and transmittals will inform you of decisions affecting your duties. You should read these carefully when you receive them and store them for future reference.

(d) **Supplemental Materials.** There is a wealth of published materials to guide you through your immigration research. In addition to internal Service manuals, materials published for the private immigration bar are readily available and can provide significant help. The American Immigration Lawyers Association (AILA) publishes several useful items. One of these is *Kurzban's Immigration Law Sourcebook*. This reference, published annually, is a comprehensive guide to immigration law. AILA also publishes monthly mailings updating its readers on the latest developments in immigration law, and the *AILA Immigration Journal*. The journal covers recent developments in greater depth. Another significant source of current information relating to immigration issues is *Interpreter Releases*. This periodical is published weekly and provides its readers with the latest developments in immigration law. It also contains information about Service policy and procedure and recent court cases which may affect your job.

There are several comprehensive sources of immigration law which are not as timely but cover much more material. *Immigration Law and Procedure*, more commonly referred to as "Gordon and Mailman", after the original authors, is an 11-volume overview of immigration law. Although less thorough, *Bender's Immigration and Nationality Pamphlet* is another good starting point.

Administrative decisions of the Service are also available in published form. The *AAU Reporter* is published by AILA and contains decisions of the Administrative Appeals Unit relating to visa petitions. AILA also publishes the *BALCA Deskbook*, which contains decisions of the Department of Labor's Board of Alien Labor Certification Appeals. While these are not Service decisions they are often useful in visa petition cases. Also useful is the State Department's *Foreign Affairs Manual*. Volume 9 deals with visas.

There are many available materials containing current developments in the law. While not all of these are available in every field office, most contain at least one. It is your responsibility to keep up to date on your job and the law by looking for these materials and reading them regularly. If you are unaware of changes in the law and policy applicable to your job, it is impossible for you to do your job correctly and professionally.

4.4 Factual Research and Service Data Bases.

You will often be confronted with factual issues in dealing with an application. Most often, facts will arise which will lead you to believe that the alien has had prior involvement with immigration which he is not disclosing or may not know how to describe. Occasionally, you may believe that an alien has a criminal or other record (public assistance, child support, etc.) that may be relevant to your decision, but that information is not immediately available. In these situations, you will need to conduct factual research.

The Service maintains numerous data bases containing information on aliens' immigration histories. Chapters 31 and 33 of this manual describe internal and interagency systems and contain instructions on how to access them. You should familiarize yourself with user's manuals for each system available at your location. You will be unable to obtain all the relevant facts without them. It is important to fully and creatively develop a case. You should attempt to use as many avenues to gain information as possible. "A" numbers, sound-alike searches, names of family members, aliases, misspellings, and cross-searching between different databases should all be used to ensure that you obtain all possible information on an individual. As you gain experience, you will become more familiar with the various data bases and search systems. It is only by performing thorough research that you will be able to fully develop a case and thus fully perform your duties.

4.5 Uniform Subject Filing System.

The Service instituted a new Uniform Subject Filing System effective at the beginning of fiscal 1996. The filing system is based on a hierarchical structure in which the arrangement of subject categories reflects different Service functional activities. Publication M-425 contains the details of the system and is available from your regional Forms Transcription and Distribution Center. Familiarity with the new filing system will be essential to locating Service records such as policy issuances and significant correspondence from Headquarters concerning particular subjects. The prior Service filing system and former files which will be "frozen" and maintained, contain the same materials issued prior to fiscal 1996.

Chapter 11: Persons Exempt Inspection.

References:

INA: Sections 235, 284, 289.

Regulations: 8 CFR 235, 289; 22 CFR 41.

11.1 Inspection and Examination.

Section 235 of the Act provides for the examination of all persons seeking to enter the U.S. by an immigration officer. Once determined not to be a citizen, the applicant will be inspected as an alien. There are, however, certain classes of aliens who are specifically exempt inspection and may not be excluded from the United States.

11.2 Members of U.S. and NATO Armed Forces.

Alien members of the U.S. military and NATO forces from member nations signatory to Article III of the Status of Forces Agreement entering under official orders are exempt the controls of the INA, pursuant to 8 CFR 235.1(c), including the requirement to present a passport and visa [See also section 284 of the INA.]. Such persons returning to the U.S. after a temporary trip are also eligible for this exemption without presenting any official orders. A member of the NATO forces with valid identification, stationed in Canada, seeking to enter the U.S. for personal reasons may be paroled into the U.S., and no I-94 will be required. Upon request, members of these groups may be inspected and admitted pursuant to other provisions of the Act. However, if found inadmissible for any other reason, the applicant will be so advised and permitted to enter without controls.

The following countries are signatory to Article III: Belgium, Canada, Denmark, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom of Great Britain and Northern Ireland, and the United States.

Members of the military from other countries are not exempt inspection. If a joint waiver has not been arranged in advance between INS and State Department officials, the inspecting immigration officer shall admit such military personnel in A-2 classification if the officer is satisfied they fall within the provisions of 22 CFR 41.2(j), relating to visa waivers and 41.26, relating to diplomatic visas. Forms I-94, I-193 and fee shall not be required for groups who will depart together after a short visit, on the vessel or aircraft on which they arrived.

11.3 American Indians Born in Canada.

An American Indian born in Canada, with 50% American Indian blood, cannot be denied admission to the United States. The applicant bears the burden of proof in establishing eligibility. Usually, this is accomplished by presenting identification such as a tribal certification that is based on reliable tribal records, birth certificates, and other documents establishing the requisite percentage of Indian blood. The Canadian Certificate of Indian Status (Form IA-1395) issued by the Canadian Department of Indian Affairs in Ottawa specifies the tribal affiliation but does not indicate percentage of Indian blood. Membership in an Indian tribe in Canada does not necessarily require Indian blood. Once the claim to 50% Indian blood has been established, the applicant can freely enter the U.S., regardless of the purpose or duration of the trip, even if technically excludable or previously deported.

If such person is entering to reside permanently in the U.S., Form I-181, Memorandum of Creation of Record of Admission for Lawful Permanent Residence, must be executed. The words "Canadian-born American Indian admitted for permanent residence" must be endorsed on the I-181. Under the box marked "Other Law" indicate section 289 of INA. Complete Form I-89, Data Collection Card, including fingerprint, proper photograph, and other required data. The admission classification is **S13**. An "A" file may be created at the port-of-entry and forwarded to the district office for data entry into Central Index or the I-181 and I-89 may be forwarded

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directly to the Immigration Card Facility for creation of the file and card production. Issue a temporary I-551 using Form I-94

Chapter 12: United States Citizens and Other Nationals.

INA: Sections 101(a)(22), (29), (38), 215, 235, 301 - 310.

Other laws: Pub. L. 94-241(Covenant for Commonwealth of the Northern Marianas Islands), 48 U.S.C. 1681; Pub. L. 98-213 (Act of December 8, 1983); Pub. L. 99-239 (Compact of Free Association Act of 1985), 48 U.S.C. 1901; and Pub. L. 99-658 (Compact of Free Association between the United States and the Government of Palau), 48 U.S.C. 1931.

Regulations: 8 CFR 212.1 (d), 235, 22 CFR 53.1-2.

12.1 Inspection of U.S. Citizens.

When you are convinced that an applicant for admission is a citizen of the United States, the examination is terminated. This is not to say that your role as an inspector is always completed at that time. Listing of the subject in a lookout system may dictate further action, such as notifying Customs or another agency of the person's entry.

It must be emphasized that the grounds of inadmissibility contained in 212(a) of the INA are applicable only to aliens. Consequently, the examination of a person claiming to be a United States citizen is limited to matters required to establish present citizenship. Once you are satisfied the person being examined is a U.S. citizen and any required lookout query has been completed, the examination is over.

Temporary detention of a U.S. citizen for extensive questioning generally requires reasonable suspicion that the person is involved in illegal activity. Inspectors cross-designated to perform Customs inspections may, of course, continue questioning for Customs purposes. If probable cause to arrest the U.S. citizen cannot be developed within a reasonable period of time, the person must be released.

It is important to note that although the United States does not formally recognize "dual nationality"; many other countries do. It is not unusual to encounter a United States citizen (even native born) bearing evidence of both United States citizenship and foreign nationality. For example, a child born in the United States to a foreign national may, under the laws of that country, be entitled to its parent's citizenship and be included in the parent's passport. Under certain circumstances, that document may be used for identification and entry, if presented in conjunction with a birth certificate or other evidence of U.S. citizenship. Specific provisions relating to passport requirements for United States citizens are outlined in 22 CFR 53.1 and 2.

12.2 Evidence of Citizenship.

Any time documentary evidence of citizenship is required (e.g., when a passport is required of a U.S. citizen returning from outside of the Western Hemisphere) or whenever documentation is voluntarily presented by an applicant, you should make an effort to review the documents. If there is any question as to the subject's citizenship, close scrutiny is necessary to determine that the documents are unaltered, genuine, valid, and belong to the bearer. In the instance where documentation is volunteered by an applicant, you should make a cursory review of the document(s), even if your preliminary inquiries have allowed you to make a determination of the applicant's United States citizenship. A brief review should be made, if for no other reason, because the applicant may have gone to considerable effort to obtain a particular document and may feel the Service is failing in its responsibility if the document is considered unimportant.

12.3 Oral Testimony.

It must be emphasized that in many instances where a United States passport is not statutorily required of an arriving citizen applicant, a person may establish United States citizenship by oral statements. The recommended question, "Of what country are you a citizen?" is difficult to improve upon. The awkward form of

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the question challenges the respondent -- in a subtle way -- to reveal an understanding of the English language. Hesitancy and confusion may reflect an unfamiliarity with the language. This type of inquiry demands a thoughtful, active response. The psychological advantage of subtly placing the applicant momentarily at a disadvantage (requiring the applicant to "think"), is a valuable tool in uncovering false claims to United States citizenship. An inquiry such as: "You're all Americans, aren't you?", is far less likely to elicit a useful response.

12.4 United States Passports.

(a) **General.** A United States passport (even if expired) may be accepted as evidence of citizenship in the absence of information showing that the holder has expatriated. Service personnel performing inspections of returning United States citizens must be familiar with passport requirements and periodically review the *Passport Studies* manuals provided in each Service office. The three types of passports issued by the United States are described therein (with frequent revisions of format), and it is incumbent upon you to keep up to date on any changes.

Essentially, the **ordinary** passport is issued to a citizen of the United States who is going abroad for personal or business reasons. It is valid for a period of ten years from the date of issuance unless specifically restricted to a shorter time, in which case the document is usually a "duplicate" issued in replacement of one lost or stolen.

An **official** passport is issued to an officer or an employee of the United States Government proceeding abroad in an official capacity. Official passports are valid for five years or the duration of the official's duties abroad, not to exceed five years.

A **diplomatic** passport is issued to a foreign service officer, a person of the diplomatic corps, to a person having diplomatic status because of his or her foreign mission, or by reason of the office the bearer holds. There is no fixed time limit on the validity of a diplomatic passport other than the limit presupposed by the maintenance of the bearer's actual diplomatic status.

United States passports should be stamped on request of the bearer and in accordance with local policy.

(b) **Travel Restrictions.** Periodically, because of national emergencies, the Department of State will place restrictions on the use of a U.S. passport for travel to certain countries. If you encounter a citizen who is returning from travel to a restricted area, lift the passport and prepare a memorandum to the Department of State containing the basic passport data and facts surrounding the travel, and that the passport appears to be invalid pursuant to 22 CFR 51.73. Attach a separate sheet containing any details which may be of use to DOS in pursuing the matter. Provide the bearer with a copy of the memorandum, but not the separate detail sheet. Mail the passport, memorandum, and detail sheet, via certified mail, to:

Department of State
Passport/Legal (Room 300)
1425 K St., NW
Washington, DC 20522-1705

(c) **Dependents on U.S. passports.** A spouse, minor child, or minor unmarried sibling may be included on the passport of a U.S. citizen if such spouse, child, or sibling is also a U.S. citizen. In a situation where a passport is required for travel, a passport is valid for the reentry of the dependent only if accompanying the principal passport holder. A dependent may, however, present such a passport as evidence of citizenship when returning from a place where no U.S. passport is required.

12.5 United States Passport Waivers.

(a) **General.** Although primarily charged with the responsibility of determining citizenship, you are required to verify the validity of a United States passport when one is required by law. When an applicant fails to present a passport or presents an expired document, the immigration officer shall, if satisfied that the person is a United States citizen, complete Form DS-1423 in duplicate. Stamp the "action taken" block with your admission stamp and endorse it "USC". Give the applicant the duplicate. The original is forwarded to the Department of State. No fee is collected by INS; the fee is collected directly by the Department of State. Several persons originally included in a single passport could be included on a single waiver.

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(b) **Merchant Seamen**. The passport office has determined that the fee for a passport waiver will not be charged in the case of a bona fide U.S. merchant seaman who has lost his or her documents while outside the U.S., provided the seaman's status is reflected in the ship's Articles and he or she is returning to the U.S. on board that vessel. Mark the DS-1423: "Mariner--No Fee" and forward it to the Department of State.

12.6 Other Documentary Evidence.

Other common documents that may help to establish United States citizenship include the following:

1. A Certificate of Naturalization,
2. A Certificate of Citizenship,
3. Citizen's identification cards (Service Forms I-179 or I-197),
4. State Department Certificates of Identity and Registration (Forms FS-225 and FS-225A) [See 22 CFR 50.9.],
5. The United States Coast Guard Mariner's Document indicating U.S. nationality (known as a Z-card, this document may also be issued to LPRs),
6. Birth Certificate showing a place of birth in the U.S. accompanied by good identification, and
7. Baptismal certificates or other forms of secondary evidence of U.S. citizenship.

Most documented false claims to United States citizenship will be carrying birth certificates, baptismal certificates, or both. These documents are most easily obtained, altered, or manufactured. A more detailed discussion of false claims to U.S. citizenship is contained in Chapter 17.

12.7 Loss of Citizenship.

There are various ways in which a citizen of the United States, whether naturalized or native-born, may lose citizenship. During the course of an inspection, you may have reason to question an applicant for admission regarding this topic. It is an extremely complex issue, and making such a determination must be carefully and thoroughly handled. Sections 349 through 357 of the INA specify the ways in which citizenship can be lost. Service regulations for the corresponding sections and Department of State regulations at 22 CFR 50 provide information and guidance on the subject. You may find endorsements in U.S. passports which lead to questions regarding possible loss of citizenship. For example, Great Britain inserts a *Certificate of Partiality* in a passport to show the holder enjoys the benefits accorded a British subject. Such a certificate, standing alone, does not establish an individual's loss of U.S. citizenship. Such evidence should, however, prompt further inquiry by the inspecting officer.

12.8 Non-Citizen Nationals.

There is a technical distinction between a citizen of the United States and a national of the United States. All citizens of the U.S. are nationals, but all nationals are not citizens. The term national of the United States is defined in section 101(a)(22) of the INA, and explained in detail in section 308 of the INA. At present, American Samoans (including Swains Islanders) are the only United States non-citizen nationals. They will generally present a Certificate of Identity showing United States nationality, a United States passport, or a birth certificate. Upon admission, stamp the travel document of any American Samoan or Swains Islander, since these individuals must establish three months residence in the U.S. for naturalization purposes.

Section 308 also provides for acquisition of nationality at birth outside the United States or American Samoa for a child born to a national of the United States. Prior to 1986 there was no provision for a child born to one national and one alien parent. Pub.L. 99-396 (Aug. 27, 1986) amended Section 308 by adding Section 308.4 which provides for acquisition at birth to those born outside of the U.S. or an outlying possession with one alien parent and one national parent. The amendment was unusual in that it made the change retroactive and provided that nationality to someone born before the amendment was only acquired when the applicant

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established to the satisfaction of the Secretary of State that the requirements of the statute were met. Therefore, any person born before August 27, 1986 who claims nationality through one parent must present a United States passport showing he or she is a "national."

12.9 Northern Mariana Islanders.

The Commonwealth of the Northern Mariana Islands is a former Trust Territory that concluded an agreement with the United States. The agreement was concluded in 1976, but did not become effective until November 3, 1986. The agreement is titled a Covenant to Establish a Commonwealth of Northern Mariana Islands. Public Law 94-241 is the implementing statute and the Covenant.

The Commonwealth of the Northern Mariana Islands is composed of 14 islands with the majority of the population residing on Saipan, the capital, Rota, and Tinian. The other islands are: Uracas, Maug, Asuncion, Agrihan, Pagan, Alamagan, Guguan, Sarigan, Anatahan, Farallon de Medinilla, and Aguijan. Most of the second group are uninhabited except for Pagan due to volcanic activity, but many have been inhabited at one time or another.

During various periods between 1979 and implementation of the Covenant in 1986, citizens of the Commonwealth of Northern Mariana Islands were admitted as "though they were citizens of the United States."

On November 3, 1986 the Covenant became effective and under certain conditions Citizens of the Northern Mariana Islands became United States Citizens. All persons born in the Commonwealth after November 3, 1986 are citizens at birth under section 301 of the INA. The Covenant provides for three categories of persons who acquired citizenship upon implementation of the Covenant. It should be noted that each category required residence in the Commonwealth or the United States at the time of implementation and only one allowed residence outside the Commonwealth at the time of implementation. Under the terms of the Covenant a citizen of the Trust Territory born in the Northern Marianas but residing in the Marshalls, for example, did not acquire citizenship on November 3, 1986 because the Covenant requires residence in the Marianas or the United States. Even though not required many of those who became citizens on November 3, 1986 applied for and received U.S. Passports. In 1989 the Service had a program for two years that provided for issuance of a Northern Mariana Card which is evidence of U.S. citizenship [See 8 CFR 235.12.].

A person who claims birth in the Mariana's prior to 1986 and United States Citizenship and who does not present a passport or card should be questioned carefully to determine if they meet the conditions in the Covenant. The Immigration Offices in Honolulu and Agana, Guam and the United States Passport Office in Honolulu are excellent sources for assistance in resolving claims to citizenship.

12.10 Nationals of Former Trust Territories.

See Chapter 15.13.

Chapter 13: Returning Residents.

References:

INA: Sections 101(a)(13)(C), 211, 212, 215, 216, 216A, 223, 235.

Regulations: 8 CFR 210.1, 211, 212, 216, 245a.2

13.1 Inspection of Returning Lawful Permanent Residents (LPRs).

The primary inspector shall admit a resident alien returning to an unrelinquished domicile, if not otherwise inadmissible under section 212(a), upon presentation of an unexpired alien registration card (Form I-551), a reentry permit, refugee travel document (indicating lawful permanent residence), or temporary evidence of LPR status. The question of whether or not a returning resident is seeking admission as defined in section 101(a)(13)(C) of the Act or has relinquished his or her domicile is a complex one, and is discussed in Chapter 13.4. Since all but the earliest version of Forms I-551 are machine readable, conduct an IBIS query, where available, to verify the card's continuing validity.

A returning resident alien is not required to present a valid passport for reentry into the U.S. (see 8 CFR 211.2), although most will have one since a passport is often required for entry into a foreign country. When presented, the passport should be stamped, endorsed "ARC" or "R/P," as appropriate, and, if not already written on the passport, the alien's "A" number should be written on the page with the admission stamp. Review reentry permits for restrictions and stamp them with your admission stamp upon admission. Remember that a reentry permit does not guarantee admissibility [See section 215(d) of the Act.]. Despite this fact, a reentry permit may be accepted by many foreign countries in lieu of a resident alien's national passport. Also, in some instances, a foreign country will refuse to place a visa in the passport of another country which it does not officially recognize, but it may place the visa in a reentry permit.

Refugee travel documents may, in some instances, be issued to resident aliens. The class of admission will be included on the data page of the document. See Chapter 21.9 for special procedures relating to LPR "commuters."

In addition to considering the general grounds of inadmissibility applicable to returning residents, such as public charge, there are several things you should be aware of:

- an LPR who accepts a position that would qualify the LPR for status as an A, E or G nonimmigrant under section 101(a)(15)(A), (E) or (G) may be inadmissible as a permanent resident unless the LPR has waived or is willing to waive any special immunities to which the alien would be entitled because of the position that would qualify the LPR for status as an A, E or G nonimmigrant. See section 247(b) and 8 CFR 247.11.
- an LPR who has been outside the United States for more than one year (two, if presenting a reentry permit), may have abandoned residence. Other indicators of possible abandonment of residence are employment abroad, immediate family members who are not permanent residents, arrival on a charter flight where most passengers are non-residents with return passage, lack of a fixed address in the U.S., or frequent prolonged absences from the United States. In questionable cases, it is appropriate to ask for other documentation to substantiate residence, such as driver's licenses and employer identification cards. [Procedures for processing abandonment of residence cases are discussed in Chapter 17.10]; and
- an LPR who no longer has the qualifying marital or employment relationship upon which his or her immigration was originally based may be inadmissible based on fraud. The classification code on the I-551 will permit you to determine the basis for original admission in order to ask appropriate questions. A table of immigrant categories is included in Appendix 13-1 of this manual.

You must also carefully determine that the individual in front of you is the rightful holder of the alien registration card. The attempted use of legitimate Forms I-551 and reentry permits by look-alike imposters is a

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common occurrence. Likewise, the Service has uncovered applications for reentry permits submitted by look-alikes using valid alien registration cards for identity.

A thorough knowledge of the security features on the current alien registration cards and reentry permits, and a knowledge of detection techniques for photo substitutions will help you detect counterfeit and altered cards. The Service provides numerous aids, such as document alerts, to assist you in developing proficiency in this area [See discussion in Chapter 32.5.]. When you are faced with a possible fraudulent applicant, it may also be useful to question the applicant regarding the basis for his or her original immigration or adjustment of status. Codes and explanations of current and past immigrant classifications are included in Appendix 13-1. The nationality code included on each alien registration card can also be helpful in verifying if the bearer is the rightful holder [See Appendix 13-2].

13.2 Returning Residents Lacking Evidence of Alien Registration.

If you are convinced a returning resident is admissible (normally, because a clear record of current status exists in Central Index), but he or she lacks evidence of status, there are several actions you may take during a secondary inspection. If the resident will be able to produce the requisite document within a few days, you may defer the inspection, following procedures set forth in Chapter 17.10. If permanent alien registration has not been received or has been lost or stolen, you may require the filing of Form I-90, Application for Replacement Alien Registration Receipt Card, following the procedures outlined below. In all other instances, you may consider a visa waiver pursuant to section 211(b) of the Act as discussed in Chapter 17.5. Fine proceedings, discussed in Chapter 43, may also be appropriate.

Where the I-90 procedure is to be used, require the applicant to prepare the form in duplicate. Endorse the reverse of both copies with your admission stamp and the notation "Admitted 211(b), to file I-90". Collect the fee and one copy of the I-90, routing the I-90 to the alien's "A" file. Note the fee block on the other I-90: "duplicate--fee previously collected" and return it to the applicant, advising him or her to obtain proper photos and submit the application to the nearest INS office within 30 days. If photos are available, or camera equipment is available at the port-of-entry, no duplicate application is required; accept and forward the single I-90 for processing.

A resident alien who has turned 14 years of age and has not replaced his or her alien registration card should be advised of the registry requirements of section 264 of the Act. The Central Index System (CIS) should be queried during any secondary inspection, prior to deciding what course of action is appropriate. Evidence of current status and the applicant's prior alien registration card history will be available in CIS.

13.3 Returning Military Dependents.

The spouse and children of a member of the U.S. Armed Forces, or a civilian employee of the U.S. Government (including those paid from non-appropriated funds such as *Stars and Stripes* or the Army and Air Force Exchange System) returning from a foreign assignment are exempt many normal requirements for returning residents pursuant to 8 CFR 211.1(a). If a dependent is a conditional resident, and the period of conditional residence has expired, the alien should be admitted and advised to file Form I-751 within 90 days.

13.4 Question of Meaningful Departure.

Prior to April 1, 1997, if a lawful permanent resident was believed to be inadmissible, you had to first make a determination whether his or her absence was "meaningfully interruptive" of permanent residence. This topic is the focus of a key court decision, *Rosenberg vs. Fleuti*, 374 U.S. 449 (1963), as well as *Matter of Kane*, 15 I&N Dec. 258 (BIA 1975) and *Matter of Montero*, 14 I&N Dec. 399 (BIA 1973). The IIRIRA amended section 101(a)(13) of the Act to codify into statute several of the issues addressed in *Fleuti* by defining the terms "admission" and "admitted". A lawful permanent resident is NOT considered to be seeking admission unless the alien:

- has abandoned or relinquished that status;
- has been absent continuously for more than 180 days;

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- has engaged in illegal activity after departing the U.S.;
- has departed under legal process seeking removal;
- has committed certain criminal offenses;
- is attempting entry without inspection; or
- has entered the U.S. without authorization by an immigration officer.

If you believe a lawful permanent resident may be inadmissible or no longer entitled to lawful permanent resident status, you must first determine whether the alien is seeking admission within the meaning of section 101(a)(13)(C). If you determine the returning resident is seeking admission, you should refer the alien for removal proceedings under section 240 of the Act as an alien inadmissible under section 212(a) of the Act. If you determine that the alien is not seeking admission, but may be deportable under section 237 of the Act, you may initiate removal proceedings under section 240 of the Act, charging the alien as deportable. Procedures for preparing for removal hearings and processing inadmissible LPRs are discussed in Chapters 17.6 and 17.10. This subject, especially issues involving possible abandonment or relinquishment of status, is a complex one, and may be resolved by the immigration judge during removal proceedings.

Procedures for preparing for removal hearings and processing inadmissible LPRs are discussed in Chapters 17.6 and 17.10. Although the charging document, Form I-862, Notice to Appear, is the same for both inadmissible and deportable aliens, immigration officers performing inspections at a port-of-entry are authorized to issue a Notice to Appear only to arriving aliens, as defined in 8 CFR 1.1(q). If a lawful permanent resident is not considered to be seeking admission, he or she is not an arriving alien. If a Notice to Appear is to be issued charging the returning resident as a deportable alien, the Notice to Appear must be issued by one of the authorizing officers listed in 8 CFR 239.1, such as the ADDE or ADDI, in accordance with local policy.

The fact that a returning resident may not be considered to be seeking admission does not exempt the alien from having to present the required immigration documents to establish that he or she holds that status. Therefore, returning residents without proper documents may be subject to the expedited removal provisions of section 235(b)(1). [8 CFR 211.1 and 235.1(d)(1)]. See Chapter 17.15(e) for procedures for dealing with aliens who claim to have been admitted for lawful permanent residence. See also section 240A of the Act concerning authority of the Attorney General to cancel removal of LPR aliens with at least seven years continued residence.

13.5 Returning Residents with SB-1 Visas.

A returning resident who has been abroad for more than 1 year may be issued an SB-1 visa by an American consular officer if the alien's stay abroad was not an abandonment of residence and the alien fully intended to return to the United States. The inspecting officer should review the facts surrounding the departure and reasons for the time spent abroad. If the officer is convinced the alien is indeed returning to his or her residence, the inspection should be concluded.

The immigrant visa packet (OF-155) is handled somewhat differently than a new immigrant visa.

If original I-551 is attached:

- Stamp OF-155 and endorse block with "SB-1";
- Write original "A" number on OF-155 under the admission stamp;
- Enter the airline code and flight number in the appropriate block on the OF-155;
- Stamp passport with admission stamp and endorse "SB-1";
- Return I-551 to applicant or, if the I-551 needs replacement, collect the original and forward it, with a completed I-89 (side 2) to the ICF;
- Endorse the top of the OF-155: "I-551 seen and returned"; and

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- Forward visa packet to appropriate files control office.

If original I-151 is attached:

- Follow steps 1-4 above;
- Endorse passport with I-551 stamp, valid for one year, and the code "SB-1";
- Destroy I-151, noting the top of the OF-155 with: "I-151 seen and destroyed", your initials, date and port code;
- Process applicant for an original I-551, completing side one of the I-89. Be sure to use the *original* admission data on the I-89, including class, port and date of admission. Never use admission code SB-1;
- Send I-89 with photo and fingerprint to ICF; and
- Send file to appropriate files control office.

If no alien registration card is attached:

- Follow procedure above;
- If data for I-89 is missing and cannot be obtained from CIS ADIT trailer, forward a completed I-90 to the files control office with the I-89 and SB-1 visa packet; and
- Defer inspection if no evidence of permanent residence exists in CIS.

13.6 Readmission of Temporary Residents.

(a) **Aliens already granted temporary resident status.** A temporary resident under section 210 of the Act, Special Agricultural Worker Program (SAW), with an unexpired Form I-688 who has not relinquished residence may be readmitted after an absence of up to 1 year [See 8 CFR 210.4(b)(3) and 211.1.]. Temporary residents under section 245a of the Act, Legalization Program, must not have been absent more than 30 days, or an aggregate of 90 days since obtaining status, and be returning to an unrelinquished residence [See 8 CFR 245a.2(n)(3) and 211.1.]. Status information concerning pending cases may be found in CLAIMS or CIS. If otherwise admissible, admit the applicant, endorsing the I-94 with the appropriate classification code [For complete code listing, see *Adjudications Field Manual*, Appendix 24-1].

(b) **Aliens who are applicants for temporary resident status.** Except as described in subparagraph (c) below, holders of Form I-688A, applying under §245a must have an advance parole in order to travel [See 8 CFR 245a.2(n)(2).]. Such persons attempting reentry without an advance parole should be placed in removal proceedings. Holders of Forms I-688A, applying under §210 may travel without an advance parole using their unexpired I-688A, after an absence of up to 1 year, provided they are returning to an unrelinquished residence [See 8 CFR 210.4(b)(2).].

(c) **CSS/LULAC class members.** Two large groups of legalization applicants are included as plaintiffs in ongoing litigation against the Service's regulations administering the legalization program. Members of the first group are referred to as "CSS" (Catholic Social Services) cases; members of the second group are referred to as "LULAC" (League of United Latin American Citizens), recently renamed "Newman," cases. Although often referred to collectively, there are certain distinctions between the two classes. One major distinction concerns reentry after travel outside the United States. LULAC plaintiffs, identified in CIS as LU1, may be processed as described in (b), above. However, the court has ruled that CSS plaintiffs who have been granted class membership, identified in CIS as CS1, may not be placed in removal proceedings, regardless of whether they obtained advance permission from INS, if their absence was brief, innocent, and casual. If you encounter a CSS applicant who has been granted an advance parole, process as described in (b) above. If you encounter a CSS applicant who was not granted an advance parole, you must make a determination whether the departure was brief, innocent, and casual. [See discussion in Chapter 13.4.] If the departure was brief, innocent, and casual, parole the alien for one year, returning his or her I-688A. If the departure was not brief, innocent, or casual,

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process as described in (b). Aliens denied class membership in either case, identified in CIS as LU2 or CS2, are not entitled to any benefits from the cases and may be processed in accordance with normal operating procedures.

(d) **Zambrano, Perales, IAP, and Proyecto litigation**. Class members for these ongoing cases must obtain an advance parole, Form I-512, prior to departing the U.S. and may be placed in removal proceedings if they attempt reentry without obtaining advance parole authorization.

13.7 Conditional Residents.

A conditional resident (CR-1, C5-1 etc.) is admissible if applying before the second anniversary of admission for conditional residence. The conditional resident may also be admissible if he or she has a boarding letter from a U.S. consulate, has been stationed abroad under government civilian military orders, or is the spouse or child of a person stationed abroad under government orders.

Otherwise, the applicant for admission as a conditional resident must have filed a joint petition or an application for waiver, Form I-751 (marriage-based cases) or Form I-829 (investment -based cases), in the U.S. within the 90 days before the second anniversary but not more than 6 months prior to the application for entry.

If none of those conditions exist, the inspector may defer the applicant to file Form I-751 or I-829 if there is reason to believe the Service will approve a petition or waiver.

If the applicant is not admissible, place him or her in removal proceedings. See 8 CFR 235.11.

Chapter 14: New Immigrants.

References:

INA: Sections 101(a)(27), 201, 203, 211, 212, 216, 216A, 235.

Regulations: 8 CFR 211, 216, 221; 22 CFR 42.

14.1 Inspecting New Immigrant Applicants.

The primary inspector processing a new immigrant must complete a variety of actions efficiently and accurately, since the actions taken are essential steps in creating a permanent record for the arriving alien. Examine the immigrant visa carefully to ensure it is valid and unaltered. Generally, an immigrant visa is valid for six months from the date of issuance. For immigrants who will lose eligibility because of age, the validity period may be shortened. For a child adopted by a U.S. citizen in U.S. Government service abroad, an immigrant visa may be issued for a validity of up to three years, until the citizen returns to the United States. Certain persons chargeable to Hong Kong may have visas valid until January 1, 2002. Although alteration and counterfeiting of immigrant visas is uncommon, such cases have been detected so you should carefully examine each visa presented.

You must verify eligibility for the visa classification indicated on the visa page. There are occasional misclassifications by the adjudicator or consular officer processing the visa. If you are unsure of requirements for the classification, refer to sections 101(a)(27), 201, or 203 of the INA for definitions and requirements. Department of State regulations at 22 CFR 42.73 detail procedures followed by consular officers issuing immigrant visas. Normally, you will need to insure that either a qualifying relationship or offer of employment continue to exist. In addition, you must assess whether immigrants specified in sections 216 or 216A of the Act are admissible for a two-year conditional period. A table of immigrant visa classification codes is included in Appendix 13-1 to assist you in determining the requirements of each immigrant category. If a "derivative" beneficiary, that is, an immigrant receiving his or her visa based on a visa issued to a spouse or parent, you must verify that the principal immigrant is either accompanying the dependent or has previously immigrated. A discussion of "accompanying" status is included below in Chapter 14.3.

Verify that the personal data and address on the front of the visa are correct. This is critical to insure the information on the alien registration card is correct and that the new immigrant receives his or her card without delay.

If the immigrant holds or previously held a position which would entitle him or her to diplomatic immunity, verify that a waiver of rights and privileges, Form I-508, has been signed.

An I-94 is not required for a new immigrant.

A discussion of the medical examination requirements for arriving immigrants is contained in Chapter 17.9. A discussion of waivers available for technical problems involving immigrant visas is contained in Chapter 17.5.

14.2 Passport Requirements.

Most immigrants are not required to have a valid passport as a condition of admission, but as a practical matter the vast majority will have needed a passport for departure from their country of origin and will therefore present a passport with the immigrant visa packet. Passport requirements for arriving immigrants are specified in 8 CFR 211.2 and should also be indicated by the consular officer on the front of the visa.

14.3 Inspection of Family Groups.

When members of a family group arrive together and present themselves for inspection as immigrants, you

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should inspect them as a group. You should not admit any member until you are certain each member of the group is admissible. This is because an intending immigrant who derives preference status (family based, employment based, or special immigrant) as an accompanying spouse or child, or who is charged numerically to the foreign state limitation of another family member as specified in section 202(b) of the INA, is inadmissible if the principal alien or alien whose foreign state was charged numerically is not admitted.

The term "accompanying" as used in this context does not necessarily mean that the derivative alien is physically accompanying the principal alien. An "accompanying" alien may actually seek admission up to four months after the principal has been admitted. An "accompanying" alien may not, however seek admission based on his or her derivative status before the principal alien has been admitted [See *Matter of Khan*, 14 I & N Dec. 122 (BIA 1972)]. "Accompanying" is defined in 22 CFR 40.1(a), and generally includes any qualifying derivative alien issued an immigrant visa within four months of visa issuance, adjustment of status, or registry of the principal immigrant. Absent evidence of fraud or error, you should accept the consular official's finding that an alien has derived status as an accompanying alien.

Similar to "accompanying" aliens are those who are "following to join" a principal beneficiary. These aliens are permitted to obtain the status of the principal alien so long as the "following to join" alien possesses the required spousal or parental relationship with the principal. There is not necessarily any time limit involved so long as the required relationship still exists (See 9 FAM 40.1, N.7). The classic example involves the married child or child over age twenty-one seeking admission as the unmarried child of an immigrant or as the minor child of an immigrant. Because the qualifying relationship no longer exists, the alien cannot "follow to join." It is irrelevant that at the time the visa was issued the relationship did exist. Thus, in either the "accompanying" or "following to join" situation, you should be careful to verify that the relationship between the principal and dependent aliens existed at the time that the principal alien obtained his or her status and continues to exist at the time that the derivative alien seeks admission based on that relationship.

14.4 Immigrant Admission Procedures.

Once you have determined that an immigrant is admissible, complete the following actions (either on primary or secondary, depending on local operating procedures):

- Stamp the passport and endorse it with the admission class and alien file number (Also stamp the "temporary I-551 stamp" in the passport, with a validity period of one year. The file number is indicated in the upper right-hand corner of the front page of the packet (OF-155A)).
- Stamp the OF-155 with the admission stamp (in the admission block) and temporary I-551 stamp (in the margin) (endorse the admission block with the admission class and enter the airline code and flight number in the appropriate block);
- Give the alien a copy Form I-357, a leaflet giving useful information and requirements for new immigrants [Note: this form is obsolete and is being revised] (If an immigrant is being admitted conditionally, remind him or her that an application for removal of conditions must be filed within 90 days of the second anniversary of admission);
- Prepare a Form I-89 with only the signature and fingerprint blocks completed (Insure proper photos are attached. Attach the I-89 to the visa package for shipment to the Immigration Card Facility (ICF) in accordance with the instructions in the M-226 manual, as modified by Appendix 14-1); and
- Log the visa data on the Immigrant Visa Log (Follow local procedures for separating out visas requiring Public Health Service attention and forwarding visas to the ICF).

14.5 Admission of Certain Immigrant Children without Immigrant Visas.

Children may be admitted as new immigrants without presenting an immigrant visa under two circumstances:

A child born to an accompanying parent after issuance of an immigrant visa to the parent but prior to

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the parent's initial admission as an immigrant (XA); or

A child, under 2 years of age, born during a temporary absence of a lawful permanent resident mother if the child is accompanying the parent who is reentering the U.S. as a returning resident for the first time after the birth of the child (NA).

You must establish the relationship between parent and child, generally by a birth certificate (with English translation) and, of course, the admissibility of the parent. There have been incidents of attempted fraud in such cases, so in doubtful cases, corroborating evidence such as medical records may be required. Verify the mother's LPR status using the Central Index System.

It is important that you properly record the admission of such new immigrants. If you are processing a child born subsequent to the issuance of an immigrant visa, use the following admission symbols:

XE3 Parent is an employment based immigrant;

XF3 Parent is a family based immigrant;

XR3 Parent is an immediate relative; or

XN3 Parent is none of the above.

A child admitted with a returning resident parent is admitted in class **NA3**.

Upon admission, stamp the passport (the parent's passport if the child has none) with the admission stamp and endorse it with the admission symbol above. Stamp the "temporary I-551" stamp in the passport. Complete Form I-181, Memorandum of Creation of Record of Lawful Permanent Residence. Check the block marked "other law" noting either 8 CFR 211.1(a)(1) for XE3, XF3, XR3, or XN3 admissions or 8 CFR 211.1(a)(2) for NA3 admissions. Place an admission stamp on the right side of the block reserved for use by visa control office and endorse it with the appropriate visa symbol. Complete Transaction 1 of Form I-89, including a photograph, and forward the I-89, I-181, and copy of the birth certificate to the ICF for creation of the alien file and production of the child's alien registration card. Forward a copy of the I-181 to the file of the parent.

14.6 Conditional Residents.

Admission procedures for conditional immigrants (based on spouse or investment) are discussed in 8 CFR 235.11. Procedures are generally the same as for other immigrants, but in spouse cases, if the marriage upon which the visa is issued occurred more than 2 years prior to the date of admission, you must admit the alien unconditionally, regardless of the visa symbol on the immigrant visa. Conversely, if you encounter an immigrant visa classified as unconditional, where the qualifying marriage occurred less than 2 years before the date of admission, you must admit the immigrant conditionally.

14.7 Immigrant Commuters.

Refer to Chapter 21.9.

Chapter 15: Nonimmigrants and Border Crossers.

- 15.1 General Considerations
- 15.2 Passports
- 15.3 Visas
- 15.4 Requirements and Procedures for Nonimmigrant Classes
 - (a) Foreign government officials
 - (b) Visitors
 - (c) Transits
 - (d) Crewmembers
 - (e) Traders and investors
 - (f) Students
 - (g) Representatives to, and employees of, international organizations
 - (h) Temporary workers
 - (i) Representatives of information media
 - (j) Exchange aliens
 - (k) Fiances and fiances of U.S. citizens
 - (l) Intracompany transferees
 - (m) Vocational students
 - (n) Certain special immigrant spouses and children
 - (o) Aliens of extraordinary ability
 - (p) Artists, athletes and entertainers
 - (q) International cultural exchange visitors
 - (r) Religious workers
 - (s) Confidential witnesses and informants
 - (t) NATO employees
- 15.5 NAFTA Admissions
 - 15.6 Transit without Visa Admissions
 - 15.7 Visa Waiver Pilot Program
 - 15.8 Guam Visa Waiver Program
 - 15.9 Border Crossing Card (BCC) Admissions
 - 15.10 Entry of Nonimmigrant Workers during Labor Disputes
 - 15.11 Special Interest Aliens
 - 15.12 Correction of Erroneous Admissions
 - 15.13 Nationals of Former Trust Territories
 - 15.14 Hong Kong Travel Documents

References:

INA: Section 101(a)(15), 212, 214, 217, 231, 232, 233, 235.

Other law: Pub. L. 99-396 (Omnibus Territories Act).

Regulations: 8 CFR 212, 214, 231, 232, 233, 235; 22 CFR 41.

15.1 General Considerations.

(a) As a primary inspector, the majority of your customers will be nonimmigrants. You must be thoroughly familiar with the requirements for admission of the many nonimmigrant classes you encounter in order to function effectively as an inspector. Familiarity with the requirements for various categories will increase your efficiency in detecting inadmissible aliens and will accelerate the admission process for those who meet the necessary requirements.

(b) **Preparation of Forms I-94 and other Service documents.** (1) **General.** You perform a vital role in creating

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an accurate record of admission, the basis for all further immigration-related activity which a nonimmigrant may engage in while in the United States. Your processing of the basic arrival record, Form I-94, and other documents you encounter during the inspection process is a critical part of the Service's system of records. It is important that you properly record relevant notations such as file numbers, waivers, and restrictions on admission such as maintenance of status and departure bonds in the appropriate places on Service forms. With the growth of automated systems and associated data entry contracts, precise adherence to standards for entries on these forms is critical to creating reliable databases.

The specific requirements for issuing an I-94 are set forth in 8 CFR 235.1. The I-94 may be issued for a single entry, or it may be valid for multiple entries for frequent border crossers. See Chapter 21.8. Special editions of Form I-94 are required for Transit Without Visa aliens (Form I-94T) and Visa Waiver Pilot Program aliens (Form I-94W). The proper editions must always be used for each category.

(2) **Special Endorsements.** The reverse of Form I-94 contains a series of blocks which must be completed by the inspecting officer in certain instances. Specific requirements are included below, in the discussion of each nonimmigrant category. Since this information is entered into the Service's automated records, which is used for a variety of reports to Congress and others, accurate entry of data into these fields is important. The following table explains the usage of each block.

#	Block Title	Usage
18	Occupation	Complete for principal H, J, L, O, P, Q, and R
19	Waivers	Insert section of law for any type of waiver granted
20	INS file	Insert any known "A" number
21	INS FCO	Insert FCO, when known
22	Petition Number	Complete for H, L, O, P, and Q principals
23	Program Number	Complete for J-1
24	Bond	Check block if bond posted
25	Prospective	Check block if B-2 has visa so noted by student AMCON
26	Itinerary/Comments	Various (see notes for each nonimmigrant class)

(3) **Exemptions from I-94 Requirements.** An I-94 is not required for the following classes of nonimmigrants:

(A) A nonimmigrant described in 8 CFR 212.1(a) or 22 CFR 41.33 admitted as a visitor for pleasure or business or in transit through the U.S.;

(B) A nonimmigrant alien residing in the British Virgin Islands admitted solely to the U.S. Virgin Islands for business or pleasure under 8 CFR 212.1(b);

(C) A Mexican national seeking admission for business or pleasure, within 25 miles of the Mexican border, for less than 72 hours, who holds either a valid Mexican Border Crossing Card (any form) or valid Mexican passport and multiple entry B-1 or B-2 visa;

(D) A Mexican national, holder of a diplomatic or official passport, as described in 8 CFR 212.1(c-1).

You will handle other Service documents which are used as primary data entry documents, notably for employment authorization and alien registration. In any situation where you are required to enter data on such forms or capture a signature specimen, fingerprint or photograph, review the materials carefully to insure full compliance with the specifications for the form. Historically, the Service has had a high rejection rate for such forms, resulting in extra work for the agency and serious inconvenience for its customers. Take the time to review data collection forms before the applicant leaves the area. Periodically review data collection procedures to insure full compliance with set standards.

(4) **Departure I-94 in Passport of Arriving Passenger.** If an arriving nonimmigrant arrives with an unexpired I-94 which will not be replaced during the course of the inspection as discussed in Chapter 15.3(b), readmit for the time remaining. Otherwise, remove the form from the passport, endorse the back with your admission stamp, and forward it for data entry.

(c) **Procedures for Processing I-94s.** All arrival I-94 forms collected by Service officers and departure I-94

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forms collected by carrier personnel (or, at land borders directly by the Service) must be promptly routed for data entry to the Service contractor. See handling procedures in Chapters 21.8 (land), 22.7 (airport), and 23.4 (seaport).

15.2 Passports.

Except where specifically exempted, each arriving nonimmigrant must present a valid passport. Generally, a passport (defined in section 101(a)(30) of the Act) must be valid for 6 months beyond the period of initial admission [See section 212(a)(7)(B) of the Act and 8 CFR 214.1(a)(3)]. There are a number of countries with which the Department of State has concluded agreements providing for return of the holder to his or her country of origin up to 6 months beyond the nominal expiration date of the passport. If a country is listed on this "6-month" list, his or her passport needs to be valid only until the date to which the alien is being admitted. The "6-month" list is contained in Appendix 15.2. General passport requirements and exceptions are discussed in 8 CFR 212.1 and 22 CFR 41.1.

In addition to determining the validity of each passport presented, you must inspect the document to determine if it has been altered through data eradication, photo substitution, page substitution, or counterfeiting. The Service makes available various passport studies to assist you in this process. These should be available at ports-of-entry for your reference. Instances of passport fraud often occur in batches. Thorough examination of each document is not possible in the time allocated for primary inspection. Use local port intelligence for trends to assist you in focusing on documents with a high probability of fraud.

Ordinarily, Service officers may endorse the passport of a nonimmigrant applicant for admission only with the admission stamp and specifically authorized notations such as those specified in Chapter 15.3(d), or notations which cancel a visa, when INS officers are specifically empowered to do so. Additional unauthorized passport notations must be avoided.

15.3 Visas.

(a) **General.** With certain exceptions, each arriving nonimmigrant must present a valid visa. The exceptions are specified in 8 CFR 212.1 and 22 CFR 41.1 and discussed below. As with passports, you must examine each visa for alteration, photo substitution, or page substitution. There are several styles of nonimmigrant visas currently in circulation. Most common are the red, green, and blue "Burroughs-style" visas and the newer Machine-Readable Visa (MRV). Visas issued by most consular posts indicate "bearer(s)" while those at high fraud posts will specify the name of the person to whom the visa was issued. The INS Intelligence Office periodically releases document alerts to help identify genuine visas as well as recently encountered counterfeit and altered visas. These should be readily available at ports-of-entry for reference. Refer to Chapter 32 for a detailed description of available intelligence services. Appendix 15-6 includes a list of consular posts and the dates on which they converted to the MRV format.

(b) **Automatic revalidation.** Some nonimmigrants reentering the U.S. from Canada or Mexico (and, for students (F) and exchange visitors (J) and their dependents, adjacent islands except Cuba) after an absence of 30 days or less are eligible for automatic revalidation of their visas under certain circumstances. Specific requirements and restrictions are outlined in 8 CFR 214.1 and 22 CFR 41.112. A nonimmigrant readmitted pursuant to this provision need not be given a new I-94 since he or she will still have the unexpired original. If an F or J alien otherwise eligible for readmission under this provision does not have his or her original I-94, prepare a new I-94 but insert the original admission number (from Form I-20) on any F-1 readmission.

(c) **Valid visa in expired passport.** An applicant for admission may use a valid visa in an expired passport, provided he or she also presents a valid passport. The new, valid travel document need not be issued by the same authority which issued the document containing the valid visa. For example, an alien may present an expired Hong Kong Certificate of Identity with a valid nonimmigrant visa plus a valid Hong Kong Special Administrative Region passport. See 22 CFR 41.112.

(d) **Admission procedures.** Nonimmigrant visas may be issued for single entry, a specified number of entries or multiple entries during the period of validity. Upon admission of single or specially limited entry visas, place

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your admission stamp on the visa page or the adjacent page to indicate its use. Visas issued at some high-fraud posts use a counterfoil (a thin, finely printed label, glued into the passport before the visa is stamped) beneath the Burroughs-style visa stamp, partially covering the visa stamp and extending to the adjacent passport page. On the first admission, place your admission stamp so that part of the stamp impression touches the counterfoil. This will complicate any attempted alteration. No other endorsement of the admission stamp is authorized except the file number for a "K" alien, the I-94 number for an "F" and "M" alien, and, where the admission stamp is placed in a new passport and the visa is in an expired passport, the admission class and a notation indicating the original visa number, consulate, and date of issuance. A list of countries whose nationals are considered to have a "common nationality with nationals of Canada" as required in 8 CFR 212.1(a) is contained in Appendix 15-7.

(e) Visa notations.

(1) **General.** Some nonimmigrant visas will bear a notation from a consular official. The notations are intended to provide you with additional information upon which to base your inspection. You are not bound by conditions set forth in these informal notations, but they may well influence your decision. Common notations include proposed destinations within the U.S., port-of-entry restrictions, and duration of stay. Specific notations relating to certain visa categories are discussed below, in the sections relating to each nonimmigrant category.

(2) **IBIS notations.** The notation "IBIS OK" on a visa issued after 7/1/91 is an indication that the consular officer identified a match or near match when the subject's name was queried in the lookout system. Regardless of this notation, telephonic notification to Headquarters, Inspections, at (202) 514-4034, is required if the case code is "000", "TIP", "T89", or "T92." Complete Form I-160 for a lookout intercept in such cases, regardless of action taken. Notification of Headquarters may be accomplished after admission of the alien by the inspecting officer.

(3) **PR/VI limitations.** An alien who is admitted solely to Puerto Rico or the Virgin Islands, based on a notation on his or her nonimmigrant visa, may be permitted to travel to other parts of the U.S. upon bonafide request. The inspecting officer should note this authorization on the reverse of the I-94.

(4) **Restrictions for certain United Nations visitors.** Certain nonimmigrants inadmissible pursuant to provisions of section 212(a)(3) may have restricted visas permitting travel only to the immediate area of the United Nations (within 25 mile radius of Columbus Circle, NY). Deviations from this itinerary are permitted in connection with confirmed departure reservations and if the alien has any required visa for entry into the country to which he or she is destined. The District Director, New York City, may relax such restrictions in an individual case, upon consultation with the Visa Office of the Department of State. Such aliens are issued Form ER-142.

(f) **Revocation or Cancellation by INS officers.** (1) **Revocation.** In specific instances, INS officers are delegated authority to revoke valid nonimmigrant visas issued by the Department of State. These are specified in 22 CFR 41.122 and discussed further in Chapter 17.

(2) **Cancellation of old indefinite visas.** The Department of State has revoked all indefinite "Burroughs-style" nonimmigrant visas which are more than 10 years old. Refer to secondary the holder of such visa, other than a border crossing stamp. These visas are being phased out and replaced with the new Machine-Readable Visas (MRV) and are to be canceled upon the admission of the holder. When a visa is canceled in this manner, give the alien a copy of the Department of State's announcement concerning the program.

Endorse the passport, next to the canceled visa, "Revoked pursuant to section 221(i) of the INA--Canceled without Prejudice." An exception to the cancellation requirement is permitted only when the alien is planning to leave and reenter the U.S. within a few days. Until further notice, readmit, without application or fee, persons whose visas were previously canceled under this program. A list of countries whose nationals may, prior to May 5, 1997, have been issued indefinite visas, is included in Appendix 15-2.

(3) **Cancellation of visas voided pursuant to section 222(g). [Reserved]**

(g) **Aliens residing in Canada or Bermuda.** The waiver of passport and visa requirements provided by 8 CFR 212.1(a) is applicable to citizens of Canada, as well as "landed immigrants" of Canada who are citizens of the following former British Commonwealth countries: Antigua and Barbuda, Australia, Bahamas, Bangladesh, Barbados, Belize, Bermuda, Botswana, Brunei, Cyprus, Dominica, Gambia, Ghana, Grenada, Guyana, India,

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Ireland, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Malta, Mauritius, Namibia, Nauru, New Zealand, Nigeria, Papua New Guinea, Pakistan, St. Lucia, St. Vincent, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Uganda, United Kingdom (including colonies, territories and dependencies such as Hong Kong), Western Samoa, Zambia, and Zimbabwe. The waiver is not available to the bearer of a Certificate of Identity or other "stateless person's" document issued by the governments of the above countries as such person is not considered a national of the country that issued the document. In addition, British subjects and their families attached to various Canadian and British government organizations in Canada, including the military, though not "landed immigrants" may be regarded as residents of Canada. All foreign trainees in Canada under the auspices of the International Development Assistance Programme will have in their possession an identity card issued by the Canadian International Development Agency. Students or trainees who are nationals of the countries named above may be admitted upon presentation of a valid identity card and a passport (for identification purposes). Such persons must present evidence of Canadian citizenship or proof of landed immigrant status (a valid passport or, if not traveling outside the Western Hemisphere, an expired passport).

A "Landed Immigrant" in Canada who does not qualify for the waiver of passport and visa requirements provided by 8 CFR 212.1(a) who seeks admission from Canada, or from Mexico if he has visited no countries other than Mexico and the U.S. since departing Canada, as a visitor for business or pleasure may be admitted on presentation of a Canadian border crossing identification card issued by an American consular officer pursuant to 22 CFR 41.33, in lieu of a B-1/B-2 nonimmigrant visa, in a passport issued by the government of the country of his or her nationality or a certificate of identity, whether valid or expired, which contains evidence of status as a "Landed Immigrant" in Canada [See also Chapter 15.9].

An alien arriving from the Cayman Islands or the Turks and Caicos Islands on a flight which stopped at a foreign place while en route to the U.S. but who did not disembark from the aircraft and continued in direct transit on board the aircraft to the U.S. is considered to be "arriving directly" as required by 8 CFR 212.1(a).

(h) **Adjacent Islands.** This term is defined in section 101(b)(5) of the Act. Cuba is excluded only when the specific reference so states. For purposes of 8 CFR 212 only, the term includes both Surinam and French Guiana.

15.4 Requirements and Procedures for Nonimmigrant Classes.

Each nonimmigrant class has specific restrictions and requirements. Below is a summary of the specific requirements for each. Specific definitions for nonimmigrant classes are included in section 101(a)(15) of the Act, and limited by sections 212(m) and (n) and 214 of the Act.

(a) **Foreign government officials.**

(1) **Classification:** A-1 Ambassador, public minister, career diplomatic or consular officer, and members of the immediate family. See also section 102 of the Act.

Documents required: Passport valid only to date of application for admission. Nonimmigrant visa (A-1).

Qualifications: Must be an individual listed in the general description. Inadmissible only under section 212(a)(3)(A), (B), or (C) of the Act. See section 102 of the Act.

Terms of admission: Admit A-1 for Duration of Status.

Notations on I-94: A-1, D/S

Special notes:

(A) **Presumption of eligibility.** Presentation of an A-1 visa is *prima facie* evidence that the alien is entitled to that status.

(B) **Dependents.** For A-1 nonimmigrants, dependents are entitled to the same classification as the principal. "Dependents" include more than just the spouse and children. See definition of "Immediate family" in 22 CFR 41.21. Dependent employment may be authorized under 8 CFR 274a.12(c) and 214.2(a).

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(C) **Temporary assignments.** "TDY" noted on the NIV after "A-1" means the alien is on temporary assignment of 90 days or less - admit D/S. Note "TDY" in block 26 on the reverse of the I-94.

(2) **Classification:** A-2 Other foreign government official or employee, and members of the immediate family.

Documents required: Passport valid only to the date of application for admission. Nonimmigrant visa (A-2).

Qualifications: Must be an individual listed in the general description. Inadmissible only under section 212(a)(3)(A), (B), or (C). See section 102 of the Act.

Terms of admission: Admit A-2 for duration of status.

Notations on I-94: A-2, D/S

Special notes:

(A) **Presumption of eligibility.** Presentation of an A-2 visa is prima facie evidence that the alien is entitled to that status.

(B) **Canadian military personnel.** A-2 category may include Canadian military personnel on temporary assignment in the U.S. and not traveling on NATO orders.

(C) **Dependents.** For A-2 nonimmigrants, dependents are entitled to the same classification. "Dependents" include more than just the spouse and children. See definition of "Immediate family" in 22 CFR 41.21. Dependent employment may be authorized under 8 CFR 274a.12(c) and 214.2(a).

(D) **Temporary assignments.** "TDY" noted on the visa after "A-2" means the alien is on temporary assignment of 90 days or less - admit D/S. Note "TDY" in block 26 on the reverse of the I-94.

(3) **Classification:** A-3 Attendant, servant, or personal employee of A-1 and A-2 nonimmigrants, and members of their immediate family.

Documents required: Passport must be valid for 6 months beyond authorized admission. Nonimmigrant visa (A-3).

Qualifications: Subject to all grounds of inadmissibility applicable to nonimmigrants.

Terms of admission: Admit as A-3 for a period not in excess of three years.

Notations on I-94: A-3, (date to which admitted). Note employer's name in block 26, on the reverse of the I-94.

Special notes:

(A) **Presumption of eligibility.** Presentation of an A-3 visa is prima facie evidence that the alien is entitled to that status.

(B) **Dependents.** For A-3 nonimmigrants, dependents entitled to the same classification include more than just the spouse and children. "Immediate family" is defined in 22 CFR 41.21.

(C) **Attendants and personal servants defined.** The terms "attendants" and "personal employees" are defined in 22 CFR 41.21.

(b) **Visitors.**

(1) **Classification:** B-1 Visitor for business.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission unless

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otherwise provided for or waived. Nonimmigrant B-1 visa unless waived.

Qualifications: Alien has a residence in a foreign country which he or she does not intend to abandon. Subject to all nonimmigrant grounds of inadmissibility. Alien intends to enter the U.S. for a temporary visit to engage in legitimate activities relating to business. Applicant has made financial arrangements to carry out the purpose of the visit and depart the United States.

Terms of admission: Maximum admission is 1 year. A B-1 will be admitted for a period of time which is fair and reasonable for completion of the purpose of the visit. Extensions are permitted in increments of 6 months (1 year for missionaries).

Notations on I-94: B-1 (date to which admitted). If seaman joining vessel, enter vessel name on reverse.

Special notes:

(A) **Restricted admission period.** Arbitrarily small admission periods needlessly increase the volume of extension applications and should be avoided. Ordinarily, B-1 admission should be granted for the time requested or longer, in order to reduce needless extension requests.

(B) **Determining eligibility.** Consider the source of remuneration and also the actual place of accrual of profits for services rendered by an alien in determining whether an alien is classifiable as a B-1 (See Chapter 15.5 for special NAFTA B-1 instructions). Each of the following has been determined to be permissible B-1 activity if the alien is to receive no salary or other remuneration from a U.S. source (other than an expense allowance or other reimbursement for expenses incidental to the temporary stay):

(1) An alien coming to the U.S. to: engage in commercial transactions (i.e., buying or selling) which do not involve gainful employment in the US; negotiate contracts; consult with business associates, including attending meetings of the Board of Directors of a U.S. corporation; litigate; participate in scientific, educational, professional, or business conventions, conferences, or seminars; or undertake independent research;

(2) An alien coming to engage in activities that would be classifiable under H-3 except that there is no U.S. employer involved, and is either studying at a foreign medical school and is seeking to enter the U.S. temporarily to take an "elective clerkship" (practical experience and instruction in the various disciplines of the practice of medicine under the supervision and direction of faculty physicians) at a U.S. medical school's hospital without remuneration from that hospital or undertaking training at the behest of a foreign employer by whom the alien is already employed abroad and from whom the alien will continue to receive his or her salary while in training in the United States;

(3) An alien coming to install, service, or repair commercial or industrial equipment or machinery purchased from a company outside the U.S. or to train U.S. workers to perform such services. (However, in such cases the contract of sale must specifically require the seller to provide such services or training, and the alien must possess specialized knowledge essential to the seller's contractual obligation to perform the services or training and must receive no remuneration from a U.S. source. These provisions do not apply to an alien seeking to perform building or construction work, whether on-site or in-plant except for an alien who is applying as a B-1 for the purpose of supervising or training other workers engaged in building or construction work, but not actually performing any such building or construction work);

(4) A professional athlete, such as a golfer or tennis player, who receives no salary or payment other than prize money for his or her participation in a tournament or sporting event;

(5) An athlete or team member who seeks to enter the U.S. as a member of a foreign-based team in order to compete with another sports team (provided: the foreign athlete and the foreign sports team have their principal place of business or activity in a foreign country; the income of the foreign based team and the salary of its players are principally accrued in a foreign country; and the foreign based sports team is a member of an international sports league or the sporting activities involved have an international dimension);

(6) An amateur team sports player who is asked to join a professional team during the course of the regular professional season or playoffs for brief try-outs (The teams may provide only for such expenses as round-trip fare, hotel room, meals, and other try-out transportation costs);

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(7) A professional entertainer coming to: (i) participate only in a cultural program sponsored by the sending country; who will be performing before a nonpaying audience; and all of whose expenses, including per diem, will be paid by the member's government; or (ii) participate in a competition for which there is no remuneration other than a prize (monetary or otherwise) and expenses;

(8) Crewman of a private yacht, regardless of the nationality of the private yacht, provided the yacht will be sailing out of a foreign home port and cruising in U.S. waters;

(9) An alien coming to perform his or her responsibilities as a "coasting officer" (A coasting officer is used when an officer of a foreign vessel is granted home leave while the vessel is in U.S. ports. The vessel does not remain in U.S. waters for more than 29 days, and the original officer returns in time to depart with the vessel. The coasting officer may then repeat the process with another vessel of the same foreign line);

(10) An alien seeking investment in the U.S. which would qualify him or her for E-2 status (Such alien is precluded from performing productive labor or from actively participating in the management of the business prior to being granted E-2 status);

(11) An alien performing services pursuant to the Outer Continental Shelf Lands Act Amendments of 1978 (The consular officer will annotate "OCS" on the B-1 visa). Alien construction workers who are entering to work from a derrick barge to construct an oil platform on the outer continental shelf are considered to man and crew the barge, not the platform. Foreign-owned barges are exempt from the requirements of 43 U.S.C. 1356(a)(3) which requires that any vessel, rig, platform, or structure used in regulated operations on the outer continental shelf be manned or crewed by U.S. citizens or lawful permanent residents. The Immigration and Nationality Act does not apply to aliens who are manning or crewing foreign-owned derrick barges on the outer continental shelf. Such aliens passing through the U.S. enroute to the outer continental shelf must have an appropriate visa, usually a B-1 visa. (In 1997, the Supreme Court denied certification of a D.C. circuit court decision on this issue);

(12) A personal or domestic servant who is accompanying or following to join a U.S. citizen employer who has a permanent home or is stationed in a foreign country, and who is visiting the U.S. temporarily, provided the employer-employee relationship existed prior to the commencement of the employer's visit to the United States;

(13) A personal or domestic servant who is accompanying or following to join a U.S. citizen employer temporarily assigned to the United States (The consular officer will annotate "personal or domestic servant of U.S. citizen (employer's name)" on the B-1 visa);

(14) A personal or domestic servant who is accompanying or following to join a foreign employer who seeks admission into or is already in the U.S. in B, E, F, H, I, J, L, M, O, P, or R nonimmigrant status (The consular officer will annotate "personal or domestic servant of nonimmigrant alien (employer's name)" on the B-1 visa);

(15) An alien seeking to enter the U.S. for employment with a foreign airline engaged in international transportation of passengers and freight in an executive, supervisory, or highly technical capacity who meets the requirements for E visa classification but is precluded from entitlement to E classification solely because there is no treaty of friendship, commerce, and navigation in effect between the U.S. and the country of the alien's nationality or because he or she is not a national of the airline's country of nationality;

(16) An alien coming to perform services on behalf of a foreign based employer as a jockey, sulky driver, trainer, or groom (Such alien is not allowed to work for any other employer);

(17) An alien coming to open or be employed in a new branch, subsidiary, or affiliate of the foreign employer, if the alien will become eligible for status as an L-1 upon securing proof of acquisition of physical premises;

(18) An employee of a foreign airline coming to pick-up aircraft if he or she is not transiting the U.S. and is not admissible as a crewman (The alien must present a letter from the foreign airline verifying the employment and official capacity of the applicant in the United States);

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(19) An alien coming exclusively to observe the conduct of business or other professional or vocational activity, provided the alien pays for his or her own expenses;

(20) An alien coming to participate in any program of furnishing technical information and assistance under section 635(f) of the Foreign Assistance Act of 1961 (75 Stat. 424);

(21) An alien coming to participate in the training of Peace Corps volunteers or coming under contract pursuant to sections 9 and 10(a)(4) of the Peace Corps Act (75 Stat. 612), unless the alien qualifies for "A" classification;

(22) An alien coming to participate in the United Nations Institute for Training and Research (UNITAR) internship program, who is not an employee of a foreign government;

(23) An alien coming to plan, construct, dismantle, maintain, or be employed in connection with exhibits at international fairs or expositions if he or she is an employee of a foreign exhibitor and is not a foreign government representative and does not qualify for "A" classification; and

(24) An alien coming to participate in a voluntary service program benefiting U.S. local communities, who establishes that he or she is a member of and has a commitment to a particular recognized religious or nonprofit charitable organization and that no salary or remuneration will be paid from a U.S. source, other than an allowance or other reimbursement for expenses incidental to the volunteer's stay in the United States. (The alien must present to the officer a written statement indicating his or her name, date and place of birth, the foreign permanent residence address, the name and address of initial U.S. destination, and anticipated duration of assignment).

(C) **Representative from the Vatican.** It was formerly the case that the representative to the United States from the Holy See was known as an Apostolic Delegate, since the United States and the Holy See did not have formal diplomatic relations. Members of the Apostolic Delegation were issued B-1 visas, and admitted B-1 D/S. Since the United States and the Holy See now do have formal diplomatic relations, the Mission of the Holy See is now a Nunciature, which is the equivalent to an Embassy. Aliens who are assigned to the Nunciature in positions that qualify for an A nonimmigrant status should be admitted as provided in the discussion of A nonimmigrant admissions.

(2) **Classification:** B-2 Visitor for pleasure.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission, unless otherwise provided for or waived. Nonimmigrant visa (B-2) unless waived.

Qualifications: Has a residence in a foreign country which the alien does not intend to abandon. Subject to all nonimmigrant grounds of inadmissibility. Intends to enter the U.S. for a temporary visit. Will engage in legitimate activities relating to pleasure. Has made financial arrangements to carry out the purpose of the visit to, and departure from, the United States.

Terms of admission: Maximum admission is 1 year. If admissible, a B-2 is generally admitted for 6 months.

Notations on I-94: B-2, (date to which admitted).

Special notes:

(A) **Minimum admission period.** Unless specifically authorized by a supervisory inspector, the admission period shall be no less than 6 months.

(B) **Determining eligibility.** If otherwise admissible, admit the following as B-2:

(1) An alien coming for purposes of tourism or to make social visits to relatives or friends;

(2) An alien coming for health purposes;

(3) An alien coming to participate in conventions, conferences, or convocations of fraternal, social or

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service organizations;

- (4) An alien coming primarily for tourism who also incidentally will engage in a short course of study;
- (5) An amateur coming to engage in an amateur entertainment or athletic activity, even if the incidental expenses associated with the visit are reimbursed;
- (6) A dependent of an alien member of any branch of the U.S. Armed Forces temporarily assigned to duty in the United States;
- (7) A dependent of a category "D" visa crewman who is coming to the U.S. solely for the purpose of accompanying the principal alien;
- (8) An alien spouse or child, including an adopted alien child, of a U.S. citizen or resident alien, if the purpose of the visit is to accompany or follow to join the spouse or parent for a temporary visit;
- (9) A dependent of a nonimmigrant who is not entitled to derivative status, such as in the case of an elderly parent of an E-1 alien;
- (10) An alien coming to marry a U.S. citizen or lawful permanent resident with the intent to return to a residence abroad soon after the marriage;
- (11) An alien coming to meet the alien's fiancé(e)'s family (to become engaged; to make arrangements for a wedding; or to renew a relationship with the prospective spouse);
- (12) A spouse married by proxy to an alien in the U.S. in a nonimmigrant status who will apply for a change of status after consummation of the marriage;
- (13) An alien who is entitled to the benefits of section 329 of the Act (Naturalization) and who seeks to take advantage of such benefits irrespective of the foreign residence abroad requirement of section 101(a)(15)(B);
- (14) A dependent of an alien member of the U.S. Armed Forces who qualifies for naturalization under section 328 of the Act and whose primary intent is to accompany the spouse or parent on the service member's assignment to the United States;
- (15) An alien destined to attend courses for recreational purposes; or
- (16) An alien seeking to enter the U.S. in emergent circumstances, when he or she is otherwise entitled to lawful permanent resident status. For example: a permanent resident alien employed by a U.S. corporation is temporarily assigned abroad but has necessarily remained more than 1 year and may not use Form I-551 in order to travel to the U.S. for an emergency and then return abroad. The alien has never relinquished permanent residence, has continued to pay U.S. income taxes, and perhaps even maintains a home in the United States. The alien may be issued a nonimmigrant visa for this purpose and Form I-551 need not be surrendered.

(C) **Prospective students.** You may encounter an applicant for admission with a B-2 visa noted "prospective student." Such a visa is issued to an alien who is otherwise eligible for F-1 status but who has not selected a school and obtained an I-20. If otherwise admissible, admit the alien for 6 months and note the I-94 "prospective student." Advise the alien to apply for a change of status on Form I-539 as soon as the I-20 is obtained.

Occasionally, you may encounter an applicant who, in good faith, presents a B-2 visa but intends to attend school. Before denying admission, consider all circumstances surrounding the case, such as the reasons for not getting a student visa abroad, financial ability, and any possibly fraudulent activity on the part of the alien. If you are satisfied the alien is otherwise *bona fide*, defer inspection to allow the applicant to obtain an I-20 and any other required documentation and apply for a visa waiver.

(D) **"VISAS 93" notation.** See Chapter 16.2 for special admission procedures.

(c) **Transits.**

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(1) **C-1** Aliens in transit through the United States.

Documents required: Passport valid for 6 months beyond the date to which admitted, unless exempt. Nonimmigrant visa (C-1), unless exempt.

Qualifications: Alien must be coming for transit through the United States. All nonimmigrant grounds of inadmissibility apply. Must have sufficient funds, ticket or other means for travel, and permission to enter foreign country.

Terms of admission: Admit C-1 up to a maximum of 29 days.

Notations on I-94: C-1, (date to which admitted).

Special notes:

(A) **Limitations:** Not eligible for extension of stay. Not eligible for change of status; and

(B) **Crewmembers in Transit.** If C-1 visa is issued to a crewmember joining a vessel, review letter from shipping line to insure the validity of the request. Admit such crewmembers for 29 days, since many vessels do not leave U.S. territory immediately.

(2) **Classification:** C-2 Alien in transit to the United Nations Headquarters District.

Documents required: Passport valid only until the date of admission. Nonimmigrant visa (C-2).

Qualifications: Must be coming to the U.S. to proceed directly to the immediate vicinity of the United Nations Headquarters District. Inadmissible only on 212(a)(3)(A), (B), and (C), and 212(a)(7)(B).

Terms of admission: Admit C-2 for duration of status at the United Nations.

Notations on I-94: C-2, D/S at U.N.

Special notes: Travel limited to a 25 mile radius of Columbus Circle, New York City, New York. See 8 CFR 214.2(c)(2) for more information and Chapter 15.3(e)(4).

(3) **Classification:** C-3 Foreign government official, members of immediate family, attendant, servant, or other personal employee of official in transit through the United States.

Documents required: Passport valid for at least 30 days from date of admission. Nonimmigrant visa (C-3).

Qualifications: Must meet the classification description above. Inadmissible only on 212(a)(3)(A),(B), and (C), and 212(a)(7)(B).

Terms of admission: Admit C-3 up to a maximum of 29 days.

Notations on I-94: C-3, (date to which admitted).

(d) **Crewmembers** See Chapters 22.2 and 23.

(e) **Traders and Investors.**

(1) **Classification:** E-1 Treaty trader, spouse, and children entering the U.S. under provisions of a treaty involving trade, commerce and service to which the U.S. and the alien's country are signatory.

Documents required: Passport valid for 6 months beyond the date to which admitted, unless exempt. Nonimmigrant visa (E-1) (including Canadians).

Qualifications: The company must be majority owned by the treaty country and the alien must be a national of

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that country. For list of treaty countries, see Appendix 32.1 of the Adjudicator's Field Manual. Alien must be employed in executive, managerial or specialized knowledge capacity. All nonimmigrant grounds of inadmissibility apply. See qualifications in 8 CFR 214.2(e) and 22 CFR 41.51.

Terms of admission: Admit E-1 for 1 year. For E-1, TECRO, see special notes section.

Notations on I-94: Front: E-1, (date to which admitted). **Reverse:** principal's name in remarks section of dependent's I-94.

Special notes:

(A) **Dependents.** Admit spouse and children as E-1. Their period of admission is up to 1 year or to coincide with the stay of the principal alien. The spouse and children may follow to join but may not precede the principal alien. Spouse and children may attend school without changing status, but may not engage in employment.

(B) **TECRO notation.** Taipei government employees may be issued an E-1 visa endorsed "TECRO" (Taiwan Economic and Cultural Representative's Office, formerly CCNAA, Coordination Council for North American Affairs). Admit holders of such visas for duration of status (D/S).

(2) **Classification: E-2** Treaty investor, spouse, and children entering the U.S. under provisions of a treaty between the U.S. and the alien's country of nationality to develop and direct an enterprise in which the alien has invested or is actively in the process of investing a substantial amount of money.

Documents required: Passport valid for 6 months beyond the date to which admitted, unless exempt. Nonimmigrant visa (E-2), (including Canadians).

Qualifications: Must be national of the treaty country, within the general description above. May be investor or qualifying employee of investor. All nonimmigrant grounds of inadmissibility apply. See list of treaty countries in Appendix 31-2 of the Adjudicator's Field Manual. Specific requirements for E-2 investors are contained in 8 CFR 214.2(e) and 22 CFR 41.51.

Terms of admission: Admit E-2 for 1 year.

Notations on I-94: Front: E-2, (date to which admitted). **Reverse:** principal's name in remarks section of dependent's I-94.

Special notes:

(A) **Dependents.** Admit spouse and children as E-2. Their period of admission is up to 1 year or to coincide with the stay of the principal alien. The spouse and children may follow to join but may not precede the principal alien. Spouse and children may attend school without changing status, but may not engage in employment. Nationality of the spouse and children is not material.

(B) **Employee E-2s.** If the alien is an employee of an E-2, he or she must be of the same nationality as the investor and must work in an executive, managerial, or specialized knowledge capacity.

(f) **Students.**

(1) **Classification: F-1** Students in colleges, universities, seminaries, conservatories, academic high schools, elementary schools, other academic institutions, and in language training programs. [See restrictions in section 214(l) of the Act, added by IIRIRA].

Documents required: Passport valid for 6 months, unless exempt. Nonimmigrant visa (F-1), unless exempt. Form I-20AB. Documentary evidence of financial support.

Qualifications: Alien must be coming to pursue a full course of study at an approved school or to resume authorized employment for practical training after a temporary absence. All nonimmigrant grounds of inadmissibility apply. See requirements in 8 CFR 214.2(f) and 22 CFR 41.61.

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Terms of admission: Admit F-1 for duration of status.

Notations on I-94: F-1, D/S.

Special notes: [For general information for F-1 students see 8 CFR 214.2(f).]

(A) **Missing or incomplete I-20.** If otherwise admissible, a student not in possession of Form I-20AB, or a student who after a temporary absence does not present an endorsed page 4 of Form I-20 and there is no bad faith involved in the student's failure to obtain the necessary form, the inspecting officer shall admit the student in F-1 status for 30 days and issue Form I-515. Instruct the student to obtain the necessary Form I-20 or endorsement, as the case may be, and submit the I-515, I-20, and I-94 to the Service office having jurisdiction over the school he or she plans to attend, within the 30 day period, for extension. The accompanying spouse and children of an F-1 without an endorsed page 4 of Form I-20 or a new Form I-20 shall be admitted F-2 for 30 days and may be granted an extension. Note reverse of I-94, both sections: "I-515."

(B) **Certain students with expired visas.** F-1 students and dependents with expired visas who have been outside the U.S. for less than 30 days solely to contiguous territory or adjacent islands may be readmitted if they have a valid I-20 [See 8 CFR 214.1(b)(1) and 22 CFR 41.112.].

(C) **Fraudulent Forms I-20.** Fraudulently issued Forms I-20 are not uncommon. Inspectors should examine these forms carefully for irregularities. Improperly issued Forms I-20, whether issued with fraudulent intent or through ignorance by a non-approved school, often do not contain the correct sequence of letters and numbers in the school approval code. An example of the correct format is: WAS 214f 1123.004. The three letters indicate the files control office having jurisdiction over the school. 214f is standard to all codes. The next series of numbers indicate the specific school or school system and may include a 3-digit suffix. The suffix indicates a school or campus **within** a school system, if applicable. An I-20 bearing the wrong sequence in the approval code or any other irregularities should be considered suspect. Information about schools and students may be found in the student/school data base (STSC) discussed in Chapter 31.3.

(D) **Disposition of Forms I-20AB.** Upon initial admission, an F-1 will present a two-part Form I-20AB (Student Copy and School Copy). Upon admission, place the admission number from the I-94 on both parts, stamp and endorse "F-1 D/S" in the designated block, and separate the two parts of the I-20AB. Also, record the admission number on the visa page of the passport. The Student Copy is returned to the student for readmission and other uses. The School Copy is lifted for forwarding for Service data processing. Staple the arrival section of the I-94 to lower left-hand corner of the I-20 School Copy before forwarding for data entry. Once data processing is complete, the forms are forwarded to the school by the data entry contractor.

(E) **Readmission.** Upon readmission of an F-1 student, cross out the admission number from the new I-94 and enter the original admission number from the passport or I-20AB, Student Copy. Readmit the student for D/S.

(F) **Limitation on public school attendance.** Section 214(l) of the Act now prohibits attendance by nonimmigrant students at public elementary schools and public adult education programs. Attendance at public secondary education programs is limited to 12 months and requires the student to pay the full unsubsidized cost of such education.

Classification: F-2 Spouse and children of F-1 student.

Documents required: Passport valid for 6 months, unless exempt. Nonimmigrant visa (F-2), unless exempt. F-1's I-20(Student Copy) if following to join.

Qualifications: Must be an individual listed in general description. All nonimmigrant grounds of inadmissibility apply. Must be accompanying or following to join F-1.

Terms of admission: Admit F-2 for duration of status.

Notations on I-94: F-2, D/S.

Special notes: See notes on F-1 above.

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(A) **Dependent employment.** Dependents may not engage in employment.

(g) **Representatives to, and employees of, international organizations.**

Classification: G-1 Designated principal **resident** representative of a foreign government to an international organization, staff, and members of the immediate family.

Documents required: Passport valid only to date of application for admission. Nonimmigrant visa (G-1).

Qualifications: Must be an international organization recognized by the President or State Department. Inadmissible only under 212(a)(3)(A), (B), or (C). See §102 of the Act.

Terms of admission: Admit G-1 for Duration of Status.

Notations on I-94: G-1, D/S. If visa is marked "TDY" include that notation in block 26 on the reverse of the I-94.

Special notes:

(A) **Presumption of eligibility.** Presentation of an G-1 visa is prima facie evidence that the alien is entitled to that status.

(B) **Dependents.** For G-1 nonimmigrants, dependents are entitled to the same classification as the principal. "Dependents" include more than just the spouse and children. See definition of "Immediate family" in 22 CFR 41.21.

(C) **Restricted admission periods.** Occasionally, a "G" nonimmigrant visa will be noted by a consular official: "authorized stay limited to 45 (or some other specified number) days". Do not admit such nonimmigrants for D/S; limit the admission as specified on the visa.

Classification: G-2 Temporary representatives of recognized foreign member governments to an international organization and members of the immediate family.

Documents required: Passport valid only to date of application for admission. Nonimmigrant visa (G-2).

Qualifications: Must be an international organization recognized by the President or State Department and foreign government must be a member of the international organization. Inadmissible only under 212(a)(3)(A), (B), or (C). See section 102 of the Act.

Terms of admission: Admit G-2 for Duration of Status.

Notations on I-94: G-2, D/S. If visa is marked "TDY" include that notation in block 26 on the reverse of the I-94.

Special notes:

(A) **Presumption of eligibility.** Presentation of an G-2 visa is prima facie evidence that the alien is entitled to that status.

(B) **Dependents.** For G-2 nonimmigrants, dependents are entitled to the same classification as the principal. "Dependents" include more than just the spouse and children. See definition of "Immediate family" in 22 CFR 41.21.

(C) **Restricted admission periods.** Occasionally, a "G" nonimmigrant visa will be noted by a consular official: "authorized stay limited to 45 (or some other specified number) days". Do not admit such nonimmigrants for D/S; limit the admission as specified on the visa.

Classification: G-3 Representatives of non-recognized or nonmember governments to an international organization and members of the immediate family.

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Documents required: Passport valid only to date of application for admission. Nonimmigrant visa (G-3).

Qualifications: Must be an international organization recognized by the President or State Department and foreign government is a non-member of the international organization or non-recognized by the United States. Inadmissible only under 212(a)(3)(A), (B), or (C) [See section 102 of the Act.].

Terms of admission: Admit G-3 for Duration of Status.

Notations on I-94: G-3, D/S. If visa is marked "TDY" include that notation in block 26 on the reverse of the I-94.

Special notes:

(A) **Presumption of eligibility.** Presentation of an G-3 visa is prima facie evidence that the alien is entitled to that status.

(B) **Dependents.** For G-3 nonimmigrants, dependents are entitled to the same classification as the principal. "Dependents include more than just the spouse and children. See definition of "Immediate family" in 22 CFR 41.21.

(C) **Restricted admission periods.** Occasionally, a "G" nonimmigrant visa will be noted by a consular official: "authorized stay limited to 45 (or some other specified number) days". Do not admit such nonimmigrants for D/S; limit the admission as specified on the visa.

(4) **Classification:** G-4 Officers or employees of a recognized international organization and members of the immediate family.

Documents required: Passport valid only to date of application for admission. Nonimmigrant visa (G-4).

Qualifications: Must be an employee of an international organization (not a member state) recognized by the President or State Department. Alien is employee of the organization, not an employee of a member state. Inadmissible only under 212(a)(3)(A), (B), or (C). See section 102 of the Act.

Terms of admission: Admit G-4 for Duration of Status.

Notations on I-94: G-4, D/S. If visa is marked "TDY" include that notation in block 26 on the reverse of the I-94.

Special notes:

(A) **Presumption of eligibility.** Presentation of a G-4 visa is prima facie evidence that the alien is entitled to that status.

(B) **Dependents.** For G-4 nonimmigrants, dependents are entitled to the same classification as the principal. "Dependents" include more than just the spouse and children. See definition of "Immediate family" in 22 CFR 41.21.

(C) **United Nations travel documents.** A G-4 visa may be placed in a United Nations Laissez-Passer if the alien is traveling on official U.N. business.

(D) **Restricted admission periods.** Occasionally, a "G" nonimmigrant visa will be noted by a consular official: "authorized stay limited to 45 (or some other specified number) days". Do not admit such nonimmigrants for D/S; limit the admission as specified on the visa.

(5) **Classification:** G-5 Attendants, servants, or personal employees of G-1 through G-4 and members of their immediate family.

Documents required: Passport valid for 6 months beyond the date to which admitted. Nonimmigrant visa (G-5).

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Qualifications: Must be attendant, servant, or employee of G-1 through G-4. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit G-5, up to 3 years.

Notations on I-94: G-5, (date to which admitted). Include the employer's name in block 26 on the reverse of the I-94.

Special notes:

(A) **Presumption of eligibility.** Presentation of a G-5 visa is prima facie evidence that the alien is entitled to that status.

(B) **Dependents.** For G-5 nonimmigrants, dependents are entitled to the same classification as the principal. "Dependents include more than just the spouse and children. See definition of "Immediate family" in 22 CFR 41.21.

(C) **Attendants and personal servants defined.** The terms "attendants" and "personal employees" are defined in 22 CFR 41.21.

(h) **Temporary workers.**

(1) **Classification:** H-1A Includes registered nurses entering the U.S. to perform nursing services at a facility which provides health care.

Documents required: Passport valid for 6 months beyond admission date. Nonimmigrant visa (H1-A). Approved I-129 petition. May present Form I-797, Notice of Action or the NIV may be notated with approval information by the consular officer.

Qualifications: Must be a registered nurse. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit H-1A for validity of petition plus 10 days prior to validity date and up to 10 days after the expiration date [See 8 CFR 214.2(h)(13)].

Notations on I-94: Front: H1-A, (date to which admitted). **Reverse:** petition number and occupation "registered nurse." See general requirements in 8 CFR 214.2(h).

Special notes:

(A) **H-1A sunset.** This temporary nonimmigrant provision expired 9/1/95 and was not renewed by Congress. However, previously approved H1-A petitions continue to be valid for entry or reentry for employment with the petitioning employer.

(B) **Foreign residence requirement.** H1-A does not have to establish he or she has a foreign residence.

(C) **Petitions.** The approved petition is forwarded by the service center to the visa issuing post or, when no visa is required, to the proposed first port- of-entry of the beneficiary. Petition approval may also be sent via facsimile or cable. Information on petition approval may be verified by checking the CLAIMS database. Petitions may be valid for up to 3 years, and may be extended for up to 6 years.

(D) **Dependents.** Dependents are admitted as H-4. Dependents may not work but may attend school without changing status.

(2) **Classification:** H-1B. Specialty occupations (professional), Department of Defense project employees, and fashion models.

Documents required: Passport valid for 6 months beyond admission date, unless exempt. Nonimmigrant visa (H-1B), unless exempt. Approved I-129 petition. May present Form I-797, Notice of Action, or the visa may be notated with approval information by the consular officer.

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Qualifications: Alien must be qualified for and coming to be employed in a specialty occupation as defined in section 214(i)(1) of the Act, be a fashion model, or be employed in a Department of Defense cooperative research and development project. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit H-1B for validity of petition plus a maximum of 10 days prior to the validity date of the petition and up to 10 days after the expiration date [8 CFR 214.2(h)(13)].

Notations on I-94: Front: H-1B, (date to which admitted). **Reverse:** petition number and occupation from the list in Appendix 31-1 of the Adjudicator's Field Manual.

Special notes:

(A) **Foreign residence requirement.** H-1B does not have to establish he or she has a foreign residence.

(B) **Petitions.** The approved petition is forwarded by the service center to the visa issuing post or, when no visa is required, to the proposed first port-of-entry of the beneficiary. Petition approval may also be sent via facsimile or cable. Information on petition approval may be verified by checking the CLAIMS database. Petitions may be valid initially for up to 3 years (DOD projects, 5 years), and may be extended for up to 6 years (DOD projects, 10 years).

(C) **Dependents.** Dependents are admitted as H-4. Dependents may not work but may attend school without changing status.

(3) **Classification: H-2A.** Temporary agricultural workers.

Documents required: Passport valid for 6 months beyond admission date, unless exempt. Nonimmigrant visa (H-2A), unless exempt. Approved I-129 petition. May present Form I-797, Notice of Action, or the visa may be noted with approval information by the consular officer.

Qualifications: Coming **temporarily** to perform **temporary** services for which workers are not available in the United States. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit H-2A for validity of petition plus 10 days prior to validity date and up to 10 days after the expiration date [See 8 CFR 214.2(h)(13)].

Notations on I-94: Front: H-2A, (date to which admitted). **Reverse:** Petition number and occupation "agricultural."

Special notes:

(A) **Dual temporary issue.** Unlike H-1 nonimmigrants, who do not have to show a foreign residence and who may be coming temporarily to fill positions which are permanent by nature, the H-2 must have a foreign residence and must be coming only to fill a position which is itself temporary or seasonal [See definitions in 8 CFR 214.2(h)(2)].

(B) **Petitions.** The approved petition is forwarded by the service center to the visa issuing post or, when no visa is required, to the proposed first port of entry of the beneficiary. Petition approval may also be sent via facsimile or cable. Information on petition approval may be verified by checking the CLAIMS database. Petitions may be valid for up to 3 years. Petition and visa validity generally coincide.

(C) **Multiple beneficiaries.** H-2A petitions may be issued for multiple unnamed beneficiaries working in the same occupation. Because of the need to control the number of entries on multiple beneficiary petitions, local ports-of-entry should have specific procedures in place.

(D) **Liquidated damages.** Employers are frequently required to enter into a liquidated damages agreement to insure maintenance of status and departure of agricultural workers. Arrival and departure of agricultural workers must be closely monitored for accuracy to insure compliance with and enforcement of these agreements.

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(E) **Dependents**. Dependents are admitted as H-4. Dependents may not work but may attend school without changing status.

(4) **Classification**: H-2B. Non-agricultural workers coming **temporarily** to perform services of a **temporary** nature.

Documents required: Passport valid for 6 months beyond admission date, unless exempt. Nonimmigrant visa (H-2B), unless exempt. May present Form I-797, Notice of Action, or the visa may be notated with approval information by the consular officer.

Qualifications: Must be coming temporarily to provide services of a temporary nature for which qualified U.S. workers are not available. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit H-2B for validity of petition plus 10 days prior to validity date and up to 10 days after the expiration date [See 8 CFR 214.2(h)(13).].

Notations on I-94: Front: H-2B, (date to which admitted). **Reverse**: Petition number and occupation from the list in Appendix 31-1 of the Adjudicator's Field Manual.

Special notes:

(A) **Dual temporary issue**. Unlike H-1 nonimmigrants, who do not have to show a foreign residence and who may be coming temporarily to fill positions which are permanent by nature, the H-2B must have a foreign residence and must be coming only to fill a position which is itself temporary or seasonal. See definitions in 8 CFR 214.2(h)(2).

(B) **Petitions**. The approved petition is forwarded by the service center to the visa issuing post or, when no visa is required, to the proposed first port of entry of the beneficiary. Petition approval may also be sent via facsimile or cable. Information on petition approval may be verified by checking the CLAIMS database. Petitions may be valid for up to 3 years. Petition and visa validity generally coincide.

(C) **Multiple beneficiaries**. H-2B petitions may be issued for multiple unnamed beneficiaries working in the same occupation. Because of the need to control the number of entries on multiple beneficiary petitions, local ports-of-entry should have specific procedures in place.

(D) **Dependents**. Dependents are admitted as H-4. Dependents may not work but may attend school without changing status.

(E) **Canadian loggers**. See Chapter 21.8 for special control procedures.

(5) **Classification**: H-3. Aliens entering for the purpose of receiving instruction in any field of endeavor, other than graduate medical education or training.

Documents required: Passport valid for 6 months beyond admission date, unless exempt. Nonimmigrant visa (H-3), unless exempt. Approved I-129 petition. May present Form I-797, Notice of Approval, or the visa may be noted with approval information by the consular officer.

Qualifications: Must be coming temporarily for training unavailable in home country. Must have foreign residence. Productive employment may be only incidental to the training. Other specific limitations discussed in 8 CFR 214.2(h)(7). All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit H-3 for validity of petition plus 10 days prior to validity date and up to 10 days after the expiration date [See 8 CFR 214.2(h)(13).].

Notations on I-94: Front: H-3, (date to which admitted). **Reverse**: petition number and occupation from the list in Appendix 31-1 of the Adjudicator's Field Manual.

Special notes:

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(A) **Special training in education of disabled children.** Section 223 of Pub L. 101-649, the Immigration Act of 1990, provides for the admission of trainees for the purpose of receiving training in the education of children with physical, mental, or emotional disabilities. These trainees are limited to an 18-month admission, but do not have many of the same restrictions as other H-3 nonimmigrants. See 8 CFR 214.2(h)(7) for specific distinctions.

(B) **Petitions.** The approved petition is forwarded by the service center to the visa issuing post or, when no visa is required, to the proposed first port of entry of the beneficiary. Petition approval may also be sent via facsimile or cable. Information on petition approval may be verified by checking the CLAIMS database. Petitions may be valid for up to 18 months. Petition and visa validity generally coincide.

(C) **Multiple beneficiaries.** H-3 petitions may be issued for multiple unnamed beneficiaries receiving the same training.

(D) **Dependents.** Dependents are admitted as H-4. Dependents may not work but may attend school without changing status.

(6) **Classification: H-4.** Includes spouse and children of aliens classified H-1 through H-3.

Documents required: Passport valid for 6 months beyond admission date, unless exempt. Nonimmigrant visa (H-4), unless exempt.

Qualifications: Must be accompanying or following to join a principal alien and have qualifying relationship (spouse or minor unmarried child). All nonimmigrant exclusion grounds apply.

Terms of admission: Admit H-4 for same period as principal.

Notations on I-94: H-4, (date to which admitted).

Special notes: See notes on "dependents" for H-1 through H-3, above.

(i) **Representatives of information media.**

(1) **Classification: I** Representative of foreign information media, and immediate family].

Documents required: Passport valid for 6 months at time of entry unless exempt. Nonimmigrant visa (I) unless exempt.

Qualifications: Representative of foreign press, radio, film, television, or other information media. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit I for Duration of Status.

Notations on I-94: I, D/S. Enter the employer's name in block 26 on the reverse of the I-94.

Special notes:

(A) **Independents.** Employees of independent production companies may be accorded I status if the employee holds a credential issued by a professional journalistic association and the film will be used to disseminate news or information and the film will not be used primarily for commercial entertainment or advertising purposes.

(B) **Prohibition on commercial film crews.** Camera crews producing films for commercial entertainment or advertising must qualify under 101(a)(15)(O) or (P) of the Act even though they will receive no remuneration from a U.S. source and the film is produced solely for foreign distribution.

(C) **Dependents.** Admit spouse and children as I. Dependents may attend school without changing status but may not engage in employment.

(j) **Exchange aliens.**

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(1) **Classification:** J-1 An alien coming to participate in an exchange program to promote mutual understanding between the U.S. and another country to include students, trainees, teachers, professors, and research scholars.

Documents required: Passport valid for 6 months at time of entry unless exempt. Nonimmigrant visa (J-1) unless exempt. Form IAP-66.

Qualifications: Must have a program sponsor authorized by the U.S. Information Agency as indicated on the IAP-66 and be entering for the purpose specified on the IAP-66. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit J-1 for Duration of Status.

Notations on I-94: Front: J-1, D/S. **Reverse:** Occupation from the list in Appendix 31-1 of the Adjudicator's Field Manual and program number from the IAP-66.

Special notes:

(A) **Missing IAP-66.** If otherwise admissible and there is no bad faith involved, an exchange visitor not in possession of Form IAP-66 may be admitted for 30 days and issued Form I-515. Instruct the exchange visitor to obtain the necessary form and submit the I-515, IAP-66, and I-94 to the Service office having jurisdiction over the program sponsor, within the 30 day period, for extension. Note reverse of I-94, both sections "I-515."

(B) **Certain exchange visitors with expired visas.** J-1 exchange visitors and dependents with expired visas who have been outside the U.S. for less than 30 days solely to contiguous territory or adjacent islands may be readmitted if they have a valid IAP-66 [See 8 CFR 214.1(b)(1) and 22 CFR 41.112.].

(C) **Employment authorization.** J aliens may work in several circumstances. J-1 employment under the terms of the exchange program, at the sponsor's work site, does not require issuance of an employment document (EAD). See 8 CFR 274a.12(a). J-1 aliens entitled to practical training and those whose programs provide for "open market" employment, and dependent J-2 aliens seeking employment under 8 CFR 214.2(j)(1)(v) may be issued an EAD. [See 8 CFR 274a.12(c)].

(D) **Two-Year Foreign Residence Requirement.** Form IAP-66 includes a block which is endorsed by the consular official issuing the visa or by the inspecting officer, containing a determination whether the exchange visitor is subject to the 2-year foreign residence requirement of section 212(e) INA. An alien may be subject to the foreign residence requirement for any of three reasons: if the exchange program is governmentally financed, if the alien's occupation is on the "Skills List" for his or her country of nationality or last residence, or if the purpose of the trip is to receive graduate medical education or training, then the alien may be subject to this residence requirement. In most instances the consular official who issued the visa will have made the determination whether the alien is subject. If there is no endorsement on the IAP-66 regarding this matter, then you must make the determination at the time of inspection. The list of governmentally financed programs and the "Skills List" you will need to make this determination are contained in Appendix 15-1. This procedure is most critical when inspecting J aliens who are visa exempt. Such persons will not have had the foreign residence requirement explained by a consular official and, therefore, may be entirely unaware of the potential consequences of entry as an exchange visitor

(D) **Disposition of Form IAP-66.** Place admission stamp and "J-1, D/S" on all three copies of IAP-66. Execute Part II of the form if it has not been completed by the consular official at the time of visa issuance. Mail the original (white copy) to the Service office having jurisdiction over the area where the alien will reside. Return the endorsed pink copy to the alien to be used for readmission. Mail the yellow copy to:

USIA, M/TO
330 Independence Ave, SW, Room G-720
Washington, DC 20547

(E) **Special Exchange Notations.** Exchange visitors from the People's Republic of China and former

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Soviet bloc countries may have their J-1 visas noted "CHINEX" or "SILEX". This notation must be placed on the I-94, in block 26 on the reverse. Program participants with these notations are specially controlled by the U.S. Information Agency.

(2) **Classification:** J-2 Spouse and children of aliens classified J-1.

Documents required: Passport valid for 6 months beyond the date of admission, unless exempt. Nonimmigrant visa (J-2), unless exempt. Copy of IAP-66 if not accompanying the principal exchange alien.

Qualifications: Must have the necessary relationship to the principal alien. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit J-2 for duration of status.

Notations on I-94: J-2, D/S.

Special notes:

(A) May accompany or follow to join J-2.

(B) Employment authorization may be authorized in accordance with note C, above.

(k) **Fiancées and fiancés of U.S. citizens.**

Classification: K-1 Fiancées and fiancés of U.S. citizens.

Documents required: Valid passport. Nonimmigrant visa (K-1) (**including** Canadians and others who would otherwise be exempt a visa). Valid petition (Form I-129F).

Qualifications: Alien must be coming to conclude a valid marriage to the citizen petitioner within 90 days. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit K-1 for 90 days.

Notations on I-94: Front: K-1, date 90 days from day of admission. **Reverse:** "A" number and FCO code.

Special notes:

(A) **Employment Authorization.** All K aliens, including dependents, may be issued an EAD under 8 CFR 274a.12(a) for a period of 90 days.

(B) **Handling the K-1 petition.** Verify the complete address of the intended place of residence as shown on the face of the I-129F. Stamp the back of the petition to reflect the admission of the beneficiary and any accompanying children. If there are accompanying K-2 children, circle their names in item #11 of the petition and note beneath the admission stamp the following: "includes children whose names are circled." Forward the petition and supporting documents to the files control office having jurisdiction over the K-1's intended place of residence.

(C) **Visa cables.** When the American consul has issued a K visa on the basis of receipt of a cable prior to the receipt of the approved visa petition, the American consul will place a copy of the wire into the sealed envelope in lieu of the petition. The admitting officer must verify the address, place the admission stamp on the cable with the above mentioned endorsements and forward the entire packet to the appropriate files control office.

(2) **Classification:** K-2 Children of alien fiancées and fiancés of U.S. citizens.

Documents required: Valid passport. Nonimmigrant visa (K-2) (including Canadians). Valid petition (Form I-129F).

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Qualifications: Must be accompanying or following to join the K-1 parent. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit K-2 for 90 days.

Notations on I-94: K-2, date 90 days from day of admission.

Special notes:

(A) **General.** See notes above for admission and employment authorization

(B) **Petition handling procedures.** In the case of a following-to-join K-2 child, lift the sealed envelope furnished the child by the American consul, affix the medical report contained therein with the admission stamp showing the K-2 classification and the date until admitted. Ascertain the name and address of the K-1 alien parent to whom the child is destined, and the date on which such K-1 parent was admitted to the U.S. to the best of the child's knowledge. Prepare a memorandum which includes this information and forward it, together with the lifted report of the K-2 child's medical examination (and any other papers contained in the sealed envelope) to the files control office having jurisdiction over the child's destination.

(C) **Delayed arrivals.** With the concurrence of the Service, the Department of State has authorized consular officers to issue K-2 visas to the following-to-join children of a K-1 alien up to 1 year after the issuance of the K-1 visa to the principal alien. Issuance of the K-2 visa within that period (and admission as a K-2 nonimmigrant during the validity of that visa, if otherwise admissible) is authorized, even though the K-1 principal may have already married the U.S. citizen petitioner and acquired lawful permanent residence under section 214(d) of the Act.

(l) **Intracompany Transferees.**

(1) **Classification:** L-1 Includes aliens entering to render services to a branch, parent, subsidiary, or affiliate of the company of previous employment outside the United States.

Documents required: Passport valid for 6 months at time of entry unless exempt. Nonimmigrant visa (L-1) unless exempt. Must have evidence of approved I-129 petition in the form of a notation on the nonimmigrant visa indicating the petition number and employer's name, or a Notice of Action, Form I-797, indicating approval, unless the applicant is a Canadian citizen. In that case, the alien may file the I-129 at a Canadian pre-flight station or Canadian land border port-of-entry at the time he or she applies for admission. If arriving at an airport without having been inspected preflight, a Canadian applicant must have evidence of petition approval, Form I-797.

Qualifications: Must be in a managerial, executive, or specialized knowledge capacity but may be transferred from any one of the capacities to another (e.g. from management to executive). All nonimmigrant grounds of inadmissibility apply. Must have worked for the company (branch, parent, subsidiary, or affiliate) outside the U.S. for at least 1 continuous year within the preceding 3 years [See 8 CFR 214.2(l) and 22 CFR 41.54].

Terms of admission: Admit L-1 for validity of petition (up to 3 years initially).

Notations on I-94: Front: L-1, (date to which admitted). **Reverse:** Petition number and occupation from list in Adjudicator's Field Manual Appendix 31-1.

Special notes:

(A) **Dependents.** Admit the spouse and children as L-2.

(B) **Petition limitations.** Petition may be approved for up to 3 years, except start-up companies which are limited initially to 1 year. Expiration date of visa will usually be the same as the validity of the petition. The maximum stay in the U.S. for an L-1 specialized knowledge employee is 5 years. The maximum stay in the U.S. for an L-1, executive or manager is 7 years.

(C) **Blanket petitions.** Some L aliens may be admitted on "blanket" petitions, i.e. petitions approved for

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large companies where corporate requirements are not readjudicated with each individual L alien. An alien may not be initially admitted if the company's blanket petition approval has expired but may be readmitted to complete a previously authorized period of stay. A blanket L-1 maximum initial period of admission is 3 years. Blanket petition applicants will have Form I-129S in their possession.

(D) **NAFTA L aliens** Under the North American Free Trade Agreement (NAFTA), a Canadian citizen may file an I-129 for an L-1 classification in conjunction with his/her application for admission at certain land border ports-of-entry and preflight inspection stations. Because of this, officers must be completely familiar with the adjudication process of an I-129 petition for L-1 benefits. The following procedure may serve as a guideline:

- (1) Determine applicant to be a Canadian citizen and otherwise eligible for admission;
 - (2) Be sure the I-129 is completed in duplicate and signed;
 - (3) Determine qualifying relationship between the U.S. and Canadian entities. Very often a great volume of material is not necessary;
 - (4) Verify that the applicant was employed abroad by the Canadian entity in a qualifying capacity for a period of 1 year during the prior 3 years immediately preceding the date of application for admission;
 - (5) The job offer by the U.S. entity must place the applicant in a qualifying managerial, executive or specialized knowledge capacity. Examine supporting documentation. Form M-332, Instructions for Filing I-129 Petition for Intracompany Transferee, is a good source of information concerning acceptable supporting documentation;
 - (6) Collect fee, place fee stamp, approval stamp, and officer signature in proper places on the I-129;
 - (7) Prepare I-94 multiple entry for 1 year if the alien is coming to a new office, (i.e. in business for less than 1 year) 3 years if other than new office;
 - (8) Make sure alien receives the I-94, a receipt for the fee paid, Form I-9 and M-279 for initial admission. Advise the alien that he or she will receive an I-797, Notice of Action, from the service center; and
 - (9) Attach arrival copy of I-94 to "record of proceedings," (original I-129 with supporting documents) and forward to the Service Center that has jurisdiction over your port-of-entry.
- (2) **Classification: L-2** Includes spouse and children of L-1.

Documents required: Passport valid for 6 months at time of entry unless exempt. Nonimmigrant visa (L-2) unless exempt.

Qualifications: Must have the required family relationship with the principal alien. Must be accompanying or following to join the principal L-1. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit L-2, same period as principal.

Notations on I-94: L-2, (date to which admitted).

Special notes:

(A) **Employment authorization:** Spouse and children may not work as L-2 but may attend school without changing status

(B) **NAFTA L dependents.** Under the North American Free Trade Agreement, only the applicant need be a Canadian/Mexican citizen.

(m) **Vocational students**

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(1) **Classification:** M-1 Student in established vocational or other recognized nonacademic institution, other than language training program.

Documents required: Passport valid for 6 months at time of entry unless exempt. Nonimmigrant visa (M-1) unless exempt. Form I-20MN. Evidence of financial support.

Qualifications: Must be coming to pursue full course of study at an approved "M" school. Must have sufficient financial resources. All nonimmigrant grounds of inadmissibility apply.

Terms of Admission: Admit as M-1 to the end date of the course, as specified on the I-20, plus 30 days. Do not exceed 1 year.

Notations on I-94: M-1, ending date of course plus 30 days not to exceed 1 year.

Special notes:

(A) **Missing or incomplete I-20.** If otherwise admissible, a student not in possession of Form I-20MN, or a student who after a temporary absence does not present an endorsed page 4 of Form I-20 and there is no bad faith involved in the student's failure to obtain the necessary form, the inspecting officer shall admit the student in M-1 status for 30 days and issue Form I-515. Instruct the student to obtain the necessary Form I-20 or endorsement, as the case may be, and submit the I-515, I-20, and I-94 to the Service office having jurisdiction over the school he or she plans to attend, within the 30 day period, for extension. The accompanying spouse and children of an M-1 without an endorsed page 4 of Form I-20 or a new Form I-20 shall be admitted M-2 for 30 days and may be granted an extension. Note the back of Form I-94, both sections, with: "I-515."

(B) **Certain students with expired visas.** M-1 students and dependents with expired visas who have been outside the U.S. for less than 30 days solely to contiguous territory may be readmitted if they have their original I-94 and a valid I-20 [See 8 CFR 214.1(b)(1) and 22 CFR 41.112.]. The "adjacent island" exemption, available to F and J nonimmigrants does not apply to M students.

(C) **Fraudulent Forms I-20.** Fraudulently issued Forms I-20 are not uncommon. Inspectors should examine these forms carefully for irregularities. Improperly issued Forms I-20, whether issued with fraudulent intent or through ignorance by a non-approved school, often do not contain the correct sequence of letters and numbers in the school approval code. An example of the correct format is: WAS 214F 1123.004. The three letters indicate the files control office having jurisdiction over the school. The "214F" is standard to all codes. The next series of numbers indicate the specific school or school system and may include a three-digit suffix. The suffix indicates a school or campus within a school system, if applicable. An I-20 bearing the wrong sequence in the approval code or any other irregularities should be considered suspect. Information about schools and students may be found in the student/school data base (STSC) discussed in Chapter 31.3.

(D) **Disposition of Forms I-20MN.** Upon initial admission, an M-1 will present a two-part Form I-20MN (Student Copy and School Copy). Upon admission, the record the admission number from the I-94 on both parts, stamp and endorse "M-1(date to which admitted)" in the designated block and separate the two parts of the I-20MN. Also record the admission number on the visa page of the passport. The Student Copy is returned to the student for readmission and other uses. The School Copy is lifted for forwarding for Service data processing, along with the arrival I-94, which is stapled to the lower left corner of the I-20MN. Once data processing is complete, the forms are forwarded to the school by the data entry contractor.

(E) **Readmission.** Upon readmission of an M-1 student, cross out the admission number from the new I-94 and enter the original admission number from the passport or I-20MN, Student Copy. Admit the student for the balance of the time needed to complete his/her course of study, plus 30 days, not to exceed 1 year.

(2) **Classification:** M-2 Spouse and children of M-1 vocational student.

Documents required: Passport valid for 6 months at time of entry unless exempt. Nonimmigrant visa (M-1) unless exempt. Form I-20MN, student copy, if following to join.

Qualifications: Must be an individual listed in the general description, accompanying or following to join a principal M student. All nonimmigrant grounds of inadmissibility apply.

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Terms of admission: Admit M-2 to same date as M-1.

Notations on I-94: M-2, same date to which admitted as M-1.

Special notes: See notes on M-1 above.

(n) **Certain special immigrant spouses and children.**

Classification: N-8 Includes parent of "child" accorded special immigrant status (SK-3).

Documents required: Passport valid for 6 months at time of entry unless exempt. Nonimmigrant visa (N-8) unless exempt.

Qualifications: Must be the parent of a child classified as an SK-3 nonimmigrant. See section 101(a)(27)(I) of the INA. The parent is eligible only while the SK-3 immigrant remains a child. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit N-8 for up to 3 years.

Notations on I-94: N-8, admit for 3 years or to 21st birthday of child.

Special notes:

(A) **Employment authorization.** N-8 aliens are authorized employment pursuant to 8 CFR 274a.12(a) and may be issued an EAD.

(2) **Classification:** N-9 Includes the child of an N-8 or child of an alien accorded an SK-1, SK-2, or SK-4 special immigrant visa.

Documents required: Passport valid for 6 months at time of entry unless exempt. Nonimmigrant visa (N-9), unless exempt.

Qualifications: Must be a child of either an N-8 described above or of an SK special immigrant. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit N-9 for 3 years or to 21st birthday.

Notations on I-94: N-9, Same date as N-8 (if child of N-8) or the lesser of 3 years or 21st birthday (if child of SK).

Special notes:

(A) **Qualifying relationships.** A N-9 nonimmigrant may be either the child of a former G-4 who acquired SK permanent resident status (when the child does not qualify for corresponding resident status), or the child of an N-8 parent who is temporarily remaining with an SK-3. See definitions for SK immigrants in §101(a)(27)(I).

(B) **Employment authorization.** Employment is authorized, issue EAD.

(o) **Aliens of extraordinary ability.**

(1) **Classification:** O-1 Alien with extraordinary ability in the sciences, arts, education, business, or athletics; or who has attained extraordinary achievements in the motion picture or television industry.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission, unless otherwise provided for or waived. Nonimmigrant visa (O-1) unless exempt. Must have evidence of approved I-129 petition in the form of a notation on the nonimmigrant visa indicating the petition number and employer's name, or a Notice of Action, Form I-797, indicating approval.

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Qualifications: Individual (not group or team) must fall within general description of classification above. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit O-1 for the validity period of the petition, plus up to 10 days before the beginning of the petition period or 10 days after its expiration. Do not exceed 3 years total [See 8 CFR 214.2(o)(6)(iii)(A), 8 CFR 214.2(o)(10).].

Notations on I-94: Front: O-1 and expiration date of authorized stay (expiration date of petition validity plus 10 days). **Reverse:** Occupation and petition number.

Special notes:

(A) **Petitions.** The approved petition is forwarded by the service center to the visa issuing post or, when no visa is required, to the proposed first port-of-entry of the beneficiary. Petition approval may also be sent via facsimile or cable. Information on petition approval may be verified by checking the CLAIMS database. Petitions may be valid initially for up to 3 years and may be extended. The beneficiary may also have a copy of the approval notice, Form I-797, which is readily verifiable.

(B) **Dependents.** Dependents are admitted as O-3. Dependents may not work but may attend school without changing status.

(2) **Classification: O-2** Alien accompanying or assisting an O-1 artist or athlete.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission, unless otherwise provided for or exempt. Nonimmigrant visa (O-2) unless exempt. Evidence of an approved I-129 petition to work a specific event or performance, either in the form of a consular notation on the visa or an approval notice on Form I-797.

Qualifications: Must possess critical skills and at least 1 year of experience with the principal O-1. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit (O-2) for the validity period of the petition (which cannot exceed 3 years), plus a period of up to 10 days before the validity period begins and 10 days after the validity period ends [See 8 CFR 214.2(o)(6)(iii)(B), 8 CFR 214.2(o)(10).].

Notations on I-94: Front: O-2 and expiration date of authorized stay (expiration date of petition validity plus 10 days).

Reverse: occupation, petition number, and employer's name and address.

Special notes:

(A) **Arrival prior to O-1.** An O-2 may precede the O-1 to the U.S. to prepare for the event.

(B) **Petitions.** The approved petition is forwarded by the service center to the visa issuing post or, when no visa is required, to the proposed first port- of-entry of the beneficiary. Petition approval may also be sent via facsimile or cable. Information on petition approval may be verified by checking the CLAIMS database. Petitions may be valid initially for up to 3 years and may be extended. The beneficiary may also have a copy of the approval notice, Form I-797, which is readily verifiable.

(C) **Dependents.** Dependents are admitted as O-3. Dependents may not work but may attend school without changing status.

(3) **Classification: O-3** Spouse or child of an O-1 or O-2.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission, unless otherwise provided for or waived. Nonimmigrant visa (O-3) unless exempt.

Qualifications: Must be spouse or child of O-1 or O-2. All nonimmigrant grounds of inadmissibility apply.

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Terms of admission: Admit O-3 for the same time period as the principal O-1 or O-2.

Notations on I-94: O-3 and same expiration date of authorized stay as principal. Enter the name of the principal alien on the reverse, in block 26.

Special notes: Dependent employment. Dependent O aliens may not work but may attend school without changing status.

(p) **Artists, athletes, and entertainers.**

(1) **Classification:** P-1 Internationally recognized athlete or entertainment group or essential support personnel.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission, unless otherwise provided for or waived. Nonimmigrant visa (P-1) unless exempt. Evidence of an approved I-129 petition, either a notation on the nonimmigrant visa or a copy of the approval notice on Form I-797.

Qualifications: Must be an individual or team member, qualified as above, entering to engage in such activities. Essential support personnel (except for circus employment) must have one year of experience with the principal P-1 individual or group. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit P-1 for validity of petition, plus 10 days prior to validity date and up to 10 days after the expiration date, not to exceed 1 year for group members or 5 years for individual athletes [See 8 CFR 214.2(p)(8)(iii)(A), 8 CFR 214.2(p)(12).].

Notations on I-94: Front: P-1 and expiration date of authorized stay. **Reverse:** Occupation and petition number.

Special notes:

(A) **Petitions.** The approved petition is forwarded by the service center to the visa issuing post or, when no visa is required, to the proposed first port of entry of the beneficiary. Petition approval may also be sent via facsimile or cable. Information on petition approval may be verified by checking the CLAIMS database. Petitions may be valid initially for up to 5 years for individual athletes and may be extended, not to exceed 10 years. Other P-1 petitions are valid for up to 1 year and may be extended in increments of 1 year. The beneficiary may have a copy of the approval notice, Form I-797, which is readily verifiable.

(B) **Dependents.** Dependents are admitted as P-4. Dependents may not work but may attend school without changing status.

(C) **Essential support personnel.** P-1 individuals and groups may include essential support personnel. Generally, group members and support personnel must have 1 year of experience with the group. There is a 25% exception to the 1-year requirement for group membership. This 1-year experience requirement does not apply to circus personnel.

(2) **Classification:** P-2 Artist or entertainer or essential support personnel in a reciprocal exchange program between an organization in the U.S. and an organization in one or more foreign countries.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission, unless otherwise provided for or waived. Nonimmigrant visa (P-2) unless exempt. Evidence of an approved I-129 petition, either a consular notation on the nonimmigrant visa or a copy of the petition approval notice, Form I-797.

Qualifications: Individual or group meeting qualifications of the category as stated above. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit P-2 for validity of petition plus 10 days prior to validity date and up to 10 days after the expiration date.

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Notations on I-94: Front: P-2 and expiration date of authorized stay (expiration date of petition validity plus 10 days.) **Reverse:** Occupation and petition number.

Special notes:

(A) **Petitions.** The approved petition is forwarded by the service center to the visa issuing post or, when no visa is required, to the proposed first port- of-entry of the beneficiary. Petition approval may also be sent via facsimile or cable. Information on petition approval may be verified by checking the CLAIMS database. Petitions may be valid initially for up to 1 year and may not be extended beyond a total admission period of 1 year. Beneficiary may have a copy of the petition approval notice, Form I-797, which is readily verifiable.

(B) **Limitation on readmission.** A P-2 who has completed a year in that status ordinarily may not reenter the U.S. on a new P-2 petition for 3 months. A waiver is available as part of the petition process.

(C) **Dependents.** Dependents are admitted as P-4. Dependents may not work but may attend school without changing status.

(3) **Classification:** P-3 Artist or entertainer coming to perform, teach, or coach under a commercial or noncommercial program that is culturally unique.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission, unless otherwise provided for or waived. Nonimmigrant visa (P-3) unless exempt. Evidence of an approved I-129 petition, either a consular notation in the nonimmigrant visa or an approval notice on Form I-797.

Qualifications: Must be an individual or group member coming to perform in a program which meets the definition above. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit P-3 for validity of petition plus 10 days prior to validity date and up to 10 days after the expiration date.

Notation on I-94: Front: P-3 and expiration date of authorized stay (expiration date of petition validity plus 10 days.) **Reverse:** Occupation and petition number.

Special notes:

(A) **Petitions.** The approved petition is forwarded by the service center to the visa issuing post or, when no visa is required, to the proposed first port- of-entry of the beneficiary. Petition approval may also be sent via facsimile or cable. Information on petition approval may be verified by checking the CLAIMS database. Petitions may be valid initially for up to 1 year and may not be extended beyond a total admission period of 1 year. Beneficiary may have a copy of the approval notice, Form I-797, which is readily verifiable.

(B) **Dependents.** Dependents are admitted as P-4. Dependents may not work but may attend school without changing status.

(4) **Classification:** P-4 Spouse or child of a P-1, P-2, or P-3.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission, unless otherwise provided for or waived. Nonimmigrant visa (P-4), unless exempt. May have a copy of approval notice of petition for principal alien.

Qualifications: Must be accompanying or following to join a principal P-1, P-2, or P-3. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit (P-4), same as principal.

Notation on I-94: P-4 and same expiration date of authorized stay as principal. Note the reverse, in block 26 with the name of the principal alien.

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Special notes: See notes on dependents above.

(q) International cultural exchange visitors.

(1) **Classification: Q** Includes aliens coming to take part in an international cultural exchange program approved by the Attorney General for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the alien's country.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission, unless otherwise provided for or waived. Nonimmigrant visa (Q), unless exempt. Evidence of an approved I-129 petition, either a consular notation on the visa or a copy of the approval notice, Form I-797.

Qualifications: Must be at least 18 years of age, coming to perform services described above. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit as Q to the petition validity but not to exceed 15 months.

Notation on I-94: Front: Q, (date to which admitted). **Reverse:** Petition number and occupation.

Special notes:

(A) **Petitions.** The approved petition is forwarded by the service center to the visa issuing post or, when no visa is required, to the proposed first port- of-entry of the beneficiary. Petition approval may also be sent via facsimile or cable. Information on petition approval may be verified by checking the CLAIMS database. Petitions may be valid initially for up to 15 months and may not be extended.

(B) **Limitation on readmission.** An alien who has completed a 15 month Q program must remain outside the U.S. for 1 year before being readmitted as a Q nonimmigrant.

(C) **Dependents.** There is no dependent provision for spouse or child but they may be otherwise admissible as a visitor.

(r) Religious workers.

(1) **Classification: R-1** Member of a religious denomination having a bona fide nonprofit religious organization in the U.S., coming to carry on the vocation of minister or religious professional, or to work in a religious vocation or occupation.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission, unless otherwise provided for or waived. Nonimmigrant visa (R-1) unless exempt. Letter of invitation describing duties of position in the United States.

Qualifications: Membership in a religious denomination for at least 2 years immediately preceding entry. If working in a professional capacity, the applicant must have a minimum of a bachelor's degree in a related field, or its equivalent. All nonimmigrant grounds of inadmissibility apply. If working in a non-professional capacity, the applicant must be working for a tax exempt organization.

Terms of admission: Admit R-1 for a maximum of 3 years. Extensions are permitted for up to a total of 5 years.

Notations on I-94: Front: R-1 and expiration date of authorized stay. **Reverse:** Occupation and employer's name and address.

Special notes: Limitation on readmission. Do not readmit an R who has spent 5 years in the U.S. as an R unless he or she has resided and been physically present outside the U.S. for the immediate prior year, except for brief visits for business or pleasure.

(2) **Classification: R-2** Spouse or child of R-1.

Documents required: Passport valid for a minimum of 6 months beyond the period of admission, unless otherwise provided for or waived. Nonimmigrant visa unless exempt.

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Qualifications: Must be accompanying or following to join an R-1 alien. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit (R-2), same as principal.

Notation on I-94: R-2 and same expiration date of authorized stay as principal. Name of principal alien in block 26, on reverse of I-94.

Special notes: Dependents: May not work, but may attend school without changing status.

(s) **Confidential witnesses and informants.**

(1) Classification: S

Documents required: Determined on a case-by-case basis. Port-of-entry will be advised. No actual "S" visa stamp will be placed in the alien's travel document.

Qualifications: Must be an alien:

(A) who is in possession of critical reliable information concerning a criminal organization or enterprise; is willing to supply or has supplied such information to Federal or State court; and whose presence in the U.S. the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise; or

(B) who the Secretary of State and the Attorney General jointly determine is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation; is willing to supply or has supplied such information to Federal law enforcement authorities or a Federal court; will be or has been placed in danger as a result of providing such information; and is eligible to receive a reward under section 36(a) of the State Department Basic Authorities Act of 1956.

Terms of Admission: Port-of-entry will be advised on an individual basis.

Notes on I-94: Follow instructions provided by Regional Inspections or Headquarters on each case.

Special notes:

(A) **Dependents.** The spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i) or (ii) if accompanying, or following to join, the alien.

(B) **Special Controls.** S classification is authorized only pursuant to a complex certification from the Criminal Division, Department of Justice. Once S classification has been authorized, and admission coordinated by Headquarters, Service officers must make every effort to observe necessary security precautions and be sensitive to and respond to law enforcement agency (LEA) or State Department concerns for adequately safeguarding the alien's identity. The LEA which requested S classification for an eligible alien will be working closely with Headquarters to ensure a controlled entry. For security reasons, no Service or other documents will indicate that the holder is or was a recipient of S nonimmigrant classification. Questions concerning admission procedures, security precautions, or specific requests for S classification may be addressed to Headquarters Investigations, Attn.: Witness Unit, (202) 514-0747, 425 I Street, NW, Room 1000, Washington, DC 20536.

(t) **NATO employees.**

(1) **Classification:** NATO-1 This classification is for the principal permanent representative of a member state of NATO resident in the U.S. and resident members of his/her official staff and members of their immediate families.

Documents required: Passport valid only to date of application for admission. Nonimmigrant visa (NATO-1).

Qualifications: Must be an alien described above. Inadmissible under 212(a)(3)(B)(i)(I) and (C) only.

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Terms of admission: Admit NATO-1 for Duration of Status.

Notations on I-94: NATO-1, D/S

Special notes:

(A) **Nonmilitary NATO.** Nonmilitary NATO nonimmigrants should not be confused with members of NATO Forces entering under official orders with proper identification who are exempt inspection and therefore, exempt normal passport and nonimmigrant visa requirements.

(B) **NATO countries.** See list in Chapter 11.2.

(C) **Dependents.** Admit dependents in same category as principal. Dependents may attend school without changing status and may be granted employment authorization under 8 CFR 274a.12(c).

(2) **Classification:** NATO-2 Includes other representatives of member states to NATO and their immediate family members. Also includes NATO military members and their families.

Documents required: Passport valid only to date of application for admission. Nonimmigrant visa unless exempt.

Qualifications: Must be a person described above. Inadmissible only under 212(a)(3)(A)(i), (ii) and (iii) and 212(a)(3)(B)(i)(I) and (ii).

Terms of admission: Admit for Duration of Status. Military NATO-2 are exempt inspection.

Notations on I-94: NATO-2, D/S

Special notes:

(A) **Distinction between NATO officials and NATO members of Armed Forces.** Nonmilitary NATO nonimmigrants should not be confused with members of NATO Forces entering under official orders with proper identification who are exempt inspection and therefore, exempt normal passport and nonimmigrant visa requirements.

(B) **NATO countries.** See list in Chapter 11.

(C) **Dependents.** Admit dependents in same category as principal. Dependents may attend school without changing status and may be granted employment authorization under 8 CFR 274a.12(c).

(3) **Classification:** NATO-3 Includes the official clerical staff accompanying a representative of member state to NATO and members of their immediate family.

Documents required: Passport valid only to date of application for admission. Nonimmigrant visa (NATO-3).

Qualifications: Must be an alien described above. Inadmissible only under 212(a)(3)(A)(i), (ii), (iii) and 212(a)(3)(B)(i)(I) and (ii) of the Act.

Terms of admission: Admit NATO-3 for Duration of Status.

Notations on I-94: NATO-3, D/S

Special notes:

(A) **Distinction between NATO officials and NATO members of Armed Forces.** Nonmilitary NATO nonimmigrants should not be confused with members of NATO Forces entering under official orders with proper identification who are exempt inspection and therefore, exempt normal passport and nonimmigrant visa requirements.

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(B) **NATO countries.** See list in Chapter 11.2.

(C) **Dependents.** Admit dependents in same category as principal. Dependents may attend school without changing status and may be granted employment authorization under 8 CFR 274a.12(c).

(4) **Classification:** NATO-4 Includes officials of NATO, other than those classified under NATO-1, and members of their immediate family.

Documents required: Passport valid only to date of application for admission. Nonimmigrant visa (NATO-4).

Qualifications: Must be an alien described above. Excludable only under 212(a)(3)(A)(i), (ii), (iii) and 212(a)(3)(B)(i)(I), and (ii) of the Act.

Terms of admission: Admit NATO-4 for Duration of Status.

Notations on I-94: NATO-4, D/S

Special notes:

(A) **Distinction between NATO officials and NATO members of Armed Forces.** Nonmilitary NATO nonimmigrants should not be confused with members of NATO Forces entering under official orders with proper identification who are exempt inspection and therefore, exempt normal passport and nonimmigrant visa requirements.

(B) **NATO countries.** See list in Chapter 11.2.

(C) **Dependents.** Admit dependents in same category as principal. Dependents may attend school without changing status and may be granted employment authorization under 8 CFR 274a.12(c).

(5) **Classification:** NATO-5 Includes experts employed on missions on behalf of NATO, and their dependents.

Documents required: Passport must be valid for 6 months beyond the date to which admitted. Nonimmigrant visa (NATO-5).

Qualifications: Must be alien described above. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit NATO-5 for Duration of Status.

Notations on I-94: NATO-5, D/S

Special notes:

(A) **Distinction between NATO officials and NATO members of Armed Forces.** Nonmilitary NATO nonimmigrants should not be confused with members of NATO Forces entering under official orders with proper identification who are exempt inspection and therefore, exempt normal passport and nonimmigrant visa requirements.

(B) **NATO countries.** See list in Chapter 11.2.

(C) **Dependents.** Admit dependents in same category as principal. Dependents may attend school without changing status and may be granted employment authorization under 8 CFR 274a.12(c).

(6) **Classification:** NATO-6 Includes civilian employees of NATO military and their dependents.

Documents required: Passport valid only to date of application for admission. Nonimmigrant visa (NATO-6).

Qualifications: Must be an individual described above. Excludable under 212(a)(3)(A)(i), (ii), (iii) and 212(a)(3)(B)(i)(I), and (ii) of the Act only. See §102 of the Act.

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Terms of admission: Admit NATO-6 for duration of status.

Notations on I-94: NATO-6, D/S

Special notes:

(A) **Distinction between NATO officials and NATO members of Armed Forces.** Nonmilitary NATO nonimmigrants should not be confused with members of NATO Forces entering under official orders with proper identification who are exempt inspection and therefore, exempt normal passport and nonimmigrant visa requirements.

(B) **NATO countries.** See list in Chapter 11.2.

(C) **Dependents** Admit dependents in same category as principal. Dependents may attend school without changing status and may be granted employment authorization under 8 CFR 274a.12(c).

(7) **Classification:** NATO-7 Includes attendants, servants, or personal employees of NATO-1 through NATO-6, and members of their immediate family.

Documents required: Passport must be valid for 6 months beyond the date to which the alien desires to be admitted. Nonimmigrant visa (NATO-7).

Qualifications: Must be alien described above. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit (NATO-7) for Duration of Status if employed by NATO-1 through NATO-4. Admit (NATO-7) for 2 years if employed by NATO-5 or NATO-6.

Notations on I-94: NATO-7, D/S or 2 years from date of admission. Enter name of employer in block 26, on reverse of I-94.

Special notes:

(A) **NATO countries.** See list in Chapter 11.2

(B) **Dependents** Admit dependents in same category as principal. Dependents may attend school without changing status and may be granted employment authorization under 8 CFR 274a.12(c).

15.5 NAFTA Admissions.

(a) **General.** The North American Free Trade Agreement (NAFTA) between the United States, Canada, and Mexico entered into force on January 1, 1994. Chapter 16 of NAFTA pertains to Canadian and Mexican citizens seeking classification as one of four types of business persons:

- **B-1** temporary visitors for business under section 101(a)(15)(B) of the Act;
- **E-1 or E-2** treaty traders and treaty investors under section 101(a)(15)(E) of the Act;
- **L-1** intracompany transferees under section 101(a)(15)(L) of the Act; and
- **TN** professional level employees under section 214(e) of the Act.

The NAFTA is an historic accord governing the largest trilateral trade relationship in the world and covers trade in goods, services, and investments. In order to take advantage of the benefits of freer trade, NAFTA facilitates the movement of U.S., Canadian, and Mexican business persons across each country's border through streamlined procedures. The NAFTA maintains the provisions of existing laws that ensure border security and protect indigenous labor and permanent employment. Further, NAFTA fully protects the ability of state governments to require that Canadians and Mexicans practicing a profession in the United States are fully licensed under state law to do so. Current U.S. law and practice relating to exclusion and deportation of aliens applies unchanged to all business persons seeking temporary entry under the provisions of Chapter 16 of the

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NAFTA.

The immigration-related provisions of NAFTA are similar to those contained in the United States-Canada Free-Trade Agreement (CFTA), which was suspended with the entry into force of NAFTA.

(b) Definitions.

(1) A **business person** as defined in NAFTA means a citizen of Canada or Mexico who is engaged in the trade of goods, the provision of services, or the conduct of investment activities.

(2) **Business activities at a professional level** means those undertakings which require that, for successful completion, the individual has at least a baccalaureate degree or appropriate credentials demonstrating status as a professional.

(3) **Temporary entry** as used in NAFTA means entry without the intent to establish permanent residence.

(4) To **engage in business activities at a professional level** means the performance of prearranged business activities for a U.S. entity, including an individual. It does not allow for entry in TN status of those business persons who are seeking entry to engage in self-employment.

(c) B-1 Classification: Business Visitor.

(1) Qualifications. A NAFTA B-1 must meet the same eligibility requirements, described in Chapter 15.4, as any other B-1. All persons seeking admission into the United States under this category, whether they engage in the activities listed in Appendix 1603.A.1 to Annex 1603 of the NAFTA or other legitimate business activities, must meet all the general standards described above. These standards have been written to be flexible and to accommodate normal legitimate business activities [See Appendix 15-3 of this manual.].

Appendix 1603.A.1 to Annex 1603 of the NAFTA is a list of business activities representative of a complete business cycle in which a B-1 business visitor seeking entry under the NAFTA may engage. Appendix 1603.A.1 is not an exhaustive list. Nothing precludes a citizen of Mexico or Canada from seeking entry to engage in traditional B-1 activities which are not included within Appendix 1603.A.1, provided they meet all requirements for entry in such states, including restrictions on sources of remuneration.

The activities contained in Appendix 1603.A.1 include:

(A) Research and design. Technical, scientific and statistical researchers conducting independent research or research for an enterprise located in the territory of another Party.

(B) Growth, manufacture and production. Harvester-owner supervising a harvesting crew admitted under applicable law. Purchasing and production management personnel conducting commercial transactions for an enterprise located in the territory of another party.

(C) Marketing. Market researchers and analysts conducting independent research or analysis for an enterprise located in the territory of another Party. Trade fair and promotional personnel attending a trade convention.

(D) Sales. Sales representatives and agents taking orders or negotiating contracts for goods or services for an enterprise located in the territory of another Party but not delivering goods or providing services.

(E) Distribution. Transportation operations transporting goods or passengers to the territory of a Party from the territory of another Party or loading and transporting goods or passengers from the territory of a Party, with no unloading in that territory, to the territory of another Party. With respect to temporary entry into the territory of the United States, Canadian customs brokers performing brokerage duties relating to the export of goods from the territory of the United States to or through the territory of Canada. With respect to temporary entry into the territory of Canada, United States customs brokers performing brokerage duties relating to the export of goods from the territory of Canada to or through the territory of the United States. (It should be noted that, during the course of negotiations relating to NAFTA immigration provisions, Mexico decided not to be a Party to the language involving temporary entry of customs brokers into the signatory countries. Therefore,

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Mexican citizen customs brokers are not referenced in Appendix 1603.A.1. A citizen of Mexico is not precluded, however, from seeking entry into the United States in B-1 status to perform the functions of a customs broker provided he or she meets all existing requirements for B-1 classification.) Customs brokers providing consulting services regarding the facilitation of the import or export of goods.

(F) **After-sales services.** Installers, repair and maintenance personnel, and supervisors, possessing specialized knowledge essential to a seller's contractual obligation, performing services or training workers to perform services, pursuant to a warranty or other service contract incidental to the sale of commercial or industrial equipment or machinery, including computer software, purchased from an enterprise located outside the territory of the Party into which temporary entry is sought, during the life of the warranty or service agreement. The language concerning the life of a renewable service contract must have been included in clear and definitive terms in the original contract at the point of sale. Nothing under NAFTA precludes third party contracts for after-sales service providing the third party agreement was contracted at the time of sale.

(G) **General service.** Professionals engaging in a business activity at a professional level in a profession set forth in Appendix 1603.D.1 to Annex 1603, but receiving no salary or other remuneration from a U.S. source (other than an expense allowance or other reimbursement for expenses incidental to the temporary stay). Management and supervisory personnel engaging in a commercial transaction for an enterprise located in the territory of another Party. Financial services personnel (insurers, bankers or investment brokers) engaging in commercial transactions for an enterprise located in the territory of another Party. Public relations and advertising personnel consulting with business associates, or attending or participating in conventions. Tourism personnel (tour and travel agents, tour guides or tour operators) attending or participating in conventions or conducting a tour that has begun in the territory of another Party. The tour may begin in the United States, but must terminate in foreign territory, and a significant portion of the tour must be conducted in foreign territory. In such cases, an operator may enter the United States with an empty conveyance and a tour guide may enter on his or her own and join the conveyance. Tour bus operators entering the territory of another Party with a group of passengers on a bus tour that has begun in, will return to, the territory of another Party to meet a group of passengers on a bus tour that will end, and the predominant portion of which will take place, in the territory of another Party or with a group of passengers on a bus tour to be unloaded in the territory of the Party into which temporary entry is sought, and returning with no passengers or reloading with the group for transportation to the territory of another Party. Translators or interpreters performing services as employees of an enterprise located in the territory of another Party.

(2) **Terms of Admission.** A citizen of Canada need not apply for a B-1 nonimmigrant visa, but is not precluded from doing so. A citizen of Mexico must apply for a B-1 visa at a U.S. embassy or consulate abroad. A citizen of Canada or Mexico will be admitted into the United States at the discretion of the inspecting officer for the period necessary to engage in the intended activities, not to exceed 1 year. The alien may apply to extend his or her stay by filing an Application to Extend/Change Status on Form I-539 with the appropriate Service office. Extensions of stay are granted in increments of not more than 6 months.

There is a \$6.00 fee at all land border ports-of-entry to process a Form I-94 for an applicant's admission into the United States.

(3) **Spouses and Children.** The spouse and children of a business person may accompany or follow to join the B-1 business visitor in B-2 classification if they otherwise meet the general requirements for temporary entry of visitors for pleasure. Such dependents may not work in the U.S. without obtaining a change of status, but may attend school, if incident to status.

(d) **E Classification as a Treaty Trader or Treaty Investor.**

(1) **Qualifications.** Section B of Annex 1603 of the NAFTA provides for the temporary entry of Canadian and Mexican citizens as treaty traders and treaty investors. This section required no changes to existing law and practice under section 101(a)(15)(E) of the Act, other than to authorize citizens of Canada and Mexico to apply for treaty trader (E-1) or treaty investor (E-2) status pursuant to the NAFTA.

A treaty trader is a business person who is coming to the U.S. solely to carry on substantial trade, principally between the U.S. and Canada, if the trader is a citizen of Canada, or between the U.S. and Mexico, if the trader is a citizen of Mexico.

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A treaty investor is a business person who is coming to the United States solely to develop and direct the operations of an enterprise in which he or she has invested, or of an enterprise in which he or she is actively in the process of investing, a substantial amount of capital.

Immigration officers must familiarize themselves with the definition of the E classification in §101(a)(15)(E) of the Act and the regulations at 8 CFR 214.2(e) and 22 CFR 41.51.

(A) **Treaty Traders**. NAFTA business persons applying for the E-1 visa as a Treaty Trader must meet the following requirements.

- **Citizenship**. The trader, individual or entity, must possess citizenship of Canada or Mexico. In the case of an entity, at least 50% of that business must be owned by Canadian citizens or Mexican citizens.
- **Trade**. There must be an international exchange of a good or service, including title to that trade item, for consideration between the United States and either Canada or Mexico.
- **Substantial Trade**. The volume of trade must constitute a continuous flow of trade items involving numerous transactions between the United States and Canada or Mexico.
- **Trade Linked to Citizenship**. Trade is principally between the U.S. and Canada, if the trader possesses Canadian citizenship, or between the U.S. and Mexico, if the trader possesses Mexican citizenship. At least 50% of the international trade (as contrasted to domestic trade) of the trading entity must be conducted between the U.S. and Canada, if the trader possesses Canadian citizenship, or between the U.S. and Mexico, if the trader possesses Mexican citizenship.

(B) **Treaty Investors**. NAFTA business persons applying for the E-2 visa as a Treaty Investor must meet the following requirements.

- **Citizenship**. The investor, individual or entity, must possess citizenship of Canada or Mexico. In the case of an entity, at least 50% of that business must be owned either by Canadian citizens or by Mexican citizens.
- **Investment Must Occur or Be in Process**. The investor has invested or is actively in the process of investing. The investor may invest in an established business or create a business. Being in the process of investing requires the irrevocable commitment of funds.
- **The Investment Must Be Real**. The enterprise is a real and operating commercial enterprise. A dormant or paper enterprise does not qualify.
- **The Investment Must Be Substantial**. A substantial amount of capital constitutes that amount that is substantial in the proportional sense pursuant to a proportionality test, that is, an inverted sliding scale in which the lower the total cost of the enterprise, the higher, proportionally, the investment must be. The overall cost of the enterprise is compared with the amount of personal funds and assets invested by the investor. Only loans guaranteed by personal assets qualify as actual investment by the treaty investor.

The business shall not be marginal, solely for the purpose of earning a living. A marginal enterprise is an enterprise that does not have the present or future capacity to generate more than enough income to provide a living for the treaty investor and his or her family.

- **The Investor Must Be Developing and Directing the Enterprise**. An investor develops and directs the business by owning at least 50% of the enterprise or by a combination involving ownership and possession of management responsibility, by controlling stock by proxy, etc.

(C) **Qualifying Employees for E-1 or E-1 Visa Classification**. Employees of Treaty Traders and Treaty Investors also may apply for an E-1 or E-2, if they meet the following requirements.

- **Citizenship**. The employee must possess the same citizenship as the trader or investor employer.
- **Position**. The employee is destined to an executive/supervisory position, possessing the authority and responsibility to make decisions which will set the direction of the enterprise; or the employee, if employed in a

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minor capacity, has special qualifications that make the services to be rendered essential to the successful or efficient operation of the enterprise. The essential employee must possess special skills including skills which are unique to operations in the U.S. Such employees are highly and specially skilled.

- **Temporary.** All persons must indicate the intent to depart the U.S. upon termination of status, ceasing business operations or sale of business, etc.

(2) **Terms of Admission.** An alien seeking admission as a treaty trader or treaty investor under the NAFTA as an E-1 or E-2 must be in possession of a nonimmigrant visa issued by an American consular officer classifying the alien under section 101(a)(15)(E) of the Act. Both Canadian and Mexican citizens must apply at a U.S. embassy or consulate for the issuance of an "E" nonimmigrant visa and pay any visa fee. A supplemental Form OF-156E must be submitted with pertinent documentation to the consular officer. Upon admission, issue both Canadian and Mexican treaty traders and treaty investors and their dependents a Form I-94, endorsed in the same manner as other E-1 and E-2 nonimmigrants. The classification code E-1 or E-2 will be marked clearly on the I-94. The I-94 with the E-1 or E-2 notation is the employment authorization documentation for the treaty trader or treaty investor. The Form I-94 is presented to the Social Security Administration for purposes of applying for a social security number. Periods of initial admission and extension are the same as for other E-1 and E-2 nonimmigrants.

(3) **Spouse and Dependent Children.** The spouse and children of a treaty trader or treaty investor may accompany or follow to join the E-1 or E-2 business person if they otherwise meet the general requirements for temporary entry. There is no requirement that the spouse and children be Canadian or Mexican citizens. Such dependents may not work in the U.S. without obtaining a change of status, but may attend school, if incident to status. As with other E-1 and E-2 nonimmigrant dependents, their I-94 visa symbol is the same as the principal's; endorsements are the same as for other E dependents.

(e) **L Classification as an Intracompany Transferee.**

(1) **Qualifications.** The designated nonimmigrant classification for the intracompany transferee who enters the U.S. under the NAFTA is L-1. The L-1 classification has been part of the Act since the 1970's through section 101(a)(15)(L). The U.S. has committed to allow citizens of Canada and Mexico who meet the qualifications of the current L-1 classification to enter the U.S. as intracompany transferees while the NAFTA is in force. Immigration officers must familiarize themselves with definition of the L classification at section 101(a)(15)(L) of the Act and regulations at 8 CFR 214.2(l). See L-1 notes in Chapter 15.4 and *Adjudicator's Field Manual*, Chapter 32.

The NAFTA intracompany transferee must qualify under the existing requirements for L classification, including:

- **Citizenship.** To qualify for the NAFTA intracompany transferee classification, the applicant must establish Canadian or Mexican citizenship.

- **Qualifying Capacity.** The applicant must qualify in a capacity that is managerial, executive, or one involving specialized knowledge.

- **Qualifying Entity.** The applicant must be seeking entry to work for an entity in the U.S. which is the parent, branch, affiliate, or subsidiary of the entity in the foreign country.

- **Qualifying Past Employment.** The applicant must have been employed continuously for 1 year in the previous past 3 years with the qualifying entity abroad in a qualifying capacity.

(2) **Terms of Admission.** A petition must be filed in the applicant's behalf to accord the alien classification as an L-1. The petition must be submitted by the qualifying entity to the Service on Form I-129, Petition for Temporary Worker, in accordance with the instructions to that form. The Service will provide the NAFTA intracompany transferee and dependents with Forms I-94 at the time of admission endorsed in the same manner as other class L admissions. The I-94 is the employment authorization document for the L-1 and may be presented to the Social Security Administration for the purpose of applying for a social security number. Periods of admission and extension for NAFTA L aliens are the same as for other L nonimmigrants.

(A) **Citizens of Canada.** A citizen of Canada is not required to, but may obtain, a nonimmigrant visa.

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The applicant must establish Canadian citizenship.

The I-129 petition may be filed (in duplicate) by the U.S. or foreign employer in advance of entry or in conjunction with an application for admission. When filing in advance, the petition should be submitted to the appropriate Service Center at least 30 days in advance of the expected date of entry. The applicant must present evidence of the approved petition at the time of application for admission. If the petition is filed with an application for admission, such filing must be made with an immigration officer at a Class A port-of-entry located on the US-Canada land border or at a U.S. pre-clearance/pre-flight station in Canada. The petitioning employer need not appear, but the Form I-129 must bear the authorized signature of the petitioner and all documentation and the appropriate filing fee must accompany the petition.

(B) **Citizens of Mexico.** A citizen of Mexico must apply for an L visa at an American consulate. At the port-of-entry, the applicant must present a valid Mexican passport with their L-1 visa.

(3) **Spouses and Dependent Children.** Spouses and dependent children of intracompany transferees may accompany or follow to join the L-1 principal if they otherwise meet the general immigration requirements for temporary entry. L-2 is the designated classification for both spouse and dependent children of intracompany transferees. There is no requirement that the spouse and dependent children be citizens of Canada or Mexico. L-2 dependents who are citizens of Canada are not required to obtain an L-2 visa but may seek visa issuance if desired. L-2 dependents who are citizens of Mexico or other countries generally are required to seek visa issuance. L-2's may not work in the United States. L-2's may attend school while in the United States incident to their temporary stay.

(f) **TN Classification as a Professional.**

(1) **General.** The NAFTA professional is unique to the Agreement and the classification is not found in general immigration provisions in section 101(a)(15) of the Act, rather, it is included in section 214(e). Under NAFTA, a Canadian or Mexican citizen who seeks temporary entry into the United States as a professional may be admitted to the United States under the provisions of the NAFTA as a TN (for Trade NAFTA). The TN is limited to Canadian or Mexican professionals employed on a professional level. A professional is defined as a business person seeking entry to engage in a business activity at a professional level in a profession set forth in Appendix 1603.D.1 to Annex 1603, if the business person otherwise qualifies under existing, general immigration requirements for temporary entry to the United States [See Appendix 15-4 of this manual for Annex 1603, Appendix 1603.D.1.] [For regulations relating to NAFTA TN classification, refer to 8 CFR 214.6.].

The NAFTA professional is modeled on the professional category in the predecessor trade pact, the United States-Canada Free-Trade Agreement (CFTA), which was in effect from January 1, 1989 until the entry into force of the NAFTA on January 1, 1994. The provisions differ slightly for Canadian citizen applicants and Mexican citizen applicants. Presently, the number of Mexican citizens entering the United States as TN professionals under NAFTA is limited to 5,500. There is no numerical limitation on the number of Canadian citizen TN professionals.

As with the CFTA, admission as a TN under section 214(e) of the Act does not imply that the citizen of Canada or Mexico would otherwise qualify as a professional under sections 101(a)(15)(H)(i) or 203(b)(3) of the Act. Note too that Section D of Annex 1603 does not authorize a professional to establish a business or practice in the United States in which the professional will be self-employed. Canadian or Mexican citizens seeking to engage in self-employment in trade or investment activities in the United States must seek classification under section 101(a)(15)(E) of the Act.

(2) **Appendix 1603.D.1 to Annex 1603 of the NAFTA.** Under NAFTA, an applicant seeking classification as a TN must demonstrate business activity at a professional level in one of the professions or occupations listed in Appendix 1603.D.1 to Annex 1603. Appendix 1603.D.1 (which replaces Schedule 2 to Annex 1502.1 of the CFTA) is set forth at 8 CFR 214.6(c). A Baccalaureate (bachelor's) or Licenciatura degree is the minimum requirement for these professions unless an alternative credential is otherwise specified. In the case of a Canadian or Mexican citizen whose occupation does not appear on Appendix 1603.D.1 or who does not meet the transparent criteria specified, nothing precludes the filing of a petition for classification under another existing nonimmigrant classification.

A footnote to Appendix 1603.D.1 allows for temporary entry to perform training functions relating to any of the

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cited occupations or profession, including conducting seminars. However, these training functions must be conducted in the manner of prearranged activities performed for a U.S. entity and the subject matter to be proffered must be at a professional level. The training function does not allow for the entry of a business person to conduct seminars which do not constitute the performance of prearranged activities for a U.S. entity.

The terms "state/provincial license" and "state/provincial/federal license" means any document issued by a state, provincial, or federal government, as the case may be, or under its authority, but not by a local government, that permits a person to engage in a regulated activity or profession.

A "Post Secondary Diploma" means a credential issued, on completion of two or more years of post secondary education, by an accredited academic institution in Canada or the United States. A "Post Secondary Certificate" means a certificate issued, on completion of two or more years of post secondary education at an academic institution, by the federal government of Mexico or a state government in Mexico, an academic institution recognized by the federal government or a state government, or an academic institution created by federal or state law.

The following notes relate to NAFTA TN admissions in specific occupations:

(A) A business person in the category of "Scientific Technician/ Technologist" must be seeking temporary entry for work in direct support of professionals in agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology or physics. These occupations do not ordinarily require a baccalaureate. Supporting documents could be an attestation from the prospective U.S. employer or the Canadian employer, or other documents establishing the individual possesses the skills set forth in Appendix 1603.D.1.

(B) A business person in the category of "Medical Laboratory Technologist (Canada) /Medical Technologist (Mexico and the United States)" must be seeking temporary entry to perform in a laboratory chemical, biological, hematological, immunologic, microscopic or bacteriological tests and analyses for diagnosis, treatment, or prevention of diseases.

(C) Foreign medical school graduates seeking temporary entry in the category of "Physician (teaching or research only)" may not engage in direct patient care. Patient care that is incidental teaching and/or research is permissible. Patient care is incidental when it is casually incurred in conjunction with the physician's teaching or research. To determine if the patient care will be incidental, factors such as the amount of time spent in patient care relative to teaching and/or research, whether the physician receives compensation for such services, whether the salary offer is so substantial in teaching and/or research that direct patient care is unlikely, or whether the physician will have a regular patient load, should be considered by the officer.

(D) Registered nurses must demonstrate eligibility by providing a provincial or state license or Licenciatura degree. However, in order to be admitted, the registered nurse must present a permanent state license, a temporary state license, or other temporary authorization to work as a registered nurse, issued by the state nursing board in the state of intended employment. Registered nurses holding temporary state licenses or other temporary state authorization shall not be required to show they have passed the examination given by the Commission on Graduates of Foreign Nursing Schools (CGFNS). Admission of nurses should not be limited to the expiration date of either document.

(E) Sylviculturists and foresters plan and supervise the growing, protection, and harvesting of trees. Range managers manage, improve, and protect rangelands to maximize their use without damaging the environment. A baccalaureate or Licenciatura degree in forestry or a related field or a state/provincial license is the minimum entry requirement for these occupations.

(F) Disaster relief insurance claims adjusters must submit documentation that there is a declared disaster event by the President of the United States, or a state statute, or a local ordinance, or an event at a site which has been assigned a catastrophe serial number by the Property Claims Service of the American Insurance Services Group, or, if property damage exceeds \$5 million and represents a significant number of claims, by an association of insurance companies representing at least 15 percent of the property casualty market in the U.S.

(G) Management consultants provide services which are directed toward improving the managerial, operating, and economic performance of public and private entities by analyzing and resolving strategic and

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operating problems and thereby improving the entity's goals, objectives, policies, strategies, administration, organization, and operation. Management consultants are usually independent contractors or employees of consulting firms under contracts to U.S. entities. They may be salaried employees of the U.S. entities to which they are providing services only when they are not assuming existing positions or filling newly created positions. As a salaried employee of such a U.S. entity, they may only fill supernumerary temporary positions. On the other hand, if the employer is a U.S. management consulting firm, the employee may be coming temporarily to fill a permanent position. Canadian or Mexican citizens may qualify as management consultants by holding a Baccalaureate or Licenciatura degree or by having five years of experience in a specialty related to the consulting agreement.

(H) The **computer systems analyst** category does not include programmers. A systems analyst is an information specialist who analyzes how data processing can be applied to the specific needs of users and who designs and implements computer-based processing systems. Systems analysts study the organization itself to identify its information needs and design computer systems which meet those needs. Although the systems analyst will do some programming, the TN category has not been expanded to include programmers.

(I) **Hotel Managers** must possess a Baccalaureate or Licenciatura degree in hotel/restaurant management. A post secondary diploma in hotel/restaurant management plus 3 years of experience in the field will also qualify.

(J) **Animal and Plant Breeders** breed animals and plants to improve their economic and aesthetic characteristics. Both occupations require a Baccalaureate or Licenciatura degree.

(3) **Qualifications**. The NAFTA professional must meet the following general criteria:

- Be a citizen of a NAFTA country (Canada or Mexico).
- Be engaged in professional-level activities for an entity in the United States. Only those professional-level activities listed in Appendix 1603.D.1 to Annex 1603 are covered under the NAFTA. The applicant must establish that the professional-level services will be rendered for an entity in the United States. The NAFTA professional category is not appropriate for Canadian or Mexican citizens seeking to set up a business in the United States in which he or she will be self-employed.
- Be qualified as a professional. The applicant must establish qualifications to engage in one of the activities listed in Appendix 1603.D.1. The Minimum Education Requirements and Alternative Credentials are listed in the Appendix for each professional-level activity. The regulation requires that degrees, diplomas, or certificates received by the TN applicant from an educational institution outside of the United States, Canada, or Mexico must be accompanied by an evaluation by a reliable credentials evaluation service which specializes in such evaluations. Experiential evidence should be in the form of letters from former employers. If the applicant was formerly self-employed, business records should be submitted attesting to that self-employment.
- Meet applicable license requirements. To practice a licensed profession, Canadian and Mexican entrants must meet all applicable requirements of the state in which they intend to practice.
- Be in the United States temporarily. The NAFTA professional must establish that the intent of entry is not for permanent residence.

(4) **Application Process**.

(A) **Citizens of Canada**. A citizen of Canada may apply for entry to the U.S. as a NAFTA professional at major ports-of-entry, airports handling international flights, or at the airports in Canada where the Service has established a pre-clearance/pre-flight station. The applicant must submit documentary proof that he or she is a citizen of Canada. Such proof may consist of a Canadian passport or birth certificate together with photo identification. No visa is required for entry, but the applicant may seek visa issuance if desired.

The application for entry as a TN must be made to an immigration officer. There is no written application, and no prior petition, labor certification, or prior approval is required for Canadian citizens applying for admission to the U.S. in TN status. Documentation from the prospective employer in the U.S. must include the following:

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- A statement (in the form of a letter or contract) of the professional-level activity listed in Appendix 1603.D.1, in which the applicant will be engaging and a full description of the nature of the job duties the applicant will be performing, the anticipated length of stay, and the arrangements for remuneration;
- Evidence that the applicant meets the educational qualifications or alternative credentials for the activity listed in Appendix 1603.D.1; and
- Evidence that all licensure requirements, where required by state or local law, have been satisfied.

(B) **Citizens of Mexico.** A citizen of Mexico may apply for entry to the U.S. as a NAFTA professional at major land border ports-of-entry, airports handling international flights, or at the airports in Canada where the Service has established a pre-clearance/pre-flight station. However, a citizen of Mexico must be in possession of a TN nonimmigrant visa issued by an American Consulate and present a valid Mexican passport.

Citizens of Mexico seeking classification as a TN must do so on the basis of a petition filed by the U.S. employer. Before filing the petition, the employer must meet the labor application requirement of section 212(n) of the Act.

Each prospective U.S. employer must file the petition on Form I-129, Petition for Nonimmigrant Worker, with the Nebraska Service Center, even in emergent circumstances, with the following:

- Evidence that the applicant is a citizen of Mexico;
- Evidence that the employer has filed with the Secretary of Labor Form ETA 9035 to show that the petitioner has met the labor condition application requirement of section 212(n) of the Act;
- A statement of the activity listed in Appendix 1603.D.1 in which the beneficiary will be engaging, a full description of the nature of the duties the beneficiary will be performing, the anticipated length of stay, and the arrangements for remuneration;
- Evidence that the applicant meets the educational and/or alternative credentials for the activity listed in Appendix 1603.D.1; and
- Evidence that all applicable state or local licensure requirements have been satisfied.

The Service will provide the U.S. employer with a written decision approving or denying the petition. The applicant must then present the approval notice to the consular official when applying for a TN visa. There is a fee to apply for a TN visa. A petition classifying a citizen of Mexico as a TN professional may be approved for up to 1 year. In the case of a petition denial, full appeal rights through the Administrative Appeals Unit are available to the petitioner.

(5) **Terms of Initial Admission.**

(A) **Canadians.** A Canadian citizen who qualifies for admission under the NAFTA in the TN classification must remit the fee prescribed in 8 CFR 103.7 (presently \$50.00 US) upon admission. Issue the applicant a Service fee receipt (Form G-211, Form G-711, or Form I-797) and a multiple entry Form I-94 showing admission in the classification TN for the period requested not to exceed 1 year.

(B) **Mexicans.** A Mexican citizen seeking admission in TN classification is required to present a valid TN visa issued by an American Consulate. In addition to the visa requirement, the Mexican citizen must present at the time of application for initial admission a copy of the employer's statement regarding the nature of the applicant's duties in the United States. Admit a Mexican TN for the validity period of the approved petition and issue a multiple entry Form I-94 showing admission classification as TN. (Note that only citizens of Canada pay the TN fee at the port-of-entry. This fee is not charged to Mexican citizens when applying for TN classification at the port-of-entry because fees are charged for filing the I-129 petition and for issuance of the TN nonimmigrant visa.)

At the time application for admission, the citizen of Canada or Mexico will be subject to inspection to determine the applicability of section 214(b) of the Act (presumption of immigrant intent) to the applicant.

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(6) Procedures for Readmission.

(A) **Canadians.** A Canadian citizen eligible for TN classification may be readmitted to the U.S. for the remainder of the period authorized on his or her Form I-94, without presentation of the letter or supporting documentation described above, provided that the original intended business activities and employer(s) have not changed. If the Canadian citizen is no longer in possession of a valid, unexpired Form I-94, the applicant must present substantiating evidence. Substantiating evidence may be in the form of a Service fee receipt for admission as a TN, a previously issued TN admission stamp in a passport, and a confirming letter from the U.S. employer(s). Upon readmission, issue a new multiple entry Form I-94.

(B) **Mexicans.** The citizen of Mexico who is in possession of a valid Form I-94 may be readmitted for the remainder of the time authorized provided that the original intended professional activities and employer(s) have not changed and should retain possession of that original Form I-94. If no longer in possession of a valid Form I-94 (e.g. a citizen of Mexico seeking readmission upon return from a trip to Europe), the Mexican citizen may be readmitted upon presentation of a valid TN visa and evidence of prior admission. Evidence of prior admission may include, but is not limited to, an INS fee receipt from a prior entry or an admission stamp in the applicant's passport. Upon readmission, a new I-94 shall be issued bearing the legend "multiple entry."

(7) Extension of stay.

(A) **Canadians.** A citizen of Canada admitted pursuant to NAFTA may seek an extension of stay as a TN through the filing of a Form I-129 by the U.S. employer with the Nebraska Service Center. No Department of Labor certification requirements apply to a Canadian citizen in TN status who is seeking to extend that status. The applicant must be in the U.S. at the time of filing the extension request. Provision is made for port-of-entry notification should the applicant depart the U.S. during the pendency of the application. An extension may be granted for up to 1 year.

A citizen of Canada is not precluded from departing the U.S. and applying for admission with documentation from a U.S. employer (or foreign employer, in the case of a Canadian citizen who is seeking to provide prearranged services at a professional level to a U.S. entity) which specifies that the applicant will be employed in the U.S. for an additional period of time. The evidentiary requirements outlined above must be met by the applicant and the prescribed fee must be remitted upon admission.

(B) **Mexicans.** A citizen of Mexico seeking an extension of stay in the U.S. in TN status also must be petitioned for on Form I-129 at the Nebraska Service Center. Documentary requirements include evidence that Department of Labor certification requirements continue to be met by the employer. Provision is included for consular notification should the applicant leave the U.S. during the pendency of the application. A petition extension and extension of the applicant's stay may be granted for up to 1 year.

(C) **Limitations.** At the present time, there is no specified upper limit on the number of years a citizen of Canada or Mexico may remain in the U.S. in TN classification, as there is with most of the other nonimmigrant classifications. However, section 214(b) of the Act is applicable to citizens of Canada or Mexico who seek an extension of stay in TN status and applications for extension or readmission must be examined in light of this statutory provision.

Except as limited by section 248 of the Act, a citizen of Canada or Mexico who is currently in the U.S. in another valid classification is not precluded from requesting a change of status to TN. If such applicant is in the U.S. as an H-1 or L-1, he or she may be changed to TN status if otherwise eligible, without regard to the maximum time limits for those classifications. A Canadian J nonimmigrant who is subject to the 2-year foreign residence requirement may not change to TN classification, but may leave the U.S. and seek readmission as a TN.

(8) **Request for change/additions of U.S. employers.** A Canadian or Mexican citizen may change or add employers while in the U.S. through the filing of Form I-129 at the Northern Service Center. All documentary requirements pertaining to a citizen of Canada or a citizen of Mexico outlined above must be met. Employment with a different or with an additional employer is not authorized prior to INS approval of the petition.

Alternatively, the Canadian citizen may depart the United States and apply for reentry for the purpose of obtaining additional employment authorization with a new or additional employer. Documentary

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requirements outlined above must be met and the prescribed fee must be remitted upon readmission.

No action is required by a Canadian or Mexican citizen who is transferred to another location by the U.S. employer to perform the same services. An example of such an acceptable transfer would be to a branch or office of the employer. If the transfer is to a separately incorporated subsidiary or affiliate, Form I-129 must be filed.

(9) **Spouse and unmarried minor children.** The spouse and unmarried minor children who are accompanying or following to join a TN professional, if otherwise admissible, are to be accorded TD (Trade Dependent) classification. These are required to present a valid, unexpired nonimmigrant visa unless otherwise visa-exempt under 8 CFR 212.1. (Those persons who are normally exempt from nonimmigrant visa requirements include citizens of Canada and Landed Immigrants of Canada having a common nationality with Canadian citizens).

There is no requirement that the TD dependent be a citizen of Canada or Mexico.

No fee is required for admission of dependents in TD status (except the fee for the I-94) and they are to be issued multiple entry Forms I-94.

A TD spouse or child is not authorized to accept employment while in the U.S. in such status. Dependents in TD status may attend school in the U.S. on a full-time basis as such attendance is deemed incident to status.

(10) **Denial.** In the event a Canadian citizen applying for admission pursuant to NAFTA cannot demonstrate to the admitting officer that he or she satisfies the TN documentary requirements, the Canadian citizen should be offered a hearing before an immigration judge provided the applicant is confident he or she, in fact, meets the requirements pursuant to the NAFTA, Appendix 1603.D.1 The request for a hearing is equivalent to a TN appeal or a reconsideration of the admitting officer's decision.

15.6 Transit without Visa (TWOV) Admissions.

(a) **General description.** An alien in immediate and continuous transit through the U.S. without a visa may be admitted under certain restrictions. Admission procedures are significantly different than for other nonimmigrants. Only a carrier signatory to a TWOV agreement may bring a TWOV applicant to the U.S., and only to specific ports-of-entry. TWOV agreements are provided for by section 233 of the Act and discussed in Chapter 42. Ports-of-entry for TWOV passengers are listed in 8 CFR 214.2(c). The list of carriers with TWOV agreements is contained in Appendix 42.1. Aliens of certain nationalities are only eligible for limited TWOV privileges as specified in 8 CFR 212.1(f)(2). Citizens, or in some instances residents, of certain countries are barred from TWOV privileges entirely, as specified in 8 CFR 212.1(f)(3). TWOV carriers are liable for "liquidated damages" whenever an arriving TWOV passenger fails to depart as scheduled. Liquidated damages procedures are discussed in Chapter 43.

(b) **Documents required.** TWOV applicants are exempt passport and visa valid for entry into the U.S., but must be in possession of a travel document or documents establishing his/her identity and nationality and ability (including any required visa) to enter the country to which destined, other than the U.S. [See 8 CFR 212.1(f)(1).]. Each TWOV passenger must have a *confirmed* transportation ticket to depart from the U.S. within 8 hours or on the first available transportation. A maximum of two stopovers en route is permitted.

(c) **Processing procedures.** Each arriving TWOV passenger should present a blue I-94T along with other required documents stated above. Enter the appropriate carrier arrival and departure information including the departure ticket number (normally a 13-digit number, taken from the ticket segment showing travel to the foreign destination) in the shaded blocks on the lower front of the arrival portion of I-94T. It is critical that all information on the I-94T be complete, correct and legible, since the form is the basis on which the Service can assess damages in the event the passenger fails to depart. Staple the departure I-94 to the outbound ticket coupon and retain the arrival I-94 at the port. Stamp the passport with the admission stamp and endorse it "TWOV". Once the admission process is complete, turn the passenger and documents over to the arrival carrier, in accordance with local port procedures.

(d) **Processing Ineligible and Mala Fide TWOV Applicants; TWOV Abscondee.** If you determine a TWOV applicant is technically ineligible for that classification or is not a bona-fide transit passenger, first determine if

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the alien will be permitted to leave on his or her own recognizance, or remain in custody until departure. Contact the airline to arrange for a departure flight. If the alien is to be released, prepare Form I-160 and a regular I-94, endorsed with the parole stamp and departure information. Complete Form I-259 and serve it on the carrier. Institute fine proceedings, if the alien was statutorily ineligible for TWOV status.

If the alien is found to be a mala-fide TWOV applicant or will not be released, prepare an I-160 and I-94 and endorse the admission block of the I-94; "I-259 served on (airline) to remove alien to (port) via (flight number) on (flight date)". Endorse the reverse of the I-94: "Ineligible TWOV." Prepare and serve an I-259 on the carrier to effect removal.

If a TWOV abscondee is reported, follow the procedures described in Chapter 43.6. If a TWOV applicant absconds after service of an I-259, report a violation of section 241(d) of the Act, using Form I-849 [See Chapters 43.3(a)(5)(E) and 43.6.].

(e) Special notes.

(1) **Crew members.** An alien crewmember coming to join a vessel admitted as TWOV must have a D visa and a letter from the shipping company or agent responsible for the vessel.

(2) **Delayed departure.** If a TWOV passenger cannot depart as scheduled due to circumstances beyond his or her control, such as aircraft mechanical problems or weather, the inspector must locate the arrival I-94T, destroy both portions and execute a new I-94T with the revised departure data. In the event the original I-94T arrival segment has been forwarded for data entry, place an admission stamp showing the original scheduled departure date on the reverse of the departure section, write the word "canceled" across the stamp and prepare a new I-94T.

(3) **Deportees.** An alien being deported from another country, through the U.S., should not be processed as a TWOV. Use parole procedures.

(4) **TWOV to Canada.** Since a large segment of TWOV passengers are destined to Canada, the list of countries whose nationals must have a visa to enter Canada is included in Appendix 15-5. Except for TWOV applicants who are joining a vessel in Canada as a crewmember or who are leaving the U.S. as a crewmember on a vessel destined to Canada, nationals of countries on this list must have a Canadian visa in order to be admitted as TWOV passengers.

(5) **Missed departure.** If an TWOV applicant has already missed his or her scheduled departure at the time of application for admission, or if the departure is scheduled via a different mode of transportation, refer the applicant to secondary for confirmation of departure arrangements.

(6) **Entry of TWOV passengers at ports not designated for TWOV admissions.** There is one exception to the requirement that all TWOV passengers enter only at designated TWOV ports. An alien in transit from one part of contiguous territory to another part of the same contiguous territory may be admitted as TWOV if the applicant is otherwise admissible and satisfies all other TWOV requirements [See 8 CFR 214.2(c)(1).].

(7) **Unescorted TWOV passengers.** Although carriers are required to ensure the passage of TWOV passengers in accordance with the terms of TWOV admission, it is not Service policy to impose a fine under section 243 of the Act simply because a TWOV passenger appears for inspection unescorted. If a carrier repeatedly fails to take adequate safeguards with TWOV passengers, report the matter to Headquarters, Inspections.

(8) **Hong Kong residents.** TWOV restrictions applicable to PRC nationals pursuant to 8 CFR 212.1(f)(2) do not apply to holders of HKSAR passports.

15.7 Visa Waiver Pilot Program (VWPP).

(a) **General Description.** Nonimmigrants from countries designated in 8 CFR 217, seeking entry for business or pleasure for 90 days or less, may be eligible to enter without visas under the VWPP, authorized by section 217 of the Act. Although technically still a "pilot program" with a sunset scheduled for September 30, 1997, the program has been extended several times and is likely to be continued and expanded. The list of pilot countries, whose nationals are eligible for admission under the program, is contained in 8 CFR 217. Only carriers who

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have a valid agreement of Form I-775 may transport VWPP applicants for air or seaport admissions. Private or corporate aircraft or yachts do not qualify. The VWPP carrier agreements are discussed in Chapter 42. A list of carriers with agreements is included as Appendix 42-2. By signing the agreement, a carrier agrees to remove (from the original port-of-entry in the U.S.) any refused VWPP applicant or any VWPP-admitted alien who subsequently violates status.

(b) **Documents Required.** A VWPP applicant must have a passport valid for 6 months beyond the period of intended stay, a return-trip ticket or other authorized voucher or pass and a completed Form I-94W. An alien with an expired passport is ineligible for VWPP admission. If a waiver is granted, the waiver should include both passport and appropriate nonimmigrant visa.

(c) **Processing Procedures.** Business visitors applying under this program are admitted "WB" and visitors for pleasure and transits are admitted "WT". Conditions for admission are specified in section 217 of the Act and 8 CFR part 217. All VWPP admissions are for 90 days unless the applicant's travel document is valid for a lesser period. Review the Form I-94W presented by the applicant to insure it is complete and legible, that all questions have been answered and that the form is signed. Inspection of the return ticket by the primary officer is not ordinarily required. Questioning to determine admissibility should be no different than for other B-1/B-2 visa holders. Note the I-94 with WB or WT, as appropriate and the date to which admitted (90 days from the admission date). Stamp the passport with the admission stamp and admission class.

(d) **Land Border Arrivals.** A VWPP applicant may apply for admission at a land border. The applicant must complete and sign the I-94W. No carrier is involved, so no return ticket is required, but the applicant must satisfy the inspecting officer that he or she maintains a foreign residence and has sufficient financial resources for the visit.

(e) **Refusals.** Aliens who attempt entry under the VWPP, but are found inadmissible by the inspecting officer, are removed from the U.S. without further administrative hearing, unless they seek asylum. The port director or officer-in-charge, or an officer acting in that capacity, has the authority to order removal of a VWPP applicant. Because the inspecting officer's decision is, as a practical matter, final, you must exercise particular care to ensure removals are handled fairly and thoroughly documented. The program is still considered a pilot program and the conduct of the Service in administering it is closely monitored. VWPP asylum claimants are counted statistically as refusals, even though they are paroled pending adjudication of their claim.

Ensure the I-94W for a refused VWPP applicant is completed and signed. If the alien declines to sign the I-94W, he or she is not considered a VWPP applicant. In that case, follow procedures outlined in Chapter 17.6, for institution of removal proceedings. In addition, prepare a memorandum of facts for institution of fine proceedings against the carrier, as described in Chapter 43.3

During the course of the inspection of an alien who presents him/herself as a VWPP applicant, if you determine that the alien is not, in fact, a national of a qualifying country (i.e., the alien is an impostor), you should institute removal proceedings in accordance with Chapter 17.6 and 17.15, as appropriate.

If the alien has signed the I-94W, open an "A" file and take a sworn statement to establish inadmissibility. Complete Form I-275, checking the box for VWPP refusal and recording all information about the alien and the reasons for refusal. Endorse the inside of the back cover of the passport with "8 CFR 217.4(b)", the file number, date and port code. Endorse both portions of the I-94W "refused," and the applicable INA section; line stamp or enter the date, port and your stamp number. Also note the departure flight information in the admission block. Enter the reason for refusal in block 13 of the form. Provide the alien a copy of the sworn statement and a copy of the I-94W, free of reference to any lookout intercept. Prepare and serve Form I-259, Notice to Detain, Remove or Present Aliens, on the responsible carrier to remove the alien. Prepare a lookout request as described in Chapter 31.5. Forward the arrival section of the I-94W for data entry. Photocopy the cover, data page and any other relevant passport pages, as well as any other relevant materials. Distribute copies of all these materials to the "A" file, consular post having jurisdiction over the alien's permanent residence and the port-of-entry file. Ports are required to maintain records of VWPP refusals for 1 year. Three sets of fingerprints on Form FD-249 should be collected if the refusal is based on fraud or criminal grounds.

A VWPP applicant is not entitled to a hearing before an immigration judge, but a VWPP applicant who seeks asylum must be referred to an immigration judge for a limited asylum hearing under 8 CFR 208.2(b). Complete the procedures above as for any VWPP refusal, and then use Form I-863, Notice of Referral to Immigration Judge,

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checking Box #3 and the appropriate category within that paragraph, to refer the alien to the judge for the asylum hearing. Place the alien in Service custody pending the asylum hearing.

(f) **Overstays.** In emergent circumstances, a district director may grant an alien admitted under the VWPP program satisfactory departure in increments of 30 days or less. Such actions must be endorsed on the original I-94W so that the data can be captured in NIIS when the alien departs. (See paragraph (i) below regarding removal of aliens admitted under the VWPP program.)

(g) **Readmission after Departure to Contiguous Territory or Adjacent Islands.** VWPP aliens who depart from and return to the U.S. during their 90-day admission period may be readmitted for the balance of their original admission period without issuance of a new I-94W. If the original I-94W was lifted, a new I-94W is required. If feasible, check NIIS for the original I-94W number and write it on the new I-94W. Endorse block 12 with the letter "R" to denote a readmission. Reentry during the original admission period need not be on a signatory carrier. Liability of the original carrier, if any, is unaffected by such brief departures. Treat a reentry after expiration of the original admission period as an entirely new arrival. An alien reentering during his or her original VWPP admission period may be readmitted for the balance of the original period or make a new VWPP admission. It is important to note that the original carrier retains liability only if the applicant is readmitted for the balance of the original VWPP admission.

The term "adjacent islands" for this purpose means Anguilla, Antigua, Aruba, Bahamas, Barbados, Barbuda, Bermuda, Bonaire, British Virgin Islands, Cayman Islands, Cuba, Curacao, Dominica, the Dominican Republic, Grenada, Guadeloupe, Haiti, Jamaica, Marie-Galante, Martinique, Miquelon, Montserrat, Saba, Saint-Barthelemy, Saint Christopher, Saint Eustatius, Saint Kitts-Nevis, Saint Lucia, Saint Maarten, Saint Martin, Saint Pierre, Saint Vincent and Grenadines, Trinidad and Tobago, Turks and Caicos Islands, and other British, French and Netherlands territory or possession bordering on the Caribbean Sea.

(h) **Notifications to Carriers of Liability for VWPP violators.** Use Form I-259, Notice to Detain, Remove or Present Aliens to notify a carrier of liability when a VWPP violator is identified. Check the appropriate box requiring the carrier to remove the alien. The carrier is responsible for transportation costs only from the original port of arrival on the first available transportation (even if this is not with the responsible carrier). If the alien is not removed by the first available means, any additional expenses, including detention costs, are incurred by the carrier. The Service is responsible for removal of VWPP aliens arriving by land, except for those being readmitted during the original admission period.

(i) **Removal of aliens admitted under the VWPP program.** An alien admitted under the VWPP program who remains longer than authorized or otherwise violates his/her status may be removed from the United States without a hearing before an immigration judge. This applies regardless of whether the alien admitted as a VWPP was originally entitled to admission under the program or not. For example, if an alien gained admission by falsely claiming to be a national of a VWPP country (including presentation of a counterfeit or impostor passport from such country), and was later discovered to be here in violation of the law, he/she would still not be entitled to a section 240 hearing before an IJ.

When such alien is encountered, the arresting officer should:

- Prepare an I-213;
- Take a sworn statement (if appropriate);
- Issue a letter to the alien notifying him/her that the Service has determined that he/she violated the conditions of his/her admission under the VWPP program and that he/she is being removed from the United States, without hearing before an immigration judge, in accordance with the provisions of the Visa Waiver Pilot Program;
- Except in cases where the alien entered over the land border, issue Form I-288, notifying the carrier that it is responsible for removing the alien and that it must make appropriate transportation arrangements; and
- Prepare Form I-296 notifying the alien that he/she is precluded from reentering the United States for a period of 10 years (unless the alien has been previously removed or the alien is an aggravated felon, in which case the relevant greater bar would attach). The Form I-296 would be endorsed (including taking the fingerprint

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and attaching a photograph) and issued at the time of the alien's actual removal from then United States.

Although an alien admitted under the VWPP program is not entitled to a hearing before an immigration judge, one who seeks asylum must be referred to an immigration judge for a limited asylum hearing under 8 CFR 208.2(b). Complete the procedures above as for any VWPP removal, and then use Form I-863, Notice of Referral to Immigration Judge, checking Box #3 and the appropriate category within that paragraph, to refer the alien to the judge for the asylum hearing. Place the alien in Service custody pending the asylum hearing.

(j) Special Notes.

(1) **British Passports.** Only British citizens with unrestricted right of abode in the United Kingdom are eligible for VWPP admission. If the **national status** block on the data page of the passport is endorsed "**British citizen**" the holder is eligible for the program. If the **national status** block is endorsed "**British Subject: Citizen of the United Kingdom and Colonies,**" page five must be endorsed "**Holder has the right of abode in the United Kingdom**" in order to qualify for the VWPP program. If the notation "**British Subject: Citizen of the United Kingdom and Colonies**" is crossed out, page five, or another referenced page must have the endorsement "**National Status: British citizen**" in order to qualify for VWPP admission.

New machine-readable, burgundy-colored, British passports qualify for VWPP admission if the words "European Community" appear at the top of the cover page and the nationality on page 4 is endorsed "British Citizen."

(2) **Japanese Passports.** Since Japanese passports are issued solely to nationals of Japan, all Japanese passports qualify for VWPP purposes.

(3) **German Passports.** Since the reunification of East and West Germany, identity and travel documents issued by the German Democratic Republic (GDR) are recognized as valid travel and identity documents by the Federal Republic of Germany and qualify for VWPP purposes. GDR identity and provisional identity documents do not show that the bearer has the right to return to Germany, therefore, they do not qualify for VWPP purposes.

(4) **Crewmembers in Transit.** Alien crewmembers traveling as passengers, "deadheading" crewmembers, and seamen with letters indicating they are joining a vessel docked in the U.S. are eligible for VWPP admission as business visitors.

(5) **Prior Deportees Ineligible.** Aliens inadmissible under section 212(a)(9)(A)(i) or (9)(A)(ii), regardless of whether they have received permission to reapply from the Attorney General, are not eligible for VWPP admission. Such persons must apply for a visa during the relevant period barring readmission specified in the Act.

15.8 Guam Visa Waiver Program.

(a) **General Description.** The Guam Visa Waiver Program (GVWP) is found in Section 212(l) of the Act. It was created by Section 14 of Public Law 99-396 (Aug. 27, 1986). Regulations pertaining to the Guam Visa Waiver Program are found in 8 CFR 212.1(e). The program allows nationals of designated countries to be admitted to Guam for 15 days for business or pleasure with their stay restricted to the Territory of Guam only. Carriers must sign a separate agreement, Form I-760, to transport applicants under the GVWP. The GVWP is also distinguished from the VWPP in that a prior violation of the program does not make one ineligible in the future. Prior to enactment of section 245(i) of the Act in 1994, adjustment of status was prohibited. Section 245(i) provided for the adjustment of status of GVWP aliens.

Applicants for admission from a country included in both the GVWP and the VWPP will be inspected under the program determined by the documentation they present.

(b) **Documents Required.** A GVWP applicant must have a passport valid for 6 months beyond the period of intended stay, a return-trip ticket, a completed form I-736, and a completed Form I-94.

(c) **Processing Procedures.** Check Form I-736 and Form I-94 for completeness and make sure Form I-736 has been signed. If inspection determines the applicant is admissible, endorse the I-94 with the proper class of admission: GB for nonimmigrant visitor for business or GT for nonimmigrant visitor for pleasure. The period of

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admission will be for 15 days. Stamp the passport with the appropriate endorsement. Staple Form I-94 to the top of Form I-736 and route to the contractor.

(d) **Refusals.** Aliens who attempt entry under the GVWP, but are found inadmissible by the inspecting officer, are removed from the U.S. without further administrative hearing, unless they seek asylum. The port director or officer-in-charge, or an officer acting in that capacity, has the authority to order removal of an applicant under this provision. Because the inspecting officer's decision is, as a practical matter, final, you must exercise particular care to ensure removals are handled fairly and thoroughly documented. The conduct of the Service in administering this program is still closely monitored. For handling GVWP applicants seeking asylum, use the same I-863 referral procedures as for VWPP applicants as discussed in Chapter 15.7(e).

Ensure the Form I-736 for a refused GVWP applicant is completed and signed. If the alien declines to sign the I-736, he or she is not considered a GVWP applicant. In that case, follow procedures outlined in Chapter 17.6, for institution of removal proceedings. In addition, prepare a memorandum of facts for institution of fine proceedings against the carrier, as described in Chapter 43.3.

If the alien has signed the I-736, open an "A" file, take a sworn statement to establish inadmissibility, and endorse the passport with the file number, date, and port code. Endorse both portions of the I-94 with "refused," the applicable INA section, and line stamp or enter the date, port, and your stamp number. Enter the reason for refusal in block 26 of the form. Provide the alien a copy of the sworn statement and a copy of the I-94, free of reference to any lookout intercept. Prepare and serve Form I-259, Notice to Detain, Remove, or Present Aliens, on the responsible carrier to remove the alien. Prepare a lookout request as described in Chapter 31.5 Forward the arrival section of the I-94 stapled to the top of the Form I-736 for data entry. Photocopy the cover, data page, and any other relevant passport pages, as well as any other relevant materials. Distribute copies of these materials to the A file, consular post having jurisdiction over the alien's permanent residence and the port-of-entry file. Ports are required to maintain records of GVWP refusals for one year.

Refusals under the GVWP will be shown in the NIIS system as class "GR".

15.9 Border Crossing Card (BCC) Admissions.

(a) **General.** The term "border crossing card" is somewhat confusing, since it actually refers to several different documents, issued to different categories of nonimmigrants for different purposes. First is the Mexican Border Crossing Card, Form I-186/586, the most commonly used border crossing card. It is issued by INS to Mexican nationals and is used in lieu of a B-1 or B-2 visa at any port-of-entry. Form I-186 was also issued previously by some consular posts in Mexico.

Second, consulates in Mexico also issue a combination B-1/B-2 visa and Mexican Border Crossing Card which serves the same purpose. These are issued in three different formats: the Burroughs visa, Machine Readable Visa (MRV), and the Stand Alone Visa (SAV). All U.S. consular posts in Mexico issue some version of this combination B-1/B-2 visa and BCC. The SAV, a laminated card, is issued only in Mexico City; issuance began February 18, 1993. Only the post in Matamoros continues to regularly issue visas in the older Burroughs format, using a slug "BBBCC" on the visa symbol and "120 months" for the expiration date. Prior to the introduction of the MRV, combination BCC visas were valid indefinitely. On September 30, 1991, Mexican posts were advised to cease issuing indefinite BCCs and begin limiting validity to 10 years.

Combination visa/border crossing cards are stamped only in valid Mexican Federal passports, but may be presented in an expired passport when used for border crossing purposes. When arriving from other than contiguous territory, a Mexican national using such a border crossing card/visas must have a valid passport. Some consular posts continue to issue border crossing stamps (without a B-1/B-2 visa) solely for border crossing purposes. Such stamps may be placed in either a valid or expired Mexican passport or a Mexican FM-13.

Below is a list of consular posts in Mexico and the dates they began issuing MRVs instead of the Burroughs-type visas.

Consular Post	MRV Start-up Date
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Ciudad

Juarez 11/18/92

Guadalajara 9/26/94

Hermosillo 12/12/91

Matamoros Scheduled 6/96

Merida 3/14/95

Mexico City 5/11/91 (MRV)

2/18/93 (SAV)

Tijuana 1/10/92

Third, a border crossing card issued on Form I-185 is available to Canadian citizens or British subjects residing in Canada. Such cards are commonly issued for the purpose of documenting approval of a waiver of inadmissibility. Like the I-586, the I-185 may be presented for admission at any port-of-entry.

A fourth type of border crossing card is actually a passport stamp, similar to a visa. It is issued by the Department of State pursuant to 22 CFR 41.33 to Landed Immigrants of Canada. This type of border crossing card may be used solely for entry to the U.S. from Canada or from Mexico after a visit only to Mexico. The border crossing card stamp may be used even if the passport in which it was stamped has expired.

[Refer to visa requirements for Mexican and Canadian citizens and Canadian landed immigrants in Chapter 15.3 and 8 CFR 212.1.]

(b) **Admission Procedures.** When a border crossing card is used for an admission requiring Form I-94, enter the card number in the remarks block on the back of the I-94.

(c) **Card Issuance Procedures.** Border Crossing Card issuance procedures are discussed in Chapter 21.5.

15.10 Entry of Nonimmigrant Workers during Labor Disputes.

(a) **General.** There are specific regulations governing the admission of nonimmigrant alien workers entering during strikes and lockouts involving their employers. In general, an alien who has not yet entered the U.S. under an approved I-129 petition or who has not yet entered as a D, E, or TN, is inadmissible once the Secretary of Labor has certified to the Attorney General that a strike is in progress. An alien who has already commenced employment may participate in a strike (if not engaging in unlawful conduct) without jeopardizing his or her status [Specific regulations governing admission of nonimmigrants during strikes are contained in relevant subsections of 8 CFR 214.2].

(b) **Labor Disputes Involving NAFTA Nonimmigrants.** Article 1603(2) of NAFTA establishes a safeguard for the domestic labor force in each NAFTA country. This provision permits each party to NAFTA to refuse issuance of an immigration document to a NAFTA business person whose temporary entry may affect adversely the settlement of any labor dispute in progress at the place or intended place of employment, or if temporary entry would affect adversely the employment of any person involved in such dispute. This provision may also be invoked with respect to a NAFTA business person seeking entry as a treaty trader, treaty investor, intracompany transferee, or professional, whose activities in the U.S. require an employment authorization. If a petition has already been approved, but the alien has not yet entered the U.S., or has entered the U.S. but not yet started employment, the approval of the petition may be revoked [See §214(j) of the Act, and 8 CFR 214.2(e), (l), and 214.6].

Only if the Secretary of Labor certifies to or otherwise informs the Commissioner that a strike or other labor dispute involving a work stoppage of workers is in progress can adverse action (admission in a NAFTA category or approval of a petition) under this provision be initiated.

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After the inspecting official determines if the temporary entry of the applicant may adversely affect the settlement of any labor dispute or the employment of any person who is involved in such a dispute, the applicant must be advised in writing of the reason(s) for the refusal. This can be the routine INS notice of refusal at the port-of-entry.

In addition, written notification must be provided to the NAFTA country of which the business person is a citizen. The following steps should be taken at the port-of-entry or service center:

Notify Headquarters (HQBEN), Business and Trade Services Branch, in writing (fax to (202) 514-0197) of the refusal. Include the following information:

- Name and address, if known, of the business person;
- Citizenship of the business person;
- Date and place of refusal of document authorizing employment (I-94);
- Name and address of prospective employer;
- Position to be occupied;
- Requested duration of stay;
- Reasons for refusal;
- Reference specific statutory or regulatory authority for refusal (if applicable); and
- Statement indicating that the business person was informed in writing of the refusal and the reasons for the refusal.

Headquarters will notify the appropriate government officials whose citizen was refused an employment authorization document pursuant to this NAFTA provision.

Where a principal alien is refused classification under NAFTA, the dependent family members are not classifiable as dependents.

(c) **Lawful Picketing.** An alien residing in contiguous territory who is a member of an international union having membership on both sides of the border may be admitted to participate in peaceful, lawful picketing if such picketing is required to fulfil a union obligation.

15.11 Special Interest Aliens.

Occasionally, special processing procedures are put into place for admission of specific categories of aliens. Usually, such procedures are necessary because of potential terrorist threats or other such matters which are a threat to the national security, welfare or other interests. Currently, special procedures are in place for:

(a) **Nationals of Iraq and Sudan.** All nonimmigrants with Iraqi or Sudanese travel documents, except A and G visa holders, and holders of Forms I-512, must be fingerprinted (two sets of Form FD-258) and photographed (two ADIT-style photos). In addition, photocopy the I-94, Customs declaration, passport data and photo pages, visa, and any other pertinent travel information. Verify that the I-94 data and passport data match identically.

15.12 Correction of Erroneous Admissions.

(a) **General.** Authority exists in 8 CFR 101.2 to create a record of a previous admission where none exists or to correct an erroneous record, **provided** the error was not a result of deliberate deception or fraud on the part of

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the alien. Jurisdiction for correcting such errors lies with the district office where the alien currently resides. The procedure described below is **not** to be used to "correct" an entry without inspection or attempted entry without inspection of an alien at other than a port-of-entry.

(b) **No Record of Admission Was Created**. From time to time, you may encounter an alien who has not been properly inspected and admitted at a port-of-entry, through an oversight or error on the part of the government. In such a situation, conduct an inspection and determine the date, place and manner of arrival. Prepare a memorandum of facts for the district director having jurisdiction over the port where the actual entry occurred. If there is no objection from that district director, based on a finding that the incident occurred through inadvertence and was not a deliberate act on the part of the alien to avoid inspection, complete the admission, including preparation of an I-94, as if it occurred in the normal manner. If you determine that a record of admission should not be created, institute proceedings to remove the alien. In the interest of efficiency, consultation with the originating district may be handled by facsimile or telephonically.

If the alien involved in such an incident is admitted as a new immigrant, follow the same procedures, processing the immigrant visa in the normal manner and attaching a copy of the memorandum of facts to the visa packet prior to forwarding the packet for card issuance.

If the alien involved is a lawful permanent resident, this procedure is required only if he or she is regarded as seeking admission within the meaning of section 101(a)(13)(C) of the Act.

(c) **Incorrect Record of Admission Was Created**. If incorrect admission data was recorded at the time of inspection, such as a misspelled or incomplete name, maiden name instead of a married name, incorrect date of birth or other such error, prepare a corrected I-94 and forward it for data entry. Before completing such action, take necessary steps to ensure neither the original error nor the proposed correction are deliberate actions designed for fraudulent purposes. For example, a correction on a year of birth may be part of an attempt to qualify for social security benefits.

15.13 Nationals of Former Trust Territories.

(a) **General information**. In 1986 an agreement between the Republic of Marshall Islands, the Federated States of Micronesia, and the United States became effective. The agreement is titled "Compact of Free Association". In 1994 a separate Compact became effective for the Republic of Palau. The Compacts are Public Laws 99-239 and 99-658 respectively.

These island nations were Trust Territories of the United States prior to the enactment of the Compacts. Citizens of the Trust Territories were not required to have nonimmigrant visas if coming directly from the Trust Territories to Guam or Hawaii or any other part of the United States. If a citizen of the Trust Territory came to the U.S. in any other manner, he or she was required to have a nonimmigrant visa. Nonimmigrant F-1 students from the Trust Territory were also granted economic necessity part-time employment routinely (i.e., upon request only) under a policy stated in the Operations Instructions. In all other respects citizens of the Trust Territories were subject to the same treatment as any alien.

With the implementation of the Compacts of Free Association, the visa requirements for these aliens changed. Under the Compacts they are admitted as nonimmigrants and may establish residence and be employed in the United States without regard to sections 212(a)(5)(A)(i) and 212(a)(7) of the Act. All the other grounds of inadmissibility and deportability apply to these aliens. The provisions of the Compacts do not apply to naturalized citizens of the Compact states until the naturalized citizen has resided in the Compact state for 5 years after naturalization. During the 5-year period they are required to obtain nonimmigrant visas for any entry to the United States.

Aliens who were admitted before the implementation of the Compacts and who were in the U.S. at the time of implementation were granted a change of status when encountered. A Form I-102, Application for Replacement I-94, without fee, was prepared and a new I-94 issued showing change of status to CFA/MIS or FSM or PAL as appropriate.

The Honolulu District Office Examinations section and the Airport Office are excellent sources of information regarding status and procedures of admission for citizens of the former Trust Territories.

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(b) **Geographic description.** The Republic of the Marshall Islands is composed of 1,225 islands grouped in 29 atolls, 5 low islands, and 870 reefs. There are two principal chains: the Ralik Chain and Ratak Chain.

- The Ralik Chain islands are: Taongi, Bikar, Utirik, Taka, Mejit, Ailuk, Jemo, Likiep, Wotje, Erikub, Maloelap, Aur, Majuro (the capital), Arno, and Mili/Knox.

- The Ratak Chain islands are: Enewetak, Ujelang, Bikini, Rongerik, Rongelap, Ailinginae, Wotho, Ujae, Lae, Kwajalein, Lib, Namu, Jabwot, Ailinglaplap, Jaluit, Kili, Namorik, and Ebon.

The Federated States of Micronesia is composed of all the Caroline Islands except for Palau (Belau). There are four states within the Federated States. The States with their islands are as follows:

- State of Kosrae: Kosrae;

- State of Pohnpei: Ant, Kapingamarangi, Mokil, Ngatik, Nukuoro, Oroluk, Pakin, Pingelap, and Pohnpei (the capital);

- State of Chuuk (formerly Truk): Chuuk (Truk), East Fayu, Ettl, Kuop, Losap, Lukunor, Murilo, Nama, Namoluk, Namonuito, Nomwin, Pulap, Puluwat, Pulusuk, and Satawan; and

- State of Yap: Eauripik, Elato, Fais, Faraulep, Garefut, Ifalik, lamotrek, Ngulu, Olimarao, Pikelot, Satawal, Sorol, Ulithi, West Fayu, Woleai, and Yap.

The Republic of Palau (Belau) is composed of one island group and other isolated islands. The capital is Koror. There are nine inhabited islands. These are: Koror, Babeldaop, Peleliu, Angaur, Kayangel, Tobi, Pulo Anna, Sonsorol, and Helen Reef.

15.14 Hong Kong Travel Documents.

(a) **General.** On July 1, 1997, Hong Kong reverted to the control of the People's Republic of China. A separate administrative region, referred to as the Hong Kong Special Administrative Region (HKSAR) was established. Permanent residents of the HKSAR may carry various travel documents. Hong Kong residents may present one of several documents which meet the definition of passport under section 101(a)(30) of the Act, and are valid for visa-issuing purposes. British Dependent Territories Citizen passport (BDTC) ceased to be valid as of July 1, 1997, and is no longer acceptable as a travel document. The following four documents are acceptable travel documents for Hong Kong residents:

(1) **HKSAR passport.** After July 1, 1997, permanent residents of Hong Kong who are ethnically Chinese can qualify for the new HKSAR passport. This document lists the bearer as a Chinese national with the right to abode in the HKSAR.

(2) **British National(Overseas) [BN(O)] passport.** This passport identifies the bearer's nationality as "British National (Overseas)." It is issued to permanent residents of Hong Kong whom British authorities consider British nationals without the right to abode in the United Kingdom. Although a British travel document, the BN(O) does not confer the same rights as a regular United Kingdom passport. For example, BN(O) bearers do not have the right to live in Great Britain nor are they eligible for the Visa Waiver Pilot Program (VWPP).

(3) **Hong Kong Certificate of Identity.** This document has been issued to permanent residents of Hong Kong (of at least seven years) who were not born there, or who lack proof of birth in Hong Kong. These documents will not be issued or renewed after July 1, 1997, but will continue to be valid through their original ten-year validity. They will be replaced by the HKSAR passport.

(4) **Hong Kong Document of Identity.** This document has been and will continue to be issued to persons legally residing in Hong Kong for less than the seven years necessary to have full right of abode, and who cannot obtain a national passport. The document of identity is valid for return to Hong Kong at any time during its validity, even without an explicit re-entry visa into the HKSAR.

(b) **Visas.** Machine readable visas issued in the HKSAR, Hong Kong certificate of identity, or Hong Kong

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document of identity will have "HNK" in the nationality field. The BN(O) passport will have "HOKO" in the nationality field.

Chapter 16: Special Classes.

References:

INA: Sections 207, 208, 209, 212, 244.

Regulations: 8 CFR 207, 208, 209, 212, 223, 244.

16.1 Parole.

(a) **General considerations.** Parole authority is exercised by the Attorney General pursuant to section 212(d)(5) of the Act in a wide variety of situations. Parole is not regarded as an "admission," therefore paroled aliens are subject to removal proceedings as inadmissible, rather than deportable, aliens. As an inspector, you will frequently initiate a parole for such things as deferred inspection, referral for removal proceedings, and in other situations deemed to be in the public interest. You will also process parolees who have been given advance paroles by other Service officers for a wide range of reasons. Parole may be extended or revoked by a Service officer at any time.

(b) **Processing advance paroles.** Advance paroles are issued by Service officers in the U.S. or overseas. Form I-512, Authorization for Parole of an Alien into the United States, is issued as evidence of advance parole authorization. An I-512 may be issued for single or multiple entries. The form itself also includes the alien's biographic data, a glued on or computer imaged ADIT-style photograph, and the facsimile stamp of the district director for the issuing district. Manually attached photographs will also have an INS dry seal or INS maceration die impression. The terms and conditions of parole, including the duration of the parole, are specified on the form. When an advance authorization is prepared by a consular official rather than an immigration officer, it will be issued on Department of State letterhead. These letters are commonly referred to as "transportation letters" or "boarding letters" since they are addressed to the transportation line and absolve the line of liability for the fine ordinarily incurred when a carrier transports an alien without a required visa.

Ordinarily, processing of paroles is handled in secondary, where there is time to access automated systems to verify the request. When you encounter an I-512 or boarding letter during the inspection process, examine it closely. Counterfeit and altered forms have been encountered. Question the applicant concerning the basis of their parole, to determine if his or her explanation and the basis on which the parole was issued are consistent. For example, an alien who has not previously been in the U.S. should not have a parole document indicating a pending adjustment or asylum application as the basis of issuance.

Once you are satisfied that the person is entitled to parole, endorse the I-94 with the parole stamp, indicate in the appropriate block the basis of parole (e.g. "I-512, adjustment applicant"), the date to which paroled (or indefinite), the date of action, port and your stamp number. Similarly endorse the action block on the I-512 and the alien's passport. If the I-512 is valid for a single entry, collect it and forward it to the files control office where the advance parole was issued. If the I-512 is valid for multiple entries, return it to the applicant, after making a photocopy for forwarding to the issuing office. If the alien parolee is permitted employment and does not have an employment authorization document advise the applicant about filing procedures. Special handling procedures described in Chapter 15.11 also apply to holders of Forms I-512 who are nationals of the affected countries. Handle the I-94 arrival and departure sections in the same manner as other nonimmigrant Forms I-94.

(c) **Port-of-entry paroles.** Local policy control procedures for authorization of most paroles at ports-of-entry. Parole is often an appropriate alternative for emergent medical treatment or other similar situations. Unlike a request for an advance parole, a request for parole at a port of entry requires neither a fee nor an application. Except for paroles of less than 1 day for border functions or certain NATO activities as described in Chapter 11.2, every parole action requires preparation of Form I-94, endorsed with the parole stamp as described above. In any case where an alien passenger arriving by air or sea is paroled because he or she lacks the proper visa, consider institution of fine proceedings against the carrier, as discussed in Chapter 43. In addition, prepare Form I-160, which is retained at the port-of-entry as a record of the action taken. Institute fine proceedings, when

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applicable.

(d) **Parole of crewmembers.** Policies and procedures for parole of alien crewmembers are discussed in Chapter 23.12

(e) **Parole for deferred inspection.** Procedures for parole of aliens whose inspection is deferred are discussed in Chapter 17.1

(f) **Special Interest paroles.** Service informants and aliens entering as witnesses in criminal cases may be paroled only upon the authorization of the district director, chief patrol agent, or his specified delegate, based on a request by an assistant district director for Investigations. Parole in such instances is to be used only when an applicant is not admissible under any other provision of law. The entry and departure of such parolees must be carefully monitored. If a parole request originates from another Federal, State or local agency, it may be granted only when it is in writing, from the highest ranking official of the agency having jurisdiction over the area. The written request must contain a statement that the entry is required for official purposes, the expected duration and an explanation of how the parolee will be maintained while present in the U.S. Paroles at the request of the Drug Enforcement Agency (DEA) are considered separately in paragraph (g), below.

(g) **Paroles for DEA purposes.** Requests for parole by the DEA generally involve large international drug trafficking investigations. Most defendants and witnesses in such cases are inadmissible to the U.S. for various reasons. In order to insure such requests are justifiable and necessary in support of the DEA mission, these requests are to be coordinated through DEA Headquarters. Immigration officers receiving such requests locally should advise Headquarters, Inspections Division.

If a local DEA agent requests that a witness, defendant or informant be re-paroled, given advance parole or allowed to remain in the U.S. when out of status, first time requests may be granted locally by the district director for a period not to exceed 6 months. Subsequent requests for such cases should be routed through DEA Headquarters.

(h) **Reparoles.** Whenever you change the purpose or duration of a parole, a new I-94 must be prepared and processed. Collect the original departure section and forward it for data entry with the new arrival section. Give the new departure section to the alien.

16.2 Refugee Admissions.

(a) **Processing new refugee arrivals.** Each year, the U.S. admits a set number of refugees as defined in section 101(a)(42) of the Act, as prescribed by Congress and in accordance with section 207 of the Act. Screening and pre-processing of refugees is completed overseas, and those found qualified for admission will arrive, generally in large groups, at a few ports-of-entry. They will have a packet of materials, the contents of their "A" file and an I-94. Endorse the I-94 with the refugee admission stamp: "Admitted as a refugee for an indefinite period pursuant to section 207 of the Immigration and Nationality Act. If you depart the United States, you will need prior permission to return. Employment Authorized." Enter the port, date and your admission stamp number. Collect all file materials and route them to the local office where the alien will reside. Give the departure section of the I-94 to the alien and route the arrival section for data entry. If the alien has a travel document, stamp and endorse it in the same manner as the I-94, and write in the "A" number.

(b) **Returning refugees.** In general, a refugee may temporarily depart the U.S. and reenter while in refugee status only if granted advance permission to do so. Permission is granted in one of two ways. A refugee may apply for and be granted an advance parole, Form I-512 or may apply for a Refugee Travel Document, Form I-571. Readmission of a refugee with an advance parole is handled as described in Chapter 16.1(b) above, if you are satisfied the alien is still eligible as a refugee. If an alien presents an I-571 clearly endorsed "Refugee" on the data page, inspect it for photo substitution or alteration. If you are satisfied that the refugee is still entitled to that status, endorse the I-571 with the refugee admission stamp, date, port and stamp number, and return the document to the alien, unless it is nearing expiration.

Occasionally, you may encounter a returning refugee who departed the United States without any intention of abandoning status as a refugee, but who failed to obtain a refugee travel document or advance parole prior to his or her departure. Effective April 1, 1997, the regulations allow district directors the discretion to accept an

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application for a refugee travel document from an alien who is outside the United States or applying for entry at a port-of-entry. The alien must submit Form I-131, Application for Travel Document, with fee, and must establish that he or she did not intend to abandon his or her refugee status, that he or she did not engage in activities while outside the United States inconsistent with continued refugee status, and that he or she has been outside the United States for less than 1 year. [See 8 CFR 223.2.] If you are satisfied that the alien is the individual he or she claims to be and is still entitled to refugee status, you may accept the application; if you are not so satisfied, you should not accept the application. If all the necessary information is available, including photographs, you may adjudicate the application and forward it to the Nebraska Service Center, attention: Special Operations Officer for production of the refugee travel document. If you are at a port of entry and the all necessary information is available but the alien does not have the required photographs and it is not possible to produce one at the port of entry, you may still approve the application and forward it to the Nebraska Service Center, instructing the alien to obtain and forward the photographs to the Special Operations Officer at that service center. You should attach a memorandum to the Special Operations Officer advising that the application has been accepted and approved in accordance with 8 CFR 223. Admit the alien as a refugee by endorsing a Form I-94 with the refugee admission stamp, as above.

If you are satisfied that the alien is a returning refugee, but do not have sufficient information to adjudicate the application, you may defer the alien's inspection using the procedures in Chapter 17.1. See also Chapter 17.15 for expedited removal processing of aliens with refugee claims that cannot be verified.

(c) **Special procedures for adjudication of Refugee Travel Documents for aliens appearing at overseas INS offices.** Effective April 1, 1997, overseas district directors also have discretionary authority to accept and approve applications for Refugee Travel Documents under the same circumstances as indicated above. Once the application has been approved and forwarded, with photographs, to the Nebraska Service Center,

(d) **"Following to join" dependents.** The spouse and children of a refugee, if not separately eligible for refugee status, may follow to join the principal refugee, whether the principal has remained in refugee status or has been admitted for permanent resident. The qualifying relationship must have existed when the refugee was granted status and must continue to exist. Approval of such status is accomplished by submission of a Form I-730, and issuance of a "Visas 93" cable by the approving office to the consular post where the dependent resides. Based on the cable, the consul will issue a "boarding letter" to be presented to the transportation company, permitting the alien to travel to the United States. If found admissible, parole the alien for one year, endorsing the I-94 with the parole stamp, noted "Visas 93", and the port, date and stamp number. In some instances, the consul will issue a visa noted "Visas 93" rather than a boarding letter. The admission procedures are the same in such cases.

16.3 Asylees and Asylum Applicants.

(a) **General.** Asylum applicants are aliens whose claims of eligibility for asylum have not been finally decided. Asylees are persons who have been granted asylum, but who either have not applied for or have not been granted adjustment pursuant to section 209(b) of the Act. Either category may travel and be readmitted if granted an advance parole. An asylee may also be issued a refugee travel document. If you are satisfied the asylee or asylum applicant is otherwise admissible, parole for one year, endorsing the I-94, and I-512 or I-571, with the parole stamp, date, port and stamp number. Endorse the parole stamp: "asylee" or "asylum applicant" as appropriate. Return the I-571 or I-512 to the alien if it is valid for multiple entries and not nearing expiration. If expiring or valid for a single entry, lift the document and forward it to the appropriate files control office. Note: some ports-of-entry use an "asylee" stamp rather than a parole stamp for these admissions.

The same provisions discussed in Chapter 16.2 relating to previously admitted refugees who departed the United States without having obtained a refugee travel document or advance parole also apply to asylees. If you are satisfied that the alien meets the criteria discussed in 8 CFR 223.2, you may accept the application on Form I-131 and adjudicate it at the port-of-entry or defer the inspection for adjudication at the onward office. If the application is approved at the port-of-entry, follow the same steps as if admitting an asylee with a refugee travel document, and forward the approved application to the Nebraska Service Center for production of the refugee travel document. See also Chapter 17.15 for expedited removal processing of aliens with asylee claims that cannot be verified.

(b) **"Following to join" dependents.** The spouse or children of an asylee may also be granted asylum if they are accompanying or following to join the principal asylee. The relationship with the asylee must have existed at the time the asylum application was approved. Also, the family member must not fall within any of the mandatory

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grounds for a denial of asylum [See 8 CFR 208.19]. Applicants for admission who fall within these categories should be inspected accordingly. You should also be aware that all grounds of inadmissibility under section 212(a) of the Act may be waived for asylees and refugees for humanitarian purposes, to assure family unity, or in the public interest except for section 212(a)(2)(C) or (3)(A), (B), (C), or (E). See section 209 of the Act. Waiver applications should be filed on Form I-602.

16.4 Temporary Protected Status (TPS) Cases.

An alien granted TPS may travel out of the U.S. only if granted an advance parole [See 8 CFR 244]. If a TPS alien presents an unexpired I-512, and is otherwise admissible, parole the alien for the balance of time TPS is available for aliens of the relevant nationality. A TPS alien attempting reentry without an advance parole should be placed in removal proceedings. A table of TPS dates is included in the **Adjudicator's Field Manual**, Appendix 41-1.

Chapter 17: Inadmissible Aliens

References:

INA: Sections 212, 235, 240, 241.

Regulations: 8 CFR 212, 235, 240, 241.

17.1 Deferred Inspection.

(a) **General.** When an immediate decision concerning admissibility cannot be made at a port-of-entry, the inspecting officer may defer inspection to the office having jurisdiction over the area where the alien will be staying. Often, deferred inspections are necessary in order to review an existing Service file or some other documentary evidence essential to clarifying admissibility or for posting of a bond. Deferral may also be appropriate for adjudicating a waiver under section 211(b) or 212(d)(3) of the Act. Deferral should always be for a specific purpose, not simply used as a way to transfer a difficult case to another office, and should normally only be used when it appears the case could possibly be resolved in the alien's favor. See also Bonds in Chapter 45. If an applicant is inadmissible, he or she should be given the opportunity to withdraw or should be processed for removal, not deferred.

(b) **Deferral procedures.** Inspection is deferred using Form I-546, Notice of Deferred Inspection and Form I-94, stamped with a parole stamp and endorsed to show "deferred inspection," the onward office and deferral date as well as your stamp number, port, and action date. Parole the applicant for a brief period, sufficient for the paperwork to arrive at the onward office and the applicant to obtain any necessary evidence to establish admissibility. The applicant should be given the appointment copy of the I-546 and the departure section of the I-94 with a specific reporting date and a time block, rather than a specific time. Also, provide the applicant with the phone number of the onward office's deferred inspection unit. Some local offices conduct deferred inspections only on certain days of the week or during certain hours and may have specific room numbers for deferred applicants. Secondary stations at ports-of-entry should have current information on office hours, addresses and room numbers, phone numbers and jurisdictions of various suboffices and satellite offices which handle deferrals. See also Appendix 17-1. A deferred inspection places additional unscheduled work on the onward office and may be burdensome on the applicant who is required to travel a considerable distance. When giving the applicant instructions for appearing at a deferred inspection, ensure you are providing enough information and guidance so the procedure can be completed quickly, in a single appearance.

The remarks block on the I-546 should contain complete, accurate information for the inspector at the onward office. The form should state specifically the purpose of the deferral and identify any documentation which the applicant is expected to produce. If there is an existing file, the file number and files control office should be identified, so that the onward office can locate or request the file before the applicant appears. If appropriate, a sworn statement may be taken at the port-of-entry and attached for use by the onward office. Also attach to the I-546 to be sent to the onward office any other documents relevant to the inspection which were produced at the port-of-entry. If it is necessary to retain the applicant's passport, the deferral must be sent by certified mail (follow local procedures for deferrals within the same district).

If there is a likelihood the alien may ultimately be ordered removed, serve Form I-259 on the affected carrier. Attach copies of the I-259 to the I-546 onward office copy and port copy. Also, send a copy of the I-259 to the National Fines Office.

(c) **Processing a deferred inspection.** The inspecting officer at the onward office should have received the deferral paperwork in advance of the applicant's appearance. If a Service file exists, the file should be located and reviewed prior to the applicant's appearance. If the applicant is found admissible, a new I-94 should be executed using the office symbol of the onward office and the current date as the date of admission. Upon completion of the deferred inspection, indicate the disposition on the reverse of the I-546 and return it to the originating port. Forward the original deferred I-94 departure section and the new arrival section for data

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entry.

(d) **Attorney representation at deferred inspection.** At a deferred inspection, an applicant for admission is not entitled to representation. See 8 CFR 292.5(b). However, an attorney may be allowed to be present upon request, if the supervisory inspector on duty deems it appropriate. The role of the attorney in such a situation is limited to that of observer and consultant to the applicant.

(e) **Medical deferrals.** When deferring inspection for medical reasons, consult with the Public Health Service (PHS) before permitting the alien to proceed. If the alien is required to submit to further medical examination prior to reporting to the onward office, return all medical documents including local PHS certification and x-rays to the applicant in a sealed envelope for presentation to the doctor, medical clinic, or PHS facility as instructed. If the alien is to report first to the onward INS office, forward the medical documents with the deferral papers directly to the onward office.

17.2 Withdrawal of Application for Admission.

(a) **General.** A nonimmigrant applicant for admission subject to removal proceedings who does not appear to be admissible by the inspecting officer may be offered the opportunity to withdraw his or her application for admission rather than be detained for a removal hearing or other removal proceedings. An alien cannot, as a matter of right, withdraw his or her application for admission, but may be permitted to withdraw if you determine that it is in the best interest of justice that a removal order not be issued. Before allowing an alien to withdraw, you must be sure that the alien has both the intent and the means to depart immediately from the United States. See section 235(a)(4) of the Act and 8 CFR 235.4.

Keep in mind that withdrawal is strictly voluntary and should not be coerced in any way. It should only be considered as an alternative to removal proceedings when the alien does not appear to be clearly admissible. In some instances, POE workload, personnel resources, and availability of detention space may affect whether you will allow withdrawal or pursue a hearing before an immigration judge. However, in cases where the alternative to withdrawal is expedited removal, workload and detention space are less significant considerations. An expedited removal order, and the resultant bar to reentry are a significant law enforcement tool and have a potentially strong deterrent effect on unlawful entry. An expedited removal order should ordinarily be used, rather than permitting withdrawal, in situations where there is obvious, deliberate fraud on the part of the applicant. For example, where counterfeit or fraudulent documents are involved, expedited removal order is normally the appropriate response. On the other hand, in a situation where the alien may have innocently or through ignorance, misinformation, or bad advice obtained an inappropriate visa and has not concealed information during the course of the inspection, permitting withdrawal may be proper.

The BIA, in **Matter of Gutierrez** (19 I&N Dec 562, BIA 1988) has ruled that a balancing of an alien's personal equities is not appropriate for determining whether to allow the alien to withdraw, but that factors directly relating to the issue of inadmissibility can be considered in determining what option would be in the best interest of justice. Such factors might include, but are not limited to:

- (1) The seriousness of the offense;
- (2) Previous findings of inadmissibility against the alien;
- (3) Intent on the part of the alien to violate the law; and
- (4) ability to easily overcome the ground of inadmissibility (i.e., lack of documents).

If an applicant chooses to accept an offer to withdraw, complete the necessary paperwork, obtain supervisory concurrence in accordance with local procedures, and, if arriving at an airport, arrange for departure on the next available transportation back to the country where the flight originated. An applicant who withdraws his or her application for admission is not considered formally removed and therefore does not require permission to reapply for admission to the U.S. Once the grounds of inadmissibility cease to exist, the alien may be eligible to apply for a new visa to reenter the U.S.

(b) **Jurisdiction.** In most instances a withdrawal will be taken at the port-of-entry. However, there will be instances where a detained alien, prior to or during the expedited removal credible fear process, is permitted to

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withdraw his or her application for admission. Any officer, after obtaining authorization in accordance with local procedures, may offer withdrawal if the situation warrants, although withdrawal at this stage of the process should be the exception rather than the normal course of action. Factors relating to the inadmissibility of the alien should always be carefully considered. In expedited removal cases, several units within INS may have already invested considerable time and resources in pursuing expedited removal of the alien. In order to preserve a unified expedited removal process and uniformity of decision, asylum officers may wish to consult with other units involved to obtain any additional information concerning the case that may affect the decision to permit withdrawal. In some circumstances, an immigration judge may also permit withdrawal. Ordinarily, the paperwork in such instances will be completed by the Service after the judge makes that decision.

(c) **Withdrawal procedures.** Once an applicant elects to withdraw, prepare Form I-275, Withdrawal of Application for Admission/Consular Notification. The I-275 must clearly state the reasons for inadmissibility in the remarks block. If needed, a sworn statement may be taken and attached to the I-275. Check any appropriate boxes on the I-275. The alien must sign the I-275, acknowledging that the action is entirely voluntary. Prepare and serve an I-259 on the carrier to effect removal. Complete the I-94, endorsing both sections with: "WD - Application for Admission Withdrawn. (Stamp number), (Port), and (Date)." On the reverse of the I-94, indicate the file number, if appropriate, in Block 20. In Block 26, under Itinerary/Comments, write the grounds of inadmissibility, and "I-275 served. To be removed via (flight number) on (date)". Also include removal flight information on the back of the departure portion of the I-94, under Record of Changes. If applicable, cancel the nonimmigrant visa, and note the passport page "22 CFR 41.122(h)(3)." Prepare a packet in a sealed envelope for immigration officials in the country to which the alien is being returned, containing the alien's travel document and a copy of the Form I-275 or other relevant information that may be needed by the immigration officials in the ongoing country. Where practical, advise INS offices overseas by phone or fax of aliens moving through their jurisdiction. Forward the original of the I-275 and sworn statement to the consulate where the visa was issued. Route the arrival I-94 for data entry and deliver the departure I-94 to the carrier to be submitted with other departure I-94s for the outbound flight. Maintain a copy of all relating documents, including the pertinent passport pages and other evidence at the port of arrival for six months. Refer to Chapter 21.2 for special Canadian border procedures.

(d) **Return transportation arrangements.** If the alien does not have either a return ticket or an agreement from the carrier to transport the alien back to the point of origin, removal proceedings should be instituted. In instances where the alien's port of embarkation for the U.S. was a transit point, and the alien is being returned to a third country through that transit point, every possible effort must be made to ensure that an immediate and continuous transit will be permitted. If the alien has an open ticket, make sure satisfactory confirmed return transportation arrangements are made.

(e) **Parole following withdrawal.** Section 235(l)(4) of the INA states that "[a]n alien applying for admission may, in the discretion of the Attorney General and at any time, be permitted to withdraw the application for admission and **depart immediately** from the United States." (Emphasis added) Accordingly, parole of an alien who has withdrawn his or her application for admission is permitted only for the purpose of turning the alien over to the carrier in order to effect departure.

17.3 Fraudulent Documents.

(a) **General.** Any passport, visa, alien registration card, or other document presented by an applicant for admission is potentially a counterfeit or altered document, a document procured by fraud or a genuine document being presented by an imposter. As document quality has improved, so has the ability of document vendors to create better quality counterfeits. Tools for detecting fraudulent documents are discussed in Chapter 34. A discussion of the Forensic Document Laboratory and other Intelligence support activities are contained in Chapter 32. The El Paso Intelligence Center, 2211 East Missouri St., El Paso, TX 79903 (tel. 915 564-2000) can also be of assistance in detecting fraudulent documents. See Chapter 32 for further discussion of EPIC functions. Once you have determined a document is fraudulent or is being presented by other than the rightful holder, in addition to processing the holder as an inadmissible alien, you must insure that information about the document is properly routed to INS Intelligence for dissemination to others. It is important that information be distributed promptly, since document vendors often produce multiple documents using the same techniques. In order to effectively identify such documents, one of the most valuable assets is current, accurate intelligence information. Local ports generally have one or more designated inspectors assigned as collateral intelligence officers to insure such information is properly routed to and from other officers.

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Local ports tend to have patterns for the types of documents encountered which are most likely to be fraudulent. Birth and baptismal certificates, which have no national standards, are the most commonly counterfeited, altered, or improperly issued documents. Familiarize yourself with security checkpoints of documents regularly presented at your port-of-entry.

(b) **Counterfeit or altered document.** Alteration of documents occurs in several ways: changing data on a valid document to fit the description of the alien applicant, photo substitution, and page substitution are the most common. Counterfeiting of birth records and other similar documents is also commonplace, counterfeiting of entire passports happens less frequently. Some attempts are excellent, others fairly crude. Always examine documents with laminated photos, such as border crossing cards, outside any case or holder so you can feel any relamination. This is a good practice, even at land border primary locations. Familiarity with document alerts and passport studies provided by the Intelligence Division will also make detection of this type of fraudulent document easier. Following are tips for passport examination.

- Examination of a passport begins with the cover. Look for the quality and clarity of printing, color, thickness and even spelling. Check the shape and cut of corners.
- Next inspect the inside pages for known watermarks and background printing, as well as any other known security checkpoints. Again, examine spelling and print quality. Check the alignment of pages and the shape and cut of corners. Perforations should generally be sharp, distinct and evenly aligned.
- Review the data page or pages of the document. Handwritten entries should be made with the same color ink, without overwritten or blotched entries. Typed entries should all be with the same typeface and consistency of ink.
- Examine the photo page for signs of double lamination, cuts in the lamination, excessive glue, or wrinkling. Inspect wet or dry seals overlapping the photo. Seals should be aligned and distinct. The seal impression on the reverse side of the page should match that of the front.
- Examine the page immediately opposite the photo page for grommet or staple indentations. Such indentations should match the grommet or staple attaching the photo.
- Examine the binding for jagged or enlarged stitching holes. Stitching should be evenly spaced.

(c) **Genuine document presented by imposter.** Careful questioning of an applicant regarding the nature of the visit and the particulars of how the visa was obtained, and close scrutiny of the photo and biographic data on the travel document will assist you in determining if the bearer is the rightful holder of the passport or visa. Immigration officers have delegated authority, pursuant to 22 CFR 41.122(h) to cancel genuinely issued visas which have been removed from the original travel document or which are presented by other than the rightful holder. Whenever such action is taken, prepare Form I-275 to advise the issuing consulate.

(d) **Genuine document obtained by fraud.** Among the more difficult tasks you face as an inspector is making a determination that a passport, visa or, other document issued by competent authority was based on a fraudulent application or agency error. While it is not possible for you to readjudicate the underlying basis of eligibility for every document presented, you should be aware of the general requirements for various immigration benefits and know what relevant questions to ask an applicant for admission when you become suspicious. As INS automated systems improve, you have at your disposal more information from agency files upon which to inquire. Access to INS automated systems is discussed in Chapter 31. Your observation of the applicant's demeanor and his or her responses to simple questions are the best tool for uncovering this type of fraud.

17.4 False Claims to U.S. Citizenship.

(a) **General.** You must always be alert to the possibility that an alien may attempt entry by falsely claiming United States citizenship. The claim may be either an oral claim or one supported by an authentic or fraudulent document. The best defense against false claims to U.S. citizenship is your own instinct as an inspector. The most obvious clues in detecting a false claim are nervous actions or reactions on the part of the applicant or language patterns that don't fit the claim to citizenship. If the response to the question, "Of what country are you

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a citizen?", includes an accent that indicates that the person is not a native speaker of English, the person should be asked how he or she became an American citizen. If the applicant claims recent naturalization, that may be sufficient to convince you he or she is a U.S. citizen or it may prompt further questions, or a check of the Central Index.

Become familiar with the persons at your port who can assist you in the questioning of a suspected false claim. A native Spanish speaker, familiar with various local accents and idioms, is more likely to quickly detect, for example, a Central American claiming birth in Puerto Rico. Learn the procedures used by various local officials involved in issuing citizenship documents; request original or certified copies of documents which are presented.

A word of caution -- Never refer a person to secondary as a false claim simply because the person is belligerent, disrespectful or suspected of being under the influence of alcohol or other drugs. Refer him or her when you have some reason to believe the person is an alien attempting to commit a fraud.

A new ground of inadmissibility for false claims to U.S. citizenship was added to §212(a)(6)(C)(ii) of the Act by IIRIRA, for representations made on or after the date of enactment, September 30, 1996. Aliens who make a false claim to U.S. citizenship therefore are subject to the expedited removal provisions of §235(b)(1) of the Act. See Chapter 17.15 for expedited removal procedures.

(b) **Procedures.** Once you have made a determination that an applicant for admission is making a false claim U.S. citizenship, process the case as an expedited removal case or permit withdrawal of application for admission. In order to prevent the improper removal of a U.S. citizen without hearing or review, a provision was added to the regulations in 8 CFR 235.3(b)(5) to provide for a review of the expedited removal order by an immigration judge. As with any claim to U.S. citizenship, every effort should be made to either verify or disprove the claim prior to proceeding with issuance of a removal order. Only those cases where you are absolutely not satisfied that the person is a U.S. citizen should result in a removal order. To refer the case to a judge, use Form I-863, executing block 4 of the form. In cases of claims supported by documentation, in addition to the above, complete Form G-329, Documented False Claim to Citizenship, and forward it to:

EPIC
2211 East Missouri St.
El Paso, TX 79903

Attach the original documents, unless they are being used as evidence, a complete set of the alien's fingerprints on Form FD-249, and a photograph. If original documents are needed for other purposes, attach a photocopy. If a genuine document is being presented by an imposter, obtain, if possible, biographic and family information relating to the person to whom the document relates. [Detailed instructions on preparing Form G-329 are contained in Chapter 32.6.]

17.5 Waivers.

(a) **General.** The grounds of inadmissibility applicable to aliens are established by §212 of the Act. There are a series of exemptions and waivers for various grounds of inadmissibility. Exemptions refer to statutory or regulatory constructions whereby certain classes of aliens are not subject to inadmissibility, under specific circumstances, based on certain general provisions relating to inadmissibility. No application or adjudication is needed when an alien is exempt from a ground of inadmissibility. For example, many aliens are, by regulation, exempt the general passport and visa requirements. Generally, waivers refer to specific applications, filed individually, and adjudicated to remove temporarily or permanently one or more specific grounds of inadmissibility. Waivers are available to immigrants pursuant to sections 211(b), 212(a)(3)(D)(iv), 212(a)(9)(B)(v), 212(d)(11), 212(d)(12), 212(e), (g)(1), (g)(2), (g)(3), (h), (i), and (k). Waivers are available to nonimmigrants under sections 212(d)(1), (d)(3), (d)(4), and (l). Additionally, certain qualifying aliens are eligible for automatic waivers under sections 212(m) and (o). No application or fee is required for such automatic waivers. There are a variety of situations involving inspection of aliens requiring waivers of inadmissibility. In many instances the need for a waiver has been determined and adjudication of a waiver has been completed before the alien arrives at the port-of-entry. In such cases, the nonimmigrant visa will be noted or the alien will possess a notice of action approving the waiver. In other instances, the need for a waiver will be determined during the inspection process and the matter can often be resolved during secondary inspection.

(b) **Permanent residents without valid alien registration documents.** During the inspection process, you may be

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required to process a waiver under section 211(b) of the Act if a returning resident is not in possession of his or her alien registration card or reentry permit. If the applicant is otherwise admissible, complete Form I-193, Application for Waiver of Passport and/or Visa, collect the required fee, stamp the I-193 and passport with your admission stamp and endorse them "211(b)." Before approving such a waiver, query the applicant's status in Central Index to verify the validity of his or her lawful permanent residence. See Chapter 13.2 for a discussion of this and other options for admitting returning residents. If you deny a waiver under section 211(b) of the Act, the application may be renewed in removal proceedings before an immigration judge.

There are a number of precedent decisions relating to section 211(b) waivers. In Matter of Abdoulin, 17 I&N Dec 458 (BIA 1981), the Board ruled that denial of a waiver by the district director did not constitute a definitive adjudication of abandonment of permanent residence. In Matter of Muller, 16 I&N Dec. 637 (BIA 1978), the Board discussed factors to be considered in determining the issue of abandonment. Other relating precedents relating to abandonment of residence and entitlement to a waiver include: Matter of Davis, 16 I&N Dec. 514 (BIA 1978); Matter of Delgadillo, 15 I&N Dec. 395 (BIA 1975); Matter of Galvan, 14 I&N Dec. 518 (BIA 1974); Matter of Castro, 14 I&N Dec. 492 (BIA 1974); Matter of Montero, 14 I&N Dec. 399 (BIA 1973); Matter of Wu, 14 I&N Dec. 290 (Regional Commissioner 1973); Matter of Hoffman-Arvalo, 13 I&N Dec. 750 (BIA 1971); Matter of Wighton, 13 I&N Dec. 683 (BIA 1970, 1971); Matter of Salviejo, 13 I&N Dec. 557 (BIA 1970); Matter of Escalante, 13 I&N Dec. 223 (BIA 1969); and Matter of Vielma-Ortiz, 11 I&N Dec. 414 (BIA 1965).

(c) **Waivers for new immigrants.** An alien inadmissible from the U.S. under section 212(a)(5)(A) or (7)(A)(i), who is in possession of an immigrant visa may, if otherwise admissible, be admitted by applying to the district director at the port-of-entry at which the alien arrived for a waiver on Form I-193, under the conditions described in §212(k) of the Act and 8 CFR 212.10. This waiver is available to correct such technical defects as when a consular official has placed an improper classification symbol on the visa or where classification has changed due to the alien turning 21 years of age subsequent to visa issuance. It is available both at a port-of-entry at the time of initial admission or **nunc pro tunc**. No fee is required. Adjudicate the application and attach the form to the immigrant visa packet. If denied, application for a section 212(k) waiver may be renewed before an immigration judge in removal proceedings.

Precedent decisions involving application for a section 212(k) waiver of section 212(a)(5)(A) include: Matter of Morgan, 13 I&N Dec. 283, (BIA 1979); Matter of Ortega, 13 I&N Dec. 606 (BIA 1970); Matter of Ulanday, 13 I&N Dec. 729 (BIA 1971); Matter of Paco, 12 I&N Dec. 599 (BIA 1968); Matter of Thompson, 13 I&N Dec. 1 (BIA 1968); Matter of Welcome, 13 I&N Dec. 352 (BIA 1969); and Matter of Rodriques, 13 I&N Dec. 746 (BIA 1971).

Precedent decisions involving application for a section 212(k) waiver of section 212(a)(7)(A)(i) include: Matter of Pierce, 17 I&N Dec. 456 (BIA 1980); Matter of S-B-, 7 I&N Dec. 298 (BIA 1956); Matter of Alarcon, 17 I&N Dec. 574 (BIA 1980); and Matter of Khan, 14 I&N Dec. 122 (BIA 1972).

A waiver of the passport requirement, using the I-193 procedure described above, is also provided in 8 CFR 211.2. Other waiver provisions applicable to new immigrants are normally adjudicated in advance. Approval of such waivers should be indicated by the consular official on the immigrant visa, OF-155A.

(d) **Nonimmigrants.** (1) **Section 212(d)(3)(A).** Nonimmigrants who are inadmissible from the U.S., and who require a visa, must apply in advance for a waiver under section 212(d)(3)(A) of the Act. Joint concurrence by the Secretary of State and the Attorney General is required for approval. The alien usually applies for the waiver in conjunction with the application for a nonimmigrant visa. Once approved, the section of law under which the waiver was approved and any special limitations will be noted on the visa. If otherwise admissible, enter the waiver information and any restrictions on the reverse side of the I-94 in the appropriate blocks.

(2) **Section 212(d)(3)(B).** Inadmissible nonimmigrants who are already in possession of a nonimmigrant visa or who are exempt the requirement for a visa must apply for a waiver under section 212(d)(3)(B) to the district director having jurisdiction over the intended port-of-entry. Application is made on Form I-192, Application for Advance Permission to Enter as a Nonimmigrant. Adjudication procedures are discussed in detail in the Adjudicator's Field Manual, Chapter 52. If approved, the alien will be in possession of Form I-194, Notice of Approval of Advance Permission to Enter as a Nonimmigrant, or the approval may be noted on the alien's border crossing card. If otherwise admissible, enter the waiver information, the file number, and the FCO code on the reverse side of the I-94, along with any conditions or restrictions.

(3) **Section 212(d)(4).** Passport and visa requirements are waived jointly by the Secretary of State and Attorney

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General. The waiver application is Form I-193. In the remarks block, explain the circumstances for failure to obtain the proper documentation. Prior to September 11, 1992, concurrence from the Department of State was required for all passport and visa waivers. Now, simply mark the block for DOS concurrence "n/a."

(4) **Waivers for Vessel Crewmembers**. See Chapter 23.

17.6 Preparing Removal or Prosecution Hearings.

(a) **General**. If you determine that an alien is inadmissible, and the grounds of inadmissibility cannot be resolved readily and the alien does not elect to withdraw (or is not afforded the opportunity), you must prepare necessary paperwork for a removal proceeding before an immigration judge or for prosecution. Most often, an alien will be detained or paroled until the hearing date. An alien who is inadmissible under section 212(a)(6)(C) or (7) is subject to the expedited removal provisions of section 235(b)(1) and should be processed in accordance with Chapter 17.15. If such an alien is also being charged with additional grounds of inadmissibility, follow the procedures below.

(b) **Preparing the case**. There are a number of steps to be taken to refer a case for a removal hearing or for prosecution. Complete, accurate case preparation is extremely important. Prepare cases for prosecution according to guidelines set by the local U.S. Attorney. The following steps must be taken in each case referred to an immigration judge for removal proceedings:

(1) Take a complete sworn statement from the alien, concerning all pertinent facts. Collect any additional evidence relevant to the case which is discovered during the inspection process. Use Form I-263A as a jurat to close the statement. Provide a copy of the statement to the alien and retain copies for the Service file and record of proceedings.

(2) Prepare three copies of Form I-862, Notice to Appear. If the alien is being held in Service custody, indicate that fact and location of the facility where the alien is detained in the address block. If the alien is not being held in Service custody, enter the complete address and phone number where the alien can be reached and provide the alien with Form EOIR-33 to report any change of address. If the alien's mailing address is different than the physical address, include both. Check the first box and provide a brief narrative description of the facts of the alien's arrival and inadmissibility under description of charges. Standard language for all charges under section 212(a) is available through most automated forms systems used by the Service. Fill in the complete citation for the provision of law (e.g. 212(a)(2)(A)(i)(I)) under which the alien is being charged. Enter the complete address of the appropriate Immigration Court in the space provided. The Notice to Appear must ordinarily include the time and place of the hearing. Obtain a date and time for the hearing using the EOIR ANSIR system, or following established local procedures. In unusual situations when a hearing date and time cannot be obtained, such as when there is a computer system outage, indicate "to be set" in the appropriate data field. Advise the alien, in a language that he or she can understand, of the time and place of the hearing and of the consequences of failure to appear. Sign and date the I-862. Normally, a hearing may not be conducted sooner than 10 days after service of the Notice to Appear. If the alien wishes to waive this time period and have an immediate hearing (or as soon as one can be arranged), have the alien sign the section entitled "Request for Prompt Hearing." Serve the I-862 on the alien and provide him or her with a current list of organizations and programs prescribed in 8 CFR 292 which provide free legal services.

Serve one copy of the I-862 on the alien, unless the alien is to be released and deferred to an onward office, in which case the service is accomplished by the onward office.

(3) Photograph and fingerprint the alien on FD-249 fingerprint cards (three sets). Distribution of the fingerprints should be made in accordance with the procedures set forth in chapter 18.9(c). Be sure to properly code the fingerprint cards with the proper United States Code citation, since the FBI will not clear cards without such codes. Following are examples of codes that may be used:

- 18 U.S.C. 1544 Photo substitutions
- 18 U.S.C. 1546 Counterfeit immigrant visa
- 8 U.S.C. 1306 Counterfeit INS documents, such as alien registration

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- 18 U.S.C. 911 False claims to U.S. citizenship (imposters, photo substitution of U.S. passport)
- 18 U.S.C. 1001 Other (fraudulent documents, imposter, no documents, etc.)

(4) If the alien is to be detained, consult 8 CFR 236.1(e) to ensure that, if required, the appropriate consular official is immediately notified of the alien's detention, even if the alien requests that this **not** be done. Notify the alien that he or she may communicate with a consular official.

(5) Complete local procedures for authorization and arrangement of detention, if appropriate. If the alien is being detained pending the removal hearing, complete a Form I-94 for NIIS entry notated: "I-862 served - Detained at _____ for removal proceedings on (date). (Date), (Place), (Officer)." Section 235(b)(2) of the Act, as amended by IIRIRA, provides the detention authority for arriving aliens placed into removal proceedings under section 240. This provision is functionally equivalent to the old 235(b), and does not require issuance of a Warrant of Arrest.

(6) In cases involving fraudulent documents, if the sworn statement includes an admission of the fraud, no forensic analysis may be required prior to the hearing. If there is no admission, consider forwarding the fraudulent document to the Forensic Document Laboratory (FDL) for analysis. [See Chapter 32 for details on using FDL services.]

(7) Search for existing Service records in CIS and other appropriate automated systems. If an "A" file exists, create a temporary file and request the permanent file for the hearing, otherwise, open a new file. [Chapter 31 contains detailed information on use of Service data bases.]

(8) At air and seaports, serve the carrier with Form I-259, Notice to Detain, Remove, or Present Aliens, and check the appropriate boxes to advise the carrier of potential liability for removal and to order the carrier to remove the alien when the removal process is finished.

(9) If the alien is to be released for an removal hearing at an onward office, complete a Form I-546, Notice to Appear for Deferred Inspection, following procedures set forth in Chapter 17.1. In such cases, the I-862 will be served by the onward office. Although ordinarily not an option, this procedure is may be appropriate for determining whether to institute removal proceedings in cases involving returning permanent residents.

(10) Prepare two identical sets of all documents to be submitted as evidence: one for the Service file, and one for the Immigration Court.

(c) **Post-hearing actions.**

(1) **Alien ordered admitted.** Complete the inspection process as you would any other admission, including processing a new Form I-94, noting the remarks block "ordered admitted by immigration judge". Collect any prior departure I-94, stamp the reverse with your admission stamp and forward for data entry.

When the immigration judge orders the admission of a detained alien or an alien at a land border, and the decision is not final because the Service's appeal time has not tolled, an appeal has not been decided, or the decision has been certified to the Board of Immigration Appeals, release and parole the alien unless particular facts, such as an alien's serious criminal background, warrant other action.

(2) **Alien ordered removed.** Complete and serve Form I-296, Notice to Alien Ordered Removed/Departure Verification, on the alien, checking the appropriate box to indicate the duration of the penalty imposed and the reason for such penalty. The penalty for an aggravated felony may be imposed on such felon, even if the alien was not charged as being inadmissible as an aggravated felon in this proceeding. Forward one set of fingerprints on Form FD-249 to the FBI. At the time of actual removal, a photograph and a pressed print of the alien's right index finger should be placed on the Service copy of the I-296, the alien should sign the form, and the particulars of the departure entered on the form for retention in the file. Cancel the alien's visa or border crossing card, if appropriate, and complete and distribute Form I-275 as described in Chapter 17.2. Note the passport with the file number and action taken, for example: "Ordered Removed 12/1/97 NYC/Section 212(a)(2)(A)(i)(I)". Forward a copy of the removal order with the I-275 to the Department of State. Prepare a new I-94, endorse it with a parole stamp and note the stamp "For removal from the U.S. by (carrier

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name)", the date of removal, stamp number, port, and action date. Serve Form I-259 on the affected carrier, if appropriate.

In the case of an alien with an immigrant visa ordered removed, the immigrant visa packet, noted by the immigration judge, is retained in the file of the Executive Office for Immigration Review. Other procedures outlined above are the same.

(3) **Alien permitted to withdraw during removal hearing**. In a case where the immigration judge permits the alien to withdraw his or her application for admission prior to conclusion of a hearing, follow procedures described in Chapter 17.2.

(d) **Removal proceedings involving lawful permanent residents.**

(1) **Meaningful Departure**. If a returning lawful permanent resident appears inadmissible, first determine if he or she is an applicant for admission within the meaning of section 101(a)(13)(C) of the Act. See discussion in Chapter 13.

(2) **Procedures**. If you find that a lawful permanent resident is considered to be seeking admission and appears to have abandoned his or her permanent residence in the United States, there are several possible courses of action: deferred inspection, removal proceedings, nonimmigrant admission or parole and, occasionally, withdrawal of application for admission. In any case, temporarily lift, but do not destroy or return to the card facility, the Alien Registration Receipt Card (Form I-551). In instances where detention is not warranted, defer inspection for institution of removal proceedings, as described above in paragraph (b)(10) and Chapter 17.1. If you are going to schedule a removal hearing, follow applicable procedures above. In addition, issue a temporary I-551 in accordance with 8 CFR 264.5(g) and local procedures. Note the reverse of the temporary card: "Alien is scheduled for removal hearing - do not admit as LPR." Parole the alien for the time necessary to conclude the removal proceeding. Abandonment of residence is discussed in Chapter 17.10, below.

(3) If a lawful permanent resident appears to be inadmissible under section 212(a)(3)(A) (except clause (ii)), (B) or (C), notify your regional director, through the district director, of the facts of the case.

(e) **Proceedings involving VWPP applicants claiming asylum**. When the immigration judge denies asylum to a refused VWPP applicant, arrange for the alien to be removed on the first available transportation to the point of embarkation.

17.7 Temporary Inadmissibility under section 235(c).

(a) **General**. An immigration officer must, pursuant to section 235(c) of the Act, temporarily deny admission to the United States to any nonimmigrant who appears to be inadmissible under section 212(a)(3)(A) (other than clause (ii)), (B) or (C). Such actions, although rare, are extremely serious and sensitive.

(b) **Procedures**. Basic procedures for temporary denial of entry are set forth in 8 CFR 235.8. Take a brief sworn statement from the alien, if possible. Exercise caution in asking questions to insure you do not compromise classified information or confidential sources. Complete and serve the alien with Form I-147, Notice of Temporary Inadmissibility. Explain the action being taken and the right to submit a written representation. Complete actions to remove the alien on the first available transportation. Immediately prepare and submit a short memorandum to the district director containing the alien's name, date and place of birth, residence address, file number if known, port and date of temporary inadmission, and a summary of all pertinent facts developed during the inspection. If the alien was entering as a delegate to a convention, provide the date and place of the convention and the sponsoring organization. In sensitive, high profile cases, follow the procedures for reporting incidents described in Chapter 2.7. Institute checks with other law enforcement agencies to develop further information. Prepare Form G-325A, mark it "Special Handling- I-147 served pursuant to 8 CFR 235.8" and forward it expeditiously to the district director. Photocopy the data page, visa page, and any other pertinent pages from the alien's travel document.

If the alien previously resided in Canada, forward Form G-325B to the Service liaison officer in Ottawa. When a current Canadian resident is to be temporarily denied admission on security-related grounds, notify the liaison officer in Ottawa by phone or fax, providing available personal data. If the denial of admission is based on lookout information, the liaison officer should be so advised, and if the lookout is a temporary one, also provide

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a synopsis of the lookout. The liaison officer will consult available sources and provide information to the port normally within a few hours. Delay action pending receipt of the response.

After five days, or upon receipt of the alien's written statement, prepare a detailed report for submission to the regional director. In addition to the information from the summary report, include other personal data such as marital status; the destination, duration, and purpose of the proposed visit; basis for temporary inadmissibility, including sources, reliability of informants, and identify what, if any, information is classified and an assessment of whether disclosure of the information would be prejudicial to the public interest, safety, or security of the United States. Attach a copy of any sworn statement taken, or explain why there was none. Attach the results of checks with other agencies. Make a recommendation as to whether or not the alien should be accorded a hearing by an immigration judge.

(c) **Closing actions after the regional director's determination.** If the regional director determines that the temporary inadmissibility order is to be made permanent, the alien is to be notified immediately in person or by registered mail following the procedures described in 8 CFR 235.8(b)(3). The regional director will use Form I-148, Notice of Permanent inadmissibility, to effect this notification. Prepare Form G-166, Report of Investigation. Under the "Synopsis" section, note the following information, if available: alien's occupation, height, weight, sex, color of hair and eyes, and data concerning the travel document and visa. Prepare and distribute Form I-275 as described in Chapter 17.2. If the alien is to be accorded a removal hearing, follow the procedures outlined in Chapter 17.6.

In the case of a Canadian resident, when a decision is made to deny admission temporarily or permanently, advise the liaison officer in Ottawa of all pertinent details and provide a copy of the final report.

17.8 Detention of Aliens.

(a) **General.** Follow local guidelines and procedures for authorization to detain an alien for removal. General Service detention policy is outlined in AM 20.013. Procedures for handling of funds and other personal property are set out in AM 20.016 and 20.027.

(b) **Special notification requirements.** Notify the regional director with the details relating to the detention of any C, G, or I nonimmigrant destined to the United Nations or any politically prominent alien, regardless of the nonimmigrant category.

(c) **Protective Custody.** The INS may provide protective custody to a consenting applicant for admission who is or may be subject to involuntary repatriation or any form of coercion which could inhibit the free exercise of will in deciding whether to depart from the United States. This authority is exercised incident to section 235(b) to detain inadmissible aliens if failure to detain would result in harm to the national interest. Protective custody, as described here, shall be provided to consenting aliens only upon authorization of the regional director, or upon advance arrangements made through the Department of State.

(d) **Juvenile Detention.** Special care must be exercised when considering detention of persons under the age of 18. Service policy is outlined in AM 20.001 and must be strictly followed.

(e) **Asylum-Seeking TWOV Passengers.** In view of adverse decisions in three separate circuit courts, the Service will no longer adhere to the prior policy of holding carriers responsible for the detention and detention-related expenses of asylum-seeking TWOV passengers [General Counsel opinion of August 10, 1992 is superseded.]. The Service shall take and maintain custody of such asylum-seekers, pending a decision on the asylum claim. If the asylum claim, including any appeal, is denied, the TWOV passenger shall be delivered to the responsible carrier for removal from the United States. Any costs incurred from that point associated with detention or removal of the alien TWOV shall be borne by the carrier.

17.9 Medical Referrals.

(a) **General.** The U.S. Public Health Service (PHS) has statutory and regulatory responsibility to prevent the introduction, transmission, and spread of communicable disease from foreign countries into the United States. Applicable regulations are found in 42 CFR Parts 34 and 71. These responsibilities are delegated to the Centers

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for Disease Control and Prevention (CDC), National Center for Infectious Diseases, Division of Quarantine.

Quarantine stations are located at several major international airports. Each quarantine station has responsibility for all ports in an assigned geographic area. You should know which quarantine station has jurisdiction over your port. Historically, PHS quarantine stations have been referred to in the port community simply as "PHS" or "Public Health." As actual organizational names and assignments have changed over the years, that tradition has remained constant.

The Division of Quarantine is empowered to apprehend, detain, medically examine, or conditionally release individuals (including U.S. citizens) suspected of having one of the following diseases:

- Cholera and suspected cholera,
- Diphtheria,
- Infectious tuberculosis,
- Plague,
- Suspected smallpox,
- Yellow Fever, and
- Suspected viral hemorrhagic fevers such as Lassa, Marburg, Ebola, Congo-Crimean and others not yet isolated or named.

Foreign quarantine regulations require that death or illness of an arriving international passenger or crew member is to be reported by the captain of the arriving ship or plane to the quarantine station having responsibility for the port of entry; however, illnesses are not always reported.

Whenever a Federal inspector has any questions regarding public health entry requirements for persons or importations, he or she should contact (day or night) the appropriate quarantine station or Division of Quarantine headquarters in Atlanta, Georgia. [A list of addresses and phone numbers for quarantine stations is contained in Appendix 17-2.]

(b) **Inspection of arriving persons.** The following guidelines relate to the inspection for medical purposes, of all arriving international passengers and crewmembers.

(1) **Observe** all arriving passengers and crew for signs and symptoms of illness, such as rash, unusually flushed or pale complexion, jaundice (unusual yellowing of skin and eyes), shivering, profuse sweating, diarrhea, and inability to walk without assistance. A person is considered to be ill in terms of foreign quarantine regulations when symptoms meet the following criteria:

(A) Temperature of 100 degrees F. (38 C.) or greater which is accompanied by one or more of the following: rash, jaundice, glandular swelling, or which has persisted for 2 days or more;

(B) Diarrhea severe enough to interfere with normal activity or work.

(2) **Hold ill passengers and crew, and ask for details about symptoms and itinerary.** At a port-of-entry where a quarantine station is staffed, that station should be notified and a quarantine inspector will investigate. If there is no quarantine inspector at your port, the appropriate quarantine station should be notified. The quarantine station will release or conditionally release the ill person, or if the circumstances warrant, call a physician to conduct an examination and recommend appropriate action.

(3) **Check itinerary.** It is sometimes necessary to check the itinerary of arriving persons because of the possibility of an outbreak of a communicable disease in a foreign area. Knowledge of the itinerary helps in determining the appropriate preventive measures. If this situation should arise, CDC will direct that each arriving person be asked if he or she has been in the infected country within a specified number of days. If so, the person is to be referred to the appropriate quarantine station.

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(c) **Medical inspection of arriving aliens:** The health-related grounds of inadmissibility of aliens under section 212(a) of the Act provide for the inadmissibility of an alien who:

(1) Is determined to have a communicable disease of public health significance (currently, the same diseases previously classified as "Dangerous Contagious Diseases" which are: Chancroid; Gonorrhea; Granuloma Inguinale; Human Immunodeficiency Virus (HIV) Infection; Leprosy, infectious; Lymphogranuloma Venereum; Syphilis, infectious stage; and Tuberculosis, active.); or

(2) Seeks admission or adjustment as an immigrant and who has not been vaccinated against at least the following diseases: mumps, measles, rubella, polio, tetanus, diphtheria, pertussis, influenza type B and hepatitis B, and any other vaccinations recommended by the Advisory Committee on Immunization Practices; or

(3) Has or had a physical or mental disorder with associated behavior that poses or may pose a threat to the property, safety, or welfare of the alien or others; or

(4) Is a drug abuser or addict.

Inspectors should immediately advise the appropriate quarantine station when an immigrant arrives without medical documents or with incomplete medical documents. When processing aliens, do not keep the alien's chest X-ray film. This is an important medical document that the alien should retain as part of his or her permanent health records.

Refer to the appropriate quarantine station all aliens for whom a "Medical Hold" (Form CDC 75.40) should be issued. Candidates for a "Medical Hold" are:

(A) All aliens who are not routinely required to have a medical examination and who, upon arrival in the U.S., exhibit a physical condition which may render them inadmissible under section 212(a) of the Act;

(B) All aliens who are not routinely required to have a medical examination and who, upon arrival in the U.S., exhibit variations in behavior which may indicate a physical or mental disorder that may pose a threat to the property, safety, or welfare of the alien or others, and may be inadmissible under section 212(a) of the Act;

(C) All aliens who require a medical examination overseas (immigrants, refugees, fiance(e)s of U.S. citizens and their minor children), but who arrive without evidence or with incomplete evidence of having had one performed, or with one that has expired. Satisfactory evidence can consist of a properly completed "Medical Examination of Applicants for United States Visas" (Form OF-157), with results of chest X-ray and serologic tests for syphilis and human immunodeficiency virus (HIV) infection indicated. (NOTE: Chest X-ray and serologic tests are required for aliens 15 years of age and older.); and

(D) All aliens with a **Class A condition** or a **Class B condition** including tuberculosis, not infectious; and Hansen's disease [leprosy], not infectious. These aliens should have a stamp imprinted on the face of their visa (Form OF-155A) as follows:

CLASS A OR CLASS B REQUIRES ATTENTION OF USPHS AT POE

While consular officers normally stamp the OF-155A when an immigrant has a medical condition of public health concern, this is sometimes not done. The inspector should check all OF-157's whether or not the "Attention PHS" stamp is present.

When quarantine station personnel are not available to process aliens with these medical conditions, retain a copy of the OF-157. On the reverse side, write the alien's U.S. address, sponsor's name and address, arriving flight and date, port-of- entry, and the INS inspector's name. A photocopy of the alien's visa (OF-155A) is satisfactory in lieu of transcribing this information on the reverse of the OF-157 provided that the address is correct on the OF-155A and that the flight number and date of arrival are recorded on the OF-155A prior to making the photocopy. The OF-155A and/or OF-157 with requested information should be given, mailed, or sent by FAX to the appropriate quarantine station.

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If the alien has a Class A communicable disease of public health significance, copies of the OF-157, OF-155A, and both sides of the I-601 (being changed to new Form I-724) waiver application should be given or mailed to the appropriate quarantine station. The statements to be completed by waiver applicants who are HIV positive or who have Hansen's disease will be affixed to the back of the I-601 waiver application by CDC Division of Quarantine staff. See IMMACT Wire #65 dated August 7, 1991 for further information.

If the alien has a Class A physical or mental disorder with associated harmful behavior, a copy of USPHS/CDC Form 4.422-1, "Statements in Support of Application for Waiver" should be given or mailed to the appropriate quarantine station, along with the OF-157, OF-155A, and I-601 (I-724).

NOTE: There is no waiver provision in the law for aliens applying for immigrant visas who are found to be excludable under section 212(a)(1)(A)(iv) for drug abuse or addiction. If an alien arrives with a visa indicating Class A drug abuse or addiction, please refer to the appropriate quarantine station.

(E) Refugees and asylees normally arrive at ports where quarantine inspectors are assigned, but this may not always be the case. Notify the appropriate quarantine station of all refugees and asylees entering the U.S. for the first time. If a quarantine inspector is not available to process the refugee or asylee, you will be asked to obtain the following information, normally by making copies of documents carried by the refugee or asylee. This information is necessary to ensure that all refugees and asylees receive a health screening and any appropriate immunizations or treatment at the place of resettlement:

- Name, date, country of birth, and sex of refugee,
- Language Spoken,
- "A" Number,
- Name, address, and phone number of local sponsor,
- Name of Principal Sponsor (Voluntary Agency), and
- Date, place of arrival, and flight number.

(F) Every effort should be made to determine the tuberculosis status of parolees prior to release. Refer those who are suspected of having infectious tuberculosis to the appropriate quarantine station.

17.10 Abandonment of Lawful Permanent Resident Status.

(a) **General.** There are several possible actions when the inspecting officer has reason to believe an alien seeking admission with an alien registration card or SB-1 visa has actually abandoned lawful permanent residence. Refer to the discussion in Chapter 13 on this subject. In some instances, the applicant voluntarily wishes to relinquish his or her alien registration document and either enter as a nonimmigrant or depart from the U.S. immediately. Most often such aliens will already be in possession of a nonimmigrant visitor's visa. The inspecting officer must never coax or coerce an alien to surrender his or her alien registration document in lieu of a removal hearing.

(b) **Procedure for documenting abandonment of residence.** In a situation where the alien does voluntarily relinquish his or her alien registration card, complete Form I-407, Abandonment by Alien of Status as Lawful Permanent Resident. The alien must sign the I-407, acknowledging that the action is strictly voluntary. Execute Form I-89, completing the appropriate blocks if the alien is surrendering Form I-551, Alien Registration Receipt Card. If the alien is surrendering a previous edition, Form I-151, no I-89 is required. Ordinarily, you should take a sworn statement in addition to completing Form I-407. Forward the I-89 to the Immigration Card Facility and the I-407 to the appropriate files control office for CIS data entry. Admit the alien as a nonimmigrant, following normal procedures for aliens with visas, or exercising the visa waiver option pursuant to section 212(d)(4) of the Act or under the Visa Waiver Pilot Program. If the alien chooses to immediately depart the U.S., advise the alien that he or she may still be entitled to issuance of a temporary alien registration card, for reentry and a removal hearing, as described above in Chapter 17.6(d).

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Occasionally, you may receive an alien registration card surrendered by a resident alien to the transportation line, where the alien has already departed the U.S. and expressed to the carrier an intention to relinquish residence. If you are certain of the facts surrounding the abandonment, execute Form I-407, noting the departure information and other relevant facts. If the alien has not yet departed and if time permits, take a sworn statement concerning the facts surrounding the abandonment and attach it to the I-407.

(c) **Restriction in the San Antonio District.** The U.S. District Court for the Southern District of Texas prohibits immigration officers from soliciting or taking waivers of removal hearings in INS district 14. See Leticia Sanchez-Hernandez et al c. Richard Casillas et al, Civil Action No. L-78-4 2, April 10, 1981.

17.11 Asylum Claims.

Alien applicants for admission who claim asylum will generally be processed for removal proceedings. Aliens who are inadmissible under section 212(a)(6)(C) or (7) are subject to the expedited removal provisions and will be referred immediately to an asylum officer for a credible fear interview. See Chapter 17.15 for processing asylum claimants under section 235(b)(1)(A)(ii) of the Act. If other grounds of inadmissibility are being lodged against the alien, institute regular removal proceedings under section 240 of the Act. See Chapter 17.6. See also Chapter 17.8(e) regarding detention of TWOV asylum claimants.

17.12 Bonds.

Whenever an alien for whom a bond has been posted is admitted, endorse the reverse of the arrival portion of the I-94 with the "A" number, FCO code and the word "Bond". When a bond has been pre-posted as a condition of visa issuance, the nonimmigrant visa will be so noted by the consular officer.

17.13 Visa Waiver Pilot Program Cases.

See discussion in Chapter 15.7 concerning VWPP refusals and limitations on removal hearings. A VWPP applicant who claims asylum may be accorded a limited removal hearing, but such a hearing is limited solely to the issue of asylum or withholding of removal, in accordance with 8 CFR 208.2(b). In such a situation, process the applicant using Form I-863, Notice of Referral to Immigration Judge.

17.14 Lookout Intercepts.

See Chapter 31.6.

17.15 Expedited Removal.

(a) **Inadmissibility.** An alien found to be inadmissible solely under section 212(a)(6)(C) or 212(a)(7) of the Act may be ordered removed by a Service officer at the port-of-entry without a hearing before an immigration judge. Referred to as expedited removal, this procedure was added to section 235(b)(1) of the Act by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208. The provision itself became effective April 1, 1997. This new process gives immigration officers a great deal of authority over removal of aliens and will remain subject to serious scrutiny by the public, advocate groups, and Congress. All officers should be especially careful to exercise objectivity and professionalism when refusing admission to aliens under this provision. Because of the sensitivity of the program and the potential consequences of a summary removal, you must take special care to ensure that the basic rights of all aliens are preserved, and that aliens who fear removal from the United States are given every opportunity to express any concerns at any point during the process. Since a removal order under this process is subject to very limited review, you must be absolutely certain that all required procedures have been adhered to and that the alien has understood the proceedings against him or her.

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Arriving aliens who are inadmissible under section 212(a)(6)(C) or (7) are subject to expedited removal under section 235(b)(1) of the new Act. If 212(a)(6)(C) and 212(a)(7) are the only charges lodged, the alien must be processed under expedited removal and may not be referred for an immigration hearing under section 240. If additional charges are lodged, the alien may be referred for a section 240 hearing, but this should only occur in extraordinary circumstances. Generally speaking, if an alien is inadmissible under 212(a)(6)(C) or (7), additional charges should not be brought and the alien should be placed in expedited removal. Aliens charged with grounds other than 212(a)(6)(C) or (7) should be referred for a hearing under section 240. There will be very few instances where it will be advantageous to the Service to lodge additional charges and institute section 240 removal proceedings if a solid expedited proceeding can be concluded. Even in criminal cases, an expedited proceeding will normally be the preferred option.

If the alien appears to be inadmissible under the provisions of section 235(c) of the Act as a terrorist or other special interest case, refer to Chapter 17.7 or, in appropriate circumstances, detain the alien for removal proceedings conducted by the Alien Terrorist Removal Court under Title V of the Act.

The authority to formally order an alien removed from the United States, without hearing or review, carries with it the responsibility to accurately and properly apply the grounds of inadmissibility. Any immigration officer issuing an expedited removal order and any designated supervisory officer concurring on an expedited removal order must have completed Phase I of the official 96 Act Training Program prepared by the Training Division. Phase I training was also incorporated into the curriculum of all IOBTC classes which were graduated on or after June 3, 1997 (class numbers IOBTC-264 and above).

The Service retains the discretion to permit withdrawal of application for admission in lieu of issuing an expedited removal order. Provisions for withdrawal are now contained in both statute and regulation, with specific guidance in the IFM and should be followed by all officers with authority to permit withdrawals. As an example, in cases where a lack of proper documents is the result of inadvertent error, misinformation, or where no fraud was intended (e.g. an expired nonimmigrant visa), Service officers may consider, on a case-by-case basis and at the discretion of the Service, any appropriate waivers, withdrawal of application for admission, or deferred inspection to resolve the ground of inadmissibility rather than issuing an expedited removal order.

When an unaccompanied minor or mentally incompetent alien appears to be subject to expedited removal, and the case cannot be resolved under existing guidelines by granting a waiver, deferring the inspection, or by other discretionary means, an expedited removal order may be issued, but the order must be reviewed by the district director or the deputy district director, or person officially acting in that capacity, before the alien is removed from the United States.

All officers should be aware of precedent decisions and policies relating to the relevant grounds of inadmissibility. Section 212(a)(6)(C) is an especially difficult charge to sustain, unless the case involves obviously fraudulent or counterfeit documents. Misrepresentation is even more difficult to determine. Also keep in mind that an alien who is determined to be inadmissible for fraud or misrepresentation is barred forever from the United States, with few waivers available. Any one or several of the following points should be considered in determining if an alien has committed fraud or misrepresentation.

- To support a charge of having procured a document by fraud or misrepresentation, the procuring must have been done from a government official, not from a counterfeiter, and any misrepresentation must have been practiced on a U.S. Government official.

- The procurement by fraud must relate to a person who has done so to obtain his or her own admission, not someone else's.

- The fraud or misrepresentation must be material, i.e., the alien is inadmissible on the true facts, or the misrepresentation tends to shut off a relevant line of inquiry that might have resulted in a determination of inadmissibility.

- In general, an alien should not be charged with misrepresentation if he or she makes a timely retraction of the misrepresentation, in most cases at the first opportunity.

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- Silence or failure to volunteer information does not in itself constitute a misrepresentation.
- Aliens who are determined to be mentally incompetent and small children judged to be incapable of independently forming an intent to defraud should not be ordered removed using section 212(a)(6)(C) as the inadmissibility charge. The preferred charge in such cases would be section 212(a)(7).

All expedited removal orders require supervisory approval before service upon the alien. By regulation, this approval authority is not to be delegated below the level of a second line supervisor. Each district may determine at what level (second line supervisor or above) this review authority should be delegated. The expedited removal provisions are not applicable in preclearance or preinspection operations. If the Service wishes to proceed with expedited removal of an alien inspected during an en route inspection of a vessel, action on the case will be deferred until the vessel has arrived in the United States. The alien may then be processed as an expedited removal case.

Port directors are responsible for ensuring that all U.S. Customs officers who are cross-designated to perform immigration inspections are adequately trained in the expedited removal provisions. Customs officers shall not issue expedited orders of removal, even in ports where there is only a Customs officer on duty. Such cases must be referred to an INS officer if a decision is made to pursue expedited removal.

See Appendix 17-3 for a flow chart mapping the entire expedited removal process.

(b) **Preparing a Case.** The steps to be taken when ordering an alien removed under the expedited removal provisions differ somewhat from those in normal removal proceedings. As when referring an alien for a removal hearing before an immigration judge, it is important that a complete, accurate record of removal be created, and that any expedited removal be justifiable and non-arbitrary. Numerous Service forms have been revised or newly created to conform with IIRIRA. The revised forms are listed in 8 CFR 299.1 and 299.5 of the interim regulations. A separate IIRIRA wire details the list of forms and how to obtain them. Districts may request these forms from the Service Forms Centers. In addition, the forms are being incorporated in electronic format into numerous automated forms-generation systems.

The following steps must be taken in each case in which an order of expedited removal is contemplated or entered against an alien:

(1) Clearly explain to the alien, in a language he or she understands, the serious nature and impact of the expedited removal process. Read the statement of rights and consequences contained on the first page of Form I-867A, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act, to the alien. Explain that you will be taking a statement from him or her, and that any information given or discovered will be used in making a decision on the case and may result in his or her prompt removal. Advise the alien that if he or she is found to be inadmissible and a decision is made to order the alien removed, he or she will be immediately removed from the United States. Explain that there is no appeal to this decision and that this will be his or her only opportunity to provide any information or state any fear of return or removal that he or she may have.

(2) In every expedited removal case, you must use Form I-867A & B to take a complete sworn statement from the alien concerning all pertinent facts. The information discussed in paragraph (1) above is printed on the form and should be carefully explained to the alien. If the case did not initially appear to involve inadmissibility and removal under the expedited removal proceedings, and the sworn statement was begun using other Service forms, you must immediately advise the alien of the rights and warnings on Form I-867A once you determine that the expedited removal proceedings will apply.

The sworn statement will usually be done in question and answer format, but a narrative format may be used in simple, straightforward cases not involving potentially sensitive or contentious issues. The sworn statement should cover several general areas of inquiry:

Identity - including true name, aliases, date and place of birth and other biographical data.

Alienage - determine citizenship, nationality, residence. Cover any possible claim to U.S. citizenship through parents.

Inadmissibility - questions should cover the alien's reason for coming to the United States, information

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about the specific facts of the case and the specific suspected grounds of inadmissibility.

Fear of persecution or torture - if the alien indicates in any fashion that he or she has a fear of persecution, or that he or she has suffered or might suffer torture, you are required to refer the alien to an asylum officer for a credible fear determination. One of the significant differences between expedited removal proceedings and regular removal proceedings is that the inspecting officer has a responsibility to ensure that anyone who indicates a fear of persecution is referred to an asylum officer for a credible fear determination. Inspectors should consider verbal as well as non-verbal cues given by the alien. The obligatory questions on the Form I-867B are designed to help in determining whether the alien has such fear. In some cases, this area of discussion might arise during the main body of the sworn statement (i.e., before you reach the jurat page, Form I-867B) and you may have already asked these specific questions. If the exact questions have already been asked and answered, you may elect to line out the identical questions on the jurat page. Otherwise, ask the questions as they appear on the I-867B at the end of the sworn statement. If the alien indicates an intention to apply for asylum or a fear of harm or concern about returning home, the inspector should ask enough follow-up questions to ascertain the general nature of the fear or concern. Do **not** go into detail on the nature of the alien's fear of persecution or torture; leave that for the asylum officer. If an alien asserts a fear or concern which is clearly unrelated to an intention to seek asylum or a fear of persecution, then the case should not be referred to an asylum officer. In determining whether to refer the alien, inspectors should not make eligibility determinations or weigh the strength of the claims, nor should they make credibility determinations concerning the alien's statements. The inspector should err on the side of caution and apply the criteria generously, referring to the asylum officer any questionable cases, including cases which might raise a question about whether the alien faces persecution. Do not make any evaluation as to the merits of such fear; that is the responsibility of the asylum officer. Immigration officers processing aliens for expedited removal may contact the asylum office point(s) of contact when necessary to obtain guidance on questionable cases involving an expression of fear or a potential asylum claim.

Impact of decision - once you have gathered all the facts, you will decide, usually in consultation with a supervisor, the best course of action. Depending on the circumstances, you may admit the alien, allow the alien to apply for any applicable waivers, defer the inspection or otherwise parole the alien, permit the alien to withdraw his or her application for admission, issue an expedited removal order, or refer the alien for a credible fear determination. Whatever decision is made, clearly advise the alien of the impact and consequences of the determination and record this in the statement.

You must use Form I-867B as the final page of the sworn statement and jurat. Be sure to obtain responses from the alien regarding the closing questions contained on the form. If the alien in any way indicates a fear of removal or return, follow the procedures in paragraph (d) of this section. Collect any additional evidence relevant to the case which is discovered during the inspection process. Provide a copy of the completed statement, upon signature, to the alien. Retain a copy for the Service file and copy for the port file.

(3) Prepare three copies of Form I-860, Notice and Order of Expedited Removal. Check the appropriate ground(s) of inadmissibility under which the alien is being charged (e.g. 212(a)(6)(C)(i)), and insert a narrative description of each charge. Read and explain the charges to the alien in the alien's native language or in a language the alien can understand. An interpreter may be required to ensure that the alien understands the allegations and the removal order. Interpreters should not be used if they are employees of the government of the alien's home country, such as an employee of a government-owned airline, except for the most routine questioning. Never use an employee of a foreign government if there is any possibility of sensitive areas (e.g., persecution or torture) being discussed. The alien should be given an opportunity to respond to the charges, and any response must be recorded either in the sworn statement or as an addendum to the statement.

After all statements are taken and other paperwork is complete, present it through your chain of command to the appropriate supervisor (not to be delegated below the second line supervisor) or person acting in that capacity, for review and approval. If the appropriate supervisor is not present at the port, the supervisory review and approval may be obtained telephonically, by fax, or by other means. The approving authority must be properly advised of all facts in the case in order to make an informed decision. Print the name and title of the supervisor approving the order, and check the box on the form indicating that concurrence was obtained telephonically or by other means. The expedited removal order must be signed legibly by the preparing officer.

(4) Obtain the photograph and fingerprints of the alien on FD-249 fingerprint cards (three sets-- see chapter 18.9(c) for distribution). Be sure to complete the entire form and to properly code the fingerprint cards

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with the proper United States Code citation, since the FBI will not clear cards without such codes. Following are examples of codes that may be used:

- 18 U.S.C. 1544 Photo substitutions
- 18 U.S.C. 1546 Counterfeit immigrant visa
- 8 U.S.C. 1306 Counterfeit INS documents, such as alien registration
- 18 U.S.C. 911 False claims to U.S. citizenship (imposters, photo substitution of U.S. passport)
- 18 U.S.C. 1001 Other (fraudulent documents, false statements, imposter, etc.)

(5) Obtain forensic analysis, if appropriate. In cases involving fraudulent documents, if the sworn statement includes an admission of the fraud, no forensic analysis may be required. Due to the expedited nature of the proceedings, actual forensic examination of the document by the Forensic Document Laboratory (FDL) may not be feasible. This does not mean that it is permissible to "rush to judgement", or that it is permissible to expeditiously remove an alien based on incomplete evidence. If forensic analysis is required to establish that the alien is inadmissible, such analysis must be obtained before the Form I-860 is executed. If necessary, the alien should be detained until the analysis is performed, and then the I-860 can be executed. (On the other hand, if the alien's inadmissibility under section 212(a)(7) has been established, there is little or no reason to delay the expedited removal process in order to also establish the 212(a)(6)(C) charge.) Offices with photophones or other communications devices for transmitting quality images should use that technology whenever possible or necessary. [See Chapter 32 for details on using FDL services and for contributing documents or intelligence information concerning the fraud.]

(6) Unless an "A" number already exists for an alien placed into expedited removal, an "A" number must be assigned to every expedited removal case at the port-of-entry in order to ensure proper tracking of the case from the onset.

New codes have been created for entry of expedited removal cases into the Central Index System (CIS). Those new codes are:

ERF - Expedited Removal case has been initiated under section 235(b)(1) INA and a final decision is pending a credible Fear determination by an asylum officer or immigration judge.

ERP - Expedited Removal case has been initiated under section 235(b)(1) INA and a final decision is Pending for reasons other than referral for credible fear interview before an asylum officer.

ERR - Expedited Removal case has been initiated and alien has been Removed from the United States under that program

Entry of cases into CIS should be accomplished as quickly as possible in accordance with district policy. To ensure prompt data entry, "A" files for expedited removal cases should be separated from other files and flagged as expedited removal cases.

New codes are also being created to designate expedited removal cases in the National Automated Immigration Lookout System (NAILS) and the Interagency Border Inspection System (IBIS). The new IBIS disposition codes have recently been posted in the IBIS Daily News. Field offices will be notified as new codes are finalized.

Search for existing Service records in CIS and other appropriate automated systems. If an "A" file exists, create a temporary file and request the permanent file. After the file is received, update it with all relevant documents completed or collected during the expedited removal process, and forward it to the proper files control office. If no previous file exists, create a new "A" file relating to the alien.

(7) Consult 8 CFR 236.1(e) to ensure that, if required, the appropriate consular official is immediately notified of the alien's detention, even if the alien requests that this not be done. Notify the alien that he or she may communicate with a consular official. This normally will only be necessary when removal of the alien cannot be accomplished immediately and the alien must be placed in detention for longer than 24 hours. When

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you contact a consular official, never mention any asylum claim which may have been filed, or give any indication that the alien has expressed a fear of persecution or torture.

(8) If criminal prosecution of the alien is contemplated in addition to expedited removal, the criminal action must be completed before the alien is ordered removed. [See Chapter 18 for procedures for criminal prosecution]. Once the warning of rights has been given to the alien, questioning of the alien can only occur with the alien's consent. If the alien permits questioning and processing to proceed, complete the sworn statement and the Form I-860. Do not serve the I-860 on the alien, but place it in the "A" file pending the criminal processing. If the alien is to be turned over to another law enforcement agency, serve a Form I-247, Immigration Detainer - Notice of Action, on the other agency. Once the alien is returned to INS custody, the I-860 may be served and the alien removed under the expedited removal order.

(9) Serve the original Form I-860 on the alien, unless the alien is to be deferred to an onward office, in which case the service is accomplished by the onward office. Place a copy of the I-860 in the "A" file. The third copy may be retained at the port.

(10) Serve Form I-296, Notice to Alien Ordered Removed. You must check the appropriate box to indicate the period during which the alien must obtain permission to reenter: 5 years for the first removal under section 235(b)(1); 20 years in the case of a second or subsequent removal; at any time if the alien has been **convicted** of an aggravated felony (even though the alien is not being charged as an aggravated felon in this proceeding). At the time of actual removal, a photograph and a pressed print of the alien's right index finger should be placed on a copy of the I-296, the alien should sign the form, and the particulars of the departure entered on the form for retention in the file.

(11) Cancel the alien's visa or border crossing card, if appropriate, and complete and distribute Form I-275 as described in Chapter 17.2. Note the passport with the file number and action taken, for example: "Ordered Removed 12/1/97 NYC/Section 212(a)(6)(C)(i)". Forward a copy of the expedited removal order with the I-275 to the Department of State.

(12) Prepare a new Form I-94. If the alien applied for admission at a land border, annotate the Form I-94 to read: "Form I-860 Removal Order issued pursuant to section 235(b)(1) of the Act. (Date), (Place), (Officer)". If the alien applied for admission at an airport or seaport, use the parole stamp and endorse the I-94 to read: "For removal from the U.S. by (carrier name). Form I-860 Removal Order issued pursuant to section 235(b)(1) of the Act. (Date), (Place), (Officer)".

(13) Detain the alien, as appropriate. Follow local procedures to obtain detention authorization and arrange for detention. Aliens placed into expedited removal proceedings must be detained until removed from the United States. Parole may be permitted only if there is a medical emergency or if it is necessary for legitimate law enforcement purposes, such as for criminal prosecution or to testify in court. Once an alien has established a credible fear of persecution or is otherwise referred (as provided by regulation) for a full removal proceeding under section 240, release of the alien may be considered under normal parole criteria.

If there is insufficient detention space to detain an alien in expedited removal who is arriving at a land port-of-entry and who claims a fear of persecution, that alien may be required to wait in Canada or Mexico pending a final determination of his or her claim. This option should be taken only as a last resort and should only be used for aliens who claim a fear of persecution that is unrelated to Canada or Mexico. Aliens who make false claims to U.S. citizenship, or false or unverified claims to lawful permanent resident, asylee, or refugee status, and aliens who claim a fear of persecution that is related to Canada or Mexico must be detained. Aliens arriving at a land border port-of-entry who do not claim lawful status in the United States or a fear of persecution should normally be processed immediately and either returned to Canada or Mexico or detained until removed. These aliens should not be required to wait in Canada or Mexico pending issuance of an expedited removal order.

Credible fear interviews will normally take place at Service or contract detention facilities. Each port-of-entry and detention facility will be provided with a point or points of contact at the asylum office having responsibility for that geographical area. It is the responsibility of the referring (Inspections) officer to provide the alien being referred for a credible fear interview with both a Form M-444, Information about Credible Fear Interview, and a list of free legal services, as provided in 8 CFR parts 3 and 292. It is the responsibility of the detention or deportation officer to notify the appropriate Asylum office point of contact when an alien subject to

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the expedited removal process requires a credible fear interview, and is being detained in Service custody pending this interview. That officer should also provide any additional information or requirements of the alien, such as whether the alien requires an interpreter or other special requests or considerations. When aliens are detained in non-Service facilities or at remote locations, the referring officer must notify the appropriate Asylum Office. If the alien is subsequently transferred to another detention site, the detention or deportation officer must ensure that the appropriate Asylum Office has been notified.

Normally the credible fear interview will not take place sooner than 48 hours after the alien arrives at the detention facility. If the alien requests that the interview be conducted sooner, the referring officer, or any other officer to whom the alien makes the request, should immediately convey that information to the appropriate Asylum office.

(14) Remove the alien from the United States. Most aliens removed under the expedited removal provisions will be turned over to the carrier of arrival for prompt removal; however, some aliens, such as those who claim asylum or LPR status, may be detained pending a decision on their claim. At the land border, ensure the alien's departure to the contiguous foreign territory. At air and seaports, serve the carrier with Form I-259, Notice to Detain, Remove, or Present Aliens, and check the appropriate boxes to order the carrier to remove the alien when the removal process is finished, or if the case has not yet been completed, to advise the carrier of potential liability.

(15) Every case in which an expedited removal order is issued must be entered into the Deportable Alien Control System (DACS). Entry of data for those aliens detained by the Service will be handled by the Detention and Deportation section responsible for the detention facility. Entry of data for aliens not requiring detention who are removed directly from the port-of-entry is the responsibility of the Inspections section. A separate memorandum issued by the Office of Field Operations on March 18 details the procedures for entry of data into DACS for expedited removal cases. Cases initiated at the ports-of-entry and referred for removal proceedings under section 240 will continue to be entered into DACS by Detention and Deportation.

The expedited removal process will be the subject of extensive inquiry and will require appropriate tracking of specific case data. A separate memorandum regarding tracking of expedited removal cases at ports-of-entry explains how this data collection will be accomplished.

(16) The Inspections Workload Report, Form G-22.1 is being revised to include data relating to expedited removal cases, and is expected to be available October 1, 1997.

(c) **Withdrawal of Application for Admission in Lieu of Expedited Removal Order.** The Service has the discretion to allow an inadmissible alien to withdraw his or her application for admission and depart the United States. See Chapter 17.2 for a full discussion of withdrawal considerations. This discretion also applies to aliens subject to expedited removal, and should be applied carefully and consistently, since your decision to allow withdrawal or issue a removal order is final. Officers should keep in mind that an order of expedited removal carries with it all the penalties of an order of removal issued by an immigration judge (including a bar to reentry of at least 5 years following removal). Follow the guidelines and considerations contained in Chapter 17.2 in determining whether granting withdrawal of application for admission is in the best interest of justice.

(d) **Fear of Persecution or Request for Asylum.** Aliens who indicate an intention to apply for asylum or a fear of persecution may not be ordered removed until an asylum officer has interviewed the alien to determine whether the alien has a credible fear of persecution and warrants a full asylum hearing before an immigration judge.

When questioning or taking a sworn statement from any alien subject to the expedited removal provisions, you need not directly solicit an asylum claim. However, to ensure that an alien who may have a genuine fear of return to his or her country is not summarily ordered removed without the opportunity to express his or her concerns, you should determine, in each case, if the alien has any concern about being returned to his or her country. Further, you should fully explore any statement or indications, verbal or non-verbal, that the alien actually may have a fear of persecution or return to his or her country. You must fully advise the alien of the process, as indicated on the Form I-867A, and of the opportunity to express any fears.

Keep in mind that the alien need not use the specific terms "asylum" or "persecution" to qualify for referral to an

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asylum officer, nor does the fear of return have to relate specifically to one of the five grounds contained within the definition of refugee. The United States is bound by both the Protocol on Refugees and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and, except under extraordinary circumstances, may not return an alien to a country where he or she may face torture or persecution.

The alien may convey fear of violence or harm, a need for protection, an indication of harm to, or disappearance of, relatives or associates, or dangerous conditions in his or her country. Even disputes of a personal nature sometimes may relate to asylum, such as domestic violence, sexual or child abuse, child custody problems, coercive marriage or family planning practices, or forced female genital mutilation. All officers should recognize that sometimes unusual cases have been found eligible for asylum that may not have initially appeared to relate to the five grounds contained in the definition of refugee, such as AIDS victims who face government persecution, land or money disputes with wealthy persons or persons in power, whistle blowers, witnesses to crimes and even organized crime connections. Do not make judgement decisions concerning any fear of persecution, torture, or return. If in doubt, refer to an asylum officer for a determination. Any alien who by any means indicates a fear of persecution or return **may not** be removed from the United States until the alien has been interviewed by an asylum officer.

If the alien indicates an intention to apply for asylum or asserts a fear of persecution or return, and is being referred for a credible fear interview with an asylum officer:

(1) Create an "A" file, if one does not already exist.

(2) Fully process the alien as an expedited removal case, if that is not already being done. Establishing inadmissibility cannot be left to the asylum officer. Record a description of the particulars of the interview and the alien's initial claim to asylum or fear of return by means of a sworn statement. Form I-867A and B must be used for all expedited removal cases. Follow the instructions in paragraph (b)(1) above to ensure that the alien understands the proceedings. Although you need not pursue the asylum claim in detail, enough information should be obtained to inform the asylum officer of the alien's initial claim to asylum or fear of persecution or return. If the alien answers the closing questions on Form I-867B in the affirmative, several other questions may be necessary to determine the nature of the fear or concern.

If the case did not initially appear to involve inadmissibility and removal under the expedited removal proceedings, and the sworn statement was begun using other Service forms, you must immediately advise the alien of the rights and warnings on Form I-867A once you determine that the expedited removal proceedings will apply and then use Form I-867B for the closing questions and jurat. The sworn statement will usually be done in question and answer format, but a narrative format may be used in simple, straightforward cases not involving potentially sensitive or contentious issues.

(3) Complete the Determination of Inadmissibility portion of the Form I-860, including sufficient information to support the charges of inadmissibility should the asylum officer find that alien does not have a credible fear of persecution. Sign **only** the Determination portion of the form. The removal part of the order will be signed by the asylum officer only after it is determined that the alien does not have a credible fear of persecution. Refer also to Chapter 43.3 for documenting any potential fines issues.

(4) Advise the alien of the purpose of the referral and that the alien may consult with a person or persons of his or her choosing, at no expense to the government and without delaying the process, prior to the interview. The Form M-444, Information about Credible Fear Interview, must be given to the alien and explained in a language the alien understands. The alien should sign two copies, acknowledging receipt of the information. One copy should be placed in the A file, and the other retained by the alien.

(5) Arrange for detention of the alien according to local procedures. According to local procedures, you must advise the appropriate asylum office that an alien being detained requires a credible fear interview. The asylum office should also be advised whether the alien requires an interpreter and of any other special considerations. Forward the "A" file to the location where the credible fear interview will take place. Prepare Form I-259 and serve it on the affected carrier. Complete Form I-94 for NIIS entry notated "Detained at _____ pending credible fear interview pursuant to section 235(b)(1)(B) of the Act. (Date), (Place), (Officer)".

An asylum officer will conduct an interview to determine if the alien has a credible fear of persecution, either at

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the detention facility or at a location arranged through the asylum office having jurisdiction over the place of apprehension, depending on location. In some cases, credible fear interviews may be conducted by other asylum-trained immigration officers. If the alien is determined to have a credible fear of persecution, the asylum officer will refer the alien for a well-founded fear hearing before an immigration judge under section 240 of the Act. If the alien is found not to have a credible fear of persecution, following review by a supervisory asylum officer, the asylum officer will order the alien removed pursuant to section 235(b)(1), unless the alien requests that the determination of no credible fear be reviewed by an immigration judge. If the alien makes such a request, the asylum officer will use Form I-863, Notice of Referral to Immigration Judge, checking box #1, to refer the alien to the immigration judge for review of the credible fear determination. If the immigration judge determines that the alien does not have a credible fear of persecution, the Service will present the alien for removal to the carrier on which he or she arrived. There may be some situations where the actual carrier of arrival and port of embarkation cannot be ascertained. Such cases may require additional processing, including detention, in order to arrange for travel documents and transportation at government expense (User Fee).

(e) **Claim to lawful permanent resident, asylee, or refugee status, or U.S. citizenship.** (1) **General.** Cases in which an alien who is subject to expedited removal claims to be a U.S. citizen, claims to have been lawfully admitted for permanent residence, to have been admitted as a refugee under section 207, or to have been granted asylum under section 208, should be handled very cautiously to ensure that the rights of the individual are fully protected. The expedited removal authority provided by IIRIRA is a powerful tool and there are significant interests at issue where such a claim is made. You should be extremely aware of those interests when you are using this tool. There are grave consequences (for the person involved, for the Service, and for the individual officer) involved in incorrectly processing a bona fide citizen, LPR, refugee or asylee for removal. Although the statute and regulations provide certain procedural protections to minimize the risk of such consequences, you should never process a case for expedited removal which you would not feel satisfied processing for a hearing before an immigration judge.

If the alien falsely (or apparently falsely) claims to be a U.S. citizen, lawful permanent resident, refugee, or asylee, and is not in possession of documents to prove the claim, make every effort to verify the alien's claim prior to proceeding with the case. This can be accomplished through a thorough check of the Service data systems, manual request to the Records Division, careful questioning of the alien, or review of Service issued and other documentation presented. Use whatever means at your disposal to verify or refute a claim to U.S. citizenship, including verification of birth records with state authorities, etc.

(2) **Verifiable Claim.** When inspecting an alien whose claim to lawful permanent resident status has been verified, determine whether the alien is considered to be making an application for admission within the meaning of section 101(a)(13). [See discussion in Chapter 13.4.] Although the lawful permanent resident may not be considered to be seeking admission, he or she is nonetheless required to present proper documents to establish his or her status as a lawful permanent resident. If the claim is verified and the alien appears to be admissible except for lack of the required documents, consider a waiver under section 211(b) for a lawful permanent resident, or consider accepting an application for a refugee travel document in accordance with 8 CFR 223.2(d)(2)(ii) for a refugee or asylee. Refer to Chapters 13.2 and 17.5 for a discussion of this and other options for admitting returning residents.

If the claim is verified, but a waiver is not available or is not clearly warranted, such as when fraud was committed in obtaining status or upon entry, or in cases where the alien appears to have abandoned his or her residence, you may initiate removal proceedings under section 240 of the Act. Procedures for preparing for removal hearings and processing inadmissible LPRs are discussed in Chapters 17.6 and 17.10. Although the charging document, Form I-862, Notice to Appear, is the same for both inadmissible and deportable aliens, immigration officers performing inspections at a port-of-entry are authorized to issue a Notice to Appear only to arriving aliens, as defined in 8 CFR 1.1(q). If a lawful permanent resident is not considered to be seeking admission, he or she is not an arriving alien. If a Notice to Appear is to be issued charging the returning resident as a deportable alien, the Notice to Appear must be issued by one of the authorizing officers listed in 8 CFR 239.1, such as the ADDE or ADDI, in accordance with local policy.

(3) **No Verifiable Claim.** If no record of the alien's lawful admission for permanent residence, grant of refugee status, admission as an asylee, or citizenship can be found after a reasonably diligent search, advise the alien that you are placing him or her under oath, or take a declaration as permitted in 28 U.S.C. 1746, and warn the alien of the penalties for perjury. Section 1746 of the Title 28 United States Code reads as follows:

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Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".

The penalties for perjury contained in 18 U.S.C. 1621 (Perjury generally) provide for fine and imprisonment of not more than five years, or both. The penalties for perjury contained in 18 U.S.C. 1546 (Fraud and misuse of visas, permits, and other documents) provide for fine and imprisonment of not more than 10 years, or both.

If the alien declares under oath, pursuant to the advice above, that he or she is a citizen, lawful permanent resident, refugee, or asylee, order the alien removed under section 235(b)(1)(A) and refer to the immigration judge for review of the order. Complete Form I-860 after completing all procedures in this chapter. Serve the Form I-860 on the alien. Serve Form I-259 on the affected carrier, if appropriate. Use Form I-863, checking Box #4, to refer the removal order to the immigration judge for review. The alien should be detained pending review of the order by the immigration judge. In the event an alien who has made a verbal claim to citizenship or to LPR, refugee, or asylee status declines to make a sworn statement, conclude the expedited removal process in the same manner as any other nonimmigrant in the same situation.

If the immigration judge determines that the individual is not a citizen or is an alien who has never been admitted as a lawful permanent resident, refugee, or asylee, the expedited removal order will be affirmed and the alien removed. There is no appeal from the decision of the immigration judge. If the judge determines that the individual is a citizen, the process is completed and the citizen is released. If the judge determines that the alien was once admitted as a lawful permanent resident, refugee, or asylee, and that status has not been terminated, the judge will vacate the expedited removal order and the Service may initiate removal proceedings under section 240.

17.16 Technical Notes.

(a) **Inadmissibility Based on Customs Zero Tolerance Regulations Enforcement**. The Customs Service has a "Zero Tolerance Program" in which subjects found with controlled substances are required to pay a fine in addition to seizure of the controlled substance. When an alien signs a Customs' Service form "Agreement to Pay Monetary Penalty," acknowledging that Customs has seized a specified amount of a controlled substance, and that Customs has fined the alien a specified amount, it will not usually be sufficient to place the alien in removal proceedings under section 212(a)(2)(A)(i)(II). General Counsel Legal Opinion No. 95-4, "Excludability under Customs Zero Tolerance Fines, addresses this issue. Generally, for an admission to lead to inadmissibility under this section, there must be a high degree of specificity as to the basis of the admission. An alien must admit violating a specific controlled substance statute, with reference to the specific statute and to the factual elements that would have to be proved to establish a conviction for the offense. As always, Service officers should be aware of and consider alternative grounds of inadmissibility. The circumstances of a seizure may indicate for example, that an alien is inadmissible under section 212(a)(2)(C) as an alien who there is reason to believe is or has been a controlled substance trafficker. When an alien is placed in removal proceedings, this action should be taken regardless of whether the relevant violation occurred during the current application for admission or a prior one. In assembling evidence for the proceeding, insure the availability of Customs records.

(b) **Inadmissibility after Alien Leaves INS Primary but Remains in Inspectional Area**. There are occasions when an alien, after completing INS primary inspection, is intercepted by another officer of the Service or another agency and is found to be inadmissible. Such alien may be held for removal proceedings if he or she has not left the confines of the federal inspection area, regardless of the fact that the passport may have been stamped

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"Admitted" and an I-94 issued. Case law has made it clear that an alien does not effect an "entry" into the United States for immigration purposes unless all of the following elements are present: (1) the alien is physically present in the territory of the United States; (2) the alien has been inspected and admitted for immigration purposes or the alien has actually and intentionally evaded inspection; and (3) the alien is free from official restraint. Correa v. Thornburgh, 901 F.2d 1166 (2d Cir. 1990); In re Dubbiosi, 191 F. Supp. 65 (E.D. Va. 1961); Matter of Pierre, 14 I & N Dec. 467 (BIA 1973) [See also General Counsel Opinion 91-37.]. Although the definition of "entry" is no longer defined in the INA, and has been replaced by the definition of "admission" and "admitted" in section 101(a)(13), the general provisions still apply in this context.

Chapter 22: Airport Procedures.

References:

INA: Sections 212, 231, 232, 233, 234, 235, 251, 252.

Regulations: 8 CFR 212, 231, 232, 233, 234, 235, 251, 252.

22.1 General.

Aircraft arriving from foreign territory are inspected at ports-of-entry designated in 8 CFR 100.4(c)(3) under authority contained in section 234 of the Act. Although the total volume of passengers is small by comparison to the that of land borders, the inspection process is considerably more complex, reflecting the diverse nature of the persons seeking admission to the United States. Personnel assigned to airport inspectional duties are generally funded by the Inspections User Fee Account, from revenue generated by a \$6.00 per-person charge paid by each arriving passenger through a surcharge to their airline ticket price.

Congress, in enacting the User Fee statute, also mandated that the agency improve the level of inspectional service by reducing waiting times at international airports. In order to insure full compliance with the intent of Congress, the Service has established inspector-to-passenger ratios as a guide to help insure waiting time for arriving passengers does not exceed 45 minutes. [See section 286(g) of the Act.] The normal staffing levels are: one inspector per 45 passengers on flights which are all aliens, one inspector per 100 passengers on flights which are all U.S. citizens and returning residents and one inspector per 60 passengers on mixed flights. Of course, in many locations multiple flights arrive for inspectional area during the same time period. Inspectors who are on duty should not be withheld from primary inspection simply because of these ratios.

A complete list of ports-of-entry for arriving international aircraft is included in 8 CFR 100.4(c)(3). Ports-of-entry are designated by the Secretary of Treasury. Ports-of-entry for the arrival of aliens by air are designated by the Commissioner of INS. [See section 234 of the Act and 8 CFR 234.4.] Aircraft arriving from Cuba must arrive only at the Ft. Lauderdale-Hollywood, FL, airport unless permission is granted by the INS District Director in Miami. [See 8 CFR 234.2.]

22.2 Inspection Systems.

In years past, inspection of arriving air passengers was separately conducted by various inspectional agencies: Public Health, Immigration, Customs and Agriculture. Over time, several interagency agreements have resulted in a variety of consolidated inspectional procedures. The variations among airport Federal Inspectional Services (FIS) work areas at different airports reflect this evolution. As a result of these physical FIS differences, there are some differences in local inspectional procedures, although the inspectional requirements of the Service remain essentially unchanged.

The current inspectional process, used at all new facilities, includes an INS-staffed primary inspectional area with Interagency Border Inspection System (IBIS) terminals, located in front of the baggage claim area. The immigration officer completes a primary inspection, including IBIS query, for all agencies and refers to each agency any secondary cases, according to agreed-upon criteria. A Memorandum of Understanding between INS and Customs which was signed on October 17, 1990, and serves as a guideline for interagency cooperation and procedures at airports, is reproduced as Appendix 22-1.

There are a number of special programs in place which will result in variations in the inspectional procedures. Each of these programs is designed to facilitate the inspection process or improve its effectiveness. Although some may be referenced in this chapter, they will be discussed in more detail in Chapter 26.

22.3 Primary Inspection Procedures.

An airport primary inspector performs a series of procedures to quickly complete the admission of readily

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admissible persons and the detection and referral to secondary of those needing further questioning or more involved processing. The primary immigration inspector conducts an inspection for immigration purposes, including a lookout query for all agencies. A primary officer determines identity, examines the applicant's travel documents, and completes immigration primary inspection of various categories of aliens and citizens, including execution of Form I-94 for admissible nonimmigrants. Detailed procedures for completing inspection of U.S. citizens and each category of nonimmigrant and immigrant are discussed in Chapters 11-16.

22.4 Secondary Referrals.

The inspector must quickly identify passengers who may not be admissible or whose inspection will require additional time. The primary inspector must communicate with the secondary officer via IBIS, concerning the basis for referrals. Local procedures for referral to the secondary areas for each inspectional agency may vary. Generally, each of the procedures discussed in Chapter 17 would be conducted in the secondary area. In addition, most paroles, new immigrant, and refugee admissions are handled as secondary functions because of special stamps required.

22.5 Inspection of Air Crewmembers.

(a) **General.** At most airport facilities a separate booth is designated solely for inspection of crew members. In some locations, this function may be conducted by a secondary officer. The inspector handling the crew will usually also be designated to receive Forms I-92, Aircraft/Vessel Report and the crew list on either an International Civil Aviation Organization General Declaration or Customs Form 7507, and often has responsibility for closing out the flight paperwork, as discussed below. The paperwork is normally presented by an airline ground agent or a member of the crew. Before the agent or crewmember leaves the area, the inspector should review the paperwork to insure that necessary information, such as total number of passengers and crew and flight arrival or block time, has been provided. The separate alien and citizen numbers are not required until after the flight is closed out and Forms I-94 are tallied. If there is missing information, such as a missing crewmember's name, the inspector should advise the ground agent or purser to make the necessary changes to the declaration.

Although air crewmen are subject to the same conditions which apply to crewmen arriving on vessels, there is a lesser enforcement problem relating to air crewmen. Therefore, air crewmembers need not be given the same detailed inspection given to vessel crewmembers. At air ports-of-entry it is the general practice to expedite the admission of arriving crewmen. There is no objection to this practice so long as inspection of arriving passengers is not delayed simply to expedite crewmen. Waiting passengers should not be asked to step aside so that crewmen can be inspected. The crewmen must wait until the inspection of passengers already in the booth is completed. Under no circumstances should the arriving passengers be left with the impression that crewmen come first.

(b) **Passport, Visa and I-95 Requirements for Nonimmigrant Air Crew.** Each arriving alien crewmember must present a completed Crew Customs Declaration, a valid passport with a "D" visa (except as discussed below) and Form I-95. Exceptions:

- (1) Crewmembers who are Canadian citizens are exempt a "D" visa, but require an I-95;
- (2) Crewmembers who are Landed Immigrants of Canada and who are nationals of former commonwealth countries are exempt a "D" visa [See Chapter 15.3(g) for list of commonwealth countries], but require an I-95;
- (3) Mexican crewmembers on the Mexican National Airline, Mexicana, are exempt both a passport and a "D" visa if they present a Mexican "Aeronautical Card"; and
- (4) Crewmembers in possession of Form I-184 do not require an I-95.

The inspector will check off the name of each crew member listed on the General Declaration as he or she checks passport validity and the I-95. It is not necessary to line stamp the reverse of the I-95, unless requested to do so by the alien. It is not necessary to stamp the passport of any alien crewmember. Stamp the Crew Customs Declaration of each crewmember admitted to notify Customs that the immigration inspection has been

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completed. This procedure may vary somewhat at different ports.

If a crewmember does not have an I-95, or has obtained a new passport, the inspector should prepare and execute a new I-95 and staple it in the passport, adjacent to the "D" visa. He or she should also conduct a lookout query in IBIS whenever an I-95 is issued. For the I-95, a "D-1" stamp and line stamp are used, not the regular admission stamp. If no line stamp is available, the inspector will enter the date, stamp number and his or her signature in the space for the line stamp. At major airports, the I-95 is not stamped on the reverse at each subsequent entry, since crewmembers may be encountered many times each month.

If a crewmember with an expired passport or visa is encountered, a visa waiver, passport waiver, or refusal of admission, as described in Chapter 23.3, may be considered.

(c) **U.S. Citizen and Resident Alien Crew.** U.S. citizen crewmembers must have a valid passport only if arriving after travel outside the western hemisphere. Resident alien crewmembers may travel on Form I-551. Resident alien crew ordinarily would not be employed on the same flights as "D" crewmembers. Do not stamp passports of U.S. citizens or returning resident crewmembers unless asked to do so.

(d) **INSPASS and crewmembers.** The INSPASS inspection process is also available to air crew. This means that some crew will not be inspected in the regular crew booth. Verify through Customs that crew members who were not inspected in the crew booth submitted a Crew Customs Declaration at the crew Customs booth.

(e) **"Deadheading" Crew.** "Deadhead" crewmembers are air crew members who enter as passengers or non-working crew on board a regular flight or "positioning" aircraft. They are generally entering solely for the purpose of joining the working crew of an outbound flight. Although ordinarily a C-1 visa is appropriate in such circumstances, a B-1 visa is also permitted. At some ports, such crewmembers may be added to the general declaration and admitted as D-1. In all other circumstances, working crewmembers may be classified only as D-1 or D-2.

22.6 Processing Arrival Manifests and Flight Logs.

(a) **I-92/I-94.** Once the last passenger from the flight has been cleared, complete the citizen/alien counts on the I-92. The alien count will be the tally of all Forms I-94 (regular, TWOV, VWPP, including refugees, parolees and secondary referrals) collected for the flight. The citizen count includes U.S. citizens, alien residents, immigrants and any nonimmigrants who do not require an I-94. (This includes Canadian nationals, aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, Bahamian nationals, British subjects resident in Bahamas, Cayman Islands, and Turks and Caicos Islands.) The I-92 should also contain the number of U.S. citizen and alien crew inspected. After the flight count has been finalized, re-sort Forms I-94, segregating those for F-1, M-1, TWOV, VWPP and departure. Bundle remaining I-94 forms with the I-92 for the flight.

Forward all Forms I-94 and I-92 for data entry as described in Chapter 22.7.

(b) **I-577.** Every INS airport inspectional facility is required to maintain a Daily Air Passenger Inspection Log, Form I-577, containing key information about each arriving aircraft. Most often, this is maintained in the crew booth or secondary area by the crew inspector, secondary inspector or supervisor. The log contains key information concerning the passenger load, arrival and inspection times, and number of inspectors assigned. [See airline codes in Appendix 22-2.] A complete, accurate log is necessary, since the Service is often required to respond to inquiries regarding flight delays and manpower on duty. Frequently, you will be required to process more than one flight simultaneously, somewhat complicating obtaining the flight opening and closing times. Enter flights on the log in order of arrival, to the extent possible. Ports with multiple terminals or separate cargo facilities may maintain multiple daily logs. Flights are generally expected to be cleared in less than 45 minutes. Mark the flight log, in the left hand margin, "DLY" whenever passenger inspection exceeds 45 minutes. In addition, follow local procedures for adherence to the national policy for reporting such delays or other unusual situations affecting the inspection. Do not include clearance times for large groups of TWOV passengers or refugee groups in the passenger processing time for a flight. Note that the first passenger time (FIRST PAX) time on Form I-577 should be the time that the first passenger enters the inspection room and not when the flight paperwork is presented to the crew inspector. If the passengers are detained on the aircraft due to congestion in the inspection area, add to the inspection time the minutes elapsed between blocking and the

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actual commencement of inspection. (Strictly speaking, this does not allow for the time it took for the passengers to proceed from the aircraft to the FIS area, normally counted as time between block time and first passenger.) The last passenger time (LAST PAX) is the time when the last passenger from the flight clears primary inspection. This may be an estimated time if there are multiple flights in the inspectional area at the same time. The flight closing time is the time when the last passenger has cleared both primary and secondary.

(c) **APIS flights.** When entering the number of primary inspectors on duty for an APIS flight, include only those assigned to "Blue Lanes," or actually engaged in inspecting the APIS flight. When completing the I-577 for an APIS flight, mark an "A" in the right hand margin of the flight log next to the flight. If a flight is ordinarily an APIS flight, but was not processed using APIS, note the right hand margin "NA" and explain the reasons for not using APIS on the reverse side of the log.

(d) **ACE flights.** Identify any flight where Accelerated Citizen Examination (ACE) was used by noting "ACE" in the right hand margin next to the flight.

(e) **Overtime billable flights.** Flights arriving between 5:00 p.m and 8:00 a.m and:

- (1) are not scheduled (do not appear on the INS flight schedule), or
- (2) flights which arrive one hour or more off schedule

are billable for overtime charges **only if** there are INS officers working overtime during the time of inspection. Identify billable flights on the I-577 by circling the block time for the flight in red.

(f) **Manifests for Precleared Flights.** Enter all Precleared flights on the I-577, listing passenger and crew counts as "0", unless inspection of either is required.

22.7 Departure Manifest Procedures.

(a) **General.** Air carriers are required to submit departure manifests, ordinarily within 2 working days of departure, as specified in 8 CFR 231.2. The port-of-entry is responsible for reviewing and sorting the departure forms and forwarding them for data entry. In addition, ports must obtain departure flight schedules and insure manifests are received for all scheduled departing flights. Unlike arrival forms, departure I-94 forms do not have to be separated, except for TWOV forms (I-94T). Promptly (not to exceed 3 days from receipt at airports with permanent staff, 7 days at other locations) forward all forms I-92 and I-94 to:

Uniband, Inc.
Hwy 5 West
PO Box 760
Belcourt, ND 58316-0760

(b) **Special TWOV I-94 Handling Requirements.** Form I-94T is the primary document used to determine if a TWOV violation has occurred. Although the TWOV carrier has responsibility for submission of a complete and accurate form for each passenger, Service officers must monitor performance to ensure compliance and for completing the shaded blocks on the form.

Some carriers will ask for INS port officials to sign a receipt for departure I-94T forms, separately turned in from other departure forms. When signing such a receipt, advise the carrier, orally or in writing, that such a receipt does not relieve the carrier from responsibility for proper completion of the departure information. The receipt is merely an acknowledgment that the forms were submitted. Improperly completed departure forms should be sent to the contractor for data entry. The contractor will identify forms with missing departure information and notify the National Fines Office of the possible violation of section 231 of the Act. Port officials should **not** recommend fines in such situations.

Date stamp each departure Form I-94T directly below the admission number with the Service date of receipt. Forms I-94T should be sent for data entry via overnight express, to avoid needless notices of intent to assess liquidated damages.

22.8 Progressive Clearance.

Some flights have been approved to deplane some passengers and crew at one port-of-entry and the remainder at an onward port. In such instances, the agent will deliver two Forms I-92 to the first port of entry. If you are at the first port, record on the flight log and one copy of the I-92 only the number of passengers and crew cleared at your port. Indicate on the second I-92 the number of passengers and crew which remained on board. Stamp the second I-92 with your admission stamp and return it to the agent, to be turned in at the second port. At the onward port, the agent will deliver the I-92 stamped by the first port, indicating the number of passengers and crewmembers which should be inspected. Complete the inspection, I-92 and flight log, including only those persons inspected at your port. Occasionally, there may be domestic passengers who boarded at the first port, but who are not subject to inspection at the onward port. Such passengers should be airline employees, "deadheading" crewmembers or their families. Such persons are not to be included in the flight log or I-92. [See 8 CFR 231.1(c) for authority and conditions of progressive clearance and Chapter 42.8 discussion of progressive clearance approval.]

22.9 Emergency Procedures during Canadian Air Traffic Controller Strikes.

(a) The following guidelines and emergency procedures will be placed in force at the direction of Headquarters in the event of an air controller work stoppage in Canada.

(1) Passengers destined to the United States from Canada will be accorded inspection at preclearance locations in Canada and bused to the United States. They will be accompanied by an airline representative or guard together with a memo from the INS supervisor in Canada stating the number of passengers inspected and boarded on the bus. In this situation, no inspection will take place at the port-of-entry.

(2) Passengers destined overseas from Canada will be transported on buses from the Canadian airport to an airport in the United States. On arrival at a land port-of-entry, the airline representative accompanying the passengers will provide a list containing the names of all persons on the bus to the INS or Customs officer. The bus then may be allowed to proceed to the United States airport of embarkation where the airline representative will provide the list (second copy) of the names of all persons aboard the bus. An INS or Customs officer will observe the boarding of the flight and make a head count for comparison with the listed names. In the alternative, when the airport is close to the port-of-entry, an INS or Customs officer may escort the bus to the airport and observe the boarding. No inspection will be accorded at the port-of-entry or the airport in this situation.

(3) Passengers arriving at a United States airport on a Canada-bound flight will be accorded full inspection if destined to the United States and inspection is requested. All other passengers will not be inspected, but will be transported on buses and escorted to Canada by airline representatives. These flights will be met at the U.S. port of departure by an INS or Customs officer who will then proceed to Canada. In some jurisdictions, the passengers will be inspected by Canadian officials at the border and in others, at Canadian airports of destination. In either case, Canadian officials should furnish a list (second copy) of the names of persons inspected to his United States counterpart at the port or at the airport in Canada (preclearance post).

(4) Passengers traveling from one point in Canada to another point in Canada via a flight entirely within the United States will be bused to U.S. airports through ports-of-entry. The airline representative accompanying the passengers will furnish the port-of-entry with a list of names of all passengers and the port-of-entry will make a head count and furnish this information to the U.S. airport of embarkation. An INS or Customs officer will observe the boarding of the flight and take a head count. The inspector will then furnish the head count and other flight information to the United States airport of debarkation. Each flight will be met at the U.S. airport of debarkation by an INS or Customs officer who again will observe the boarding of buses and make a head count. The buses will then proceed to Canada where airline representatives will furnish Canadian officials with a list of the names of all persons (second copy of the list provided the port-of-entry) transported.

(b) All carriers transporting passengers to and from U.S. airports for flights that usually originate or terminate in Canada under the provisions of guidelines 2 through 4, must be signatory to a Form I-426 agreement. Carriers not signatory to a Form I-426 agreement should be given a reasonable opportunity to enter into an agreement with the Service. If no agreement is entered into, those carriers not signatory shall be precluded from

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transporting passengers in the manner prescribed in paragraphs 2, 3, and 4 of these guidelines. Every carrier must be reminded that under the provisions of the Form I-426 agreement, liquidated damages may be assessed for each passenger transported who fails to depart in accordance with the provisions of these guidelines.

(c) Employees of carriers whose flights normally operate from Canadian airports are not authorized to be stationed at U.S. airports to conduct routine duties or to perform routine maintenance and aircraft servicing functions. A limited number of supervisory employees may be admitted in B-I status for the purpose of advising and observing operations of personnel under contract to handle maintenance, janitorial services, ticketing, and reservation services. Mechanics and maintenance personnel may be admitted in B-I classification to perform emergency mechanical services. They should not be admitted to be stationed at U.S. airports in anticipation of a need for their services. The admission of airline personnel under B-I classification should be controlled by issuance of Form I-94. The airline employee should be instructed to surrender the original copy of Form I-94 to a United States immigration officers at the time of departure from the United States.

(d) It is anticipated that specific problems not covered in these guidelines will present themselves. As such problems present themselves, the Regional Office concerned should coordinate with Headquarters to resolve them.

(e) These guidelines are established to apply to air carriers who regularly provide air service to and from Canadian airports and are precluded from doing so due to a work stoppage. The guidelines are not meant to apply to new routes or supplemental service being inaugurated after a work stoppage has commenced.

22.10 Inspection of International Transit Passengers.

(a) **General.** Changes to the Act as effected by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) require the inspection of all international-to-international (ITI) passengers (formerly known as in-transit lounge (ITL) passengers). Section 235(a)(3) now reads that "[a]ll aliens (including alien crewmen) who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States shall be inspected by immigration officers"

(b) **Procedures.**

(1) International-to-international passengers shall be inspected but not admitted to the United States. This inspection should be conducted at the In-Transit Lounge (ITL). If this is not feasible, the port director or district office manager shall contact the appropriate deputy assistant regional director for inspections to provide justification for not using the ITL and to make alternative arrangements in keeping with the overall goal of facilitation of the ITI operation.

(2) The transit passenger inspection (TPI) shall consist of a visual examination of ITI passengers during the transfer process at the port-of-entry. This does not require an examination of each passenger and their travel documents. Questioning of ITI passengers and examination of travel documents shall be done selectively and on a random basis but should not interfere with the overall facilitation of the ITI operation.

(3) The POE's shall dedicate sufficient resources at the ITI inspection locations to maximize facilitation and law enforcement while ensuring inspector safety and security without adversely affecting the inspection of passengers seeking admission to the United States.

(4) Carriers are not required to present for inspection ITI passengers or crewmembers who remain on board the aircraft.

(5) Ports-of-entry shall report to the Office of Programs, through channels, any significant implementation problems, including adverse effects on the 45 minute inspection requirement and/or on resources, with any of the above inspection requirements.

(6) Ports-of-entry need to obtain and record accurate ITI passenger counts. Carrier representatives should be questioned regarding ITI passengers counts upon presentation of the Aircraft/Vessel Report, Form I-92. This refers to passenger counts only and not to biographical data. The figures reported on the G-22.1 are for planning purposes and for use in discussions with the carriers.

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(c) **Carrier Responsibilities**. Carriers signatory to Immediate and Continuous Transit Agreements (with provisions for control of uninspected passengers and In-Transit Lounge Use), also known as ITL agreements, will be allowed continued transit privileges of ITI passengers until further notice. [See also Chapter 42.2.] Management officials at each port-of-entry with a transit lounge should work closely with air carriers using the transit facilities to ensure the Service receives sufficient advance information about transit passengers who will use ITI facilities. Such information includes date and time of arrival, flight number and an estimate of the number of ITI passengers.

Chapter 23: Seaport Inspection.

References:

INA: Sections 212, 235, 251, 252, 253, 254, 255, 256, 257, 258, 273.

Regulations: 8 CFR 212, 235, 251, 252, 253, 258; 22 CFR 41.41, 41.42.

23.1 General.

(a) Inspection of passengers and crewmembers in a seaport environment differs significantly from airport or land border inspection. Many of the procedures have been only slightly modified from inspectional procedures developed many years ago, before the advent of commercial airlines. Most vessels inspected nowadays are cargo vessels, with only crewmembers on board. Passenger vessels are predominantly cruise ships, with most passengers beginning and ending their trips in the United States. Cruise ship inspection, involving a large volume of U.S. citizen passengers and crewmembers who may have made several entries in just a few weeks, is handled either upon arrival or en route, using a relatively small inspection staff. Cargo vessels are inspected in port or "in-stream," based on arrangements made by the vessel's agent.

A list of ports-of-entry for arrival of international vessels is included in 8 CFR 100.4(c)(2). Ports-of-entry for international arrival are designated by the Commissioner of Customs and approval for the inspection of aliens at such ports must be granted by the Commissioner of Immigration.

(b) **In-stream boardings**. In-stream boardings can be more hazardous and time-consuming, and are typically used when a ship will be at anchor for a prolonged period prior to docking or will proceed to a docking facility which is distant from the major port area. Such boardings are generally arranged to accommodate the needs of the vessel's operator, at the convenience of the government. A boarding party, usually an inspector each from INS and Customs and the ship's agent, meet the ship at a prearranged anchorage, using a tug, launch, or helicopter, as arranged by the agent. The inspecting officer must exercise judgment in deciding whether the boarding conditions are safe or whether the inspection should be delayed until docking.

(c) **Dockside inspections**. Dockside inspection of vessels is arranged by the shipping agent. Inspection must be complete before any other activities commence, such as cargo off loading, conducting business with ship chandlers, etc. Ordinarily, the INS and Customs inspectors are at the dock when the ship's gangway is lowered and are the first to board. Others waiting to do business should be directed to refrain from such activities until the inspection is substantially completed, to avoid interference with the clearance process. Ships are usually in port for a limited time, incurring substantial charges for stevedores and other related activities. It is critical that the Federal inspection procedures are promptly and efficiently handled to avoid needless delays and increases to these costs.

(d) **En route inspections**. (1) **General**. Because of the large volume of passengers and crew on many cruise vessels and the rapid turnaround time required for off loading passengers from one cruise and loading for the next, cruise lines often request that INS conduct the immigration inspection while the ship is en route from the last foreign port back to the United States. This type of inspection, while both cost-effective and customer-service oriented, is subject to scrutiny by the media as well as internally, since the prolonged presence of the inspector on a cruise vessel can easily give the outward appearance of being improper acceptance of a gift by a government employee. Because of this risk, Service policy on the conduct of en route inspections has been strictly laid out and must be followed in every detail.

(2) **Carrier requests for en route inspectional services**. All requests for en route inspection service must be submitted by the carrier or agent to the district director of the district where services are being requested (first port of arrival). Requests must be in writing; they must be prospective in nature; and they must specify the circumstances requiring an en route inspection. Under no circumstances may a request be initiated by a Service office. Each request must specify the detailed reasons why an en route inspection is being requested and contain sufficient details to enable the district director to determine if an en route inspection is the best and

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most cost-effective inspectional procedure.

(3) **Criteria for providing en route inspectional services.** In situation involving long cruises (defined as any cruise where one or more immigration inspectors perform official duties on board a cruise ship and away from their official duty station for more than 24 hours), district directors shall consider en route inspections on a case-by-case basis (each sailing of a cruise ship on a specific date). The use of a consolidated request is not appropriate in such cases. Consolidated requests are limited to one-day cruises and may be submitted monthly, to coincide with the calendar month. Such consolidated requests shall list the days of the month on which the cruise ship is scheduled to operate.

The district director shall review the request and base his or her decision on one or more of three factors:

- Availability of on-duty personnel
- Availability of adequate dockside inspectional facilities
- Minimization of overtime expenses

En route inspections shall not be conducted if reasonable and cost effective alternatives exist for conducting the inspection dockside. Scheduling of immigration inspectors performing en route inspections shall be done in a manner which maximizes their use during duty hours.

If, due to unique circumstances, a district director believes that an en route inspection is warranted notwithstanding the fact that it does not satisfy one of the requisite factors, he or she may seek an exception by submitting a written request to the appropriate regional office. Such request shall contain an in-depth justification which shall be considered and evaluated by the regional office.

Delegation of authority for approval of en route inspections shall not be below the level of port director or assistant officer in charge.

(4) **Documentation of en route inspection.** Approval of en route inspection requests must be documented. A separate Form I-856, the En Route Cruise Inspection Report, must be prepared for and completed by each officer conducting such inspection. The authorizing section of the form must be completed in advance and signed by the official who approves and authorizes the en route inspection. The remaining portions of the I-856 are to be completed by the inspecting officer. Each I-856 must be reviewed by the official who authorizes the inspection to ensure the inspection was conducted in a manner consistent with the managerial objectives discussed above.

Officers conducting en route inspections are also required to have travel orders, using Form G-250. In item 5 of the G-250, indicate the **minimum** amount of time necessary to complete the en route inspection. In item 6, indicate: "en route inspection" followed by the name of the cruise ship, shipping line and ship's agent. In item 7, transportation, reflect the means of transportation most cost-effective for the government. This means that the transportation should provide the maximum number of working hours for assigned personnel to complete the inspection. Down time, overtime and actual transportation costs to the foreign port where the inspector boards the vessel should be minimized. Employees are prohibited from sailing out on assigned ships when less costly means of arriving at the foreign port are available. Also note item 7: "See item 12." In item 8, the itinerary shall clearly state the location in the U.S. from which travel begins, the means of transportation to be used for departure from the U.S., the foreign port to which the employee is destined, the last foreign port from which the vessel will depart for the U.S. and the means of transportation to be used in returning to the U.S. (normally the assigned cruise ship). In item 12, include the following language: "All transportation, travel, lodging, meals and incidental expenses necessary for completion of this assignment are the responsibility of the cruise ship line and/or its designated agents." In item 13, indicate: "Appropriated funds not authorized."

(5) **Record keeping requirements.** Documentation relating to approved en route inspections shall be maintained in a subject file at the district office. Documents within the file shall be maintained on a fiscal year basis and shall contain, at a minimum, all approved en route inspection requests, all Forms I-856 and all discrepancy memoranda. Such files shall be maintained for a five-year period and shall be readily available at any time during this period of audits which may be conducted. Travel authorizations (Forms G-250) for en route inspections shall be separately maintained in chronological order. The suffix "(E)" shall be included in the

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authorization number, for example: "97-MIA-(E)-001."

Unusual delays or other discrepancies in the performance of an en route inspection shall be documented in writing in memorandum form to the appropriate regional office. Any corrective actions proposed or taken by managerial personnel shall also be referenced by memorandum.

(6) **Commencement of en route inspection.** Service officers are prohibited from commencement of the inspection until the vessel is actually en route, i.e., free from moorings and under its own power

(7) **Program monitoring.** District directors shall institute local procedures for monitoring the conduct of en route inspections. Officers conducting such inspections shall be given periodic refresher training on the ethical standards which employees must uphold in the performance of their official duties. Instruction on the standard schedule of disciplinary offenses and penalties for employees shall be included in this refresher training. The importance of the role which local supervisors and managers play in the maintenance of ethical standards, both their own and that of their subordinates, shall also be emphasized. Local procedures shall be established to closely monitor en route inspection activity. These procedures shall be designed to facilitate early detection of procedural improprieties and prohibited practices. Procedures used to achieve these goals include the initiation of locally designed monitoring activities and procedures as well as information-sharing liaison activities between Service officials and cruise ship line representatives. A positive public relations posture regarding these issues is a responsibility of all local supervisors and managers.

First-line supervisors play a vital role in assuring that en route inspections are conducted in a cost effective manner. Information relating to assigned work schedules, actual hours worked, the numbers of passengers and crew inspected and the most cost efficient use of salary and overtime resources should be retained by each district and provided to Headquarters and regional officials upon request. This information should also be considered when making en route assignments and monitoring such activities.

Inquiries shall be conducted in all instances in which management personnel become aware of noncompliance with en route inspection policies and procedures. Such inquiries shall be conducted by one or more management officials who are at least one managerial level above the managerial official who authorized the inspection. Written inquiry results shall be forwarded, through channels, to the district director. In situations where such inquiry reveals that Service policy has been violated, district directors shall institute appropriate corrective action, including disciplinary action, if warranted.

Regional offices shall promptly be notified of all instances of noncompliance. These offices shall also be apprised of corrective or disciplinary actions proposed or taken with respect to such incidents. Unusual circumstances affecting the conduct of en route inspections, such as those which would attract media attention or congressional interest should be reported promptly.

(8) **Presence of family members on en route inspections.** It is prohibited, pursuant to 18 U.S.C. 201(c)(1)(B), for accompanying family member or friends of INS officers conducting en route inspections to travel with the employee either for free or at a substantially discounted fare not available to the general public. Such fares constitute benefits of value, which would not be received, were it not for the position and authority of the officer to inspect passengers and crew. Further, 5 CFR 2635.202(a)(2) states that employees shall not, directly or indirectly, solicit or accept a gift because of the employee's official position. Also, 5 CFR 2635.502(a) prohibits employees of the federal government from participating in a matter which would cause a reasonable person to question such employees' impartiality.

23.2 Exceptions to Inspection Requirements.

(a) **General.** Statute requires the inspection of every arriving passenger and crewmember upon arrival in the United States. See section 235 of the Act and 8 CFR 235.1. Service policy interpretation provides some clarification regarding persons whose comings to the U.S. are not treated as "arrivals," thereby not requiring inspection. Service policy excludes the following from the ordinary inspectional procedures:

(1) Any person, including an alien crewman, passing through the Panama Canal on board a vessel which enters and clears at the Canal port only to transit, refuel, or to land passengers or crewmen for medical treatment, shall not be regarded as coming from a foreign port solely by reason of such passage;

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(2) Any person, including an alien crewman, on board a vessel which after arrival at a U.S. port-of-entry passes the Great Lakes seaway en route to another U.S. port and which enters and clears at points in Canada only to transit the seaway, to refuel, or to land passengers or crewmen for medical treatment, shall not be regarded as coming from a foreign port solely by reason of such passage;

(3) Any person seeking to enter the U.S., including an alien crewman, on board a vessel en route from one U.S. port to another U.S. port shall not be regarded as coming from a foreign port solely by reason of the vessel's stop at Freeport, Bahamas, for bunkering only;

(4) Any person, including an alien crewman on board a vessel en route to the U.S. solely for bunkering purposes or an aircraft en route to the U.S. solely for refueling purposes, who does not seek to enter the U.S., shall be regarded as not arriving for purposes of immigration; and,

(5) Any crewmember previously inspected and permitted to land, continuing to serve as a crewmember on board a cruise vessel which has been inspected within the preceding 90 days and who has not spent an aggregate of more than 29 days in the U.S. since his or her last inspection, unless the master or agent requests such reinspection or unless, in the discretion of the district director, more frequent inspection is warranted.

(b) **Limited Inspection of Great Lakes Vessels.** Inspection of certain vessels of U.S., British, or Canadian registry plying the Great Lakes is limited. Refer to 8 CFR 251.1 concerning manifest requirements and 8 CFR 252.3 concerning inspectional requirements.

23.3 Inspecting Cargo Vessels.

Following are the general steps which you must take to complete inspection of a cargo vessel.

(a) **I-418 review.** The master, agent, or other official will have prepared, in advance, Form I-418, Passenger List-Crew List, with the names and biographic data for each member of the crew. A separate I-418 is required for any passengers and stowaways. Immediately following the last name on the crew list, the master is required to make a notation on the crew list indicating whether or not members of the crew will be performing any longshore work and the exceptions under which any such longshore work will be performed [See 8 CFR 251.1 for exceptions and proper notations.]. Often, the list will have a "D" visa stamped on it by an American Consulate, unless individual members of the crew have their own visas. Each crewmember's name should be checked in the Service Lookout Book. As each crewmember enters for inspection, enter the action taken during inspection: "ARC" or "R/P" for returning residents, "USC" for citizens, the appropriate visa symbol for each nonimmigrant (D-1 or D-2), "Refused" for persons detained on board, or "Parole" for aliens paroled. Also indicate any "A" number obtained during inspection.

(b) **Visa and passport waivers.** If a visa is required, and neither individual nor crew list visas are presented, consider eligibility for a visa waiver. See visa requirements in Chapter 15.3. Often, crew list visas cannot be obtained because the ship received orders to sail for the U.S. while at sea or because the ship sailed from a port where there was no U.S. consulate. If there is a valid reason for failing to obtain the necessary visa, execute a waiver on Form I-193, Application for Waiver of Visa and/or Passport, collecting one fee for the entire crew list [See procedures described in Chapter 17.5.]. If there is no valid reason for failure to obtain a visa, detain the crew, following procedures described in Chapter 23.7. No fine proceeding is appropriate in either instance. The Department of State does not need to be advised, either in advance or after the fact, concerning crew list visa or individual passport waivers for crewmembers, since a blanket concurrence agreement between INS and DOS already exists for this situation.

(c) **Inspection of admissible crewmembers.** Each individual crewmember must appear for inspection, with every nonimmigrant presenting a passport or seaman's book, if required, and Form I-95, Crewman's Landing Permit or Form I-184, Crewman's Landing Permit and Identification Card (laminated card issued prior to 1976) [See nonimmigrant passport requirements in Chapter 15.2.]. Once you are satisfied of the admissibility of a crewmember, line stamp (date, port, and inspector number) the reverse of a previously issued I-95 (make sure it is for the same vessel), or execute the admission block on a new I-95, using a D-1 stamp and line stamp for each new crewmember or returning crewmember whose prior I-95 is damaged or has no endorsement space remaining on the reverse. If the crewmember has been granted a waiver of inadmissibility, note the grounds of inadmissibility in the admission block of the I-95. United States citizen merchant seamen will normally carry a

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"Z-card" (Merchant Mariner's Document), an identity card issued by the Coast Guard, in lieu of a passport. A lawful permanent resident alien may also be issued a Z-card with his/her "A" number on the reverse of the card; however, a lawful permanent resident alien must also present a Form I-551 or reentry permit. Verify the continuing lawful resident status before admitting a returning resident. Return the I-184, Z-card, I-551 or endorsed I-95 as you inspect each crewmember, but retain the travel document of any D crewmember for the ship's master. Note the block on the I-418 indicating action taken, as described in paragraph (a) above.

(d) **Family members of crew included on crew list.** You may encounter persons listed on the I-418, even a visaed I-418, who are not bona fide crewmembers. These are often spouses or children of ship's officers and may be listed as "supernumeraries," "stewardesses" or other such occupations, but are not essential to the operation of the ship. Unless such persons are regular, paid crewmembers they cannot be admitted as such, regardless of the fact that a consular official may have visaed a crew list including their names [See **Matter of M/T Rajendra Prasad**, 16 I&N Dec. 705 (BIA 1979)]. Such persons are to be separately manifested, inspected as passengers and admitted or paroled following the procedures for inspection of other vessel passengers and as described in Chapters 11 through 16. They may be granted a visa waiver on a discretionary basis if they do not hold a valid nonimmigrant visa or are improperly included on the crewlist visa. Inadmissible passengers are handled in accordance with procedures in Chapter 17. Consider section 273(b) fine proceedings, described in Chapter 43.

(e) **Passengers on cargo vessels.** On occasion, you will encounter passengers on board a cargo vessel. Follow inspectional procedures for passengers on cruise vessels, described below in Chapter 23.4. Note that cargo vessels are generally not signatory to Visa Waiver Pilot Program contracts. Therefore, passengers, even those from VWPP countries, must possess a valid visa.

(f) **Receipt for crew list.** Complete Form I-410, Receipt for Crew List, indicating any detained crewmembers and whether longshore work is authorized [See Chapter 23.11.]. Advise the master of his obligation to notify the nearest INS office of proposed crew changes, desertions, illegal landings, or suspicious crew activities which may indicate a planned desertion. Provide a copy of the I-410 to the master or agent. Review the I-418 to insure that all crewmembers have been inspected and the manifest properly noted. Collect arrival Forms I-95, and other documents submitted with the manifest or prepared during your inspection. Return all crewmembers' travel documents to the master with the receipt.

23.4 Inspecting Cruise Ships.

(a) **Crewmembers.** Procedures for inspecting the crew of a cruise ship are essentially the same as those for cargo vessel crews, although the crews are considerably larger. Because of the frequency of admission and the size of the crews, Service policy provides for a relaxation of the ordinary inspection procedures for returning crewmembers on such vessels. See Chapter 23.2(a)(5), above. A separate manifest or addendum to the manifest will be provided by the master, containing the names of crew who must be inspected. Once crew inspection has been completed, issue Form I-410 in the same manner as for a cargo vessel.

A member of the crew of a vessel may not be admitted in any other capacity, even if he or she holds another type of visa. However, a "deadhead" crewmember, one who is not listed in the ship's articles and did not perform duties as a member of the crew during the vessel's voyage to the U.S., may be inspected and admitted as a passenger.

(b) **Passenger Inspection.** Except where an en route inspection has been arranged, passengers will be inspected after docking. Some port facilities have a passenger terminal, with inspection booths provided similar to those at airports. In either case, there are often a large number of passengers requiring inspection in a relatively short time span. The master or purser of the vessel will provide a manifest, usually on Form I-418, of all passengers. A lookout query is required of all passengers, either at the time of arrival or in advance, using APIS. To minimize inspection time, U.S. citizen passengers who departed on the same cruise vessel are not required to report for inspection, but should be briefly examined upon disembarkation. An oral declaration of citizenship is usually sufficient, unless further inquiry appears warranted. All other passengers must appear for inspection by an immigration officer, at an appropriate location on the ship provided by the master, with any required passport, visa, or Form I-94. As each passenger appears, note the manifest with the action taken, as described in Chapter 23.3(a), executing Forms I-94 as necessary. Once all required passengers have appeared and been inspected, coordinate with Customs to authorize departure from the ship. Inadmissible passengers are processed as prescribed in Chapter 17. Prepare Form I-92, Aircraft/Vessel Report and bundle it with the I-94s collected

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during the inspection. Forward these for data entry. Passenger lists on Form I-418 are no longer retained after inspection [See Chapter 22.7 for I-92/I-94 forwarding instructions.].

23.5 Payoff and Discharge of Crewmembers.

(a) **General.** Crewmembers who are leaving a vessel to return home or to join another vessel may be permitted to land as D-2, if required information is available at the time of inspection, or they may be granted a change to D-2 status later, after being permitted to land as D-1. In the latter instance, ordinarily the ship's agent will bring the alien and required documentation to the INS office for processing. Local policies may restrict hours and other conditions for processing D-2 requests. Application is made in accordance with the requirements stated in 8 CFR 252.1 and the instructions on Form I-408. When reviewing the documentation, ensure that the alien has a confirmed transportation ticket to leave the U.S. or a written notification of acceptance by the master of the vessel which he or she will join. Upon approval, endorse a new I-95 and collect the previously issued D-1 Form I-95 (do not collect Form I-184). Return the first and third copies of the I-408 to the master or agent, one to be filed with the vessel's departure manifest, the other to be retained by the master or agent. Route the second copy to the port of arrival. If there is reason to believe that a crewmember will not comply with the terms for departure indicated in the D-2 request, deny the request and revoke the conditional landing permit, following the procedures described in Chapter 23.10.

(b) **Exception for Certain Crewmembers Rejoining a Vessel.** Ordinarily, a D-1 crewmember serving on a vessel is expected to depart with the same vessel from each U.S. port, unless he or she obtains D-2 status. However, with permission from the ship's master, a crewmember can depart the ship and rejoin it at another U.S. port, without obtaining D-2 status, if neither the vessel nor the crewmember will depart the U.S. and the crewmember will rejoin the vessel within his or her initial period of D-1 permission to land.

23.6 Refusals.

A decision to refuse a crewmember is not reviewable; your decision as the inspecting officer is, for all practical purposes, final. Occasionally, the master or other ship's officer may advise you of crewmembers whom they suspect are likely to abscond. Consider this information carefully when making your decision whether to permit landing or to detain the crewmember. Although local policy in some offices is to detain "first-trippers," new crewmembers on cargo vessels, as high risk applicants, this is not Service policy. A decision to detain should be based on clear, articulable facts. If you refuse a landing permit for any reason, endorse the I-95 with the "Refused" stamp and the code "P" for invalid passport, "V" for invalid visa, "M" for malafide crewmember, or the appropriate subsection of section 212 of the Act for other inadmissible aliens. Return a copy to the master or agent. Enter the alien's name on Form I-410 and void the alien's I-184, unless the refusal is solely based on passport or visa validity. Note the action taken on the I-418. Prepare and serve the master or agent with Form I-259, Notice to Detain, Remove, or Present Aliens. Retain one copy of the I-259 to be included with the other paperwork for the vessel. Follow local procedures for notifying Enforcement (Investigations or Border Patrol, as appropriate) of the action taken.

23.7 Deserters and Abscondees.

Control of deserting crewmembers is generally an Enforcement function, but Inspectors should be familiar with procedures, assist when needed, and take appropriate action during the inspection process to reduce potential desertion opportunities. An "abscondee" is a crewmember who has been refused a landing permit and who departs the vessel without permission. A "deserter" is a crewmember who has been granted D-1 or D-2 status and who leaves the vessel with no intention of returning. Often, the Inspector is advised during the initial inspection of the vessel of the possibility that a particular crewmember may "jump ship." It is generally advisable to detain potential deserters on board the vessel and discuss security arrangements with the master or agent. If you are advised, after the fact, of a desertion (which the master or agent is required to do pursuant to section 251(b) of the Act), immediately report the matter to the appropriate local Enforcement personnel, collect the deserter's travel document and prepare Form I-409 if local procedures dictate. If possible, obtain a sworn statement containing the facts surrounding the incident from the master, for use when instituting section 254 fine proceedings. See details regarding sworn statements in Chapter 43.

23.8 Stowaways.

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(a) **General.** An alien stowaway is inadmissible to the U.S. and is not entitled to a hearing or review of an order to remove. [See section 235(a)(2) of the Act and 8 CFR 235.1(d)(4).]

An alien stowaway may be ordered removed on the vessel or aircraft of arrival, or the master may request that the stowaway be removed from the vessel and repatriated by other means of transportation. Often, this is requested for reasons of great importance to the carrier, including, but not limited to:

- The health of the stowaway;
- Maintaining insurance coverage (often if several stowaways are on board, a vessel may exceed capacity and be considered by insurers to be unseaworthy, and so would lose insurance coverage);
- Maintaining the safety and welfare of the crew (especially if the number of stowaways exceeds the number of crew);
- Sanitary conditions cannot be maintained for the stowaway;
- The vessel's departure is delayed for repairs or goes into drydock;
- The stowaway is a minor or female;
- The vessel is discharging cargo and going off charter and cannot obtain a new charter because the new charterer will not assume a vessel with stowaways aboard;
- The vessel is of U.S. registry and is not departing the U.S.;
- The vessel will not be returning in the near future to the port where the stowaway boarded the vessel.

Removal of the stowaway by other means should be favorably considered when the removal may be accomplished expeditiously and the carrier has made, or will make, the necessary transportation arrangements, including obtaining any necessary travel documents. Although the statute places responsibility for obtaining travel documents with the carrier, when necessary, the Service may assist the carrier in obtaining travel documents. See 8 CFR 241.11.

If the stowaway is to be removed on the vessel of arrival, detain him or her on board using Form I-259. Prepare an I-94, endorsed "Stowaway--refused, detained on board."

If the stowaway cannot be removed immediately, any detention pending removal, other than that incidental to the actual removal, must be in Service custody, at the expense of the owner of the vessel or aircraft of arrival. If extended detention is required pending removal, be sure to ascertain that detention space is available before granting permission to remove by alternate means. Serve Form I-259 on the master or agent of the vessel or aircraft, and complete Form I-94 endorsed "Stowaway--refused, detained by INS pending removal". If the stowaway requests asylum, follow procedures described in Chapter 23.18 and 8 CFR 253.1.

(b) **Absconded stowaways.** The master or agent is required to report the escape of a stowaway who is detained on board. In such situations, take a sworn statement as described in Chapter 43.3 and institute fine proceedings under section 243(c).

23.9 Mustering.

Service officers may re-board a vessel at any time after inspection to insure that detained crewmembers remain on board or that a vessel preparing to depart has all crewmembers present. This function is routinely performed by Enforcement personnel, but local policy may include the use of Inspections personnel for the activity. Ordinarily, departure mustering of crew is conducted only on vessels which have a history of immigration violations or where there are multiple detentions of crewmembers.

23.10 Revocation of Landing Permits.

Although sometimes an Enforcement function, Inspectors should be familiar with the procedures for revocation of landing permits provided in 8 CFR 252.2 and perform or assist with this function, as necessary. Prepare and serve Form I-99 on the alien, collect the previously issued I-95, advise the master or agent of the action taken and advise him/her of his/her responsibility for detaining the revoked crewmember on the vessel. Revoke any valid I-184. Prepare and serve Form I-259 on the master or agent. The I-259 will normally require departure on the vessel of arrival, but circumstances may warrant departure by other means of transportation. Prepare Form I-213, Record of Deportable/Inadmissible Alien, and place the alien under docket control. If the violation was wilful, post a lookout notice, fingerprint the alien using three sets of criminal cards (FD-249). Forward the first set of fingerprints to the FBI Identification Division. Forward the second set of prints to the Forensic Document Laboratory in accordance with the procedures set forth in Chapter 18.9(c). Retain the third set of fingerprints and copies of all documents for inclusion with the other paperwork for the vessel. See Chapter 31 for lookout procedures.

23.11 Performance of Longshore Work by Crewmembers.

Section 258 of the Act, added in 1990, limited, but did not completely prohibit, longshore activities by crewmembers of vessels. These restrictions are specified in the Act and in 8 CFR 258. Obligations of the master or agent, including reporting requirements are detailed in 8 CFR 251.1. At the conclusion of the inspection, note on the Form I-410, Receipt for Crew List, whether or not nonimmigrant crewmen will perform longshore work in the United States, and if so:

- (a) under which exception in section 258 of the Act it will be performed (See 22 CFR 89 for countries eligible for reciprocity exception); and,
- (b) what type of documentation accompanied the manifest to support the exception invoked.

Sign the I-418 and indicate the date of the inspection following the last entry on the form.

23.12 Parole of Alien Crewmembers.

(a) **Initial Parole.** Parole and revocation of parole of crewmembers are discussed in 8 CFR 253.1. Parole is generally appropriate for handling sick or injured crewmembers and shipwreck survivors, among others. Parole for a limited number of ship's personnel to conduct essential business is also appropriate in situations where a crew is detained on board due to lack of a visa. When a parole is granted for other than medical reasons or to conduct essential ship's business, prepare Form I-160, for inclusion with the manifest. Collect the parole fee provided in 8 CFR 103.7 for each paroled crewmember. Generally, requests for such paroles should be accompanied by documentation supporting the request. Prepare an I-94, endorsed as prescribed in Chapter 16, for each paroled crewmember. Prepare Form I-510, Guarantee of Payment, in duplicate, for crewmembers paroled for medical treatment. Give one copy of the I-510 to the master or agent, retain the other with the manifest and other documents collected during the inspection. Prepare an I-259, endorsed to require the alien's departure (if the alien is to depart within the period of parole) or presentation at an INS office (if the alien is likely to require reparole for additional time). Serve the I-259 on the master or agent.

(b) **Reparole.** Parole of crewmembers is generally limited to less than 30 days. If additional time is needed, reparole in increments of 30 days is appropriate, upon presentation of documentation such as medical evidence.

23.13 Vessels Remaining beyond 29 Days.

The landing period for D-1 crewmembers is limited to 29 days, and cannot be extended. However, there will be instances where a vessel and its crew will remain in the U.S. for a longer period of time. In such instances, the master or agent will present an I-418 and the I-95s for each crewmember. Prepare Form I-253, Letter to Master or Agent of Vessel, in duplicate and endorse each Form I-95 with the voluntary departure period. Return the

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original I-253 to the master or agent, along with the I-95 forms. Promptly route the I-418 and the duplicate I-253 to the arrival port for attachment to the arrival manifest. No docket control is required, but include a count of such crewmembers on the G-23.18 and G-23.20.

23.14 Ship Intelligence Cards.

Service offices with seaport operations maintain Ship Intelligence Cards, Form I-419, for each vessel arriving at the port. Pertinent information, such as previous detentions, desertions, or stowaways is included on the cards. Consult the cards prior to boarding and add information to the cards when you complete inspection of the vessel.

23.15 Departure Manifests.

Arrival manifests (crew) are maintained at the port-of-entry for 6 months. If no departure manifest is received within 60-90 days of the vessel's arrival, contact the Service Inspections Unit at the last scheduled U.S. port (from the I-410) or the vessel's agent to determine the reasons. It is important that manifests be processed timely and accurately to avoid improper institution of fine proceedings when a carrier has complied with the requirements for submission. If you receive a departure manifest from an agent for a vessel which was not inspected at your port, immediately forward it to the Service office which conducted the inspection. Upon receipt of a departure manifest for a vessel which was inspected at your port, match it with the arrival manifest to insure accountability for all crewmembers. After 6 months, forward the manifests to the Nebraska Service Center at the following address:

Nebraska Service Center
P.O. Box 87418
Lincoln, NE 68501-7418

Forms I-95 are sent to:

INS--Document Handling Unit
425 I St, NW, Room 5215
Washington, DC 20536

Prepare Form I-92 and bundle it with Forms I-94 and forward for data entry in the same manner as aircraft departure forms [See Chapter 22.7 for I-92/I-94 forwarding instructions.].

If there are missing or incomplete manifests or if there are crewmembers whose departure cannot be verified, consider institution of fine proceedings.

23.16 United States-Based Fishing Vessels.

Nonresident aliens may not be employed aboard any U.S.-based fishing vessel as "D" crewmembers. An alien seeking permission to land as a D crewmember should be detained on board, unless parole is warranted. In rare instances other nonimmigrant categories which include employment, such as H-1B, H-2B or L-1, may be possible.

23.17 Vessels Serving on the Outer Continental Shelf (OCS).

Crewmembers for vessels working on the Outer Continental Shelf commonly enter the U.S. as B-1 nonimmigrants to join the vessel. The B-1 visas of such nonimmigrants will ordinarily contain the consular notation "OCS". Vessels coming from the OCS are not subject to immigration inspection unless they have landed in foreign territory since last arriving in the United States. Similarly, a departure solely to the OCS is not a departure from the U.S. for immigration purposes. This can cause technical problems for a vessel with a D-1 crew which leaves a U.S. port, spends time on the OCS and returns to a U.S. port without touching foreign territory. Such a vessel would not be reinspected but frequently would require processing as described in Chapter 23.13, since its crew would almost certainly remain beyond the 29-day admission limit for alien crew.

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The Service has held that the INA does not apply on the OCS, and the Department of Labor will not issue a labor certification for work on the OCS beyond the three-mile limit. Regulations for work on the OCS are administered by the Coast Guard.

23.18 Asylum Claims by Vessel Crewmembers or Stowaways.

If a crewmember or stowaway requests asylum, remove the alien from the vessel or aircraft and place him or her in INS custody. Provide an alien crewmember claiming asylum with the appropriate application forms. The crewmember has 10 days in which to file the application with the district director, during which time the Service will not remove the alien. If the crewmember files a timely asylum application, the district director will refer the alien to the immigration judge using Form I-863, Notice of Referral to Immigration Judge. In this case, the officer executing the I-863 will check Box #2 and the appropriate box indicating the status of the crewmember when he or she made the asylum claim.

A stowaway who seeks asylum will be detained in Service custody and referred to an asylum officer for an interview to determine whether the stowaway has a credible fear of persecution under section 235(b)(1)(B). Although stowaways are not covered under the entire section 235(b)(1) of the Act (expedited removal provisions), if it is deemed necessary to take a sworn statement from the stowaway claiming asylum or a fear of persecution, Form I-867A & B may be used. Indicate at the top of the Form I-867A that this is a stowaway case, rather than a 235(b)(1) case. Arrange for detention of the stowaway and notify the appropriate asylum office that the stowaway requires a credible fear interview. If the asylum officer finds that the stowaway has a credible fear of persecution, he or she will refer the stowaway to the immigration judge using Form I-863, checking Box # 3 and the box indicating "Stowaway: credible fear determination attached". If the asylum officer determines that the stowaway does not have a credible fear of persecution, and the stowaway requests a review of that determination, the asylum officer will refer the stowaway to the immigration judge using Form I-863, checking Box #2. If an adverse determination is made on the asylum claim by the immigration judge, the alien will be returned to the custody of the carrier for removal. [8 CFR 241.11]

Detention and parole policy regarding asylum applicants who are crew members or stowaways is discussed in 8 CFR 208.5(b). While parole of a stowaway claiming asylum is within the discretion of the district director, it should not normally be considered until after the stowaway has been determined to have a credible fear of persecution, unless parole is required for a medical emergency or is necessary to further a legitimate law enforcement objective.

23.19 Special Interest Vessels.

Vessels registered to, owned or operated by, or chartered by non-entrant countries are not permitted to enter United States waters or ports. The current list of non-entrant countries includes: Cuba, Iran, Iraq, Libya, People's Republic of Korea (North Korea), Syria, and Sudan. There are no blanket restrictions placed on nationals of non-entrant countries arriving on free-flag vessels. Such crewmen may be issued a landing permit, in the discretion of the inspecting immigration officer, if in possession of a valid passport and visa, and if otherwise admissible.

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APPENDICES

Appendix 1-1 Matrix of Field Manual Contents

SUBJECT INSTRUCTION	REGULATION MANUAL	FIELD MANUAL	FORM	ADMINISTRATIVE
Where to file that the form instruction will tell you where to file. No reference in other regulations if misfiled. Discuss determining when to accept and adjudicate and when to forward a case to another office.	Indicate in §103 office receiving an application or petition should generally adjudicate it, even petition.	Explain that the geographic area, where to mail or submit in person each type of application or	Advise, by	none
Adjudicative jurisdiction order of processing cases specific regulations for each application type. Establish standard expedite criteria and procedures.	Indicate in §103 that general boundaries are established in specific regulations for each application type. deciding whether to adjudicate or transfer a case.	Provide policy guidance which boundaries of field adjudication of out-of-jurisdiction filings. Describe	none	List specific jurisdictional offices, by county, where needed.
Filing fees, set criteria for fee waiver, specify form types where fee waiver can be considered and where they are precluded. not the actual fee.	In §103.7: Publish deliberative process and evidence for fee waiver adjudication. Reference list of fees on the form,	PublishDiscuss Indicate that prescribed fee must be remitted. Publish a separate fee table for distribution.	Describe fee handling procedures and types of remittances.	
General filing requirements "initial requirements" in §103, explain binding nature of signature in lieu of oath. Explain primary and secondary evidence and	Define "initial filing sense" in other available sources such as prior service records, in situations where certain initial evidence is lacking.	Describe "common use of initial evidence. Explain when and secondary evidence or affidavits may be used. DO NOT include documentary requirements for	Plain language	none

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affidavits. Explain Discuss need for "exceptional" cases;
 submission of complete refer back to the
 translations or translations and regulation.
 photocopies vs need for original
 original documents.
 documents. In the Discuss data entry
 specific regulation requirements for
 for each form type, CLAIMS,
 describe specific reference Records
 documentary Handbook for CIS
 requirements in requirements.
 detail, specify
 exceptional cases
 and special filing
 requirements for
 unusual case types.

"Special" filing Define in detail in Describe each Refer filer to none
 requirements the appropriate exception and regulation or
 specific regulatory filing requirement separate
 section. for unusual or publication, if
 "special handling" applicable.
 cases. Describe
 national
 agreements with
 professional
 organizations such
 as sports leagues
 or unions.

Receipt date Set out the fee, Describe none none
 signature, and mechanics of
 initial evidence noting receipt date
 requirement in on petition or
 §103. Distinguish application.
 receipt date from Explain service
 priority date. No policy of
 reference on form chronological
 instruction or in processing and
 specific regulations. special handling
 exceptions

Priority date Define current Discuss old case none none
 system in specific "grandfathered"
 regulation (IV priority date
 petition only). assignments.
 Describe any
 policy guidance or
 clarifications
 which may
 surface.

Requests Discuss general Discuss none none
 for policy for alternatives to
 evidence obtaining formal requests:
 additional phone calls, use of
 evidence in §103. other service
 records and files,
 available

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publications, etc.
Explain policy of
minimization of
requests for
evidence and the
need to insure that
all initial evidence
is requested the
first time.

DecisionDiscuss Discuss none none
requirements for preparation and
service, appeal disposition of
rights, notice of formal decisions.
intent, in §103. Explain CLAIMS
Discuss petition actions. Explain
validity and events policy
which effect considerations in
validity, either inadjudicating,
103, where there is reference relevant
general precedents by
applicability or in topic. Discuss
the specific section documentary
where there is review, caution for
applicability only altered and
to a particular counterfeit
case type. documents,
requests for
original documents
in questionable
cases. Explain
procedures for
altering petition
validity. Explain
procedures for
serving decisions.
Explain
procedures for
handling
abandoned cases.

Appeals AAO/BIA Describe ROP, none none
appellate authority processing appeal
in specific section. by field and AAO,
AAO appellate CLAIMS updates,
requirements in reconsideration in
§103. General lieu of forwarding.
statement about
appealable
non-BIA cases to
AAO.

Certifications Describe legal Describe process none none
and Motions requirements in and deliberative
§103. Reference considerations.
§103 in specific
regulatory sections
where applicable.

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<p>Availability of decisions; binding nature of precedents and other policy materials policy issuances (including the field manual itself) and their binding nature on employees. Distinguish from non-binding advisory letters and general correspondence.</p>	<p>Define in §103. Refer to specific policy materials and their binding nature on Service employees.</p>	<p>Explain use and maintenance of public reading rooms. Describe various non-regulatory</p>	<p>none Requirements for public information areas.</p>	<p>Requirements for</p>
<p>Representation and 292 procedures for recognizing G-28, dealing with attorneys. Policy for attorney copies of decisions and requests for evidence.</p>	<p>Reference in §§ 103</p>	<p>Explain none</p>	<p>none</p>	
<p>FOIA/PA procedures for handling within program areas. Explain handling of third party requests.</p>	<p>References in §103</p>	<p>Explain</p>		
<p>Fingerprint and photography requirements relative to submission. prints.</p>	<p>Outside entity requirements in §103, general reference to follow collection and quality control of</p>	<p>Explain Separate public use flyers on ADIT entities. specifications and Outline specific designated entity requirements for program. Cross reference on specific forms</p>	<p>none</p>	
<p>Interviews in §103 to conduct or waive for any type of application or petition. for scheduling, techniques for interviewing, taking sworn statements, and videotaping. Describe specific policies such as</p>	<p>Provide authority interviews are useful and when they are not. Detail the process</p>	<p>Explain when may be required, if applicable.</p>	<p>Indicate interview</p>	<p>none</p>

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Stokes.

<p>Documentary requirements for inspection; procedures such as §§ 211 or 214. Describe requirements for carriers presenting passengers for inspection (manifests, etc.). Provide for deferred inspection, exclusion, detention, etc.</p>	<p>List specific requirements for each category of applicant in specific section, Describe offices by state or procedures for handling arrival and departure manifests. Procedures for deferred inspection. Table of addresses and restrictions for each office.</p>	<p>Describe none procedures for the conduct of air, land, and seaport inspection.</p>	<p>Listing of ports of entry by class. Listing of jurisdictional boundaries of field</p>
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<p>Physical and mental examination of passengers</p>	<p>Specify Describe none requirements in §234. referrals to USPHS.</p>	<p>none procedures for handling cases,</p>
--	--	--

<p>Transportation agreements carriers seeking each type of agreement in §§ 217, 238, etc. Indicate that a current listing of contracted carriers is available upon request.</p>	<p>Describe Describe none requirements for handling requests. Maintain listing of carriers in Appendix.</p>	<p>none procedure for</p>
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<p>Conduct and authority; organizational structure specific classes of officers contained in §§ 103 and 287 of the regulations. Geographic jurisdictional boundaries are contained in §103. General agency organization structure and delegations are also described in §103. procedural matters. Discussion of</p>	<p>Authority of officers contained in INA 287 and delegations to manual. Standards of conduct, courtesy, and professionalism discussed. Program mission and customer service standards explained. Proper use of chain of command, reporting incidents and other</p>	<p>Procedure for exercising authority explained in</p>	<p>none Firearms policy, deadly force policy. County-specific jurisdictional tables.</p>
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various job
categories within
each program

Bonds, fines seizures, etc. authority for various bonds, fines, and damages contained in §§103, 271 and other specific sections. seizures.	General Policies and requirements and procedures for processing and managing bonds, criteria for assessing and mitigating fines, managing vehicle	none	Management of funds
--	--	------	------------------------

Appendix 2-1 District/Sector Activity Report

1. Who is conducting the activity?

A. District/Sector _____

B. Office/Station _____

C. Number of INS officers involved _____

D. Other Federal Agencies Involved _____

E. Officer in charge of activity (name, title, and phone) _____

2. When will activity occur? From ___/___/___ to ___/___/___

3. Where will the activity occur (what cities and states)?

4. Who are the targets of the activity? (Give names and locations)

A. Industry(s) _____

B. Agriculture _____

C. Other _____

5. Who will provide press information (name, title, and phone)?
_____, _____, _____,

6. Briefly describe press plans. _____

7. Briefly describe reasons for action (i.e. citizen complaints, other agency information, etc.). _____

8. Briefly describe operational plan.

9. Briefly describe expected results including estimated number of arrests.

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10. Additional comments. _____

I. Introduction:

Position is located at _____. As an immigration inspector, the incumbent performs one or more of the following duties in support of certain federal laws. In addition, arrests and detains criminal aliens for other law enforcement agencies pursuant to warrants of arrest.

II. Major Duties and Responsibilities:

1. Conducts inspection of all classes of applicants for admission to the United States. performs initial inspection with the aim of quickly determining, by questioning and observing the individual and by reviewing his or her identifying papers, whether an applicant may be admitted without further formality or whether there are questions or indications of problems that require more detailed examination and require referral to other inspectors who perform a more detailed inspection. As necessary, based on referral from a primary inspector, makes a secondary (more detailed) inspection of applicants who require more intensive questioning concerning citizenship, admissibility, purpose of travel, entry documents and other information. Carries the inspection process in questionable cases to conclusion. Requests and collects maintenance of status and departure bonds. Refers applicants for exclusion hearings. Initiates procedures to fine commercial carriers for transporting documentarily deficient aliens into the United States. Initiates administrative and criminal proceedings under appropriate sections of U.S. law, including section 274 of the Immigration and Nationality Act.
2. Adjudicates a wide variety of applications for various immigration privileges and benefits that are processed at the ports-of-entry. Works on applications involving novel and complex application of law and regulation; completes the more complex cases assigned before review by supervisory officers, senior inspectors or immigration inspectors (special operations). Interviews individuals as necessary for confirming information found in applications.
3. Interprets and/or furnishes guidance and advice regarding I&N laws, regulations, and other service policy to inspector trainees, seasonal and/or part-time inspectors, and officers of other federal inspectional agencies who perform immigration inspection functions.
4. Gathers, makes use of, and disseminates intelligence information to other law enforcement officers or refers the information to the immigration inspector (intelligence) or the immigration inspector (special operations) if either officer is stationed at the port. Serves as the Service representative in a liaison capacity with local officials in seeking their cooperation, when necessary or desirable, to further the proper administration of the immigration laws. Detains and refers to the appropriate agency any person who is the subject of a local, state or federal arrest warrant or who, from the information gathered, may be subject to arrest by local, state, or federal authorities.
5. Conducts, for the U.S. Customs Service, the inspection and examination of arriving persons, baggage, merchandise, and other items and, where there is vehicular traffic, the conveyances in which any or all of these are being transported to the United States. This includes determining the dutiability of merchandise and verifying the merchandise in a carrier's possession against invoices, bills of lading, or other documents. Conducts inspection for the Public Health Service and the Plant Quarantine Division of the Department of Agriculture. Admits eligible persons, merchandise, etc. not requiring additional processing, but refers cases which present unusual problems or require additional processing to an officer of the appropriate agency for disposition.
6. Performs other work as needed or assigned such as custodial duties concerning detained aliens, furnishes guidance, advice and forms to the public, assists individuals in completing forms, administers oaths, collects fees, etc.
7. Responsible for the proper use of firearms and physical arrest techniques. Continues to meet the qualification standards for the use of firearms.

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III. Factor Level Descriptions:

1. Knowledge required by position:

- Thorough and full technical knowledge and understanding of current immigration and nationality laws, regulations, precedent decisions, policies, and procedures applicable to the inspection and examination functions, including procedures for referring applicant for exclusion hearings, as necessary.
- Knowledge and skill in interview techniques. Must use diplomacy, be tactful, resourceful, and discreet in dealing with and eliciting information from applicants and possess the ability to comprehend and correlate gathered facts.
- Thorough knowledge of rules of evidence and administrative procedures in taking sworn statements. Knowledge of areas of law concerning search and, seizure, civil rights, arrest authority and the constitution.
- Must possess keen insight into human behavior and make accurate discerning decisions based on examination of documents presented, responses to questions, appearance of applicants, their mannerisms, as well as their other actions and reactions.
- Broad knowledge of all Service functions in order to recognize, develop, and refer for appropriate action, information of value to other operational areas.
- Basic knowledge of current Customs and other federal inspection agency laws as they relate to assigned duties.

2. Supervisory controls:

Receives general supervision from assigned supervisor, who issues general oral and/or written instructions. Most duties are performed and decisions made independently. Supervisor is available for advice and assistance on matters not covered by established procedures. Work is reviewed on a spot check basis.

3. Guidelines:

Guidelines include the Immigration and Nationality Act and other related laws and regulations, field manuals, the Administrative Manual, judicial, and administrative precedent decisions, Service Lookout Book, various Service databases, and daily instructions. The inspector must exercise good judgment in applying laws, regulations and procedures to cases, most of which are clearly covered by the guidelines and precedents.

4. Complexity:

Incumbent performs inspection duties in compliance with certain federal statutes, and in accordance with established policies and procedures. As necessary, incumbent conducts intensive and detailed interrogations which are prompted by applicants for entry to the United States who are suspected of: (1) alien smuggling; (2) false claims to United States citizenship; (3) presenting fraudulently obtained documents of others; (4) presenting altered or counterfeit documents; (5) attempting to enter by scheme or devious means; (6) terrorist activity; (7) smuggling of illegal drugs and/or other contraband. Referrals for exclusion hearing must be accurate, concise, and firmly rooted in law. May be called upon to use proper and safe law enforcement techniques in the above cases, including arrest and detention of persons involved. Adjudicates a wide variety of applications and petitions for benefits under the Immigration and Nationality Act, including cases involving novel and complex application of law and regulation.

5. Scope and effect:

The purpose of the position is to properly categorize and admit United States citizens and entitled aliens into the United States. Prompt and efficient performance of duties facilitates legal entry, while denying entry to those not authorized to enter the United States under the exclusion laws (terrorists, narcotic traffickers, etc.).

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6. Personal contacts:

Contacts are with people seeking admittance into the United States (and at times, with their representatives), immediate co-workers, and as needed, with personnel from other agencies, foreign governments and members of the general public.

7. Purpose of contacts:

Purpose of contacts is to obtain information necessary to determine admissibility of people (or goods, where applicable) into the United States.

8. Physical demands:

Position requires moderate to arduous physical exertion involving long periods of standing, walking, the climbing of scaffolds and ladders, including "Jacobs" ladders, use of firearms, and exposure to inclement weather. Extended work hours (more than eight hours a day) are experienced. The lifting and carrying of materials (i.e. "boarding bag") is required to perform the duties of the position. May be required to use physical force to arrest and detain persons as deemed appropriate by Service regulations. Must be prepared to defend self and others against physical attack, resorting to the use of firearms if warranted by the circumstances (self-defense, defense of another officer, or an innocent third party).

9. Work environment:

Work may be performed at one or more of the following sites: border port-of-entry, seaport, airport or railway. Work is performed both indoors and outdoors. Incumbent may be exposed to inclement weather while working outdoors and shift work.

IV. Other Significant Factors:

Incumbent is required to carry a firearm and be proficient in the use thereof.

Appendix 3-2

Sample Position Description: Supervisory Immigration Inspector

I. Introduction:

This position is located at _____. The incumbent provides both technical and administrative supervision to various subordinates including: Senior Immigration Inspectors, GS-11; Immigration Inspectors (Special Operations) GS-11; and Immigration Inspectors, GS-5, 7 and 9).

II. Major Duties and Responsibilities:

1. Plans work distribution, making assignments and designating posts of duty to meet expected workloads. Makes adjustments in assignments, as required, to meet fluctuations in workload and make the best possible use of abilities of personnel and to insure well-rounded training in all phases of work to be performed. Incumbent must work in close cooperation with other supervisory personnel to coordinate functions and make efficient use of available resources.
2. Makes frequent inspections of operations to observe and evaluate the effectiveness of officers. Initiates changes in methods and procedures to effect more efficient operations. Takes corrective action when necessary to effect compliance with established policies and procedures. Determines need for and takes steps to provide training when deemed necessary to keep staff informed of current policies, procedures, and regulations.
3. Establishes production standards and prepares performance ratings, performance evaluation reports, and appraisal reports. While the incumbent does not select his own staff, recommendations and evaluation reports form the basis for the decision at a higher level to promote, reassign, or dismiss personnel under the incumbent's supervision. Makes recommendations for changes in staffing requirements to meet workloads.
4. Resolves complaints and grievances not requiring referral to higher authority and makes recommendations to the next higher organizational level regarding those complaints and grievances which must be referred.
5. Makes decisions on and resolves problems involving complex phases of the law or unusual situations requiring the interpretation and application of Service policy. Where problems require a policy decision of a precedential nature or where they involve approval of actions which might establish a precedent, incumbent refers matters to superiors for prior approval.
6. Maintains or directs maintenance of appropriate reports and production records. Oversees and insures that intelligence information developed in the course of normal operations is properly recorded and promptly referred to the appropriate office for action.
7. Maintains liaison with representatives of other Government agencies, officials of transportation lines, local law enforcement officials and representatives of civic organizations, cooperating with them and obtaining their cooperation in the enforcement and administration of laws, rules, and regulations governing their area of operations.
8. Supervises the adjudication of various types of applications and petitions which are processed on-site by immigration inspectors during periods of time when such officers are not performing other inspectional duties. Maintains control through frequent discussion of the effect of current judicial and administrative decisions, changes in laws, regulations, policies, and procedures. Insures decisions by immigration inspectors are based on valid premises and principles and are in accord with Service policy.
9. Maintains and establishes operating procedures to best identify excludable aliens by insuring that officers under the incumbent's supervision are proficient in the use of available Service and non-Service computer data bases for the betterment of the enforcement posture of the Inspections program.
10. Exercises supervision over the GS-11 senior immigration inspectors assigned to the port-of-entry. Conducts interim discussions with senior immigration inspectors during the course of investigations, prosecutions, and

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vehicles seizures for the purpose of keeping informed on the progress of the case. Anticipates and resolves policy decisions; reviews reports for the purpose of evaluating thoroughness of planning and analysis, soundness of judgments exercised, and results achieved.

11. Exercises supervision over the immigration inspectors (special operations)(IISO) assigned to the port-of-entry. The incumbent empowers the IISOs in the areas of development of intelligence data collection and dissemination and other special enforcement emphasis development. The incumbent insures that the IISOs serve as team leaders to lower graded officers, and insures that the IISOs engage in special projects which foster their further development and improve the effectiveness of the Inspections program locally, district-wide, or nationally.

12. May or may not be required to be proficient in the Spanish language, dependent upon the needs of the particular port-of-entry at which he or she is assigned.

13. Insures efficient and proper expenditure of overtime funds and general expense funds in compliance with Departmental and Service rules and regulations, including the Anti-Deficiency Act and Prompt Payment Act. Insures that sufficient funds are available to meet obligations, requisitions are complete and accurate, and receipt of services is correctly and properly documented. Incumbent insures all employees are below the individual overtime earnings cap set by law.

14. Supervises the Free-Trade program. Control is maintained through frequent discussions with inspectors concerning relevant laws, regulations, and policies.

15. Carries out Equal Employment Opportunity and Affirmative Action policies and program activities, communicating support of these policies to subordinates, and encouraging participation in EEO activities and training. Ensures equality in determining qualifications, selections, assignments, training, promotions, details, discipline, and awards for employees. Cooperates in the investigation of formal and informal discrimination complaints. Cooperates with and assists the EEO counselor in constructing a resolution to informal complaints. Cooperates and participates in the development of EEO and Affirmative Action planning and training efforts.

III. Supervision and Guidance Received:

The port director, assistant district director, or other superior official keeps the incumbent informed of all changes in policy, laws, regulations, or procedures. He/she defines the areas of authority delegated to the incumbent and advises the incumbent of his/her views and objectives as they relate to the operation of the office and affect the incumbent's liaison and representation responsibilities. The incumbent's staff is preselected and upper level managers make final decisions on resources available. Incumbent is responsible for the efficient and effective administration of the office and its resources, and has responsibility for the technical accuracy of the functions performed under his/her authority.

Review is accomplished through occasional inspection of operations, results accomplished and evaluations of soundness of judgment exercised as reflected in recommendations made and actions taken, particularly in relation to emergent situations requiring on-the-spot policy decisions or referral to higher levels of management.

IV. Other Relating Factors:

Incumbent must be thoroughly versed in all laws, regulations, policies, and procedures governing Service operations in order to adequately represent the Service and efficiently administer the Service programs in his/her area of jurisdiction. He/she must be able to deal effectively with the public and make sound decisions in interpreting overall Service policy and in making decisions required to meet local conditions and circumstances.

Appendix 3-3 Sample Position Description: Port Director

I. Introduction:

This position is located at _____, within the _____ District. Under the general supervision of the district director (in some locations, the first-line supervisor may be the assistant district director for Examinations or assistant district director for Inspections) the incumbent is responsible for managing one or more inspectional facilities with responsibility for the immigration inspection and admission of persons seeking entry into the United States and seeking other benefits available under the Immigration and Nationality Act and related laws. The incumbent is assisted by several subordinate supervisory personnel. The _____ port-of-entry inspects approximately _____ applicants for admission annually and has a staff of _____ inspectors and other personnel. In addition to inspectional activities, the incumbent supervises significant Adjudications activity and (in some locations) various Investigations and Deportation functions, as well as a range of administrative support activities.

II. Major Duties and Responsibilities:

1. Within the broad area of authority delegated to the incumbent by the district director, performs such duties ordinarily vested by law and regulation in the district director.
2. Within the framework of Service policies, procedures, practices and work standards, the incumbent develops policies, procedures, and work methods required to meet local conditions and circumstances. Incumbent has overall responsibility for recruiting, work distribution, assignments, and rotation of personnel to make best use of their abilities while insuring well-rounded training. Incumbent approves or disapproves overtime duty assignments.
3. Regularly consults with and advises superiors and other district officials concerning all matters within his/her area of responsibility or which cross organizational lines. Represents the district at regional and other Service conferences concerning port-of-entry operations and inspectional functions.
4. Incumbent makes frequent inspections of operations to observe and evaluate effectiveness of officers; initiates changes in methods and procedures to achieve more efficient operations; takes corrective action when necessary to effect compliance with established policies and procedures; determines needs and takes steps to provide additional training; keeps staff informed of current policies, procedures, and regulations.
5. Plans special programs, developing and placing into effect policies and procedures required to insure accomplishment of the desired objectives, based on an analysis of workload and local conditions, or at the direction of superiors.
6. Resolves complaints and grievances not requiring referral to higher authority and makes recommendations as to solution of those referred to the next higher organizational level. Approves or disapproves leave. Initiates disciplinary actions. Prepares appraisal reports for officers or supervises their preparation by subordinate supervisors.
7. Makes final decisions on and resolves problems involving complex areas of immigration law, or unusual situations requiring interpretation and application of Service policy. Where problems require policy decisions of precedential nature or might have a bearing on Service wide operations, they are referred to superiors for prior approval.
8. Has overall operational responsibility for the training in the proper application of the immigration laws of excepted immigration officers engaged in inspectional activities at the port-of-entry.
9. Prepares and maintains, or directs preparation and maintenance of all appropriate operational, administrative, and personnel reports, both special and routine, files, records and production reports. Oversees and insures that intelligence information developed in the course of normal operations is properly recorded and

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promptly referred to the appropriate office for action.

10. Maintains harmonious working relations with officials of foreign governments, Federal, state, and local governments including Congressional representatives, Central Intelligence Agency, Federal Bureau of Investigations, Drug Enforcement Agency, Customs, the US Attorney's Office and other agencies, as well as civic and social organizations, concerning matters related to Inspections and other port operations, and the resolution of mutual problems.

11. Incumbent makes recommendations as to budgetary and staffing requirements for the office and is responsible for the administration of Service personnel policies. This include overseeing preparation of employee appraisal reports, conduct of on-the-job training, and selection or recommendation of candidates for formal training.

12. Carries out Equal Employment Opportunity and Affirmative Action policies and program activities, communicating support of these policies to subordinates, and encouraging participation in EEO activities and training. Ensures equality in determining qualifications, selections, assignments, training, promotions, details, discipline, and awards for employees. Cooperates in the investigation of formal and informal discrimination complaints. Cooperates with and assists the EEO counselor in constructing a resolution to informal complaints. Cooperates and participates in the development of EEO and Affirmative Action planning and training efforts.

III. Supervision and Guidance Received:

The incumbent receives administrative and technical supervision from the district director and deputy district director (in some locations, the first-line supervisor may be that assistant district director for Examinations or assistant district director for Inspections). The incumbent has final responsibility for the technical accuracy of the functions performed under delegated authority. Review is accomplished through occasional spot inspections of operations conducted and results achieved. Superiors periodically evaluate the incumbent's soundness of judgment as reflected in recommendations made and actions taken, particularly in relation to emergent situations requiring on-the-spot policy decisions or referral to higher levels of management.

IV. Other Relating Factors:

Incumbent must be thoroughly versed in all laws, regulations, policies, and procedures governing Service operations in order to adequately represent the Service and efficiently administer the Service programs in his/her area of jurisdiction. He/she must be able to deal effectively with the public and make sound decisions in interpreting overall Service policy and in making decisions required to meet local conditions and circumstances.

Appendix 3-4

Sample Position Description: Assistant District Director for Inspections

I. **Introduction:** This position is located at (LOS, MIA and NYC). The incumbent plans, organizes, and directs the primary and secondary inspection of all persons entering the United States within the district office's jurisdiction.

II. **Major Duties and Responsibilities:**

1. Within the framework of the Service's operational and regional administrative policy and procedures, the incumbent interprets and directs the implementation of Inspections policies and procedures at the district's ports-of-entry; develops the district's Inspections policy and procedures to meet new and changing conditions; monitors compliance with Service policy and procedure at ports-of entry; recommends to the district director, regional, and Headquarters managers innovations or changes in policies or procedures.
2. Briefs the district director, regional, and Headquarters Inspections officials on significant developments in the Inspections program. Evaluates proposed national policy and procedures from a district perspective. Advises regional and Headquarters officials of the implications of new policies and procedures.
3. Represents the district's Inspections program. Coordinates, negotiates, and interprets the District's Inspections program with management officials and program managers in the district, Border Patrol sectors, region, and Headquarters; provides interpretations of Inspections policy and procedures to other Federal, state, and local agencies including: the Customs Service; US Attorney's office; Department of Agriculture; Drug Enforcement Agency; Bureau of Alcohol, Tobacco and Firearms; General Services Administration; Congressional, gubernatorial, and mayoral offices, and the embassies and consulates of foreign countries.
4. Maintains the districts Inspections staff at peak efficiency. Working closely with subordinate port directors and other Inspections supervisory personnel, schedules, monitors, and administers basic, advanced and specialized Inspections training. Recruits a proficient, diversified work force in accordance with EEO objectives; oversees staffing levels, interviews and hires, or recommends hiring staff, especially supervisory staff; ensures position descriptions and performance work plans are up-to-date and accurate. Requests the allocation of additional or temporary positions to meet increases in port traffic; controls detailing of Inspections personnel to other programs, activities, or locations.
5. Evaluates the performance of key district Inspections officials; recommends and secures recognition or awards for outstanding accomplishments.
6. Formulates the district's response, in consultation with superiors, to grievances and complaints not resolved at the port level; manages responses to Congressional inquiries on Inspections issues; serves as Inspections' technical advisor on formal arbitration hearings.
7. Makes long range plans for Inspections equipment, space, and services; executes and controls the district's Inspections budget; monitors repairs and purchases of equipment and supplies; serves as the district consultant on new Inspections facilities and renovations.
8. Periodically checks the scheduling of overtime, directs changes where necessary. Visits ports to evaluate key inspections officers and port performance and efficiency; checks security; assesses personnel and equipment needs; inspects uniforms; reviews port accounting methods and statistics; resolves emergent problems; corrects deficiencies in operations; commends accomplishments.
9. Serves as the public relations focus for the district's Inspections program; explains operations, procedures, and trends to external fact-finding groups. Promotes a positive image of the district's Inspections program.
10. Ensures ports have a contingency plan for emergency evacuation, terrorist incidents, surges in traffic, etc. Manages politically sensitive Inspections events, newsworthy incidents, etc.

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11. Performs other duties as assigned.

III. Supervision and Guidance Received:

Works under the general supervision of the district director and deputy district director. The incumbent works independently and within the guidelines of the Immigration and Nationality laws, regulations, Service policy, and precedent decisions. Performance is evaluated in terms of soundness of recommendations made and results achieved.

Appendix 3-5

**Sample Position Description: Immigration Inspector
(Special Operations)**

I. Introduction:

This position is located at a seaport, land border crossing or airport where the incumbent performs a wide range of complex advisory and coordinating duties, and other specialized assignments involving highly sensitive inspection, enforcement, and facilitation issues. This is the standard position description for the Immigration Inspector (Special Operations). The incumbent performs, for at least the majority of the time, in one or more of the major functional areas listed below.

II. Major Duties and Responsibilities:

1. **Special Emphasis Units.** As a member of a special emphasis unit the incumbent collects raw and finished intelligence reports/data from the immigration inspectors, intelligence officers, and local sources. Reviews previous destinations of incoming vehicles, vessels, passengers, and pedestrians. Analyzes information and identifies passengers, pedestrians, commercial carriers, and vessels that require in-depth or special emphasis inspection actions because of high risk of narcotics, illegal migration, organized crime, smuggling activities, sale, use or production of fraudulent documents or other criminal activity. Develops profiles, patterns, and blitz targets to be used by other inspectors. Plans actions to be taken, coordinates activities with designated team members and appropriate agents outside the teams, and leads/oversees the intensive action operations, where appropriate. Monitors trends and forces (i.e. political, economic, social, and cultural) in foreign and domestic areas which may directly or indirectly foster/support illegal migration, terrorism, or drug trafficking, and/or any other related illegal activity which may be of interest to the port, the Service or the intelligence community. Maintains contact to keep abreast of current local, national, and international developments, resolves common/strategic problems, and provides for free flow of information on matters of intelligence interest; establishes effective/harmonious working relationships with counterparts. May perform these functions for more than one station, all of which may be remote from the unit's central duty station. Represents their area of responsibility on committees, at conferences and other meetings. Provides intelligence and other information to the local intelligence officer for possible use and incorporation into future intelligence endeavors.

As a member of the Advance Passenger Information System (APIS) special emphasis unit, reviews flight and vessel manifests, schedules, and arrivals produced by APIS to identify and profile passengers for secondary inspection and to provide a track record/point of research to screen possible involvement of crewmembers and airline/ shipping company officials. Reviews and analyzes such areas as carrier compliance with boarding regulations, patterns of violations and problems with carriers in order to build an intelligence history of crewmembers, airlines, and officials. Analyzes information and identifies aircraft, vessels, and passengers that may require an in-depth or special emphasis inspection because of a high risk of narcotics, fraud and similar high-priority violations. Forwards information to inspectors on the scene. Incumbent uses available information systems (e.g. IBIS, NAILS, NCIC, TECS, NLETS, EPIC, OASIS), and other national and international law enforcement data bases, in the inspection and investigation of individuals applying for admission into the United States and performs a variety of intelligence gathering analyses of passengers to determine if they are admissible or excludable. Notifies the appropriate lead agency and foreign embassy/consular personnel of detained aliens. Reviews recommendations from inspectors, deportation officers, and special agents to enter data into various law enforcement data bases, ensuring that the case file supports the recommendation and authorizes or denies entry into the files.

2. **Team Leader.** Serves as a team leader to a group of lower graded inspectors. Provides advice and guidance to lower graded inspectors in applying a wide variety of procedures and methods to widely diversified inspection activities, i.e., questions relating to interpretation of difficult and/or complex points of Immigration and Nationality Law, criminal or civil laws, and precedent decisions, and/or interrelationship of facts and evidence necessary to substantiate criminal or administrative procedures. Incumbent is recognized authority on the interpretation of immigration and nationality laws, regulations, and policy materials and is called upon to provide advice and assistance to other governmental entities including foreign, as well as assistance in non-governmental functions. Incumbent is recognized as an "expert" in the detection of fraudulent documents

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and is often summoned by the courts, as well as other government agencies, including foreign, to identify fraudulent documents, e.g., visas, passports, marriage licenses, divorce papers, birth certificates, death certificates, adoption records, etc. Resolves difficulties which arise between inspectors and passengers/persons entering the country. Provides guidance and oversight if needed in the preparation of reports and documents pertaining to the apprehension, interrogation, exclusion, and/or detention of an alien; approves recommendation for final disposition of a case, in accordance with standard operating instructions, to the prosecuting officer for review and execution. Provides oversight and monitors inspection, enforcement, and facilitation activities in one or more stations, and performs a variety of administrative, advisory, and coordination tasks. Provides daily assignments to members of the assigned group, balances workload, identifies areas of special emphasis, and assures that work is completed in accordance with prescribed regulations. Approves actions involving sensitive and unique conditions, e.g., people or situations requiring special handling. Closely monitors training needs of assigned officers according to type of work performed, cases encountered, and officer expertise. Assures required post-academy training is completed, coordinates training needs with training officer. Handles sensitive situations including difficult individuals, which may result in disputes or create chaos between passengers/aliens and individual inspectors. Performs necessary actions to avoid and/or alleviate altercations in the primary inspection area.

3. **Rover**. In large airports, roves and mingles among passengers. At land border crossings, mingles among those awaiting entry prior to primary inspection to identify suspicious individuals who warrant secondary questioning. Those duties may be performed undercover. Incumbent is responsible for profiling and evaluating incoming traffic to identify potential and/or known violators/criminal activity. Develops necessary plan of action; carries out needed/proactive operations; writes reports; determines/recommends corrective action and/or legal penalties to be assessed. Maintains the security of the inspectional area by adhering to established guidelines, and recommending penalties and/or disciplinary action for violators. Ensures the integrity and sterility of the inspectional area and makes recommendations for improvement. Coordinates and participates in arriving aircraft and ship searches; makes recommendations regarding the assessment of penalties for violations. Handles sensitive situations, e.g., need-to-know travel of prominent individuals, foreign dignitaries, and identified politically sensitive travelers, to alleviate confusion or a situation which could cause embarrassment to the agency and consternation by the press; resolves difficulties which arise between inspectors and passengers or pedestrians entering through the port; provides guidance and assures that all procedures for inspection, examination, seizures, penalties, arrests, etc. are properly effected. In a secondary inspections area, observes that all legal requirements are satisfied, and coordinates actions with the inspectors, Customs personnel such as special agents, and with other Federal and non-federal agencies such as APHIS or local police. Resolves unusual problems and defuses tense situations.

4. **Special Studies Relating to Inspections Program**. Plans and carries out assignments, projects, studies, or investigations to explore and resolve major problems in the Inspections Program's operations and enforcement activities and to develop new operational procedures/techniques which will result in more efficient and effective program operation. Specific projects may include reviewing inspection operations, developing and recommending improvements in processes, and designing more efficient ways to use personnel and facilities and presenting those recommendations to superiors. Also may include determining impacts on resources; developing local methods for implementation considering local conditions; and identifying trends or patterns in problems, determining if proper procedures were used and providing written guidance on proper techniques and methods to avoid such problems. May perform cost study/analysis to develop accurate cost per passenger processed, including overtime, specialized training, and/or unique resources needs, security, etc.

5. **Terrorism, Drug, Fraud Task Force**. At ports-of-entry which do not have senior immigration inspectors, serves as a specialist regarding inspection, enforcement, and facilitation functions on the Inspections National Terrorism, Drug, and Fraud Task Force (TDF) to support special/particular law enforcement operations, e.g., organized crime, fraud/document fraud, smuggling of aliens or drugs. Serves as a team leader in secondary inspections and continues the questioning of subjects suspected by primary and secondary inspectors of being involved with the organized smuggling of aliens and/or drugs, terrorism, fraud, and/or organized crime. Responsible for the resolution of conflicting facts or evidence uncovered during the interrogation. Incumbent advises applicant as to the availability of administrative relief to overcome factors of exclusion and executes proper documentation; prepares and presents sworn statements in accordance with the rules of evidence and the Administrative Manual, and prepares documents to support excludability of aliens, Records of Deportable Alien, Orders to Show Cause, and/or Warrants of Arrest. Provides guidance as needed and if necessary oversees the preparation of reports and documents pertaining to the apprehension, interrogation, and exclusion, and/or detention of an alien; makes recommendation for final disposition; forwards the case, in accordance

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with standard operating instructions, to the prosecuting officer for review and execution. Develops leads which often overlap organizational and geographic boundaries. In concert with US and foreign government officials, ensures resources and systems are set in place to deter/track the entry of terrorists and narcotics traffickers.

6. **Training Officer.** Responsible for providing training to immigration inspector trainees, immigration officers (e.g. adjudicators and deportation officers) detailed to perform inspectional duties, and Customs inspector trainees and for providing refresher courses for journey level immigration inspectors. Instructs and conducts classes in field pertinent to immigration and nationality law, immigration inspection, examinations and adjudication, alien processing, naturalization, and fraudulent document detection. Prepares daily work or lesson plans for individual classroom sessions in conformance with general course outlines and established learning objectives. This includes responsibility for teaching methods, utilizing training aids, organizing and presenting course material, and providing appropriate supplemental material according to stages of progress and needs of students. Evaluates students' progress through established methods and techniques. Reviews trainees' progress and problems with supervisory immigration inspectors. Within established course objectives and guidelines, maintains and insures that specific course content is current, technically accurate, and consistent with established INS academic operational and administrative policies. Continually upgrades and updates course materials, especially on detection of fraudulent documents. Revises lesson plans and makes improvements in instructional material to insure achievement of course objectives.

May be required to perform journey level inspectional duties as needed. Journeyman level inspectional duties will be performed less than the majority of the time.

III. **Factor Level Descriptions:**

1. Knowledge required by position

- An extensive knowledge and comprehensive understanding of the Service's and other agency laws, regulations, precedent decisions, pertinent injunctions, and consent decrees, pertaining to: 1) the admission or denial of admission of a wide variety of categories of applicants of admission to or exclusion from the U.S.; 2) the granting or denial of benefits available under the immigration and nationality laws; 3) the laws and decisions relating to search, seizure, arrest, and exclusion/refusal of admission.
- Knowledge of a variety of sources of information such as automated data bases, intelligence sources, and others; and substantial experience in their use, particularly such automated data bases as: IBIS, NAILS, TECS, NCIC, NLETS, EPIC, OASIS, etc., to gather information required for intelligence, enforcement, and facilitation decisions.
- Extensive knowledge of inspections regulations and procedures as well as demonstrated knowledge and competence in search, seizure, arrest, interrogation, proper law enforcement, and investigative techniques for obtaining information through: the application of rules of evidence, rules of criminal procedures, and the functional jurisdiction of Federal, state, and local agencies; observation, interrogation, and inspection of documents and search of records/systems; use of specialized covert operations and effective liaison with other government jurisdictions that have primary responsibility for particular kinds of cases; the gathering, analysis, and evaluation of data in a geographic or functional area in order to effectively target high risk passengers or pedestrians; and utilization of selective enforcement profiling.
- Knowledge of jurisdictional entities among state, local, and Federal agencies and within the Service in order to accurately refer matters which extend beyond the purview of the Inspections Program.
- extensive knowledge of political, social and economic factors, both domestic and international in scope, which may effect attempts to enter the country illegally.
- Advanced knowledge of intelligence gathering techniques and skill in the development of confidential informants in order to coordinate and evaluate on a continuing basis, information derived from diverse sources.
- Ability to identify and take appropriate action in sensitive situations which are significant in scope and impact on international relations (e.g. political asylum claims).
- Ability to: elicit pertinent information and material facts to be included in sworn statements from

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principals, aliens, and other sources through investigative techniques; prepare evidentiary documents in final form for presentation in administrative or criminal proceedings; and locate, identify and evaluate other evidence for successful presentation to the prosecuting officer. This requires comprehensive knowledge of trends, profiles, and methods of drug and alien smuggling, terrorism, document fraud and other sensitive national security issues.

- Ability to identify and analyze a variety of counterfeit or fraudulent documents. Ability to provide accurate and credible testimony at criminal and administrative hearings regarding the validity of the document encountered or oral statements made during the inspection procedure.
- Ability to deal tactfully with and gain cooperation of travelers, importers, trade and carrier representatives, and law enforcement personnel; used to resolve sensitive and often vitriolic contentions about fact or opinions related to enforcement or facilitation.
- Ability to make accurate judgments and prompt decisions for enforcement and facilitation purposes. Ability to observe and detect unusual conditions or behavior indicating possible violations and take appropriate action to enforce immigration and other laws.
- Ability to qualify with and maintain proficiency in the use of firearms to protect and defend his/her own life or that of others.

2. Supervisory controls

The immigration inspector (special operations) is under the general direction of a supervisory immigration inspector. The incumbent works with a high degree of independence in providing leadership and resolving problems in an assigned area of responsibility. Special assignments have objectives stated in general terms and usually are in the form of an identified problem, or an area for analysis or investigation. The incumbent organizes the approach, determines the extent of fact-finding and analysis, and adapts techniques and methods to the particular problem involved. Work is typically accepted as completed staff work. Recommendations of changes in procedures and practices are reviewed for effect on other operations, and administrative policy considerations (i.e. time, staff and costs).

3. Guidelines

Written guidelines include the Immigration and Nationality Act, regulations, INS Administrative Manual, Service Lookout Book, various policy memoranda, field manuals, systems user manuals, the United States Code, precedent decisions, and other judicial decisions. The incumbent exercises sound judgment in interpreting the law applying regulations and procedures to each individual case. Must develop novel approaches and techniques to cope effectively with new or unusual circumstances for which there are no written guidelines or procedures.

Since guidelines are frequently stated in general terms, the incumbent is required to use seasoned judgment, based on extensive experience and broad knowledge, in the interpretation and application of these instructions to sensitive, complex situations; to answer complicated technical questions; and to develop and recommend new or modified procedures. It is often necessary to modify guidelines on an immediate bases, e.g., application of instructions and procedures to situations involving reentry, voluntary departure, smuggling, etc., for which the incumbent is held directly responsible.

4. Complexity

As the immigration inspector (special operations), the incumbent performs a wide range of advisory, coordinating, and special investigative duties involving complex and highly sensitive inspection and control issues. Oversees inspection, enforcement, and facilitation functions performed by lower graded inspectors, plans and does studies to explore and resolve major operations problems, and functions as an advisor on difficult/problem assignments. Reviews documents for authenticity and correctness, evaluates information for tone and intent, assesses the consequences of proposed actions and mitigating factors, and develops more detailed and explicit information.

Assignments may typically involve applying precedent court decisions and procedures, conducting

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interrogations of suspects, taking sworn testimony often in a foreign language, and developing, evaluating, and independently making determinations for immediate or deferred action as each situation indicates. Working under severe time constraints, determines factual elements from incomplete or conflicting data, determines factual elements from seemingly disparate facts which often lead to sophisticated domestic and/or international conspiracies or other unforeseen results.

In judgment situations, determine how far to go in sensitive or difficult situation, determine how important particular actions are and whether they are reasonable. Provides ways to facilitate processing while ensuring enforcement and inspectional requirements are met. Work performed at this level requires the incumbent to develop, evaluate, and control information from all levels of the socio-economic structure and requires broad flexibility and independence in making decisions concerning such things as interpreting a large volume of conflicting information, planning of the work, or refining the methods and specialized techniques to be used.

5. Scope and effect

The purpose of the position is to enforce the Immigration and Nationality Act and related statutes, i.e., 8 U.S.C. 1154; 8 U.S.C. 1158; 8 U.S.C. 1182-1184, 8 U.S.C. 1187; 8 U.S.C. 1222; 8 U.S.C. 1225-1227; 8 U.S.C. 1281; 8 U.S.C. 1282; 8 U.S.C. 1286; 8 U.S.C. 1287; 8 U.S.C. 1301; 8 U.S.C. 1321-1325; 8 U.S.C. 1327; 8 U.S.C. 1357; 8 U.S.C. 1361; 8 U.S.C. 1401-1409; 8 U.S.C. 1431; and 8 U.S.C. 1432. Through the investigation and analysis of unusual conditions, problems, and questions, inspectors prevent unauthorized persons from entering the United States; deter the smuggling of aliens, promote crime detection and prevention within their assigned area; and effect the apprehension, prosecution, and expulsion of excludable aliens.

Many of these excludable aliens are also violators of criminal statutes. Through the application of appropriate investigative techniques, the incumbent may provide the inspector with information concerning organized crime or international terrorist organizations. Effective performance of duties has considerable impact on reserving employment opportunities for United States citizens and legal resident aliens, and on the operation of other law enforcement agencies.

The immigration inspector is not only charged with the responsibility for enforcing the administration of criminal laws of the United States, but is also responsible for providing immigration information to the general public, attorneys, Federal, state, and local law enforcement agencies, and foreign government officials, as well as the intelligence community. When performing adjudicative functions, the inspector must possess a wide and varied range of knowledge which is required when reviewing and making final determinations to grant or deny an applicant benefits sought under the Immigration and Nationality Act.

6. Personal contacts

Contacts are made independently with employees at various levels in Headquarters, regions, districts, sectors, and ports-of-entry; employees of other Federal, state, and local government agencies; diplomats, foreign government officials, members of Congress, and other United States Government officials; and proprietors/officials of aircraft, vessels, and other related concerns.

Has contact with people asking admission into the United States, who frequently include inadmissible aliens, i.e., those with criminal backgrounds, smugglers, terrorists, and drug traffickers. Other contacts include attorneys, bond company officials, law enforcement officials, private citizens, confidential informants, and members of the media.

7. Purpose of contacts

Contacts are established for the purpose of determining admissibility to the United States, providing/exchanging information, intelligence gathering, as well as for liaison and training with other state, national and international law enforcement agencies. In addition, contacts are made for the purpose of establishing an applicant's eligibility for benefits under the Immigration and Nationality Act.

Contacts are to elicit information in stressful or hostile situations; unearth irregular practices where efforts have been made to hide them; identify operational problems, work out solutions, negotiate important questions of compliance, enforcement, and smuggling practices with high level INS officials and other

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knowledgeable staff members, agents of the airlines, transportation companies, and others, as well as the traveling public, and to testify in court

.

8. Physical demands

The position may require considerable and strenuous physical exertion such as lifting heavy objects, crouching or crawling in hazardous/restricted areas, climbing on scaffolds and ladders to perform inspections of ships and/or aircraft, stopping and bending to inspect vehicles, and long periods of standing, walking, etc., and defending oneself or others against physical attack, using firearms only as a last resort.

Positions require working long, irregular hours beyond a normal 40-hour workweek, which includes weekends, holidays, and nights. Incumbent will be required to maintain proficiency with firearms. Requires dealing with persons who are uncooperative, a threat to themselves and others.

9. Work environment

Works indoors in such places as offices and airport terminals, airplanes and ships; outdoors in all kinds of weather at such places as docks, on and around ships, airports and aircraft, bridges and tunnels, and trucks and other vehicles; all of which may require special safety precautions, e.g., caution on slippery, moving surfaces. The incumbent is exposed to inclement weather extremes and exhaust fumes from vehicles, trucks, and aircraft and in industrial areas, is subject to atmospheric contaminants which are hazardous to health. Is exposed to potentially dangerous situations involving physical attack, exposure to lethal weapons, and mob conditions.

Appendix 3-6 Sample Position Description: Carrier Consultant

I. **Introduction:** The incumbent is an immigration inspector (carrier consultant) who, under the supervision of the Director, Carrier Consultant and Support Unit, Inspections Division, carries out temporary duty (TDY) assignments to locations overseas as representatives of Headquarters and the Service to advise international airline and shipping carriers. The incumbent develops standardized Service instructions and guidance for the presentation to and use by members of the transportation industry concerning a wide range of immigration-related issues (including the identification of fraudulent travel documents, immigrant and nonimmigrant requirements for travel to the United States, and fines and liquidated damages). The incumbent also acts as the Service's primary source of technical expertise on US entry and documentary requirements, providing guidance and assistance to field offices, the Department of State, and other US government and foreign government agencies. The work is not limited in geographic area, but covers Inspections program issues both within and outside the United States and has a significant effect Service and government-wide.

II. Major Duties and Responsibilities:

1. Consults with and advises the director, Carrier Consultant and Support Unit, and the assistant commissioner, Office of Inspections, in devising overall policies, plans and procedures to be used as guidelines by Headquarters and field office personnel in carrying out the Inspections functions of the Service. (15%)
2. Carries out TDY assignments to locations overseas as a representative of Headquarters and the Service to advise international airline and shipping carriers. Develops standardized Service instruction and guidance for presentation to and use by members of the transportation industry concerning a wide range of immigration-related issues (including the identification of fraudulent travel documents, immigrant and nonimmigrant requirements for travel to the United States, and fines and liquidated damages). Acts as the Service's primary source of technical expertise on U.S. entry and documentary requirements, providing guidance and assistance to field offices, the Department of State and other U.S. government and foreign government agencies. The work is not limited in geographic area, but covers Inspections program issues both within and outside the United States and has a significant effect Service and government-wide(20%)
3. Based on personal assessments made during the TDY assignments, evaluates the effectiveness of current policies. Establishes, amends or otherwise controls Service programs, insuring Service-wide uniformity in the application of laws, regulations and policies relating to Inspections work. Reviews operational analyses, intelligence reports and field inspection reports in order to propose instructions and procedures regarding document training and carrier issues. (20%)
4. Liaises with the corporate and operating component executives of major airlines and sea transportation companies in the normal process of advising and training transportation company employees on U.S. entry and documentary requirements, and document training issues. Routinely contacts senior personnel of national and international organizations, such as the Air Transport Association (ATA), and the International Air Transport Association (IATA). Conducts and addresses meetings, conferences and seminars related to U.S. Entry and documentary requirements and training. Establishes and maintains liaison with foreign government personnel at embassies and consulates in the United States, and with foreign immigration officials at the Headquarters level. (20%)
5. Acts independently as the Service and Headquarters representative, consultant and advisor to members at all levels of the international airline and shipping industries in matters concerning a wide range of immigration related issues such as: the identification of fraudulent travel documents, immigrant and nonimmigrant requirements for travel to the United States, and fines and liquidated damages provided for under the Immigration and Nationality Act. Serves as the Inspections program expert on issues relating to documentary requirements for admission to the United States relating to the airline and shipping industry, specifically, insuring the proper and consistent application of all applicable laws, regulations, guidelines, etc., and provides clear guidance to INS operational staff (both at Headquarters and in field offices) and the transportation industry. (15%)

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III. Factor Level Descriptions:

1. Knowledge required by position:

- Extensive knowledge and comprehensive understanding of: the Service's and other agency laws, regulations, precedent decisions, policies and procedures applicable to the admission and exclusion of individuals desiring to enter the United States; the identification of fraudulent travel documents, immigrant and nonimmigrant requirements for travel to the United States, and fines and liquidated damages provided for under the Immigration and Nationality Act.
- Extensive knowledge and skill in designing, developing and delivering instructional programs and guidance. Must identify end users (commercial airline or shipping carrier personnel) needs and specifically address these needs with effective instructional and guidance programs. Extensive knowledge and skill in establishing and maintaining liaison.
- Extensive knowledge and skill in the collection and analysis of information. Knowledge of, experience in, and total familiarity with a variety of sources of information such as automated data bases (Interagency Border Inspections System- IBIS, National Crime Information System-NCIC, etc.) And numerous intelligence sources.
- Comprehensive knowledge of trends, profiles and methods of drug and alien smuggling, terrorism, document fraud and other sensitive national security issues. Extensive knowledge of political, social and economic factors, both domestic and international in scope, which may affect attempts to enter the United States illegally.
- The position also requires training skills, good interpersonal skills and the ability to interact with individuals in varying and unfamiliar environments and stressful situations.

2. Supervisory Controls:

- The incumbent is under the supervision of the director, Carrier Consultant and Support Unit, Office of Inspections, Washington, DC. The incumbent works independently in planning and executing Inspections programs to accomplish broadly defined Service objectives.
- The incumbent carries through normal program work on his own initiative with the supervisor available for guidance. Completed work is evaluated in light of results achieved, initiative displayed and judgment exercised, rather than by direct review.

3. Guidelines:

- Written guidelines include: the Immigration and Nationality Act; the Code of Federal Regulations; the Administrative Manual, various field manuals; judicial and administrative decisions; and other policy memoranda. The incumbent uses sound judgment, based on extensive experience and knowledge, in interpreting and applying laws, regulations and procedures to sensitive, complex situations. The incumbent works with limited oversight, both in the United States and overseas, and uses independent judgment to recommend and revise guidelines for the program.

4. Complexity:

- The incumbent carries out TDY assignments to locations overseas as the representative of Headquarters and the Service to advise international airline and shipping carriers. The incumbent develops the standardized Service instruction and guidance for the presentation to and use by members of the transportation industry concerning a wide range of immigration-related issues (including the identification of fraudulent travel documents, immigrant and nonimmigrant requirements for travel to the United States, and fines and liquidated damages.
- The incumbent acts as the Service's primary source of technical expertise on U.S. entry and documentary requirements, providing guidance and assistance to field offices, the Department of State and other U.S. government and foreign government agencies. The work is not limited in geographic area, but covers

Inspector's Field Manual

Inspections program issues both within and outside the United States and has a significant effect Service and government-wide.

5. Scope and Effect:

- The incumbent is the Inspections program expert on issues relating to documentary requirements for admission to the United States relating to the airline and shipping industry, insuring the proper and consistent application of all applicable laws, regulations, guidelines, etc. The incumbent insures that all written materials such as NAILS handbooks, carrier training guides, inspectional aids, document reference material, etc. provide clear guidance to INS operational staff (both in Headquarters and in field offices) and the transportation industry.

6. Personal Contacts:

- The incumbent maintains contact with the corporate and operating component executives of major airlines and sea transportation companies. The incumbent routinely contacts training program managers of national and international organizations such as ATA and IATA. The incumbent addresses meetings, conferences and seminars related to U.S. entry and documentary requirements and training, and assists airline personnel in the United States and overseas.

- The incumbent maintains liaison with the Department of State, Customs Service, Department of Transportation and other Federal Government agencies at the Headquarters level. The incumbent also maintains liaison with foreign government personnel at embassies and consulates in the United States, and with foreign immigration officials.

7. Purpose of Contacts:

- The contacts are maintained so the incumbent can accomplish the goals of the Inspections Program and enforce the appropriate sections of the Immigration and Nationality Act. These contacts enable the normal process of advising and training transportation company employees on U.S. entry and documentary requirements and document training issues to ensure carrier compliance with statute and regulation.

- This requires extensive knowledge and comprehensive understanding of: the Service's and other agency laws, regulations, precedent decisions, policies and procedures applicable to the admission and exclusion of individuals desiring to enter the United States; the identification of fraudulent travel documents, immigrant and nonimmigrant requirements for travel to the United States, and fines and liquidated damages provided for under the Immigration and Nationality Act.

8. Physical Demands:

- The position requires light to moderate physical exertion involving long periods of standing and walking. Extended work hours, travel, the need to adjust to various time zones, and the lifting and carrying of training materials and equipment may be required.

9. Work Environment:

- Work is performed in the Headquarters office and at selected domestic and overseas locations, such as airports. Work is primarily performed indoors. The incumbent may be exposed to a variety of work settings due to overseas assignments. Assignments may take the incumbent to areas involving extreme climates and hazardous health conditions. As a U.S. Government representative, the incumbent may be at risk in certain overseas locations.

IV. Other Factors:

The position requires experience as an immigration inspector, access to classified materials, and involves extensive domestic and overseas travel.

Appendix 3-7

Sample Position Description: Senior Immigration Inspector

I. Introduction: This position is located at a high risk port-of-entry, where the incumbent serves as the senior immigration inspector responsible for the enforcement of the Immigration and Nationality Act and other criminal statutes by identifying, investigating, apprehending, and prosecuting persons who are attempting illegal entry into the United States. The incumbent gives directions and guidance to other employees when they are assigned to this activity.

II. Major Duties and Responsibilities:

1. At the port-of-entry the incumbent continues the questioning of individuals suspected by primary and secondary officers of being involved with organized smuggling of aliens, terrorism, drug smuggling, and document fraud. The incumbent interrogates these persons in situations where further useful information could be extracted, such as: vendor source, route, smugglers names, etc. The incumbent conducts investigations of these cases and, in appropriate situations, presents the facts to the U.S. Attorney for determination of cases for criminal prosecution in the federal courts. These investigations include reviewing evidence and documentation, preparing criminal complaints, arranging for forensic examination, requesting records and certification from other agencies and taking testimony from defendants and witnesses. (Combined with 2, 60%)
2. The incumbent presents all evidence to the representative of the U.S. Attorney's Office. Represents the Service at judicial hearings for criminal prosecution in Federal grand jury indictments, bond determination hearings, pre-trial hearings, trials and sentencing. Makes recommendations to the U.S. magistrate for bond determination hearings and to Federal probation officers as part of the pre-sentencing report. (Combined with 1, 60%)
3. The incumbent reviews and recommends local policy and procedures needed to collect and disseminate effective intelligence data and information. Makes recommendations to the port director regarding changes to policies and procedures. Reviews local records of attempted illegal entries and organizes information into various reports, charts and displays. Establishes and maintains liaison with appropriate officials in foreign government agencies, Department of State, Customs and other U.S. Government agencies, as well as other INS officials for the purpose of exchanging information and developing avenues for obtaining law enforcement assistance from these agencies in the future. (10%)
4. Develops and conduct training for all officers at the port-of-entry in terrorism, drug smuggling, and document fraud. Ensures that training is provided for all temporary employees. Oversees post-academy training courses for permanent employees, administers testing required under the program and provides other related training during the probationary year. Closely monitors training needs of the employees according to the type of work performed, cases encountered and officer expertise. Develops courses/classes to answer those needs, using the resources available. (10%)
5. Responsible for reviewing all motor vehicle seizure documents to the port-of-entry to determine if the conveyance is subject to seizure for a violation of 8 U.S.C. 1324(b) in accordance with Service guidelines. Conducts interviews with registered owners, attorneys and lien holders to clarify seizure and condemnation procedures, to notify interested parties/ concerns that the vehicle has been seized, and to provide information on appeal rights and procedures. The purpose of the interviews is to obtain facts and evidence surrounding the violation. The information obtained during the interview is used in determining whether the condemnation procedures should be continued, and in determining if the individuals are illegal aliens or are involved in smuggling. Prepares reports and documents pertaining to the apprehension and interrogation of the alien, and final disposition of the case. The incumbent accepts claim and cost bonds which are forwarded to the U.S. Attorney for civil condemnation proceedings. Reports forfeited vehicles ready for sale to GSA, coordinates viewing of the vehicles by the public, releases the vehicle to the purchaser after sale, and maintains inventory of vehicles and property, including appraisal of value. Receives and accounts for monies received and maintains data and prepares reports regarding the vehicle seizure program. (15%)
6. Performs other law enforcement, inspections, and investigative duties as assigned. (5%)

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III. Supervision and Guidance Received:

The incumbent works under the general supervision of the assistant port director or other port supervisory personnel, who relies on the incumbent to operate with a high degree of independence. Work is appraised by reviewing completed reports and presentations for adequacy, completeness, adherence to governing laws, regulations and policies, and overall accomplishment of objectives. Written guidelines include the Immigration and Nationality Act and regulations, INS Administrative Manual, Service Lookout Book, field manuals, precedent decisions, and other policy materials. The incumbent exercises sound judgment in interpreting the law and in enforcing it.

I. **Introduction:** This position is in the Inspections Program, located at the _____ port-of-entry. The incumbent works under the supervision of a supervisory immigration inspector and is responsible for performing a variety of administrative, technical, and clerical tasks in support of the Inspections program at ports-of-entry within the district.

II. **Major Duties and Responsibilities:**

1. Completes operational and administrative duties, including but not limited to: filling out entry documents for aliens; assisting with immigrant visa processing (i.e., taking photographs and fingerprints for alien registration cards, separating medical forms and mailing them to the Public Health Service, logging visas and mailing them to the Immigration Card Facility); assisting with border crossing card application processing (i.e., setting up appointments, advising applicants of documentary requirements, reviewing applications for completeness, filing adjudicated applications, logging cards received from the Immigration Card Facility, and distributing cards to applicants); giving or mailing forms to applicants for admission after completion by an inspector; tracking applications and actions; and clerical preparation.
2. Conducts searches on INS records, indices, and automated systems (i.e. Interagency Border Inspection System, National Automated Immigration Lookout System, etc.), and, as necessary, the indices of other Federal, state, and local law enforcement or civil agencies, in connection with the adjudication of INS applications for benefits or privileges relating to admissibility to the United States, or for records relating to particular persons identified as, or believed to be, aliens or violators of the immigration laws of the United States. Such information includes, but is not limited to, criminal records, entry records, and immigration status of applicants for admission.
3. Collects fees for applications and services provided at the port. Examines cash, money orders, and checks for authenticity and negotiability based on available guidelines, taking appropriate action (i.e., notifying supervisor, calling the regional administrative center, etc.) on suspected counterfeit items. Insures amounts remitted are correct for applications, petitions, permits, or services presented or requested. Prepares and issues receipts. Verifies the accuracy of information on fee registers against actual fees received, reconciles shortages or overages, and balances total transactions. Safeguards cash and other negotiable. Prepares and forwards daily, weekly, and monthly reports to regional office and Headquarters.
4. Assists the inspector or supervisor in the execution of functions, including collecting, compiling, and maintaining data on program activities. Assists in preparing a variety of correspondence, forms, charts, graphs, and statistical and narrative reports.
5. Conducts research to provide information on routine inquiries from the public concerning basic immigration law and regulations.
6. Answers telephonic and in-person inquiries for information and forms. Encounters individuals sent to secondary, performing as first point of contact, referring individuals to the proper location or person.
7. Provides administrative support in the inventory and control of port-of-entry property, including but not limited to: vehicles, forms, case files, secure documents, firearms and ammunition, radios, audio-visual equipment, and office machines. Advises the port director, through supervisory channels, of the general condition of such property and the need for maintenance or repair, and, upon authorization, arranges for these actions. Collects and collates monthly inventory logs and usage reports relating to the port vehicles and equipment.
8. Performs other duties as assigned.

III. **Factor Level Descriptions:**

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1. Knowledge required by the position:

- Knowledge of the Immigration and Nationality Act as it relates to the instructions and requirements of the numerous forms used for immigration benefits and enforcement actions at ports-of-entry. Thorough knowledge of operational procedures such as immigrant visa processing, photo specifications and numbers, number of forms needed, required documentation, etc. This includes in-depth knowledge of general Service processing procedures (i.e., the mailing of certain applications and/or petitions to service centers, etc.).
- Knowledge of Service and Departmental regulations and procedures associated with fees (accountability, collections, receipts, registers, etc.).
- Knowledge of INS records, (A-files, etc.), indices, and automated systems, and the records, indices and automated systems of other Federal, state, and local law enforcement or civil agencies.
- Knowledge of equipment of material resources (i.e., computers, vehicles, office equipment, firearms, uniforms, etc.) and applicable inventory procedures.
- Knowledge of Performance Analysis System, the Service's workload reporting system.
- Skill in the use of personal computers, including familiarity with the standard keyboard.
- Skill in English grammar usage, spelling, punctuation, and report formats, so as to prepare draft responses to inquiries, complaints, and reports.
- Skill in verbal and written communications, including excellent telephone protocol and techniques.
- Skills in detecting counterfeit currency, determining negotiability of items presented, and explaining regulations and/or requirements regarding fees. These skills are used under circumstances involving language barriers and pressures from people who have been waiting for periods of time.

2. Supervisory controls:

Receives general supervision from a supervisory immigration inspector. Work is checked for overall accomplishment of objectives, completeness and adherence to governing laws, regulations, and policies. Completes recurring tasks and responsibilities by performing all necessary actions on own initiative.

3. Guidelines:

Guidelines include the Immigration and Nationality Act, regulations, field manuals, the Administrative Manual, precedent decisions, the Handbook for Accountability of Funds, operational manuals for various automated systems (IBIS, NAILS, etc.), and the ADIT processing manual. Incumbent uses own initiative to secure additional guidance and seeks assistance from supervisor only when necessary.

4. Complexity:

Performs the full range of administrative, technical, and clerical duties in support of the Inspections Program, using judgment and initiative coupled with knowledge of responsibilities, priorities, and commitments of the program to decide the applicable alternatives for any given task. Recognizes a wide variety of documentation necessary for a properly submitted, complete application or petition. Searches records and automated systems as necessary. Cases can be complex (e.g., multiple aliases). Explains immigration law provisions, fee requirements, and procedures to applicants, attorneys, foreign officials, and Federal, state, and local law enforcement personnel.

5. Scope and effect:

Provides technical, administrative and clerical support for the Inspections Program. Ensures that work is accomplished in a timely and efficient manner in accordance with established guidelines, thus freeing inspectors to concentrate in officer-level primary and secondary inspection program responsibilities.

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6. Personal contacts:

Personal and telephone contacts are routine. Contacts include governmental, law enforcement and court officials at the Federal, state, and local levels, foreign authorities including consular officials, attorneys, representatives of educational institutions, and members of the general public.

7. Purpose of contacts:

Purpose of contacts is to dispense and solicit information, and conduct liaison to assist with work on applications and petitions, reports, correspondence, inventories searches, inquiries, complaints, fees, document generation (e.g., I-94s, INSPASS and EAD cards, etc.) and immigrant visa processing.

8. Physical demands:

Work is performed at one or more of the following sites: land, sea, or air ports-of-entry. While most work is performed indoors, outside work in varying weather conditions can occur. Periodic travel may be necessary, either local or long distance. Lifting of moderately heavy or bulky objects (e.g., personal computers, boxes, or forms) may be required. Shift work, including work on Saturdays, Sundays, and holidays may occur. Entering large amounts of data into computers is required.

9. Work environment:

Work is performed in an office setting at one or more of the following sites: land, sea, or air ports-of-entry. While most work is performed indoors, outside work in varying weather conditions can occur.

IV. Other Important Factors:

Incumbent must possess a valid state driver's license at time of appointment, and the ability to operate automobiles, vans, or light trucks.

A specific language ability may be required, depending on the location of the position.

Periodic travel may be required within the district. Travel may also be required to receive training.

I. **Introduction:** This position is located at ports-of-entry. Under the supervision of a supervisory immigration inspector or higher graded officer, the incumbent is primarily responsible for the examination of North American Free Trade Agreement applications for benefits and privileges. The incumbent also serves as an examiner for the port, handling a broad range of applications for immigration benefits, assigned and remoted from the district office or a service center. In addition, as time permits, the incumbent performs primary and secondary inspection of persons applying for admission into the United States and determines their admissibility under the Immigration and Nationality Act and related statutes.

II. **Major Duties and Responsibilities:**

1. The incumbent examines applications and petitions for benefits under the provisions of the North American Free Trade Agreement (NAFTA). Examination of these applications requires an excellent knowledge of the United States immigration laws, regulations, and procedures. The examiner must use good judgment in applying laws, regulations, and procedures to cases not covered by the guidelines. Frequently, the incumbent must research administrative decisions to identify cases with similar circumstances. Because NAFTA contains a special "professional" classification, unique to entries under the agreement, the incumbent will decide many issues of first impression: i.e., where no precedents or case law exists. Examination involves review of applications, supporting documents (birth certificates, marriage certificates, court papers, degrees, diplomas, etc.), and official files. In-depth interviews and investigations are periodically required in order to verify information presented by applicants. Frequently, applications involve sensitive situations which could affect the relations between the United States and Canada or Mexico.

2. Trains all personnel under port-of-entry jurisdiction in the provisions of NAFTA as they relate to the inspection of Canadian and Mexican business visitors and professionals.

3. As time permits, incumbent assists in coordinating adjudications activities at the port-of-entry. The incumbent also examines applications for immigration privileges and benefits. Applications require intensive inquiry into facts, laws, and precedents and use of seasoned judgment to resolve complex and sensitive issues. Uses intensive knowledge of immigration laws and sound judgment in applying regulations and precedents to areas not clearly covered or cases presenting conflicting principles. Conclusions and decisions frequently have an important impact on the applicants involved. Decisions can often set precedents for immigration policy and administration. Some of the kinds of applications which regularly involve this degree of knowledge and judgment include:

- Visa petitions for professional or skilled workers to reside and work in the United States.
- Visa petitions to bring persons of distinguished merit and ability to the United States to work temporarily (e.g. accomplished performers, artists, actors, musicians, etc.).
- Applications for permission to reapply for entry to the United States after deportation.

4. As time permits, the incumbent inspects all classes of applicants for admission to the United States. The incumbent quickly determines whether applicants can be admitted without in-depth questioning based on brief questioning and observation of the applicants. When a detailed examination is required, the incumbent refers the subjects for secondary inspection. Incumbent also conducts secondary inspections of applicants on a periodic basis; this usually involves intensive questioning of the applicants and careful study of citizenship, travel and other documents. Incumbent conducts inspection at airports, seaports and land borders. Under authority of responsible agencies, conducts inspection of arriving persons for the Department of Agriculture and Customs Service; unusual cases are referred to the appropriate agency.

III. **Supervision and Guidance Received:**

The incumbent works under the general supervision of a supervisory immigration inspector or higher graded

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officer who assigns priorities, projects and responsibilities. The incumbent independently plans and carries out the work, coordinates with others, determines the approach and methodology to be used, resolves problems and conflicts that occur, and keeps the supervisor informed of potentially controversial issues and precedent-setting situations. Review is made for adherence to policies and attainment of objectives.

Appendix 3-10

**Sample Position Description: Assistant Chief
Inspector**

I. **Introduction:** Under the general direction of the chief inspector or other supervisory official in a region or Headquarters, the incumbent assists in all phases of the Inspections Program management, either in providing technical guidance to field employees or in developing and implementing new program initiatives.

II. **Major Duties and Responsibilities:**

1. Consults with and advises superiors in devising overall policies, plans and procedures to be used as guidelines by staff members at Headquarters, regional and field offices in carrying out the Inspections functions of the Service. Assists superiors with respect to all phases of work, including development of long range plans, goals and Service priorities.
2. Analyzes proposed legislation to determine probable effect on inspection functions and programs and recommends whether the Service should support or oppose such legislation. Conducts special studies of newly enacted legislation pertaining to Inspections and in the absence of established precedents, recommends policy decisions which will interpret the intent of Congress. In this regard, the incumbent further proposes changes or additions to the Code of Federal Regulations, field manuals and other policy guidance for officers in the field.
3. Establishes, amends or otherwise controls Service programs insuring Service wide uniformity in the application of laws, regulations and policies relating to inspectional work in general and to specific application of those guidelines in situations where they must be adapted to local conditions. Reviews operational analyses, intelligence reports and field inspection reports and on the basis of analysis thereon makes field trips and holds conferences with regional officials to discover where problems exist before proposing instructions and procedures for resolving them.
4. Works closely with staff members of the Service organizational units in developing procedures, and assists in determining policy governing interrelated functions,
5. Represents Department of Justice and Service on interagency committees in consideration of national policy or internal security problems related to the entry or exit of persons. In this connection, maintains close liaison with the Department of Justice, the Department of State and basic defense and other agencies. In such matters, must insure that Service policy is fully coordinated and presented to the other agencies involved. Must insure Service implementation of national policy and criteria approved by the National Security Council and initiate appropriate instructions to the field.
6. Answers questions from field offices, other Headquarters organizational components, other federal, state and local officials, foreign officials, and the general public concerning the application of laws, regulations and policies relating to the Inspections program in general and to specific application of guidelines in situations where they must be adapted or interpreted for specific situations.

III. **Supervision and Guidance Received:**

Works under the general supervision of a chief immigration inspector or other supervisory official. Normally, daily assignments are carried out independently, with the supervisory official available for guidance. Performance is evaluated in relation to results achieved, initiative displayed and judgment exercised.

IV. **Other Related Factors.**

The incumbent must be able to make decisions based upon a thorough knowledge of the immigration laws, legislative history of laws, the intent of Congress and national policy. He/she must be able to interpret these laws for others through the preparation of regulations, policy guidance and interagency conferences. In addition to contacts with Service employees and officials at all levels, incumbent must maintain frequent contact and close liaison with officials of the Department of Justice, Department of State, Department of Treasury,

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Department of Defense and other agencies concerned with the national security and other issues of mutual concern.

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Appendix 14-1 Data Collection Manual Update

Note: The Service publication I-551 or I-586 Card Data Collection Manual, Form M-226 (rev. October, 1987) remains the primary source of information concerning ADIT processing and all procedures relating to the Immigration Card Facility. The facility will be phased out and card production shifted to the Service Centers as new card technology is adopted. This appendix is intended as an interim update to the M-226, valid ICF procedures are completely transitioned to newer technology.

The original manual is not reproduced within INSERTS, but may be obtained from the ICF or reproduced locally.

The following materials are revised:

1. In Section 5, Fingerprinting, the use of the "Perfect Print" fingerprinting process is preferred to Porelon pads or Printmaster equipment.
2. The nationality code table on pages 7-21 to 7-31 is replaced by the nationality code tables contained in Appendix ?? of the Adjudications Field Manual.
3. The immigrant/adjustment code table contained in Appendix 7-37 through 7-71 is replaced by Appendix 14-1 of the Inspections Field Manual.

Appendix 15-2

Validity of Certain Foreign Passports (Six-month list)

Under the provisions of section 212(a)(7)(B)(i)(I) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. These arrangements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport.

Algeria
Antigua and Barbuda
Argentina
Australia
Austria (Reisepass only)
Bahamas, The
Bangladesh (travel permits and passports)
Belgium
Bolivia
Brazil
Canada
Chile
Colombia
Costa Rica
Cuba
Cyprus
Denmark
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Ethiopia
Finland
France
Germany (FRG) (Reisepass and kinderausweis)
Greece
Grenada
Guatemala
Guinea
Guyana
Honduras
Hong Kong (HKSAR and BN(O) documents **only**)
Hungary
Iceland
India
Iran
Ireland
Israel
Italy
Ivory Coast

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Jamaica
Japan
Jordan
Korea
Kuwait
Laos
Lebanon
Libya
Liechtenstein
Luxembourg
Madagascar
Malaysia
Malta
Mauritius
Mexico
Monaco
Morocco
Netherlands
New Zealand
Nicaragua (diplomatic and official passports only)
Nigeria
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Saint Christopher and Nevis
St. Lucia
St. Vincent and the Grenadines
Serbia-Montenegro
Senegal
Singapore
Soviet Union (U.S.S.R.) (Seamen only)
Spain
Sri Lanka
Sudan
Sweden
Switzerland
Syria
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
United Arab Emirates
United Kingdom
Uruguay
Venezuela

In addition, travel documents issued by the Government of the Trust Territory of the Pacific Islands are considered to be valid for the return of the bearer to the Trust Territory for a period of six months beyond the expiration date specified therein.

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Validity of Certain Nonimmigrant Visas

Notice is hereby given that consular officers are authorized to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act (temporary visitors for business or pleasure) valid for an indefinite period of time to otherwise eligible nationals of the countries listed below, which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class.

This order, which adds several countries to the list and incorporates recent amendments, will be amended from time to time to include other countries which accord similar privileges to United States citizens. The asterisks identify those countries which have been added with this Notice.

In addition, because of recent changes in the treatment of U.S. nationals in certain nonimmigrant classes, Suriname, formerly Surinam, has been deleted from that list under the provisions of section 101(a)(15)(B), in order to accord its nationals the same reciprocal treatment currently accorded U.S. nationals.

Note: Effective May 5, 1997, the maximum period of nonimmigrant visa validity is limited to ten years.

Anguilla*
Antigua and Barbuda*
Aruba
Austria
Bahamas
Barbados
Belize
Belgium
Bermuda*
Bolivia*
Botswana
Cayman Islands*
Canada*
Chile
Cyprus
Denmark
Dominica, Commonwealth of
Fiji
Finland
France
Germany, Federal Republic of
Gibraltar*
Greece
Guatemala*
Hong Kong
Iceland
Ireland
Israel
Italy
Jamaica
Lesotho
Liechtenstein
Luxembourg
Malawi
Malaysia*
Maldives, Republic of
Malta
Mauritius*
Mexico
Monaco
Morocco
Netherlands
Netherlands Antilles

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New Zealand
Norway
Panama*
Paraguay
Peru*
Philippines*
Portugal
St. Christopher-Nevis*
St. Lucia*
St. Vincent and the Grenadines
Saint Pierre and Miquelon
Seychelles, Republic of
Singapore
San Marino
Spain
Swaziland*
Sweden
Switzerland
Thailand*
Tonga*
Trinidad and Tobago
Tunisia
Turkey
Tuvalu*
United Kingdom
Uruguay
Venezuela*
Virgin Islands*

Public Notice 767 of August 4, 1981, issued at 46 FR 39718 and any amendments thereto are hereby superseded.

Appendix 15-3

NAFTA, Annex 1603, Appendix 1603.A.1 (Business Visitors)

Research and Design

- Technical, scientific, and statistical researchers conducting independence research or research for an enterprise located in the territory of another Party.

Growth, Manufacture, and Production

- Harvester owner supervising a harvesting crew admitted under applicable law.
- Purchasing and production management personnel conducting commercial transactions for an enterprise located in the territory of another Party.

Marketing

- Market researchers and analysts conducting independent research or analysis or research or analysis for an enterprise located in the territory of another Party.
- Trade fair and promotional personnel attending a trade convention.

Sales

- Sales representatives and agents taking orders or negotiating contracts for goods or services for an enterprise located in the territory of another Party but not delivering goods or providing services.
- Buyers purchasing for an enterprise located in the territory of another Party.

Distribution

- Transportation operators transporting goods or passengers to the territory of a Party from the territory of another Party or loading and transporting goods or passengers from the territory of a Party, with no unloading in that territory, to the territory of another Party.
- With respect to temporary entry into the territory of the United States, Canadian customs brokers performing brokerage duties relating to the export of goods from the territory of the United States to or through the territory of Canada.
- With respect to temporary entry into the territory of Canada, United States customs brokers performing brokerage duties relating to the export of goods from the territory of Canada to or through the territory of the United States.
- Customs brokers providing consulting services regarding the facilitation of the import or export of goods.

After-Sales Service

- Installers, repair and maintenance personnel, and supervisors, possessing specialized knowledge essential to a seller's contractual obligation, performing services or training workers to perform services, pursuant to a warranty or other service contract incidental to the sale of commercial or industrial equipment or machinery, including computer software, purchased from an enterprise located outside the territory of the Party into which temporary entry is sought, during the life of the warranty or service agreement.

General Service

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- Professionals engaging in a business activity at a professional level in a profession set out in Appendix 1603.D.1.
- Management and supervisory personnel engaging in a commercial transaction for an enterprise located in the territory of another Party.
- Financial services personnel (insurers, bankers or investment brokers) engaging in commercial transactions for an enterprise located in the territory of another Party.
- Public relations and advertising personnel consulting with business associates, or attending or participating in conventions.
- Tourism personnel (tour and travel agents, tour guides or tour operators) attending or participating in conventions or conducting a tour that has begun in the territory of another Party.
- Tour bus operators entering the territory of a Party:
 - (a) with a group of passengers on a bus tour that has begun in, and will return to, the territory of another Party;
 - (b) to meet a group of passengers on a bus tour that will end, and the predominant portion of which will take place, in the territory of another Party; or
 - (c) with a group of passengers on a bus tour to be unloaded in the territory of the Party into which temporary entry is sought, and returning with no passengers or reloading with the group for transportation to the territory of another Party.
- Translators or interpreters performing services as employees of an enterprise located in the territory of another Party.

Definitions

For purposes of this Appendix:

territory of another Party means the territory of a Party other than the territory of the Party into which temporary entry is sought;

tour bus operator means a natural person, including relief personnel accompanying or following to join, necessary for the operation of a tour bus for the duration of a trip; and

transportation operator means a natural person, other than a tour bus operator, including relief personnel accompanying or following to join, necessary for the operation of a vehicle for the duration of a trip.

Appendix 15-4

NAFTA, Annex 1603, Appendix 1603.D.1
(Professionals)

**PROFESSION 1/ MINIMUM EDUCATION REQUIREMENTS
AND ALTERNATIVE CREDENTIALS**

General

Accountant Baccalaureate or Licenciatura Degree; or C.P.A., C.A., C.G.A. or C.M.A.

Architect Baccalaureate or Licenciatura Degree; or state/provincial license 2/

Computer System Analyst Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma 3/ or Post-Secondary Certificate 4/, and three years experience

Disaster Relief Insurance Claims Adjuster (claims adjuster employed by an insurance company located in the territory of a Party, or an independent claims adjuster) Baccalaureate or Licenciatura Degree, and successful completion of training in the appropriate areas of insurance adjustment pertaining to disaster relief claims; or three years experience in claims adjustment and successful completion of training in appropriate areas of insurance adjustment pertaining to disaster relief claims

Economist Baccalaureate or Licenciatura Degree

Engineer Baccalaureate or Licenciatura Degree; or state/provincial license

Forester Baccalaureate or Licenciatura Degree; or state/provincial license

Graphic Designer Baccalaureate or Licenciatura degree; or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience

Hotel Manager Baccalaureate or Licenciatura degree in hotel/restaurant management; or post-secondary diploma or post-secondary certificate in hotel/restaurant management, and three years experience in hotel/restaurant management

Industrial Designer Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience

Interior Designer Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience

Land Surveyor Baccalaureate or Licenciatura Degree; or state/provincial/federal license

Landscape Architect Baccalaureate or Licenciatura Degree

Lawyer (including Notary in the Province of Quebec) LL.B., J.D., LL.L., B.C.L. or Licenciatura Degree (five years); or membership in a state/provincial bar

Librarian M.L.S. or B.L.S. (for which another Baccalaureate or Licenciatura Degree was a prerequisite)

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Management Consultant Baccalaureate or Licenciatura Degree; or equivalent professional experience as established by statement or professional credential attesting to five years experience as a management consultant, or five years experience in a field of specialty related to the consulting agreement

Mathematician
(including
Statistician) Baccalaureate or Licenciatura Degree

Range Manager/Range
Conservationist Baccalaureate or Licenciatura Degree

Research Assistant
(working in a post-
secondary educational
institution) Baccalaureate or Licenciatura Degree

Scientific Technician
/Technologist 5/ Possession of (a) theoretical knowledge of any of the following disciplines: agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology or physics; and (b) the ability to solve practical problems in any of those disciplines, or the ability to apply principles of any of those disciplines to basic or applied research

Social Worker Baccalaureate or Licenciatura Degree

Sylviculturist
(including
Forestry
Specialist) Baccalaureate or Licenciatura Degree

Technical Publications
Writer Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate and three years experience

Urban Planner (including
Geographer) Baccalaureate or Licenciatura Degree

Vocational Counselor Baccalaureate or Licenciatura Degree

Medical/Allied Professional

Dentist D.D.S., D.M.D., Doctor en Odontologia or Doctor en Cirugia Dental; or state/provincial license

Dietitian Baccalaureate or Licenciatura Degree; or state/provincial license

Medical Laboratory
Technologist
(Canada)/Medical
Technologist
(Mexico and the
United
States) 6/ Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience

Nutritionist Baccalaureate or Licenciatura Degree

Occupational Therapist Baccalaureate or Licenciatura Degree; or state/ provincial license

Pharmacist Baccalaureate or Licenciatura Degree; or state/ provincial license

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Physician (teaching or research only) M.D. or Doctor en Medicina; or state/provincial license

Physiotherapist/
Physical Therapist Baccalaureate or Licenciatura Degree; or state/ provincial license

Psychologist State/provincial license; or Licenciatura Degree

Recreational Therapist Baccalaureate or Licenciatura Degree

Registered Nurse State/provincial license; or Licenciatura Degree

Veterinarian D.V.M., D.M.V. or Doctor en Veterinaria; or state/ provincial license

Scientist

Agriculturist (including Agronomist) Baccalaureate or Licenciatura Degree

Animal Breeder Baccalaureate or Licenciatura Degree

Animal Scientist Baccalaureate or Licenciatura Degree

Apiculturist Baccalaureate or Licenciatura Degree

Astronomer Baccalaureate or Licenciatura Degree

Biochemist Baccalaureate or Licenciatura Degree

Biologist Baccalaureate or Licenciatura Degree

Chemist Baccalaureate or Licenciatura Degree

Dairy Scientist Baccalaureate or Licenciatura Degree

Entomologist Baccalaureate or Licenciatura Degree

Epidemiologist Baccalaureate or Licenciatura Degree

Geneticist Baccalaureate or Licenciatura Degree

Geologist Baccalaureate or Licenciatura Degree

Geochemist Baccalaureate or Licenciatura Degree

Geophysicist (including Oceanographer in Mexico and the United States) Baccalaureate or Licenciatura Degree

Horticulturist Baccalaureate or Licenciatura Degree

Meteorologist Baccalaureate or Licenciatura Degree

Pharmacologist Baccalaureate or Licenciatura Degree

Physicist (including Oceanographer in Canada) Baccalaureate or Licenciatura Degree

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Plant Breeder Baccalaureate or Licenciatura Degree

Poultry Scientist Baccalaureate or Licenciatura Degree

Soil Scientist Baccalaureate or Licenciatura Degree

Zoologist Baccalaureate or Licenciatura Degree

Teacher

College Baccalaureate or Licenciatura Degree

Seminary Baccalaureate or Licenciatura Degree

University Baccalaureate or Licenciatura Degree

FOOTNOTES FOR APPENDIX 15-4

1/ A business person seeking temporary entry under this Appendix may also perform training functions relating to the profession, including conducting seminars.

2/ "State/provincial license" and "state/provincial/federal license" mean any document issued by a state, provincial or federal government, as the case may be, or under its authority, but not by a local government, that permits a person to engage in a regulated activity or profession.

3/ "Post-Secondary Diploma" means a credential issued, on completion of two or more years of post-secondary education, by an accredited academic institution in Canada or the United States.

4/ "Post-Secondary Certificate" means a certificate issued, on completion of two or more years of post-secondary education at an academic institution, by the federal government of Mexico or a state government in Mexico, an academic institution recognized by the federal government or a state government, or an academic institution created by federal or state law.

5/ A business person in this category must be seeking temporary entry to work in direct support of professionals in agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology, or physics.

6/ A business person in this category must be seeking temporary entry to perform in a laboratory chemical, biological, hematological, immunologic, microscopic or bacteriological tests and analyses for diagnosis, treatment or prevention of disease.

Appendix 15-5

Citizens of the Following Countries Require a Visa to Enter or Transit Canada

Afghanistan
Albania
Algeria
Angola
Argentina
Armenia
Azerbaijan
Bahrain
Bangladesh
Belarus
Belize
Benin
Bhutan
Bolivia
Bosnia-Herzegovina
Brazil
Bulgaria
Burkina-Faso
Burundi
Cambodia
Cameroun
Cape Verde
Central African
 Republic
Chad
Chile
China-People's
 Republic
Columbia
Comoros
Congo
Croatia
Cuba
Czechoslovakia
Djibouti
Dominican Republic
Ecuador
Egypt
El Salvador
Equatorial Guinea
Estonia
Ethiopia
Fiji
Gabon
Gambia
Georgia
Ghana
Guatemala
Guinea
Guinea-Bissau
Guyana
Haiti

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Honduras
Hungary
India
Indonesia
Iran
Iraq
Ivory Coast
Jamaica
Jordan
Kazakhstan
Kenya
Korea North
Korea South
Kuwait
Kyrgyzstan
Laos
Latvia
Lebanon
Lesotho
Liberia
Libya
Lithuania
Malagasy Republic
Malawi
Maldives
Mali
Mauritania
Mauritius
Moldova
Mongolia
Morocco
Mozambique
Myanmar (Burma)
Nepal
Nicaragua
Niger
Nigeria
Oman
Pacific Islands--U.S. Trust Territories
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Romania
Russia
Rwanda
Sao Tome e Principo
Senegal
Seychelles - The
Sierra Leone
Slovenia
Somali
South Africa
Sri Lanka
Sudan

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Surinam
Syria
Taiwan
Tadjikistan
Tanzania
Thailand
Togo
Tonga
Trinidad & Tobago
Tunisia
Turkey
Turkmenistan
Uganda
Ukraine
United Arab Emirates
Uruguay
Uzbekistan
Vietnam
Yemen
Yugoslavia
Zaire
Zambia

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Appendix 15-6

List of Consular Posts and Dates of Conversion to MRV Format

Consular Posts MRV Conversion

Abidjan	5/15/95	
Abu Dhabi	2/28/94	
Accra	2/17/95	
Addis Ababa	3/14/94	
Algiers	7/29/95	
Almaty	9/6/94	1/
Amman	5/9/94	
Amsterdam	3/4/96	
Ankara	4/1/94	
Antananarivo	11/15/94	
Ashgabat	8/1/95	
Asmara	11/1/94	
Asuncion	3/25/94	
Athens	1/29/93	
Auckland	3/31/95	
Baku	7/18/95	
Bamako	3/16/95	
Bandar Seri	9/27/95	
Bangkok	11/22/91	
Bangui	11/16/94	
Banjul	4/7/94	
Barranquilla	10/01/92	2/
Beijing	10/22/92	
Belfast	6/24/94	
Belgrade	10/6/94	
Belize	3/21/94	
Beirut	5/26/95	
Berlin	4/27/92	
Bern	1/26/96	
Bishkek	10/11/94	
Bissau	7/7/95	
Bogota	4/15/91	
Bombay	11/21/91	
Bonn	1/13/93	
Brasilia	4/15/93	
Bratislava	9/13/95	
Brazzaville	11/15/94	
Brussels	5/22/92	
Bucharest	3/6/95	
Budapest	3/20/95	
Buenos Aires	6/2/91	
Bujumbura	3/10/95	
Cairo	3/19/95	
Calcutta	2/28/94	
Calgary	3/28/95	
Capetown	8/8/94	
Caracas	10/18/95	3/
Casablanca	7/19/93	
Chengdu	5/16/94	
Chiang Mai	3/28/94	4/
Chisinau	8/22/94	

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Ciudad Juarez 11/18/92
Colombo 6/8/94
Copenhagen 2/1/96
Conakry 12/13/94
Cotonou 9/5/95
Dakar 5/13/94
Damascus 1/16/95
Dar el Salaam 2/15/95
Dhaka 4/28/92
Djibouti 8/28/95
Doha 3/20/94
Dubai 5/3/95
Dublin 6/16/92
Durban 8/22/94
Dushanbe 6/28/95
Frankfurt 6/26/92
Freetown 4/18/94
Gaborone 12/12/94
Georgetown 3/24/93
Guadalajara 9/26/94
Guangzhou 6/1/94
Guatemala 6/13/91
Guayaquil 4/10/95
Halifax 12/3/93
Hamilton 12/2/94
Hanoi 8/1/95
Harare 8/21/95
Havana 11/2/94
Helsinki 1/15/96
Hermosillo 12/12/91
Hong Kong 3/26/92
Islamabad 1/25/95
Istanbul 4/4/94
Jakarta 5/10/94
Jeddah 2/12/96
Jerusalem 8/25/92
Kampala 12/14/94
karachi 6/29/92 5/
Kathmandu 8/26/94
Khartoum 8/25/95 6/
Kiev 1/23/95 7/
Kigali 7/21/95
Kingston 1/30/91
Kinshasa 4/21/95
Kolonia 3/16/95
Koror 8/1/95
Krakow 12/7/94
Kuala Lumpur 5/19/93
Kuwait 4/23/94 8/
Lagos 6/2/92
Lahore 2/6/95 9/
La Paz 4/20/93
Libreville 10/26/94
Lilongwe 2/17/95
Lima 6/8/92
Lisbon 4/21/93
Ljubljana 9/13/95
Lima 6/8/92
Lome 11/9/94

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London 11/3/92
Luanda 9/18/95
Lusaka 11/30/94
Luxembourg 6/13/94
Madras 4/7/92
Madrid 9/28/92
Majuro 8/16/95
Managua 3/17/93
Manama 12/11/93
Manila 3/26/92
Maputo 12/12/94
Marseille 11/20/95
Maseru 5/23/95
Mbabane 6/2/95
Medan 9/26/94
Merida 3/14/95
Mexico City 5/11/9110/
Milan 1/14/94
Minsk 7/7/94
Monterrey 11/17/94
Montevideo 4/25/95
Montreal 9/25/91
Monrovia 8/29/95
Moscow 4/19/94
Munich 4/21/93
Muscat 6/15/9411/
Naha 1/30/95
Nairobi 11/21/91
Naples 9/30/92
Nassau 10/30/95
N'Djamena 9/12/95
New Delhi 3/2/91
Niamey 11/8/94
Nicosia 2/13/95
Nouakchott 1/22/95
Osaka-Kobe 3/1/95
Oslo 1/15/95
Ottawa 3/5/95
Ouagadougou 5/16/95
Panama 11/14/94
Paramaribo 12/9/94
Paris 1/20/94
Phnom Penh 4/19/95
Ponta Delgada 10/28/94
Port-au-Prince 6/18/92
Port Louis 9/18/95
Port Moresby 5/26/95
Port of Spain 4/28/95
Porto Alegre 6/8/95
Prague 9/19/95
Praia 2/10/95
Pretoria 6/23/95
Quebec 2/14/94
Quito 5/19/9213/
Rabat 8/2/93 14/
Rangoon 1/26/95
Recife 9/25/95
Reykjavic 8/4/95
Riyadh 1/29/96

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Riga 4/3/95
Rio de Janeiro 5/22/95
Rome 9/21/92
Sanaa 1/23/9415/
San Jose 8/19/91
San Salvador 8/26/92
Santiago 11/15/94
Santo Domingo 9/21/89
Sao Paolo 5/25/93
Seoul 3/16/92
Shanghai 1/13/95
Shenyang 5/3/94
Singapore 8/8/94
Sofia 4/25/95
St. Petersburg 12/14/94
Surabaya 5/27/9416/
Suva 12/8/95
AIT Taipei 2/17/95
Talinn 4/28/95
Tashkent 10/3/94
Tblisi 8/29/94
Tegucigalpa 6/14/91
Tel Aviv10/19/94
Tijuana 1/10/92
Tirana 12/5/94
Tokyo 12/11/95
Toronto 2/5/92
Tunis 12/8/93
Ulaanbaator 4/11/95
Valletta 12/6/9317/
Victoria6/15/95
Vientiane 5/20/94
Vilnius 3/15/95
Vladivostok 9/23/94
Warsaw3/3/95
Washington (VO)3/16/92
Windhoek 11/2/94
Yaounde 5/2/95
Yekaterinburg 11/13/95
Yeravan8/31/9418/
Zagreb 2/21/95

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FOOTNOTES FOR APPENDIX 15-6

- 1/ Stamped visas 3/15/95 to 3/20/95 and 6/1/95 to 7/17/95.
- 2/ Ceased operation 9/2/94.
- 3/ Original installation was 9/26/91, with MRV visas issues only until 9/30/91.
- 4/ Stamped visas 10/4/95 to 10/6/95.
- 5/ Ceased visa operations 5/4/95.
- 6/ Ceased visa operations 2/5/96.
- 7/ Stamped visas 2/11/95 to 2/14/95.
- 8/ Stamped visas 10/10/95 to 10/11/95.
- 9/ Stamped visas 3/4/96 to 3/13/96.
- 10/ Began issuing laminated SAV 2/18/93.
- 11/ Stamped visas 8/6/94 to 8/7/94.
- 12/ Stamped visas 6/27/95 to 6/29/95.
- 13/ Old MRV foils 8/12/94 to 8/??/94; stamped visas 10/10/95 to 10/11/95.
- 14/ A and G visas only after 6/27/94.
- 15/ Stamped visas 7/25/94 to 7/31/94.
- 16/ Stamped visas 10/20/94 to 11/2/94.
- 17/ Stamped visas 10/20/95 to 10/23/95.
- 18/ Stamped visas 2/7/95 to 2/9/95.

Appendix 15-7

Countries whose nationals are considered to have a "common nationality" with Canadians

Nationals of the countries listed below are considered to have a "common nationality" with citizens of Canada and are exempt from the nonimmigrant visa requirement if they reside in Canada. [See 8 CFR 212.1.]

- Australia
- Bahamas
- Bangladesh
- Barbados
- Botswana
- Canada
- Cyprus
- Dominica
- Fiji
- Gambia
- Ghana
- Grenada
- Guyana
- Hong Kong (U.K or British National(Overseas) passport holders **only**).
- India
- Ireland,
- Jamaica
- Kenya
- Losotho
- Malawi
- Malaysia
- Malta
- Mauritius
- Naura
- New Zealand
- Nigeria
- Papua New Guinea
- St. Lucia
- St. Vincent
- Seychelles
- Sierra Leone
- Singapore
- Sri Lanka
- Swaziland
- Tanzania
- Tonga
- Trinidad and Tobago
- Uganda
- United Kingdom (including colonies, territories, and dependencies)
- Western Samoa
- Zambia
- Zimbabwe

The waiver is not available to the bearer of a Certificate of Identity or other "stateless persons's" document issued by the governments of the above countries as such person is not considered a national of the country that issued the document. In addition, British subjects and their families attached to various Canadian and British government organizations in Canada, including the military, though not "landed immigrants" may be regarded as residents of Canada. All foreign trainees in Canada under the auspices of the International

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Development

Assistance Program will have in their possession an identity card issued by the Canadian International Development Agency. Students or trainees who are nationals of the countries named above may be admitted upon presentation of a valid identity card and a passport (for identification purposes).

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Appendix 17-1 Office Hours for Deferred Inspections

Office Address Deferred Hours Phone #

Eastern Regional Offices

ALB	445 Broadway Albany, NY 12207 Room 227	8:00-2:00 Mo-Fr	(518)431-0339
ATL	77 Forsyth St.,S.W. Atlanta, GA 30303-0253 Room 287	8:00-12:00 Mo-Th	(404)331-0301
BAL	BWI Airport Baltimore, MD 21240 Lower Level, Pier E	9:00-2:00 Mo-Sa	(410)859-0920
BOS	JFK Federal Building Boston, MA 02203 Rm. 575	7:00-3:00 Mo-Fr	
BUF	130 Delaware Ave Buffalo, NY 14201 Room 113	8:00-3:00 Mo-Fr	(716)551-4741 ext. 6434
CHA	Federal District Court Bldg. P.O. Box 610 Charlotte Amalie St. Thomas, VI 00801 (St. Thomas Airport)	Mo-Fr	8:00-4:00
CHR	St. Croix Airport PO Box 1468 Christiansted St Croix, VI 00851	8:00-4:00 Mo-Fr	(809)778-1419
CIN	550 Main St. Cincinnati, OH 45202 Room 8511	10:30-12:00 Mo-Fr	(513)684-3994
CLE	1240 E. 9th St. Cleveland, OH 44199 Room 1917	10:00-2:00 Tu & Th	(216)522-2713
CLT	6 Woodlawn Green Charlotte, NC 28217 Room 138	10:00-12:00 Mo-Fr	(704)344-6467
CRU	Seaport Office PO Box 450 St. John, VI 00801	8:00-4:00 Mo-Fr	(809)776-6397
DET	333 Mt. Elliott St. Detroit, MI 44199	8:00-3:00 Mo-Fr	(313)568-6013

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HAR 450 Main St. 8:00-3:00 (860)240-3407
Hartford, CT 06103-3060 Mo-Fr
Room 421

JAC 400 W. Bay St. 8:00-4:00 (904)232-3151
Jacksonville, FL 32201 Mo-Fr
Room G-18

LOU 601 W. Broadway 8:00-1:00 (502)582-6380
Louisville, KY 40202 Mo-Fr
Room 601

MEM 1341 Sycamore View 8:00-2:00 (901)766-2909
Memphis, TN 38134-7647 Th only ext. 106
Suite 100

MIA 7880 Biscayne Blvd. 8:00-3:00 (305)536-7217
Miami, FL 33138 Mo-Fr
5th Floor, deferred inspection

NEW Newark Int'l Airport 8:00-11:00 (201)645-3239
Terminal B Mo-Sa
Newark, NJ 07102

NYC 26 Federal Plaza 9:00-12:00 (212)264-5051
New York, NY 10287 Mo-Th
Room 10-104 (allow 3 wks for mail)

NOL 701 Loyola St. 8:00-12:00 (504)589-6533
New Orleans, LA 70113 Mo-Fr
Room T8011

NOR 5280 Henneman Dr. 8:30-3:00 (804)858-6189
Norfolk, VA 23513 Mo-Fr INS only

ORL 5390 Bear Rd. 8:00-1:30 (407)825-4168
Orlando, FL 32827 Mo-Fr
Suite 300

Mail to: PO Box 620848
Orlando, FL 32862-0848

PHI Phila. Int'l Airport 9:00-12:00 (215)596-1968
Terminal A, Door I-546 Mo-Fr
Philadelphia, PA 19153

PIT 1000 Liberty Ave. 9:00-12:00 (412)644-3365
Pittsburgh, PA 15222 Mo-Fr
Room 314

POM 739 Warren Ave. 9:00-2:00 (207)780-3740
Portland, ME 04103 Mo-Fr

PRO 200 Dyer St. 8:00-3:30 (401)528-5530
Providence, RI 02903 (exc. 1st Fri,
8:00-12:00)

SAJ Av. Chardon 8:00-4:00 (787)766-5429
Hato Rey, PR 00918 Mo-Th

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Room 380

mail to: PO Box 365068
San Juan, PR 00936

STA	Federal Bldg. P.O. Box 328 St. Albans, VT 05478	9:00-4:00 Mo-Fr	(802)527-3256
TAM	5509 W. Gray St. Tampa, FL 33609 Suite 108	8:00-2:00 Mo-Fr	(813)288-1230
WAS	4420 N. Fairfax Drive Arlington, VA 22203 2nd Floor, duty officer	8:00-4:00 Mo-Fr	(202)307-1602
WPB	4 East Port Rd. PO Box 9846 Riviera Beach, FL 33404 Suite 410	10:00-3:00 Mo-Fr	(407)845-6898

Central Regional Offices

ABQ	517 Gold Ave., S.W. P.O. Box 567 Albuquerque, NM 87103 Room 1010	10:00-2:00 Mo-Fr	(505)248-7352
BOI	4620 Overland St. Overland Bldg. Boise, ID 83705 Room 108	8:00-12:00 Mo-Fr	(208)334-9669
CHI	10 W. Jackson Blvd. Chicago, IL 60604 Room 323	8:00-4:30 Mo-Fr	(312)886-0600
DAL	8101 N. Stemmons Freeway Dallas, TX 75247	7:30-2:30 Mo-Fr	(214)655-000(Public) (214) 655-3038(INS)
DEN	4730 Paris Street Denver, CO 80239	12:30-2:15 Mo-Fr	(303) 371-5812
ELP	1545 Hawkins El Paso, TX 79925 Room 105	8:30-3:30 Mo-Fr	(915) 540-1790
HLG	2102 Teege Avenue Harlingen, TX 78550	8:00-3:30 Mo-Fr	(210) 425-7333
HEL	2800 Skyway Drive Helena, MT 59601	7:30-3:30 except Wed	(406)449-5034
HOU	509 N. Belt Houston, TX 77060 Room 300A	7:00-3:30 Mo-Fr	(713) 847-7940

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INP	Gateway Plaza 950 N. Meridian St. Indianapolis, IN 46204 Room 400	8:00-12:00 Tu-Fr	(317)336-7891
KAN	9747 N. Conant Avenue Kansas City, MO 64153	0800-1300 Tu only	(816) 891-0603
MIL	517 E. Wisconsin Ave. Milwaukee, WI 53202 Room 186	8:30-2:00 M, Tu, Th	(414)297-3572
OKC	4149 Highline Blvd. Oklahoma City, OK 73108 Suite 300	8:30-10:00 Mo-Fr	(405)231-5944
OMA	3736 S. 132nd Street Omaha, NE 68144	8:00-4:00 Mo-Fr	(402)697-1630
SLC	5272 S. College Dr. Salt Lake City, UT 84123 Suite 100	8:00-2:30 except Tu.	(801)265-8861
SNA	8940 Fourwinds Drive San Antonio, TX 78239 Room 1089, Window #7	11:00-3:00 Mo-Fr	none
SPM	2901 Metro Drive Bloomington, MN 55425 Room 100	07:30-11:30 M-Th	(612) 725-3770
STL	1222 Spruce St. St. Louis, MO 63103-2815 Room 100	8:00 Wed only	

Western Regional Offices

AGA	238 O'Hara St Agana, GU 96910 Room 801	8:00-4:30 Mo-Fr	011-671-472-7410
ANC	620 E. 10th St. Anchorage, AK 99501-3708 Suite 102	8:00-4:30 Mo-Fr	(907) 271-3524
FRE	865 Fulton Mall Fresno, CA 97321	8:00-2:00 Mo-Fr Ext. 34	(209)487-5132
HHW	595 Ala Moana Blvd Honolulu, HI 96813	7:30-4:00 Mo-Fr	(808) 532-2722
LOS	300 N. Los Angeles St. Los Angeles, CA 90012 Room 7534	8:00-4:30 Mo-Fr	(213) 894-4371,2
LVG	3373 Pepper Lane Las Vegas, NV 89120	8:00-2:30 Mo-Fr	(702) 388-6640
PHO	2035 N. Central Ave.	8:00-1:30	(602) 379-6666

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	Phoenix, AZ 85004	except Fr	
POO	511 N.W. Broadway Portland, OR 97209 Room 117	1:00-4:00 Mo-Fr	(503) 326-3962
REN	1351 Corporate Blvd. Reno, NV 89502	9:00-3:00 Mo-Fr	(702) 784-5186
SAC	711 J St. Sacramento, CA 95814	8:00-4:30 Mo-Fr	(916) 498-6480
SEA	815 Airport Way, South Seattle, WA 98134	7:00-3:00 Mo-Fr	(206) 553-2162
SFR	630 Sansome St. San Francisco, CA 94111-2280 Room 221	7:45-4:15 Mo-Fr	(415) 705-4471
SJO	280 S. 1st St. San Jose, CA 95113 Room 1150	7:45-4:15 Mo-Fr	
SND	800 Front St. San Diego, CA 92101-8834 Suite 1209	8:00-4:30 Mo-Fr	(619) 557-6275
SPO	U.S. Courthouse W. 920 Riverside Spokane, WA 99201	8:00-4:00 Mo-Fr	(509) 353-2761
TUC	300 W. Congress St. Tucson, AZ 85701-1386 Room FB-37	8:00-4:00 Mo-Fr	(520) 670-4617

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Appendix 17-2 Public Health Service Offices

**U.S. Public Health Service
Centers for Disease Control and Prevention
National Center for Infectious Diseases
Division of Quarantine**

February 1996

U.S. Quarantine Station (Los Angeles)
Public Health Service
Los Angeles International Airport
380 World Way Box N19
Los Angeles, CA 90045
Phone: 310-215-2365
FAX 310-215-2285

All ports in the southern 1/2 of California, Colorado, Texas, New Mexico, and Las Vegas, NV. The entire U.S.-Mexico border.

Officer-in-charge:
Michael Marty
e-mail MJM9@CPSOD1.EM.CDC.GOV
Home 213-493-5358

U.S. Quarantine Station (San Francisco)
Public Health Service
P.O. Box 280548 SFIA
San Francisco, CA 94128-0548
415-876-2872
FAX 415-876-2796

All ports in northern 1/2 of California, Utah, Reno, NV.

Officer-in-charge:
Susan Dwyer
e-mail SAD1@CPSOD1.EM.CDC.GOV
Home 415-347-4549

U.S. Quarantine Station (Miami)
Public Health Service
Miami International Airport
P.O. Box 996488
Miami, FL 33299-6488
305-526-2910
FAX 305-526-2798

All ports in Alabama, Florida, Louisiana, Mississippi, Oklahoma, and Tennessee, all seaports in Georgia, all ports in Puerto Rico and the U.S. Virgin Islands.

Officer-in-charge:
Tony W. Drew

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e-mail AWD1@CPSOD1.EM.CDC.GOV
Home 305-748-4878

U.S. Quarantine Station (Honolulu)

Public Health Service
Honolulu International Airport
300 Rodgers Boulevard, #67
Honolulu, HI 96819-1897
808-861-8530 or 8531
FAX 808-861-8532

All ports in the State of Hawaii.

Officer-in-charge:

Robert Tapia
e-mail ROT1@CPSOD1.EM.CDC.GOV
Home 808-737-2465

U.S. Quarantine Station (Chicago)

Public Health Service
O'Hare International Airport
P.O. Box 66012
Chicago, IL 60666-0012
312-894-2961 (12:00 Noon - 8:00 P.M. Daily)
312-894-2960 (24-Hour Answering Service)
FAX 312-894-2970

All ports in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania (Erie), and Wisconsin and Toronto, Canada.

Officer-in-charge:

Martha S. Remis
e-mail MSR1@CPSOD1.EM.CDC.GOV
Home 708-956-1614

U.S. Quarantine Station (New York City)

Public Health Service
J.F. Kennedy International Airport
Room 2339 International Arrivals Bldg.
Jamaica, NY 11430-1081
718-553-1685,6,7
FAX 718-553-1524

All ports in Delaware, New Jersey, New York, Pennsylvania (except Erie), Connecticut, Maine, Vermont, Massachusetts, New Hampshire, Rhode Island, Maryland, Virginia, North Carolina, South Carolina, District of Columbia, and Montreal, Canada.

Officer-in-charge:

Margaret A. Becker
e-mail MAB1@CPSOD1.EM.CDC.GOV
Home 516-546-7317

U.S. Quarantine Station (Seattle)

Public Health Service
Seattle-Tacoma International Airport
Room S-212

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Seattle, WA 98158-1720
206-553-4519
FAX 206-553-4455

All ports in Alaska, Idaho, Montana, North Dakota, Oregon, and Washington. Vancouver, British Columbia, Canada.

Officer-in-charge:

Jenny Ansdell
e-mail JWA3@CPSOD1.EM.CDC.GOV
206-361-1536

Headquarters

Centers for Disease Control and Prevention
National Center for Infectious Diseases
Division of Quarantine (E-03)
Atlanta, Georgia 30333

**Atlanta Quarantine Station, Hartsfield Atlanta Int'l
Airport:** 404-639-1220

**Division of Quarantine Duty Officer
Pager:** 404-415-0597

Hartsfield Atlanta Int'l Airport

Contacts:

David F. Rogers
Program Analyst
404-639-8107
e-mail DFR1@CPSOD1.EM.CDC.GOV
Home: 770-466-2317

Thomas A. DeMarcus
Ass't Chief, Program Operations Branch
404-639-8108
e-mail TAD1@CPSOD1.EM.CDC.GOV
Home: 770-451-2590

Tony D. Perez
Chief, Program Operations Branch
404-639-8107
e-mail TDP1@CPSOD1.EM.CDC.GOV
Home: 404-299-7525

Terrence Daley
Chief, Visa Medical Activity
404-639-8109
e-mail TDD1@CPSOD1.EM.CDC.GOV
Home: 770-484-8690

Duty Officer, Centers for Disease Control
404-639-2888

Division of Quarantine FAX
404-639-2599

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Health information for international travel - 24-hour telephone hotline:

404-332-4559

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Appendix 22-1

**Memorandum of Understanding Between U. S.
Customs Service and Immigration and Naturalization Service**

**MEMORANDUM OF UNDERSTANDING
BETWEEN
U.S. CUSTOMS SERVICE
AND
IMMIGRATION AND NATURALIZATION SERVICE**

The United States Customs Service of the Department of the Treasury and the Immigration and Naturalization Service of the Department of Justice hereby enter into the following Memorandum of Understanding (MOU).

A. **PURPOSE OF AGREEMENT**

To promote mutual respect and support for the mission of each agency in the international air passenger environment.

B. **AGREEMENT**

The U.S. Customs Service (Customs) and the Immigration and Naturalization Service (INS) agree that mutual cooperation in both policy and operational matters enhances both the facilitation and enforcement objectives of each agency.

In order to encourage and ensure the continuation of the cooperative spirit and efforts of both agencies, Customs and INS hereby agree that:

I. FACILITY PLANNING

The Federal Inspection Services (FIS) agencies, which include Customs and INS, each have clearly defined requirements for the design of airport facilities. However, in today's environment, the operations of each agency are no longer as physically separate as they once were and it has become necessary to approve designs of facilities in a cooperative manner. In light of this, it is agreed that:

A national interagency group will be established to deal with the appropriate airport entity in a unified manner regarding the planning, design, and construction of facilities.

facilities will only be approved which, through physical design, enable INS to control passengers from their primary area to their secondary area, while at the same time, giving Customs ready access to and view of the INS primary area.

Both Customs and INS must have ready access to the coordination center.

In single level facilities the coordination center must be located so that personnel have an unobstructed view and ready access to the INS primary area without affecting either agency's facility requirements. In two level facilities other means for coordination center access and viewing capabilities between the two agencies must be established.

2. COORDINATION CENTER

The coordination center is a joint-use facility available to personnel from Customs and INS, as well as other FIS agencies. The center serves as a central location point for the coordination of the enforcement activities which link the agencies.

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Customs and INS will staff the coordination center with a supervisor or lead inspector. It is agreed that other issues regarding staffing and operation of the coordination center will remain with each agency's local management.

3. 100 PERCENT IBIS QUERY

During the last year, Customs and INS have been committed to conducting a single primary query on arriving air passengers. In addition, it is the ultimate objective of both agencies to query 100 percent of the arriving passengers.

It is agreed that INS has accepted the responsibility of performing the primary lookout query. INS, in consultation and cooperation with Customs, will routinely evaluate the method of implementation of this responsibility based on facility, location, and operational considerations as well as introduction of technical and automated changes.

4. U. S. CUSTOMS SERVICE ROVERS

Customs has developed an inspectional strategy which incorporates selectivity methods, behavioral analysis and targeting techniques. This strategy is implemented by the use of roving inspectors. The rovers operate in both uniform and plainclothes. Their duties include the surveillance and observation of passengers.

It is agreed that the Customs rovers will operate selectively in the airport complex in the performance of the Customs mission and in coordination with local INS when the activity will be performed prior to INS inspection. Any activity prior to INS primary will be observational in nature and will not involve the queuing or routine questioning of passengers.

It is agreed that in any unusual instance (i.e. terrorist, armed and dangerous information, etc.) in which a Customs inspector determines that it is necessary to question and examine a passenger prior to INS primary, INS will be immediately informed and accompany the Customs officer.

5. CARRIAGE OF WEAPONS

It is agreed that the carriage of weapons by either Customs or INS personnel is a matter of each agency's policy.

U. S. Customs and INS personnel retain the right to carry weapons throughout the airport complex to the extent allowed by law and by regional and headquarters policy.

6. LOOKOUT HITS

With the development of the single primary automated query, the successful processing of lookouts becomes complex. In order for each agency to fully exert its jurisdiction and authority without jeopardizing the enforcement processes of the other agency, we have agreed to the following cooperative effort.

Treasury Enforcement Communications System (TECS) hits fall within the jurisdiction of Customs. Procedures for the effective identification, control and surveillance will be developed at the local level. However, the primary objective of the joint procedures will be to ensure the most effective enforcement processing of the TECS hit.

National Automated Immigration Lookout System (NAIIS) and Automated Visa Lookout System (AVLOS) hits fall within the jurisdiction of INS. In these instances, INS will ensure that Customs processing is also completed through procedures developed locally.

It is agreed that National Crime Information Center (NCIC) hits which occur on United States citizens will be referred to Customs by INS. INS will, where possible, take the necessary action to avoid giving the individual knowledge of the hit so that effective enforcement, including surveillance through the baggage claim and Customs processing, can occur. Customs will have the responsibility

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of notifying the originating agency in these instances.

It is agreed that NCIC hits which occur on aliens are of a clear statutory interest to INS. These intercepts will be immediately processed through Customs by INS upon positive identification and, provided that a Customs violation is not discovered, they will be referred to the originating agency by INS. However, if a Customs violation is discovered, Customs will proceed to handle that violation after coordinating the matter with INS. Nevertheless, in all instances of NCIC hits on aliens, INS will contact the originating agency. In all instances, before the subject is released to any other agency by INS, a detainer (Form 1-247) will be prepared and presented to the other interested agency by INS.

7. PREINSPECTION

It is anticipated that the growth of INS preinspection at foreign sites of embarkation will continue. Customs supports this INS operation. However, since INS retains its 100 percent query responsibility while at the foreign location, it becomes necessary to ensure the information is transmitted to Customs in the U. S.

It is agreed that, where possible, INS will provide Customs, at the port of arrival, in advance of arrival, with the information relating to the queries performed at the preinspection site. In addition, INS will provide USCS with positive identification of all subject hits.

8. ADVANCED PASSENGER INFORMATION SYSTEM

The Advance Passenger Information System (APIS) provides both Customs and INS with capabilities for enhanced enforcement and facilitation.

It is agreed that in instances in which APIS is received from either a carrier or a foreign government, the agencies will work cooperatively to develop facilitative processing of the APIS arrivals.

It is agreed that INS and Customs will cooperate to promote participation in the APIS program by the airlines and foreign government

9. MACHINE READABLE PASSPORTS AND VISAS

It is agreed that INS and Customs will engage in a joint effort to promote the development and use of machine readable passports and visas.

10. SPECIAL REQUESTS

It is agreed that any special requests for inspection services that involve the FIS agencies will be decided in joint consultation.

C. OTHER TERMS OF AGREEMENT

1. This agreement will be effective from the date of signature and will continue indefinitely until terminated in writing by mutual agreement.
2. Revisions, amendments and modifications to this agreement may be made upon the written approval of both agencies and shall become effective upon the date of approval.
3. This document is an internal government agreement and is not intended to confer any right or benefit on any private person or party.

DATE October 17, 1990

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APPROVED:

Carol Hallett Gary McNary
Commissioner Commissioner
U.S. Customs Service U.S. Immigration and
Naturalization Service

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Appendix 22-2 IATA International Airline Codes (May, 1996)

A

AA	American Airlines
AB	Falcon Airlines
AD	Lone Star Airlines
AE	Mandarin Airlines
AF	Air France
AG	Provincial Airways (pax)
AG	Air Bridge Carriers (cgo)
AH	Air Algerie
AI	Air India
AJ	Air Belgium
AK	Island Air
AL	Alsair
AM	Aeromexico
AN	Ansett Australia
AO	Aviaco
AP	Aliadriatica
AR	AerolineasArgentinas
AS	Alaska Airlines
AT	Royal Air Maroc
AU	Austral
AV	Avianca
AW	Aeroquetzal
AX	Air Aurora
AY	Finnair
AZ	Alitalia

B

BA	British Airways
BB	Sansa
BC	Brymon Airways
BD	British Midland A.
BE	Braniff International
BF	Markair
BG	Biman Bangladesh
BH	Augusta Airways
BI	Royal Brunei Airlines
BJ	Eliambassador
BK	Paradise Island A.
BM	ATI-Aero Transporti Italiani (pax)
BM	Belize Air International (cgo)
BN	Tropical Sea Airlines
BO	Bouraq Indonesia A.
BP	Air Botswana
BQ	Aeromar (cgo)
BR	Eva Airways
BS	Gamair (pax)
BS	Air Exchange (cgo)
BU	Braathens S.A.F.E.
BV	Bopair
BW	BWIA International Trinidad and Tobago Airways Corp.

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BX Coast Air
BY Britannia
BZ Keystone Air Service

C

CA Air China
CB Suckling Airways
CD Trans Provincial A.
CE Aircity
CF Compania De Aviacion Faucett
CG Caicos Caribbean Airways (cgo)
CH Bemidji Airlines
CI China Airlines
CJ China Northern A.
CK Gambia Airways
CM COPA
CO Continental Airlines
CO Air Micronesia
CP Canadian Airlines International
CQ Air Alpha
CS Florida Air
CT C.A.V.E.
CU Cubana
CV Cargolux Airlines
CW Air Marshall Islands
CX Cathay Pacific A.
CY Cyprus Airways
CZ China Southern A.

D

DA Dan-Air Services
DB Brit Air (pax)
DB Air Niagara (cgo)
DC Golden Air Commuter
DE Condor Flugdienst
DF Indian Ocean Airlines
DI Deutsche BA
DJ NorthCross Airways
DK Kampuchea Airlines
DL Delta Air Lines
DM Maersk Air
DN Corporate Air
DO Dominicana de Aviacion
DP Eastland Air
DQ Coastal Air Transport
DS Air Senegal
DT TAAG-Angola Airlines
DU Hemus Air (pax)
DU Aerial Transit Co. (cargo)
DV Nantucket Airlines
DX Danair
DY Alyemda-Democratic Yemen Airlines

E

EB Emery Worldwide (cargo)
ED CC Air (pax)

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ED Andes Airlines (cgo)
EF Far Eastern Air Transport
EG Japan-Asia Airways
EH SAETA
EI Aer Lingus
EJ New England Airlines
EK Emirates
EL Nippon
EM Empire Airlines
EN Air Dolomiti
EO Air Nordic Sweden
EP Blackhawk Airways
EQ TAME
ER DHL Airways
ET Ethiopian Airlines
EU Equatoriana
EV Atlantic Southeast Airlines
EW Eastwest Airlines
EX A/S Norving
EY Europe Aero-Service
EZ Sun-Air

F

FA Finnaviation (pax)
FA Safair Freighters (cgo)
FB Promair Australia
FC Berliner Spezial Flug
FD CityFlyer Express
FF Tower Air
FG Ariana Afghan Airlines
FI Icelanair
FJ Air Pacific
FK Flamenco Airways
FL Coast to Coast Airlines
FM Federal Express (cgo)
FN Niue Airlines
FO Western New South Wales Airlines
FQ Air Aruba
FR Ryanair
FS Missionary Aviation Fellowship
FU Air Littoral
FV Viva Air
FW Isles of Scilly Skybus
FY Metroflight Airlines

G

GA Garuda Indonesia
GB Great Barrier Airlines (pax)
GB Airborne Express (cgo)
GC Lina Congo
GD TAESA
GE Trans Asia Airways
GF Gulf Air
GH Ghana Airways
GI Air Guinea
GJ Equatorial-International Airlines of Sao Tome
GL Gronlandsfly

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GM Flitestar
GN Air Gabon
GO Air Stord
GP China General Aviation
GQ Big Sky Airlines
GT GB Airways
GU AVIATECA
GV Talair
GW Central American A.
GX Goll Aviation (pax)
GX Air Ontario (cgo)
GY Guyana Airways Corp.
GZ Air Rarotonga

H

HA Hawaiian Airlines
HB Mali Tinbouctou Air Service
HC Naske Air
HD New York Helicopters
HF Hageland Aviation
HG Harbor Airlines, Inc.
HI Papillon Airways
HJ Holmstroem Air (pax)
HJ Air Haiti (cgo)
HK Time Air Sweden
HM Air Seychelles
HN KLM City Hopper
HO Airways International
HP America West Airlines
HQ Business Express
HR Southern Pacific
HS Air North International
HU Slov-Air (pax)
HU Northern Air Cargo (cgo)
HV Transavia
HW North Wright Air
HX Hamburg Airlines
HY Uzbekistan Airways
HZ Euroflight Sweden

I

IB Iberia
IC Indian Airlines
IE Solomon Airlines
IF Great China Airlines
IH Loken Aviation (pax)
IH Falcon Aviation (cgo)
II Business Air
IJ T.A.T. European A.
IK Roadair Lines
IL Istanbul Airlines
IM Australia Asia Airlines
IN IPEC Aviation (cgo)
IO T.A.T. Export European Airlines (pax)
IO I.L.P.O. Aruba Cargo (cgo)
IP Airlines of Tasmania
IQ Interot Airways

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IR Iranair
IS Island Airlines
IT Air Inter
IU Helitrans Air Service
IV Air Gambia
IW AOM Minerve
IX Flandre Air
IY Yemenia Yemen Airways
IZ Arkia Israeli Airlines

J

JA Norway Airlines (pax)
JA Bankair (cgo)
JB Helijet Airways
JC Rocky Mountain Airways
JD Japan Air System
JE Manx Airlines
JF L.A.B. Flying Service
JH Nordeste (pax)
JH Amerijet International (cgo)
JI Midway Airlines
JJ Brasil Central
JK Link Airways (Austr.)
JL Japan Airlines
JM Air Jamaica
JN Japan Air Commuter
JO LMT
JP Adria Airways
JQ Trans Jamaica Airlines
JR Aero California
JS Chosonminhang Korean Airways DPR of Korea
JU JAT
JV Bearskin Lake Air Service
JW Arrow Air (cgo)
JX JES Air Service
JY Jersey European Airways
JZ Avia

K

KA Dragonair
KB Druk-Air
KD Kendall Airlines
KE Korean Air
KF Air Botnia
KG King Island Airlines
KH Kyrnair
KI Air Atlantique
KJ Sultan Air
KK Transportes Aereos Regionais
KL KLM
KM Air Malta
KQ Kenya Airways
KR Karair (pax)
KR Kitty Hawk Air Cargo (cgo)
KS Peninsula Airways
KT Turtle Airways Ltd.
KU Kuwait Airways

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KV Transkei Airways
KW Carnival Air Lines
KX Carman Airways
KZ Nippon Cargo Airlines

L

LA Lan Chile
LB LAB (Lloyd Air Boliviana)
LC Loganair Ltd. (pax)
LD LADE (pax)
LD AHK Air Hong Kong (cgo)
LE Airlink
LF Linjeflyg
LG Luxair
LH Lufthansa
LI LIAT
LJ Sierra National Airlines
LK Goldfields Air Services (pax)
LK Link America (cgo)
LL Bell Air
LM ALM
LN Jamahiriya Libyan Arab Airlines
LO LOT-Polish Airlines
LP Nyge-Aero
LR LACSA
LS Iliamna Air Taxi (pax)
LS Channel Express (cgo)
LT LTU
LU Theron Airways
LV Aeropostal
LW Air Nevada
LX Crossair
LY El-Al Israel Airlines
LZ Balkan

M

MA Malev
MB Western Airlines
MD Air Madagascar
ME MEA
MF Xiamen
MG MGM Grand Air
MH Malaysia Airlines
MI Silk Air (pax)
MI Four Star Air Cargo (cgo)
MJ LAPA
MK Air Mauritius
ML Aero Costa Rica Acori
MM SAM
MN Commercial Airways
MO Calm Air International
MP Martinair Holland
MR Air Mauritanie
MS Egyptair
MT Melbourne Regional A.
MU China Eastern Airlines
MV Ansett W.A.

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MW Maya Airlines
MX Mexicana
MY Helifrance
MZ Merpati Nusantara Airlines

N

NA National Airlines
NB Sterling Airways
NC Norskair
ND Inter-Canadien
NF Air Vanuatu
NG Lauda Air
NH All Nippon Airways Co., Ltd.
NI Portugalia
NJ Namakwaland Ludgiens
NL Atlantic Air Transport
NM Mount Cook Airlines
NN Air Martinique
NO Aus-Air (pax)
NO NPA (cgo)
NR Norontair
NS NFD
NT Norcanair
NU Southwest Airlines (Japan)
NV Northwest Territorial Airways
NW Northwest Airlines
NX Nationair Canada
NZ Air New Zeland

O

OA Olympic Airways
OB Monarch Air
OC Sunshine Air
OD Zuliana de Aviacion
OE Westair Commuter A.
OG Air Guadeloupe
OH Comair
OI Heli-Transport
OJ Air St. Barthelemy
OK Czechoslovak Airlines
OL OLT-Ostfriesische Luftransport (pax)
OL Aeronorte Internacional (cgo)
OM Air Mongol-MIAT
ON Air Nauru
OO Skywest Airlines
OP Chalks International A.
OQ Arizona Pacific Airways
OR Air Comores
OS Austrian Airlines
OT Evergreen Helicopters
OU Coatia Airlines
OV Estonia Air
OW Metavia Airlines
OX Air Hudik
OY Sunaire
OZ Asiana Airliens

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P

PB	Air Burundi
PC	Fiji Air
PD	Pem-Air
PF	Vayudoot (pax)
PF	Mid Pacific Air (cgo)
PG	Bangkok Air
PH	Polynesian Air
PI	Sunflower Air
PJ	Air St. Pierre
PK	Pakistani International Airlines
PL	Aeroperu
PN	Societe Nouvelle Air Martinique
PO	Aeropelican Air Services
PQ	Pacific Coast Airlines
PR	Philippine Airlines
PU	PLUNA
PX	Air Niugini
PY	Surinam Airways
PZ	LAP

Q

QA	Aerocaribe
QC	Air Zaire
QD	Grand Airways
QF	Qantas Airways
QG	Dynamic Air
QH	Qwestar
QI	Cimber Air
QJ	Jet Airways
QK	Air Nova
QL	Lesotho Airways
QM	Air Malawi
QP	Airkenya Aviation
QQ	Reno Air
QR	Air Satellite
QS	Tatra Air
QT	S.A.R. Avions Taxis (pax)
QT	Tampa Airlines (cgo)
QU	Uganda Airlines
QV	Lao Aviation
QW	Turks and Caicos National Airline
QX	Horizon Air
QZ	Zambia Airways

R

RA	Royal Nepal Airlines
RB	Syrian Arab Airlines
RC	Atlantic Airways, Faroe Islands
RD	Avionova
RE	Aer Arann Teo
RF	Emirates Air Services
RG	VARIG
RH	Meridiana Air
RI	P.T. Mandala Airlines (pax)
RI	Airpac Airlines (cgo)

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RJ Royal Jordanian
RK Air Afrique
RN Euralair
RO TAROM
RP Precision Airlines
RQ Air Engiadina
RR Royal Air Force
RS Intercontinental de Aviacion
RT Lincoln Airlines
RV Reeve Aleutian A.
RW Rhineland AAirt Services (pax)
RW Alas de Transportes Internacionales (cgo)
RY Air rwanda
RZ Trans World Express

S

SA South African Airways
SB Air Caledonie Internacional
SC Cruzeiro
SD Sudan Airways
SE Wings of Alaska (pax)
SE Dairo Air Services (cgo)
SF Shanghai Airlines
SG Sempati Air
SH SAHSA
SI Friesenflug
SJ Southern Air
SK SAS
SL Rio-Sul Servicios Aereos Regionais
SM Aberdeen Airways
SN Sabena Belgian World Airlines
SO Austrian Air Services
SP SATA Air Acores
SQ Singapore Airlines
SR Swissair
SS Carnival Airlines
ST Yanda Airlines
SU Aeroflot
SV Saudia
SW Air Namibia
SX Christman Air System
SZ China Southwest

T

TA Taca International A.
TC Air Tanzania Corp.
TD TNT Sava
TE Lithuanian Airlines
TF Air Transport Pyrenees
TG Thai Airways International
TH LAR Transregional
TI Baltic International Airlines
TJ Tikal Jets (cgo)
TK Turkish Airlines
TL Skyport (pax)
TM LAM-Linhas Aereas de Mocambique
TN Australian Airlines

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TO Alkan Air
TP TAP Air Portugal
TQ Transwede Airways
TR Transbrasil
TS Samoa Aviation
TU Tunis Air
TV Haiti Trans Air
TW TWA
TY Air Caladonie (pax)
TY Trans-Air Link (cgo)
TZ American Trans Air

U

UA United Airlines
UB Myanma Airways
UC Ladeco
UD Hexair (pax)
UD Fast Air Carrier (cgo)
UE Air L.A.
UF Saro Air
UG Tuninter
UH Transport Air Centre
UI Norlandair
UJ Air Sedona
UK Air UK
UL Air Lanka
UM Air Zimbabwe
UO Direct Air Inc.
UP Bahamasair
UQ O'Connor Airlines
UR British International Helicopters
US USAIR
UT UTA
UU Air Austral
UV Air Kangaroo Island
UW Perimeter Airlines
UY Cameroon Airlines
UZ Regional Air

V

VA VIASA
VB Birmingham European Airways
VC Servivensa
VD Air Liberte
VE AVENSA
VG RFG-Regionalflug
VH Air Burkina
VI Vieques Air Link
VK Air Tungaru Corp. (pax)
VK Zantop International Airlines (cgo)
VM Regional Airlines
VN Vietnam Airlines
VO Viking International (Eagle)
VP VASP
VQ Oxley Airlines
VR Transportes Aereos de Cabo Verde
VS Virgin Atlantic Airways

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VT Air Tahiti
VU Air Ivoire
VV Flexair
VW Transportes Aeromar
VX ACES
VZ Aquatic Airways

W

WA Newair
WB SAN
WC Islena Airlines
WE Rheintalflug Seewald (pax)
WE Challenge Air Cargo (cgo)
WF Wideroe's Flyveselskap
WG Taiwan Airways
WI Rottneast Airbus(pax)
WI Tradewinds International (cgo)
WJ Labrador Airways
WL Aeroperlas
WM Windward Islands Airways International
WN Southwest Airlines
WO Polarwing
WP Aloha Islander
WQ Service Aerien Francais
WR Royal Tongan Airlines
WS Westates Airlines
WT Nigeria Airways
WV Southern Airlines
WX Ansett Express
WY Oman Aviation Services
WZ B.A.S.E. Business A.

X

XC Air Caribbean
XE South Central Air
XF Sky Bus Express
XG Alsavia
XJ Mesaba Airlines
XK Compagnie Aerienne Corse Mediterranee
XL Country Connection A.
XO Xinjiang Airlines
XQ Action Airlines
XT Air Exel Netherlands
XU Aerovias S.A.
XW Walkers International
XX Aeronaves del Peru
XY Ryan Air (Alaska)
XZ Eastair (Iceland)

Y

YC Flight West Airlines
YE Grand Canyon A.
YI Air Sunshine
YJ National Airlines
YK Cyprus Turkish A.
YL Long Island A.

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YN Air Creebec
YO Heli Air Monaco
YQ Helikopterservice AB
YR Scenic Airlines
YS Proteus
YT Skywest Airlines
YU Dominair
YV Mesa Airlines
YW Stateswest Airlines
YX Midwest Express A.
YZ Transportes Aereos da Guine Bissau

Z

ZA Zas Airlines
ZB Monarch Airlines
ZC Royal Swazi National A
ZD Ross Aviation
ZE Arcus Air Logistic
ZF Airborne of Sweden
ZG Sabair Airlines
ZH Turk Hava Tasimaciligi
ZI Aigle Azur
ZJ Teddy Air
ZL Hazelton Air Services (pax)
ZL Affretair (pvt.)(cgo)
ZM Scibe-Airlift
ZN Key Airlines
ZO Mohawk Airlines
ZP Virgin Air
ZQ Ansett New Zealand
ZR Muk Air
ZS Hispaniola Airways
ZT SATENA
ZU Freedom Air(pax)
ZU Aerovias Colombianas (cgo)
ZV Air Midwest
ZW Air Wisconsin
ZX Air B.C.
ZY Ada Air

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2D Southeast Airlines
2E Markair Express
2F Frontier Flying Service
2J Majestic Airlines
2K Kitty Hawk Airways
2L Alberni Airways
2P Prairie Flying Service
2Q Letaba Airways
2S Island Express
2U Air Caraibes (Dominica)
2V Northeast Express
2W Wairarapa Airlines
2Y Koyukon Air
2Z Servicios Aereos Litoral

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3A Alliance Airliens
3B Borinqueen Air
3C Camai Air
3E Northwestern Air Lease
3G Virgin Island Seaplane Shuttle
3J Air Alliance
3K tatonduk Flying Service
3L West Isle Air
3M GulfstreamInternational
3N Airvantage
3P Equator Airlines
3R Macair
3S Shuswap Flight Center
3T Contact Air
3V Waglisla Air

4

4B Olson Air Service
4C AIRES
4D Air Sinai
4E Tanana Air Service
4F Frontier Air Service
4H Hanna's Air Saltspring
4K Kenn Borek Air
4L Air Alma
4M Island Air
4N Air North
4Q Trans North Aviation
4U Dorado Air
4V Voyageur Airways
4W Warbelow's Air Ventures
4Y Yute Air Alaska

5

5A Alpine Aivation
5B Bellair
5C Conquest Airlines
5E Sky One Express
5F Arctic Circle Air
5K Kenmore Air
5N Connectair Charters
5P Ptargmigan Airways
5S Airspeed Aviation
5T Aviacion del Noroeste
5U Skagway Air Service
5W Air San Juan Chartair
5X United Parcel Service

6

6A AVIACSA
6B Baxter Aviation
6C Cape Smythe Air Service
6D Alaska island Air
6E Malmo/City Air
6G Las Vegas Airlines
6H Trans Air Cambodia

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6J Southeast European A.
6L Aktak Air Ltd.
6M 40-Mile Air
6P Aero Puma
6Q Barrow Air
6S Ketchikan Air Service
6T Tyee Airways
6V Air Vegas
6W Wilderness Airline

7

7A Haines Airways
7B Simpson Air
7C Columbia Pacific Air
7D Air Molokai
7E Nepal Airways
7F First Air
7H ERA Aviation
7J L.A.P.S.A.
7K Larry's Flying Service
7L Lake Union Air Service
7M Aeromonterrey
7N Air Manitoba
7P APA International Air
7R Redwing Airways
7S Region Air
7T Translift
7V Alpha Air
7W Air Sask Aviation
7Y Albanian Airliens

8

8B Baker Aviation Inc
8E Bering Air
8G GP Express Airlines
8H Harbor Air Service
8J Jetall
8K Air Vitkovice
8L Servicio Aereo Leo Lopez
8M Skymaster
8N Flagship Airlines
8P Pacific Coastal Airlines
8R WRA, Inc.
8S Salair
8T Travelair
8V Wright Air Service
8W Burlington Air Express
8Y Ecuato Guineana de Aviacion

9

9A Air Atlantic
9B Intourtrans
9E Express Airlines
9F Skycraft Air TYransport
9K Cape Air
9L Colgan Air

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9M	Central Mountain Air
9N	Trans States Airlines
9P	Pelangi Air
9Q	Taquan Air Service
9S	Sabourin Lake Airways
9T	Athabaska Airways
9V	Air Schefferville
9W	Northwinds Northern
9X	Ontario Express
9Y	Yutana Airlines

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NUMBER	TITLE	COUNTRY	DATE	CODE	
95A-23	Counterfeit Tirana MRV	Albania	6/8/95	95	
91A-29	Counterfeit Embossing Stamp	Antigua	9/27/91	91	
89A-31	Counterfeit Passport	Argentina	8/25/89	89	
94A-15	Counterfeit Yerevan USNIV	Armenia	2/19/94	94	
95A-14	Counterfeit Bahamas Passport	Bahamas	2/26/95	95	
89A-14	Chemically Altered Passport	Bangladesh	1/31/89	89	
94A-01	Photo-altered Dhaka MRV	Bangladesh	10/20/93	94	
96A-14	Photo Sub Bangladesh Passport	Bangladesh	2/8/96	96	
89A-12	Counterfeit Passport	Barbados	12/30/88	89	
96A-08	Stolen Belgian Passports	Belgium	12/12/95	96	
86A-10	Counterfeit La Paz NIV	Bolivia	86	86	
96A-05	Counterfeit Bosnian Passport	Bosnia	12/1/95	96	
89A-18	Counterfeit Passport	Brazil	3/15/89	89	
91A-06	Counterfeit Rio/Brasilia NIVs	Brazil	11/27/90	91	
92A-18	Counterfeit Rio NIVs	Brazil	6/30/92	92	
93A-22	Counterfeit Sao Paulo NIV	Brazil	3/9/93	93	
93A-33	Page Substituted Passport	Brazil	6/24/93	93	
94A-03	Counterfeit Rio NIV/Counterfoil	Brazil	11/5/93	94	
94A-18	Counterfeit Recife NIV	Brazil	3/4/94	94	
94A-32	Counterfeit Recife NIV	Brazil	9/16/94	94	
86A-11	Counterfeit Citizenship Certificate	Canada	86	86	
86A-12	Revised Immigration Documents	Canada	86	86	
86A-19	New Citizenship Certificate	Canada	86	86	
87A-04	Jamaica Document Fraud	Canada	10/23/86	87	
87A-07	Counterfeit Visitor Visa (1)	Canada	1/7/87	87	
87A-07	Counterfeit Visitor Visa (2)	Canada	87	87	
88A-07	Genuine Winter Olympic ID	Canada	11/13/87	88	
89A-09	Counterfeit IMM 1000	Canada	12/7/88	89	
89A-24	Revised Visitor Visa	Canada	6/2/89	89	
91A-23	Altered Passport	Canada	7/22/91	91	
93A-11	Counterfeit Citizenship Card	Canada	12/24/92	93	
93A-19	New Visitor Visa	Canada	2/20/93	93	
93A-21	Counterfeit Passport Bio/Photo Page	Canada	2/26/93	93	
94A-30	Counterfeit Certificate of Citizenship	Canada	9/1/94	94	
95A-34	Counterfeit Canadian Passport	Canada	8/22/95	95	
90A-18	Counterfeit Taiwan Embossing Stamp	China	5/9/90	90	
91A-16	Photo Substituted Taiwan Passport	China	4/3/91	91	
93A-06	Counterfeit Guangzhou Immigrant Visa	China	11/10/92	93	
93A-08	Counterfeit Beijing Nonimmigrant Visa	China	11/24/92	93	
93A-28	Photo Substituted Beijing MRV	China	5/20/93	93	
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94A-12	Counterfeit U.S. NIV Plate 1063	China	2/2/94	94	
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95A-18	Counterfeit Guangzhou U.S. Imm. Visa	China	4/10/95	95	
90A-29	Counterfeit Beijing NIV	China	9/29/90	90	
87A-13	Altered Passport	Colombia	7/6/87	87	
89A-17	Counterfeit Passport Page	Colombia	3/7/89	89	
89A-29	Photo Substituted Passport	Colombia	7/18/89	89	
90A-14	Counterfeit Passport Pages	Colombia	3/8/90	90	
90A-28	Counterfeit Bogota NIV	Colombia	9/7/90	90	

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92A-10	Counterfeit Baranquilla NIV	Colombia	2/12/9292	
93A-23	Counterfeit Passport Page	Colombia	3/12/9393	
95A-27	Counterfeit Bogota MRV	Colombia	6/27/9595	
87A-09	Counterfeit Passports	Costa Rica	2/11/8787	
89A-19	Counterfeit Passport	Costa Rica	3/30/8989	
87A-02	Altered Salida (Exit) Stamps	Dominican Rep	10/21/86	87
90A-16	Page Substituted Passport	Dominican Rep	4/9/90 90	
92A-13	Fraudulent Passports	Dominican Rep	3/13/9292	
93A-01	Page Substituted Passport	Dominican Rep	10/1/9293	
93A-36	Photo Substituted Santo Domingo MRV	Dominican Rep	7/29/9393	
94A-22	Counterfeit Santo Domingo MRV	Dominican Rep	6/6/94 94	
94A-25	Photo Substituted Teslin MRVs	Dominican Rep	7/8/94 94	
95A-26	Counterfeit Dominican Passport Pages	Dominican Rep	6/20/9595	
93A-18	Photo Substituted Passport	Ecuador	2/19/9393	
94A-16	Counterfeit Ecuadorian Passport	Ecuador	2/23/9494	
96A-07	Altered Ecuadorian Passport	Ecuador	12/12/95	96
89A-27	Page Substituted Passport	Egypt	7/5/89 89	
92A-14	Counterfeit Alexandria NIV	Egypt	4/28/9292	
92A-19	Restitched Passport	Egypt	7/22/9292	
93A-07	Fraudulent Ministry Stamps	Egypt	11/12/92	93
95A-24	Counterfeit Cairo NIV	Egypt	6/12/9595	
89A-28	Page Substituted Passport	El Salvador	7/14/8989	
93A-26	Counterfeit Passport Bio/Photo Page	El Salvador	4/12/9393	
93A-38	Page Substituted El Salvadoran PP	El Salvador	8/24/9393	
95A-16	Page Substituted El Salvadoran PP	El Salvador	3/3/95 95	
96A-13	Improved El Salvador Photo/Bio	El Salvador	1/29/9696	
93A-37	Counterfeit Tallinn NIV	Estonia	8/23/9393	
95A-38	Counterfeit French Passport	France	9/22/9595	
91A-03	Counterfeit Travel Document	Germany	10/26/90	91
96A-25	Stolen Blank German Passports	Germany	5/13/9696	
89A-26	Altered Passports (1)	Ghana	6/26/8989	
93A-35	Counterfeit Greek Passport	Greece	7/16/9393	
86A-17	New Archive Stamp	Haiti	86	
87A-17	Counterfeit Birth Certificate	Haiti	8/26/8787	
88A-13	Photo Substituted Passport	Haiti	1/27/8888	
88A-29	Counterfeit I-688A	Haiti	9/23/8888	
93A-16	Counterfeit Passport	Honduras	1/21/9393	
88A-15	Counterfeit Hong Kong NIV	Hong Kong	2/8/88 88	
89A-03	Photo Substituted Passport	Hong Kong	10/17/88	89
89A-16	Counterfeit Hong Kong NIV	Hong Kong	2/15/8989	
88A-14	Page Substituted Passport	India	2/1/88 88	
89A-01	Page Substituted Passport	India	10/11/88 89	
90A-06	Counterfeit Bombay NIV	India	12/4/8990	
90A-27	Counterfeit Passport	India	8/31/9090	
91A-09	Counterfeit Passport/Laminate	India	1/22/9191	
91A-15	Counterfeit New Delhi NIV	India	4/2/91 91	
93A-12	Counterfeit Passport Laminate	India	12/28/92	93
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89A-25	Counterfeit Passport	Iraq	6/16/8989	
95A-22	Counterfeit Israeli Passport	Israel	5/26/9595	
92A-04	Counterfeit Passport	Italy	11/13/91 92	
95A-09	Counterfeit Italian Passport	Italy	12/15/94	95
90A-17	Photo Substituted Passport	Jamaica	5/4/90 90	
92A-09	Photo Substituted Passport	Jamaica	2/4/92 92	
94A-11	Counterfeit Canadian Admission Stamp	Jamaica	1/28/9494	
95A-29	Counterfeit Jamaican Passport	Jamaica	7/19/9595	

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90A-12	Photo Substituted Passport	Japan	1/25/9090	
90A-26	Counterfeit Passport	Japan	8/24/9090	
94A-19	Page Substituted Japanese Passport	Japan	3/29/9494	
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86A-21	Stolen Passports	Jordan	86	
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88A-17	Counterfeit Seoul NIV	Korea	2/8/88 88	
90A-02	Counterfeit Seoul NIV	Korea	10/18/89	90
90A-22	High Quality Seoul NIV	Korea	7/18/9090	
92A-11	Altered Passport	Korea	2/14/9292	
88A-01	Counterfeit Passport	Lebanon	10/7/8788	
88A-21	Page Substituted Passport	Lebanon	5/17/8888	
89A-33	Page Substituted Passport	Lebanon	9/8/89 89	
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89A-R1	Liberian Supporting Documentation	Liberia	2/1/89 89	
87A-15	Counterfeit Passport	Libya	8/13/8787	
91A-19	Counterfeit Kuala Lumpur NIV	Malaysia	5/31/9191	
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88A-23	Counterfeit Passport	Mexico	6/7/88 88	
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92A-08	Fraudulently Obtained Passport	Mexico	1/5/92 92	
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88A-04	Counterfeit Passport	Morocco	10/20/87	88
88A-11	Altered Passport	Netherlands	1/18/8888	
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88A-27	Page Substituted Passport	Pakistan	8/29/8888	
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89A-22	Counterfeit Karachi NIV	Pakistan	5/18/8989	
90A-09	Counterfeit Abu Dhabi NIV	Pakistan	12/28/89	90
90A-15	Counterfeit Dhaka NIV	Pakistan	3/23/9090	
90A-21	Counterfeit Lahore NIV	Pakistan	6/19/9090	
93A-31	Counterfeit Karachi NIV	Pakistan	6/17/9393	
94A-09	Counterfeit U.S. MRV	Pakistan	1/10/9494	
96A-11	Photo-subbed Islamabad USNIV	Pakistan	12/29/95	96
96A-26	Counterfeit Karachi Teslin MRV	Pakistan	5/24/9696	
91A-02	Altered Passport	Panama	10/10/90	91
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86A-07	Counterfeit I-444	United States		86	
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89A-35	Photo Substituted Passport	United States	9/27/8989		
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90A-03	Counterfeit I-551	United States	11/3/8990		
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90A-25	New Passport Laminate	United States	8/17/9090		
91A-01	Counterfeit I-551	United States	10/3/9091		
91A-04	Countefeit Lady Liberty Counterfoil	United States	11/7/9091		
91A-05	Counterfeit Counterfoil 90	United States	11/14/90	91	
91A-07	Photo Substituted Passport	United States	12/12/90	91	
91A-08	Counterfeit Refugee Travel Document	United States	1/15/9191		
91A-10	Counterfeit I-551	United States	2/8/91	91	
91R-01	Fraudulent Legalization Cards	United States	3/1/91	91	
91A-14	Counterfeit XMA I-688	United States	3/22/9191		
91A-17	Counterfeit Revised I-551	United States	5/13/9191		
91A-18	Counterfeit I-551	United States	5/20/9191		
91A-21	Counterfeit Military ID Card	United States	6/21/9191		
91A-22	Counterfeit Transportation Letter	United States	7/8/91	91	
91A-24	Counterfeit Machine Readable NIV	United States	7/26/9191		
91A-25	Photo Substituted Revised I-551	United States	8/23/9191		
91A-26	Counterfeit Passport Laminate	United States	9/16/9191		
91A-27	Counterfeit Immigrant Visa	United States	9/17/9191		
92A-01	Excellent Counterfeit I-551/586	United States	10/7/9192		
92A-02	Counterfeit I-512	United States	10/15/91	92	
92A-03	Revised I-586	United States	10/22/91	92	
92A-05	High Quality Counterfeit Counterfoil 90	United States	11/22/91	92	92
92A-06	Photo Sub Machine Readable NIV	United States	12/4/9192		
92A-07	Counterfeit Revised I-551	United States	12/20/91	92	
92A-15	Modified I-551	United States	5/21/9292		
92A-20	Page Substituted Passport	United States	8/14/9292		
92A-21	Counterfeit Revised I-551	United States	8/26/9292		
92A-22	I-688B Extension Sticker	United States	9/1/92	92	
92A-24	Altered I-551	United States	9/24/9292		
93A-02	Counterfeit I-688B	United States	10/9/9293		
93A-09	Altered Machine Readable NIV	United States	12/8/9293		
93A-13	Counterfeit Passport	United States	1/5/93	93	
93A-14	Counterfeit I-688	United States	1/8/93	93	
93A-15	Border Crossing Card/Visa	United States	1/20/9393		
93A-17	Counterfeit Virginia Birth Cert.	United States	2/8/93	93	
93A-24	Counterfeit Reentry Permit	United States	3/23/9393		
93A-25	New Passport	United States	4/5/93	93	
93A-34	New Machine Readable NIV (MRV)	United States	7/5/93	93	
93A-40	New Reentry Permit Refugee Trav.	United States	9/28/9393		
94A-04	INSPASS	United States	11/12/93	94	
94A-08	Counterfeit I-688B	United States	1/7/94	94	

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94A-13	Rev Notice of Action INS Form I-797	United States	2/7/94	94
94A-17	United States Passport 1994	United States	3/2/94	94
94A-23	Counterfeit I-586	United States	6/14/94	94
94A-27	Counterfeit Alien Registration Card	United States	7/27/94	94
94A-29	New U.S. Military ID Cards	United States	8/25/94	94
95A-03	U.S. Passport Guide	United States	10/5/94	95
95A-02	Counterfeit I-551	United States	10/14/94	95
95A-03	Modified Puerto Rican Birth Cert.	United States	10/27/94	95
95A-05	New UV Feature in I-688 Film	United States	11/22/94	95
95A-06	Counterfeit U.S. Immigrant Visa	United States	12/7/94	95
95A-07	Revised U.S. Reentry Permit	United States	12/8/94	95
95A-08	INS Form I-797 Notice of Action	United States	12/14/94	95
95A-10	Photo Substituted U.S. Passport	United States	1/12/95	95
95A-11	Chemically Altered Teslin MRV	United States	1/13/95	95
95A-15	Counterfeit Revised I-551	United States	2/28/95	95
95A-17	Separating Laminates in U.S. Passport	United States	3/21/95	95
95A-19	New U.S. Merchant Mariner's Document	United States	4/18/95	95
95A-20	Counterfeit U.S. Passport	United States	4/28/95	95
95A-21	Modified EAD Form I-688B	United States	4/29/95	95
95A-31	Counterfeit U.S. Reentry Permit	United States	8/11/95	95
95A-33	Revised EAD Form I-688B	United States	8/14/95	95
95A-35	Chemically Altered Teslin MRV	United States	8/25/95	95
95A-37	Page Substituted U.S. Passports	United States	9/20/95	95
95A-39	New Reentry Permit Laminate	United States	9/23/95	95
96A-01	Counterfeit NYC Trenton Birth Certificate	United States	10/16/95	96
96A-02	Modified Teslin MRV	United States	10/17/95	96
96A-03	Excellent Quality Counterfeit I-551	United States	11/2/95	96
96A-12	Defects in Genuine Teslin MRV	United States	1/26/96	96
96R-01	California Birth Records	United States	2/14/96	96
96A-15	Counterfeit Guangzhou Teslin MRV	United States	2/29/96	96
96A-16	Counterfeit California Birth Abstract	United States	3/8/96	96
96A-18	Counterfeit White I-551	United States	3/20/96	96
96A-21	Olympic Identity Card	United States	4/19/96	96
96A-23	Photo Substituted Teslin MRV	United States	5/10/96	96
96A-24	Photo Substituted Reentry Permit	United States	5/13/96	96
96A-28	Page Substituted U.S. Passport	United States	6/5/96	96
92A-17	Counterfeit Passport	Uruguay	6/23/92	92
86A-14	Counterfeit Caracas NIV	Venezuela	86	86
87A-16	Stolen Passports	Venezuela	8/25/87	87
93A-30	Cover Substituted Passport	Venezuela	6/8/93	93
96A-04	Altered Venezuelan Passports	Venezuela	11/6/95	96
94A-28	Page Substituted Venezuelan Passport	Venezuela	8/19/94	94
88A-12	Counterfeit Passport	West Germany	1/22/88	88
95A-01	Counterfeit Belgrade NIV	Yugoslavia	10/13/94	95
87A-01	Bogus Travel Documents		10/20/86	87

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Appendix 32-2 FDL Slide Programs

The following slide programs are available from the INS Forensic Document Laboratory for use by local offices in training programs.

- 1-1 Basic Passport Examination
- 1-2 3M "Confirm" Security Laminates
- 2-1 Alien Registration Cards - Form I-151
(for INS and DOS use only)
- 2-2 Alien Registration Cards - Form I-151
(for other law enforcement agencies)
- 2-3 Alien Registration Cards - Form I-151
(for other than law enforcement entities)
- 3-1 Alien Registration Cards - Form I-551
(for INS and DOS use only)
- 3-2 Alien Registration Cards - Form I-551
(for other law enforcement agencies)
- 3-3 ADIT Stamps
- 3-4 Alien Registration Cards - Form I-551
(for other than law enforcement entities)
- 4-1 Revised Alien Registration Cards - Form I-551
(for INS and DOS use only)
- 4-2 Revised Alien Registration Cards - Form I-551
(for other law enforcement agencies)
- 4-3 Revised Alien Registration Cards - Form I-551
(for other than law enforcement entities)
- 5-1 Legalization Documents - Forms I-688 and I-688A
(for INS and DOS use only)
- 5-2 Legalization Documents - Forms I-688 and I-688A
(for other law enforcement agencies)
- 5-3 Legalization Documents - Form I-688 and I-688A
(for other than law enforcement entities)
- 5-4 Employment Authorization Document(EAD) - Form I-688B
(for INS and DOS use only)
- 5-5 Employment Authorization Document(EAD) - Form I-688B
(for other law enforcement agencies)
- 5-6 Employment Authorization Document EAD) - Form I-688B
(for other than law enforcement entities)

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- 6-1 Social Security Cards
- 7-1 U.S. Passport 1993
(for INS and DOS use only)
- 7-2 U.S. Passport 1994
(for INS and DOS use only)
- 7-3 U.S. Passport 1994
(for other law enforcement agencies)
- 7-4 U.S. Passports prior to 1993
(for INS and DOS use only)
- 7-5 U.S. Passports
(for other law enforcement agencies)
- 8-1 U.S. Reentry Permit(I-327) and Refugee Travel Document(I-571) (for INS and DOS use only)
- 8-2 U.S. Reentry Permit(I-327) and Refugee Travel Document(I-571) (for other law enforcement agencies)
- 9-1 U.S. Nonimmigrant Visa ("C" Plate)
(for INS and DOS use only)
- 9-2 Machine Readable U.S. Nonimmigrant Visa (MRV) - Paper Version (for INS and DOS use only)
- 9-3 Machine Readable U.S. Nonimmigrant Visa (MRV) - Paper Version (for other law enforcement agencies)
- 9-4 Machine Readable U.S. Nonimmigrant Visa (MRV) - Teslin Version (For INS and DOS use only)
- 9-5 Machine Readable U.S. Nonimmigrant Visa (MRV) - Teslin Version (for other law enforcement agencies)
- 10-1 Canadian Passports and Travel Documents
- 10-2 Canadian Passport 1993
- 10-3 Canadian Citizenship Cards
- 10-4 Canadian IMM 1000
- 10-5 Canadian Permanent Resident Card
- 10-6 Canadian Documents
- 11-1 Vital Statistic Documents
- 12-1 "Mica"
- 13-1 Revised Border Crosser Card - Form I-586
- 14-1 Border Crosser Card - Form I-586
(for INS and DOS use only)
- 15-1 Border Crosser Card - Form I-186
(for INS and DOS use only)
- 16-1 "Burroughs" Border Crosser Cards (BCC)

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(for INS and DOS use only)

17-1 Olympic Identity Card

Member Country List

Country National Central Bureau/Sub-Bureaus*

Albania Tirana
Algeria Alger
Andorra Andorra
Angola Luanda
Anguilla* Anguilla
Antigua and Barbuda St. Johns
Argentina Buenos Aires
Armenia Erevan
Aruba Oranjestad
Australia Canberra
Austria Vienna
Azerbaijan Baku

Bahamas Nassau
Bahrain Bahrain
Bangladesh Dhaka
Barbados, W.I. Bridgetown
Belarus Minsk
BelgiumBruxelles
Belize Belize
Benin Cotonou
Bermuda* Bermuda
Bolivia La Paz
Bosnia Herzegovia Sarajevo
Botswana Gaborone
Brazil Brasilia
British Virgin Islands Tortola
Brunei Dar Es Salaam
Bulgaria Sofia
Burkina Faso (Upper Volta) Quagadougou
BurundiBujumbura

Cambodia Phnom-Penh
Cameroon Yaounde
Canada Ottawa
Cape Verde Praia
Cayman Islands*Grand Cayman
Central African Republic Bangui
Chad N'Djamena
Chile Santiago
China Beijing
Colombia Bogota
Congo Brazzaville
Costa Rica San Jose
Cote D'Ivoire Abidjan
Croatia Zagreb
Cuba Havana
Cyprus Nicosia

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Czechoslovakia Prague

Denmark Copenhagen

Djibouti Djibouti

Dominica Roseau

Dominican Republic Santo Domingo

Egypt Cairo

Ecuador Quito

El Salvador San Salvador

Equatorial Guinea Malabo

Estonia Tallinn

Ethiopia Addis Ababa

Fiji Suva

Finland Helsinki

France Paris

Gabon Libreville

Gambia Banjul

Georgia Tbilisi

Germany Wiesbaden

Ghana Accra

Gibraltar* Gibraltar

Greece Athene

Grenada St. George's

Guatemala Guatemala City

Guinea Conakry

Guinea-Bissau Guinea Bissau

Guyana Georgetown

Haiti Port au Prince

Honduras Tegucigalpa

Hong Kong* Hong Kong

Hungary Budapest

Iceland Reykjavik

India New Delhi

Indonesia Jakarta

Iraq Baghdad

Iran Tehran

Ireland Dublin

Israel Jerusalem

Italy Rome

Jamaica Kingston

Japan Tokyo

Jordan Amman

Kazakhstan Alma-Ata

Kenya Nairobi

Kiribati Tarawa

Korea Seoul

Kuwait Kuwait City

Laos Vientiane

Latvia Riga

Lesotho Maseru

Lebanon Beyrouth

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Liberia Monrovia

Libya Tripoli

Liechtenstein Vaduz

Lithuania Vilnius

Luxembourg Luxembourg

Macao* Macao

Macedonia (former Yugoslav Rep.) Skopje

Madagascar Antananarivo

Malaysia Kuala Lumpur

Malawi Lilongwe

Maldives Male

Mali Bamako

Malta Floriana

Marshall Islands Majuro

Mongolia U Laanbaatar

Morocco Rabat

Mauritius Port Louis

Mauritania Nouakchott

Mexico Mexico City

Monaco Monaco

Montserrat* Plymouth

Mozambique Maputo

Myanmar Yangon

Namibia Namibia

Nauru Nauru

Nepal Kathmandu

The Netherlands Lahaye (The Hague)

Netherlands Antilles Willemstad (Curacao)

Nicaragua Managua

Niger Niamey

Nigeria Lagos

Norway Oslo

New Zealand Wellington

Oman Muscat

Pakistan Islamabad

Panama Panama

Papua-New Guinea Konedobu (Port Moresby)

Paraguay Asuncion

Peru Lima

Philippines Manila

Poland Warsaw

Portugal Lisbon

Puerto Rico* San Juan

Qatar Doha

Romania Bucarest

Rwanda Kigali

Saint Lucia Castries

Saint Kitts & Nevis Basseterre

St. Vincent & the Grenadines Kingstown

Samoa (American)* Samoa (Pago Pago)

Sao Tome and Principe Tome

Saudi Arabia Riyadh

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Senegal Dakar
Seychelles Victoria (Mahe)
Sierra Leone Freetown
Singapore Singapore
Slovakia Bratislava
Slovenia Ljubljana
Somalia Mogadishu
South Africa Pretoria
Spain Madrid
Sri Lanka Colombo
Sudan Khartoum
Surinam Paramaribo
Swaziland Mbabane
Sweden Stockholm
Switzerland Berne
Syria Damas

Tanzania Dar Es Salaam
Thailand Bangkok
Togo Lome
Tonga Tonga
Trinidad and Tobago Trinidad
Tunisia Tunis
Turkey Ankara
Turks and Caicos* Turks

Uganda Kampala
Ukraine Kiev
United Arab Emirates Abu Dhabi
United Kingdom London
United States Washington
U.S.S.R. Moscow
U.S. Virgin Islands* St. Thomas
Uruguay Montevideo

Venezuela Caracas
Vietnam Hanoi
Yemen Sanaa
Yugoslavia Belgrade

Zaire Kinshasa
Zambia Lusaka
Zimbabwe Harare

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Appendix 42-1

**TWOV Contract Carriers -- Signatory to
Form I-426 Agreement (Revised April 1997)**

A

Achille Lauro -- Armatore, Naples, Italy.
Aerlinte Eireann Teoranta (Irish Air Lines).
Aero Coach Aviation International, Inc.
Aero Costa Rica (Added 6/9/95; 60 FR 30457)
Aeroflot Russian International Airlines(Added 6/9/95; 60 FR 30457)
Aerolineas Argentinas.
Aerolineas Centrales De Columbia (ACES)
Aerolineas INI and CIA S.A.
Aerolineas Nicaraguenses, S.A. (Aeronica).
Aerolineas Peruanas, S.A.
AeroPeru (see Empresa de Transporte Aereo del Peru).
Aeroposta, S.A.
AeroTours Dominicano Airlines.
Aerovias Condor de Colombia Ltda.
Aerovias de Mexico, S.A. de C.V. (Added 6/9/95; 60 FR 30457)
Aerovias Interamericanas de Panama, S.A. (Aerovias Panama Airways).
Aerovias Nacionales de Colombia (AVIANCA).
Aerovias Quis-queyana.
Air Afrique.
Air Aruba.
AirBC Limited.
Air Belgium.
Air B.V.I. Ltd.
Air Canada.
Air Club International Inc.
Air Columbus.
Air Espana (dba Air Europa)
Air Florida
Air Gambia Limited.
Air-India International Corp.
Air Jamaica (1968) Ltd.
Air Manila, Inc.
Air Micronesia, Inc.
Air Nauru.
Air New Zealand, Ltd.
Air One, Inc.
Air Pacific, Inc.
Air Pacific, Ltd.
Air Panama Internacional.
Air Siam Air Company, Ltd.
Air Specialties Corp. d.b.a. Total Air.
Air Tungaru Corp.
Air West, Inc.
Alaska Airlines, Inc.
"ALCIONE", Soc. di Navigazione p. A., Palermo.
Alfred C. Toepfer Schiffahrtsgesellschaft M.B.H.
ALIA -- The Royal Jordanian Airline.
All Islands Air Taxi, Inc.
Alliance Air.
ALM-Dutch Antillean Airlines.
Aloha Airlines, Inc.

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American Airlines, Inc.
American Banner Lines, Inc.
American Export Lines, Inc.
American Flyers Airline Corp.
American International Airways, Inc.
American President Lines, Ltd.
American Trans Air, Inc.
ANA All Nippon Airways.
Antone Sylvester Tug Services, Inc.
AREA, Aerovias Ecuatorianas C. Ltda.
"ARETUSA", Soc. di Navigazione p. A., Palermo.
Argonaut Airways Corp.
Arista International Airlines, Inc.
Arosa Line, Inc., "Panama."
Arrow Airways, Inc.
Asiana Air.
Aspen Airways (dba United Express)
Athina Maritime Co., Ltd.
Atlantic Air BVI.
Atlantic Freighters, Ltd.
Atlantic Gulf Airlines.
Atlantic Oil Carriers, Ltd.
Atlantic Tankers, Ltd.
Atlantis Airlines, Ltd.
AUA Austrian Airlines.
Aviateca, S.A.
Aviation Services, Ltd. dba Freedom Air.
Aviacion Y Comercio, S.A. (Aviaco Airlines).

B

BAHAMASAIR.
Bahamas Airways, Ltd.
Balair AG.
Balkan Bulgarian.
Barber-Wilhelmsen Line, F.M.C. No. 7489 (Barber Steamship Lines, Inc., U.S.A. General Agents).
Belize Airways, Ltd.
Blue Star Line, Inc., The.
Braniff Airways, Inc.
Brazilian International Airlines (Real-Aerovias Brazil, S.A.).
Britannia Airways Limited.
British Airways (British Airways Board).
British Caledonian Airways Limited
British Car Carriers, Ltd., and Nerdrum Lines.
British Midland Airways, Ltd.
British West Indian Airways, Ltd.
Brodin Line.
BWIA International.

C

Canadian Airlines International, Ltd.
Canadian National Railway Co.
Canadian Pacific Air Lines, Ltd.
Canadian Pacific Railway Co.
Capitol Airways, Inc.
Caribbean Atlantic Airlines, Inc.
Caribbean Express, Inc.
Caribbean International Airways, Ltd.

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Catamaran Cruiselines
Cathay Pacific Airways, Ltd.
Cayman Airways, Ltd.
Ceskoslovenske Aerolinie (Czechoslovak Airlines)
Chandris America Lines Inc., as general agents for: Okeania S.A. (Australis),
Chandris America Lines S.A. (Amerikanis), Australian Line S.A. (Ellinis), and Themistocles Nav. S.A. (Queen Frederica).
Challenge International Airlines.
Chandris (USA) Inc., as agents for Chandris Lines.
Chandris (USA) Inc., as agents for Mariblanca Navegacion S.A. and
Compania Panamena Europea Navegacion Ltda. S.A.
China Airlines, Ltd.
China Merchants Steam Navigation Co., Ltd.
China Navigation Co. Ltd., The
China Union Lines, Ltd.
Compagnia Genovese di Armamento
Compagnie Generale Transatlantique (French Line).
Compagnie Nationale Air France.
Companhia Colonial de Navegacao.
Compania Cubana de Aviacion, S.A.
Compania Dominicana de Aviacion, C. por A.
Compania Mexicana de Aviacion, S.A. (CMA).
Companhia Nacional de Navegacao, S.A.R.L.
Compania Nacional de Turismo Aereo Limitada.
Compania Panamena de Aviacion S.A. (COPA).
Compania Transatlantica Espanola, S.A.
Condor Flugdienst GmbH.
Continental Air Lines, Inc.
Continental/Air Micronesia.
Cunard Steamship Company, Ltd.

D

Daido Kaiun Kaisha, Ltd., (Daido Line).
Daiwa Navigation Co., Ltd., The.
Dan-Air Services, Ltd.
Delaware and Hudson Railroad Corp.
Delta Air Lines, Inc.
A. Demades & Owners -- SS AXIOS
Den Norske Amerikalinje A/S (See Norwegian America Line).
Ditlev-Simonsen Lines.
Dominair.
Dominion Far East Line (Hong Kong) Ltd.
Dominion Navigation Co., Ltd.
Donaldson International Airways.
Dorado Wings.

E

East African Airways.
Egyptair.
El Al Israel Airlines.
"ELIOS", Soc. di Navigazione p. A., Palermo.
Ellerman's Wilson Line, Ltd.
Empresa Ecuatoriana de Aviacion.
Empresa de Transporte Aereo del Pero (Aero-Peru).
S.A. Empresa de Viacao Aerea Rio Grandense (Varig Airlines).
Empresa Guatemalteca de Aviacion.
Epirotiki Lines, Inc.
"Erice" Soc. di Navigazione p.A., Palermo.

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Eugenie Maritime Co., Ltd.
Europe-Canada Line.
Eva Air.
Evergreen International Airlines, Inc.
Executive Air Charter.
EXPRINTER (SUCRS, S.A.).

F

Facilities Management Corp.
Faucett Peruvian Airlines
Fern-Ville Lines.
Fiesta Cruise Lines, Inc.
Finnair Oy.
Five Star Airlines.
Florida Air.
Flugfelag Islands, H.F. (Iceland Airways).
Flying Tiger Line Inc., The
Furness-Withy and Co., Ltd.

G

Garuda Indonesia.
General Airways, Inc.
General Steam Navigation Co., Ltd., of Greece -- Greek Line.
German Atlantic Line (North German Lloyd Passenger Agency, Inc., for).
Giacomo Costa fu Andrea (Linea ``C''), Genoa.
Global Chartering & Brokerage Co., Inc.
Globe Air Ltd. Basel, Switzerland.
Great Eastern Line.
Gray Coach Lines, Ltd.
Grey Goose Bus Lines, Ltd.
Greyhound Lines-East, Division of Greyhound Lines, Inc.
Grimaldi Siosa Lines Joint Service.
Gulf Air (Added 6/9/95; 60 FR 30457)
Guest Aerovias Mexico, S.A.
Guy-America Airways, Inc.
Guyana Airways Corp.

H

Haiti Air.
Hamburg American Line.
Hapag/Lloyd A.G./North German Lloyd Passenger Agency, Inc.
Harbor Airlines, Inc.
Hawaiian Airlines.
Holland-America Line.
Home Lines Agency Inc., as agent for Home Lines Inc.
Horizon Airlines Industries, Inc.
Horn-Linie.
Hugo Stinnes Transocean Schiffahrts, gmbh, Mulheim-Ruhr, Germany.

I

Iberia Air Lines of Spain.
Iberia Lineas Aereas Espanolas.
Icelandic Airlines, Inc. (Loftleidir, H.F.).
Iiho Kaium Kaisha, Ltd.
Indo-China Steam Navigation Co., Ltd., The.

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Inexadria Airways.
Intercontinental, U.S., Inc.
International Aircraft Services, Inc.
International Airlines, Inc.
Interocean Airways, S.A., Luxembourg.
Iran National Airlines Corporation.
Island Aviation Incorporated.
Italian Line, "Italia" Societa per Azioni di Navigazione, Genoa.

J

Jadrolinija Steamship Co.
Japan Airlines.
Japan Airlines Co., Inc.
Jat-Yugoslav Airlines.
J.D. Valenciana De Aviacion.
Jugoslavenska Linijska Plovidba and/or Jugolinija.

K

Kambara Kisen Co. Ltd.
Kawasaki Kisen Kaisha, Ltd.
KIWI International Airlines.
Klaveness Line.
Koninklijke Luchtvaart Maatschappij N. V. (K.L.M. Royal Dutch Airlines).
Korea Shipping Corp., Ltd., Seoul, Korea.
Korean Air Lines Co., Ltd.
Kulukundis Shipping Agency, Inc.
Kuwait Airways Corporation.

L

Laeisz, F., Hamburg, Germany.
Laker Airways Limited.
Lauretizen, J.
Leeward Islands Air Transport Services (LIAT).
Leisure International Airways.
Linea Aerea del Cobre, S.A. "LADECO".
Linea Aerea Nacional, Chile.
Linea Aeropostal Venezolana (LAV).
Lineas Aereas Costarricenses, S.A. (LACSA).
Lineas Aereas de Nicaragua, S.A.
Lineas Aereas de Paraguay Sociedad Anonima (Added 6/9/95; 60 FR 30457)
Lineas Aereas Taxader S.A.
Linee Aeree Italiane (ALITALIA).
Livanos Maritime Co., Ltd.
Lloyd Aero Boliviano S.A.
Lloyd International Airways, Ltd.
Lot-Polish Airlines.
LTU Lufttransport Unternehmen KG.
Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft).

M

Mackey Airlines, Inc.
Malaysian Airline System.
Malev Hungarian Airlines
Mall Airways, Inc.

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Marchessini Lines.
Marine Mercante Nicaraguense, S.A. (Mamenic Line).
Maritime Central Airways, Ltd.
Maritime Company of the Philippines.
Martinair Holland, N.V.
Maui Airlines, Inc.
McCormick Shipping Corp.
"MEGRA" Soc. di Navigazione p.A., Palermo.
Miami Air.
Middle East Airlines.
Mitsui Steamship Co., Ltd.
Montana Flugbetrieb.
Murray Hill Limousine Service Ltd.

N

N.V. Scheepvaart Maatschappij "Transocean" (Trans-Ocean Steamship Co.).
Naess Shipping Co., Inc.
National Airlines, Inc.
NATUMEX Lines -- Naviera Truistica Mexicana S.A.
Nauru Pacific Line.
Naviera Aznar Sociedad Anonima.
Nederland Line.
Netherlands Ministry of Transport and Waterstaad Directorate-General of Shipping.
New Zealand Shipping Co., Ltd., Norton, Lilly & Co., Inc., General Agents.
Nicarguense De Aviacion S.A. (NICA).
Nigeria Airways Limited.
Nihonkai Kisen Kaisha.
Nippon Cargo Airlines Co., Ltd.
Nippon Yusen Kaisha (N.Y.K. Line).
Nolisair International, Inc. (dba Nationair Canada) (TM 2/90)
Nordair Ltd.
North American (Added 6/9/95; 60 FR 30457)
North Central Airlines Inc.
Northeast Airlines, Inc.
North German Lloyd Passenger Agency, Inc. (see Hapag/Lloyd A.G./North German Lloyd Passenger Agency, Inc.)
Northwest Airlines, Inc.
Norwegian America Line (Den Norske Amerikalinje A/S).
Norwegian Caribbean Lines.

O

Ocean Cargo Line, Ltd.
Ocean Tanker Line, Ltd. (Lavino Shipping Co., Philadelphia, Agents).
Ocean Tankers, Ltd.
Oceanic Steamship Co., The
Olsen Line, Fred (Fred Olsen & Co.).
Olympic Airways, S.A.
Ontario Central Airlines, Ltd.
Ontario Express, Ltd. (dba Canadian Partner)
Orient Overseas Line.
Orient Steam Navigation Co., Ltd.
Osaka Shosen Kaisha, Ltd.
Overseas National Airways.
Ozean/Stinnes Linien.

P

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Pacific Australian Direct Line.
Pacific Far East Line, Inc.
Pacific Islands Airways, Inc. (Added 6/9/95; 60 FR 30457)
Pacific Islands Transport Line A/S THORDAHL.
Pacific Micronesia Line, Inc.
Pacific Ocean Line.
Pacific Shipowners, Ltd., Suva, Fiji.
Pacific Steam Navigation Co.
Pacific Western Airlines, Ltd.
Pakistan International Airlines Corp.
Panoceanic Tanker Line, Ltd.
Peninsular & Occidental Steamship Co.
Peninsular & Oriental Steam Navigation Co.
Penn Central Co., The
Phillippine Air Lines.
Piedmont Aviation, Inc.
Pilgrim Aviation & Airlines, Inc., (d/b/a Pilgrim Airlines).
"POLINNIA" Soc. di Navigazione p.A., Palermo.
Polynesian Airlines.
Pomair N.V.
President Airlines, Inc.
Presidential Airways, Inc.
P.R. Express.
Pro Air Services.
Provo Air, Inc.
Puerto Rico International Airlines, Inc.

Q

Qantas Empire Airways, Ltd.

R

REAL S/A -- Transportes Aereos.
Red Carpet Airlines, Inc.
Rederiaktiebolaget Nordstjernen (Johnson Line), Stockholm.
Republic Airlines, Inc.
Resort Commuter, Inc. (dba Resorts)
Rich International Airways, Inc.
Riddle Airlines, Inc.
Royal Air Maroc.
Royal Hawaiian Air Service.
Royal Mail Lines, Ltd.
Royal Netherlands Steamship Co.
Royal Rotterdam Lloyd.

S

Sabena Belgian Air Lines.
SAETA.
Sahsa Honduras Airlines.
Samoa Airlines.
San Juan Airlines.
Saturn Airways, Inc.
Saudi Arabian Airlines.
Scandinavian Airlines System, Inc.
Scindia Steam Navigation Co., Ltd.
Seven Seas Airlines, Inc.
Shawnee Airlines, Inc.

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Shinwa Kaiun Kaisha, Ltd.
Showa Shipping Co., Ltd.
Sicula Oceanica, S.A. (SIOSA Lines).
Singapore Airlines.
Skylink Airlines, Ltd.
Skystar International, Inc.
Skyworld Airlines (dba Ports of Call Air)
Societa Italiana di Armamento "SIDARMA"
Societa Italiana Transporti Marittimi of Genoa (Sitmar Line).
South African Airways.
South Pacific Air Lines.
Southern Airways, Inc.
Southern Air Transport, Inc.
Spantax S.A.
Standard Airway, Inc.
States Steamship Co.
Sterling Airways A/S.
SUEDFLUG, Sued-deutsche Fluggesellschaft mbH, Stuttgart.
SUN LAND Air Lines, Inc.
Surinam Airways Ltd.
Swedish American Line.
Swiss Air Transport Co., Ltd. (SWISSAIR).

T

TACA International Airlines, S.A.
Taiwan Navigation Co., Ltd.
Texas International Airlines, Inc.
Thai Airways International, Ltd.
The Eastern & Australian Steamship Co., Ltd.
Theofano Maritime Co., Ltd.
Time Air, Inc.
Tower Air, Inc.
Toyo Yusen Co., Ltd.
Transair Limited-Winnipeg, Manitoba.
Transamerica Airlines.
Transatlantic Steamship Co., Ltd. (Rederiaktiebolaget
Transatlantic).
Trans Caribbean Airways, Inc.
Transbrasil Airlines.
Transavia Holland N.V.
Transcontinental S.A. de Transportes C.El.
Transglobe Airways, Ltd.
Translift Airways.
Trans Meridian Flying Services, Ltd.
Trans Micronesia Airways.
Transocean Airlines.
Transportation Corp. of America (Trans Caribbean Airways).
Transportes Aereos Nacionales, S.A. (TAN Airlines).
Transportes Aereos Portugueses S.A.R.L.
Trans World Airlines, Inc.
Transworld Express.
Trent Maritime Co., Ltd.
Triton Shipping, Inc.
Turkish Airlines.
Turks and Caicos (Added 6/9/95; 60 FR 30457)
Twentieth Century Airlines.

U

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Union de Transports Aeriens -- U.T.A.
United Air Lines, Inc.
United Philippine Line.
United States Lines, Inc.
United States Overseas Airlines, Inc.
United White Shipping Co., Ltd.
Universal Airlines, Inc.
USAfrica Airways, Inc. (Added 6/9/95; 60 FR 30457)
U.S. Air, Inc.

V

Varig S.A. (Brazilian Airlines).
VASP Brazilian (Viacao Area Sao Paulo S.A.).
Venezuelan International Airlines, Inc.
VIA Rail Canada Inc.
Virgin Atlantic Airways, Ltd.

W

Wardair Canada Inc.
Western Airlines.
Westfal Larsen Line.
White Star Maritime Co., Ltd.
Wien Consolidated Airlines, Inc.
Winchester, J. H., & Co., as agents for Costa Line.
Windward Islands Airways International.
World Airways, Inc.
Wamashita Steamship Co., Ltd.

Y

Ybarra & Co., Inc.
Y. Guahan Airways, Inc./Guam Marianas Air

Z

Zim Israel Navigation Co., Ltd.

A

Admiral Cruises, Inc.
Aer Lingus, P.L.C.
Aer Turas Teoranta
Aerei
Aero California, S.A. de C.V.
Aero Coach Airlines
Aero Peru
Aeroflot Russian Int'l Airlines
Aerolineas Argentinas
Aerolineas Centrales de Colombia
Aerolineas Dominicanas, Dominair
Aerolineas Nicaraguenses, S.A.
Aeromexico
Aeronantica de Cancun
Aeroposta S.A.
Aerotours Dominicano Airlines
Air Sweden
Air St Barthezemy
Air Belgium
Air Portugal - (TAP)
Air Marshall Islands
Air Europe
Air Bahamas
Air India
Air Martinique
Air North Charter
Air Afrique
Air Jamaica
Air China
Air America
Air Club International
Air Liberte
Air Transport International, LLC
Air Charter
Air Caribe
Air Outre Mer
Air Transat A.T. Inc.
Air Caraibes Exploitation
Air Center Helicopter, Inc.
Air Paraguay
Air Guadeloupe
Air Gambia, Ltd
Air France
Air Pacific Limited
Air Toronto
Air Nova Inc
Air Aruba
Air Atonabee Ltd. d/b/a City Express
Air Bc Limited
Air Canada

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Air Operations of Europe AB
Air Columbus-transporte
Air Espana S.a. (dba Air Europa)
Air Comet, SA
Air Mango, Ltd
Air Atlanta Icelandic
Air Niagara Express Inc.
Air Bvi
Air Ontario, Inc.
Air Tungaru Corporation
Air New Zealand
Air La
Air Evasion
Air 2000 Limited
Airflite
Airmark Aviation, Inc.
Airtours Intnt'l Airways Ltd.
Airways International Inc.
Alaska Airlines
Alitalia
All Nippon Airways Co.
Alm Antillean Airlines
America West Airlines
American Airlines, Inc.
American Trans Air, Inc.
Amerijet Int'l
Apa International Air S.A.
Apeleair
Arrow Air, Inc.
Asiana Airlines
Astral Aviation, Inc.
Athabaska Airways Ltd.
Atlantic Air B.V.I.
Atlantic Atlantic Container Line
Austrian Airlines
Avianca
Aviateca
Aviation
Aviation Services, Ltd.

B

Bahamas Air
Balair
Balkan Bulgarian Airlines
Bermuda Starline
Biman Bangladesh Airlines
Bimini Island Air
Black Sea Shipping Company
Bohlke International Airways Inc.
Britannia Airways
British Airways
British Commonwealth Pacific Airlines
Business Express

C

Calair Int'l
Caledonian Airways

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Can Air Cargo Ltd.
Canada 3000
Canadian Partner
Canadian Airlines International Ltd.
Canair Cargo Ltd. d/b/a Canair Cargo
Canberra Cruises
Cape Canaeral Cruise Lines
Caribbean Air Carrier
Carnival Cruise Lines, Inc.
Cathay Pacific Airways
Cayman Airways
Challenge International
Chandris Fantasy Cruises
China Airlines
China Eastern Airlines
City Birdair
Clint Aero Inc.
Clinton Aviation/western Air
Clipper Adventures Cruises
Comair Inc.
Commodore Cruise Line, Ltd
Compagnie Panamena De Aviacion, S.A.
Conair
Condor
Conifair Aviation Inc.
Continental
Corse Air International, S.A.
Costa Cruises, Inc.
Costa Crociere S.P.A.
Costal Air Transport
Crown Cruise Line
Crown Air Canada
Crystal Cruises
Ctc Cruise Lines
Cunard Line Ltd
Czechoslovak Airlines

D

Delta Air Lines, Inc.
Deutsche Seereederei Rostock
Deutsche Seetouristik GmbH
Diamond International Aviation Corporation
Discovery Cruise Line Partnership
Dolphin Cruise Lines

E

Eastern Airlines
Ecuatoriana
Egyptair
El Al Israel Airlines
Epirotiki Lines Inc.
Eva Airways Corporation
Evasion
Excalibur Airways Limited
Express
Express One International, Inc.

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F

Fawcett Airlines
Fedor Dostoevskiy Shipping Co. Ltd
Finnair
Flying Colors Airways
Four Star Aviation
Francis & Lane Inter-Island Transport Services, Ltd
Frontier Cruises Ltd.

G

Garuda Indonesia
Ghana Airways
Gorda Aero Services
Great American Airways, Inc.
Guam Marianas Air
Gulf Air
Gulfstream International Airlines, Inc.
Guyana Airways

H

Haiti Trans Air
Halisa Air
Hanseatic Cruises
Hapag Lloyd Fluggesellschaft GmbH
Hapag - Lloyd Kreuzfahrten
Happy Days Shipping c/o Vlasov Shipping
Harbor Air Ltd
Hawaiian Airlines
Hcl Aviation - a.k.a. Av Atlantic
Holland America Line Westours Inc.
Horizon Airlines

I

Iberia
Iceland Air
Imperial Airlines, Ltd.
Independent Air, Inc.
Int'l Airlines
Intair
Inter Island Boat Service
Ivaran Lines

J

J.D. Valenciana Airline
Japan Cruise Line
Japan Air Charter Company, Ltd.
Japan Universal System Transport Co., Ltd.
Japan Airlines

K

Kenmore Air Harbor, Inc.
Key Airlines
Kiwi International Airlines, Inc.

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KLM Royal Dutch Airlines
Kloster Cruise Ltd.
Korean Airlines
Kuwait Airlines

L

La Compagnie Des Iles du Ponant (Cruises)
Lab Airlines
Lacsa
Ladeco Airlines
Laker Airways (Bahamas) Limited
Lan Chile Airlines
Laude Air
Leisure International Airways
LIAT
Linea Aeropostal Venezolana
Lone Star Airlines
Lot Polish Airlines
LTU Int'l Airways
Lufthansa German Air Lines

M

M&N Aviation Inc.
Maxim Gorkiy Shipping Co. Ltd.
Majesty Cruise Lines
Malaysian Airline System
Malev Hungarian Airlines
Martinair Holland N.V.
Mediterranean Transport
Mesaba Aviation Inc.
Mexicana de Aviacion
Mgm Grand Air
Miami Air International
Middle East Airlines
Minerve
Mitsui O.S.K. Lines
Monarch Airlines
Montreal National Air Charters
Ms Delphin (A.k.a. Kazakhatan Ii)
Ms " Berlin" Gmbh & Co.
Msc Mediterranean Shipping Co. Sa

N

Nationair Canada
Native Son Inc.
New York (Caac)
Nicaraguense de Aviacion Nica
Nigeria Airways
Nippon Cargo Airlines
Nomads, Inc.
North American Airlines
Northwest Airlines
Northwest Airlines
Novair International Airways
NSB Niederelbe Schifffahrt
Nyk Cruises

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O

Oasis International Airlines
Ocean Quest
Odyssey International
Ontario
Orion Air

P

Pacific Island Aviation, Inc.
Pakistan Airlines
Pan Am Express
Pan-American Airways
Paradise Island Airlines
Peter Island Resort
Petrolair, S.A.
Philippine Airlines
Phoenix Air Group, Inc.
Piedmont Airlines
Poetto Shipping Co. Ltd
Points of Call Airlines
Polynesian Airlines (Holdings) Ltd.
Premier Aviation
Premier Cruise Lines

Q

Qantas Empire

R

Reeve Aleutian Airways
Regency Cruises
Renaissance Cruises, Inc.
Rich International Airways
Royal Caribbean Cruise Lines
Royal Air
Royal Jordanian

S

Scandinavian Airlines System
Sabena
Saeta Airlines
SAHSA Airlines
Saudi Arabian Airlines
Scanair
Schiffahrtgesellschaft Ms. Berlin Kreuzfahrten MbH &Co.
Sea Escape
Seabourn Cruise Lines
Service & Transport Cruise Line
Servicios Aeros Litoral, S.A.
Servinensa
Seven Seas Cruise Lines
Showa Line Ltd.
Silversea Cruises c/o Vlasov Shipping
Singapore Airlines
Sky Trek Int'l Airlines, Inc.

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Skyservice
Smith's Ferry Services, Ltd.
Sobelair N.V./S.A.
Societe Nouvelle Air Guadeloupe
Southern Airways
Spanair, S.A.
St. Lawrence Cruise Lines, Inc.
Star Clippers Inc.
Sterling Airways
Sun Country Airlines
Sunaire
Surinam Airways Ltd.
Swissair
System Co. Ltd

T

Taca International Airlines
Tall Ship Adventures, Inc.
Tan Airlines
Taqan Air Service
Tarom (Romanian Air Transport)
Thai Airways International
The China Navigation Co. Ltd.
Tower Air
Trans Brasil
Trans Continental Airlines
Trans Provincial Airlines Ltd.
Trans World Airlines, Inc.
Trans International
Trans Ocean Airways
Trans European Airways (Tea France)
Transaero Airlines
Transavia Airlines, C.V.
Translift Airways Limited
Transporte Aereo Dominicano, SA
Transportes Aeromar, S.A.
Transportes Aereos Ejecutivo, S.a.
Transportes Aereos Mercantiles
Transwede Leisure AB
Trinidad & Tobago (BWIA Int'l) Airways
Trinity Air Bahamas
Turkish Airlines
Turks & Caicos Airways
Turquoise Airways Ltd.
Twin Town Leasing Co. Inc.

U

Ukrainian State Airlines
Ulysses Cruises
United Airlines
US Africa Airways, Inc.
US Air

V

Vacationair
VARIG

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Vasp Brazilian Airlines
VIASA
Viking International Air/eagle Airlines
Virgin Atlantic Airways
Virgin Gorda Transport
Virgin Air Inc.
Viscount Air Services

W

W/f Japan Asia Airways Co., Ltd.
W/f Domtraute Airways
Waglisla Airlines
Walker's Int'l
Wardair Canada
Windward Island Airways
Winstar Sail Cruises
World Air Network Co.
World Airways, Inc.
Worldways Canada Ltd.
Worldwide Aviation Services, Inc.
WRA Caribbean

Y

Yugoslav Airlines

Z

Zuliana de Aviacion

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Appendix 42-3 In-Transit Lounges (ITLs) (Revised 4/9/97)

* Denotes ITL contract maintained at HQINS

EASTERN REGION

Atlanta District:

Atlanta: 1/

Aerovias de Mexico, S.A. de C.V.
Aero Costa Rica
Air Jamaica
Cayman Airways
Delta
Japan
Lufthansa
Sabena
Varig

Raleigh-Durham:

American

Miami District:

Daytona:

LTU International (11/08/95)*

Miami: 2/ (Five ITLs in five Terminals (A, B, D, E, & F))

Aero Costa Rica (06/20/94)*
Aeroflot (03/27/92)*
Aerolineas Argentinas (05/92)* 3/
Aeromexico
Aeroposta (07/22/93)*
Air Belgium (10/30/92)*
Air Canada (01/29/92)*
Alitalia-Linee Aeree Italiane, S.P.A. (12/05/91)*
Air Jamaica
American (05/17/89)*
Avensa 4/ [ITL Agreement cancelled 09/14/92]
British 5/
Delta Airlines (12/05/91)*
Iberia (03/27/92)*
Ladeco (03/13/92)*
LTU (05/11/92)*
Martinair Holland (11/02/92)*
Miami Air (12/17/92)*
Saeta (03/13/92)*
TransBrasil (10/15/90)*
United (01/29/92)*
VARIG Brazilian
VASP-Brazilian (04/28/93)*

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Progressive Clearance at Miami:

VARIG Brazilian (11/05/96)* (two flights combine in MIA for progressive clearance to Orlando Expires April 30, 1997)

Orlando:

Aeroflot Russian International (05/20/94)*
Brittania (04/30/93)*
KLM 6/
Lauda Air S.p.A (03/28/96)*
Leisure (06/15/93)*
LTU International (11/25/96)*
Sobelair N.V./S.A. (10/31/96)*

Tampa 9 (I & II):

Condor (11/06/92)*
LTU

New York District:

JFK Airport: 7/

IAB:

Aerolineas Argentinas
Air France
Air India (05/07/93)*
ALIA Royal Jordanian (see KLM)
Alitalia
Avianca
Egypt Air
El Al
KLM Royal Dutch; ALIA Royal Jordanian; Martinair. (One ITL Agreement for the three carriers) (07/07/81)*
Lan Chile
LTU
Lufthansa
Olympic (03/27/91)*
Martinair (see KLM)
Pakistan International (03/29/88)*
Royal Air Maroc
SAS
Saudia Airlines
Swissair
TACA Airlines
TransAmerica
VARIG Airlines
VASP Brazilian (05/06/96)* Expires 05/06/99

British Airways Terminal:

British (06/25/92)* (Not used per OIC/JFK 11/08/93)

Delta Airlines Terminal:

Delta Airlines (Not used per JFK 01/12/96)

Trans World Airlines Terminal:

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None (ITL proposed by TWA)

Philadelphia District:

Philadelphia:

British (03/23/94)* Expired 03/23/95
USAir (03/22/94)* Expired 03/22/95
Lufthansa (04/19/94)* Expired 04/19/95

Portland, ME District:

Bangor:

Air 2000 (02/26/96)* 8/
Air Belgium
Air Espana (dba Air Europa)(02/26/96)* 2/
Air Europe
Air Europe, S.P.A.
Air Europe Italy
Air Holland
Airtours International (11/25/96)*
Britannia Airways Ltd. (03/19/96)*
Caledonian Airways (06/17/96)*
Monarch Airlines (02/26/96)* 2/
Sterling Airways
TU International 2/

San Juan District:

San Juan:

ACES (072296)* [Expires 11/22/96]
American (082595)* 9/ [Expires 08/25/96]
American Eagle (082595)* [Expires 08/25/96]
Condor Flugdienst GmbH* [Expires 08/31/97]
Iberia* Expires 08/31/97
KLM Dutch Airlines* [Expires 08/31/97]

Washington District:

Dulles: 10/

Pakistan (Midfield Terminal) (02/26/97) [Expires 08/26/97]
United* (10/27/92)
United (Midfield Terminal) (02/26/97) [Expires 08/26/97]

CENTRAL REGION

Dallas District:

Dallas:

American* (08/25/95) [Expires 08/25/98]
Lufthansa

Houston District:

Houston: 11/

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Aerovias de Mexico* (10/06/93)
Air Canada* (04/28/93)
British Airways* (08/15/90)
Cayman Airways* (03/12/91)
Compagnie Nationale Air France* (06/15/93)
Continental* (07/02/92)
KLM Royal Dutch Airlines* (02/15/91)
TACA International Airlines* (07/15/91)
TAN SAHSA* (07/26/90)
Viasa* (10/24/90)

WESTERN REGION

Anchorage District:

Anchorage:

Asiana (11/24/92)*
Cathay Pacific Airways Ltd. (03/28/96)* [Expires 03/28/99]
British Airways 12/
Iberia 12/
Japan (03/18/96)* [Expires 03/18/99]
KLM Royal Dutch 12/
Scandinavian (SAS) 12/
Swiss Air 12/

All In-Transit Lounge passengers must de-plane in ANC and go to an In-Transit Lounge though they are not signatory to any agreement.

Honolulu District:

Agana:

Unavailable.

Honolulu:

Air New Zealand (05/20/91)* [Expired 07/14/92] 13/
Canadian Airlines International (04/19/94) [Expired 04/19/97]*
Qantas (02/28/94) [Expired 02/28/97]*

Los Angeles District:

Los Angeles: (Two (2) Lounges in 2 Terminals)

Thomas Bradley International Terminal (TBIT):

Aeromexico (02/28/94)*
Air France
AOM French Airlines (07/03/95)*
British Airways (01/19/95)*
Corse-Air (07/03/95)*
Eva Airways (11/20/95)*
Japan
Korean
LTU International (08/17/94)*
Mexicana (10/18/94)*
Qantas (02/14/95)*

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United (08/14/92)* 14/
UTA
Varig

Joint ITL Agreements at TBIT:

British Airways/Qantas ITL Agreement (02/09/95)*
Japan/Aeromexico Airlines Agreement (01/10/95)*
LTU International/Mexicana Agreement (10/21/94)*
Qantas/British Airways ITL Agreement (02/14/95)*

Satellite 2:

Air Canada (03/28/96)*
Air New Zealand (10/04/94)*
Air New Zealand/Air Canada ITL (03/24/96)*

Terminal 6 & 7:

United (08/23/96)* Expires 08/23/99

San Francisco District:

Oakland:

Corse-Air International (04/17/96)* [Expires 04/17/99]

San Francisco:

Air France (12/09/91)* Expired 12/09/92
United

Seattle District:

Seattle-Tacoma:

Japan Air Line
Thai Airways

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FOOTNOTES FOR APPENDIX 42-3

- 1/ On 040996 a package from EROINS arrived containing ITL agreements for Atlanta's new ITL facility. Some contracts were approved by the Port Director (PD); others were signed by a Special Operations Inspector (SOI). HQOPS was given a copy of the contracts by HQINS 040996 and was asked to contact Atlanta to have them submit ITL contracts to HQINS for signature, including those previously signed by the PD.
- 2/ European-style In-Transit Lounge established in Miami in 1979 (no memorandum/letter exists at HQINS regarding Miami ITL except memorandum dated 100688 from the Assistant Commissioner for Inspections, to the Assistant Regional Commissioner, Inspections granting Houston "European-style" ITL privileges based on precedent of Miami International Airport authorization in 1979).
- 3/ Approval letter sent to Aerolineas Argentinas (AR) 050892; no ITL Agreement at HQINS; AR also has "special ITL" bussing arrangement granted by MIA-INS with VASP Airlines between Terminals "B" and "F" (no written agreement). DPD Jerry Emory said that one II rides bus with an airline security guard making it safer than TWOVing flight and walking them through the public areas.
- 4/ Avensa Airlines, though having an approved ITL Agreement dated 022792 (copy at HQINS) for MIA, is NOT allowed to use the ITL system due to its TWOV Agreement, Form I-426, being cancelled by the INS (Commissioner Gene McNary) per letter to Avensa signed and mailed on September 4, 1992, cancelling the TWOV Agreement ten days after the date of the letter as stipulated by paragraph 9 of the Agreement.
- 5/ As agreed to by USINS (DPD) and the USCS, as of June 30, 1995, British Airways has been given permission to take in-transit passengers, who arrived at Terminal A, by bus from Terminal B sterile bus station, to Terminal E sterile bus station and then onward to Terminal E in-transit lounge to be handed over to an employee of the departing carrier.
- 6/ (using Lounge per verbal HQEAC agreement after IATA meeting in Montreal (1993) without ITL agreement citing ATA v. Meissner); KLM no longer using ITL (10/95).
- 7/ According to memorandum sent to EROINS on 01/12/96 and forwarded to HQINS, only the two ITLs at the International Arrivals Building (IAB) are being used (East Wing [E/W] and West Wing [W/W]).
- 8/ Currently using ITL at Bangor, per memorandum of 11/12/96.
- 9/ American Airlines, per the ITL agreement, was given permission to have a modified European-style ITL at SAJ whereby ITL passengers may depart on an aircraft other than the one on which they arrived. HQCOU reviewed agreement on January 20, 1995, per memorandum from Janice Podolny, HQCOU, to Don Crocetti, HQEXM.
- 10/ Per memorandum from APD to EROINS dated 01/05/96, APD stated that United converted its ITL into an employee lounge in late December, 1995, without informing INS. APD informed United that all passengers must be presented to INS for inspection until further notice. HQCOU was asked on 041196 if the United ITL agreement should be cancelled by HQINS due to its conversion to an employee lounge.
- 11/ Houston European-style In-Transit Lounge established in 1988 per memorandum dated 100688 from HQINS, to Assistant Regional Commissioner, Southern Region granting Houston "European-style" ITL privileges based on precedent of Miami International Airport authorization in 1979.
- 12/ No longer transiting Anchorage, per SII/ANC 01/05/96.
- 13/ Air New Zealand has cited ATA v. Meissner as the reason it will not sign a new ITL agreement. HQINS requested on 12/07/95 a legal opinion from HQCOU regarding the legality of Air New Zealand's request and if the Service can suspend its ITL operations.
- 14/ UA-INS(LAX) have special ITL Agreement granting United ITL privileges for TBIT/Satellite 7 transfer of passengers via people movers (05/20/93)

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Appendix 42-4

**Preinspection Agreements--Signatory to Form I-425
Agreement (Revised April 1997)**

At Aruba

Air Aruba.
Airmark Aviation, Inc.
ALM Antillean Airlines.
American Airlines, Inc.
American Trans Air, Inc. (Added 6/9/95; 60 FR 30457)
AvAtlantic (Added 6/9/95; 60 FR 30457)
Carnival Airlines (Added 6/9/95; 60 FR 30457)
Express One International, Inc. (Added 6/9/95; 60 FR 30457)
Jet Fleet Corporation.
Miami Air International, Inc.
Rich International Airways, Inc.
Servicios Avensa S.A. (SERVIVENSA).

At Bermuda

Air Florida, Inc.
Air Venturers of Houston, Inc.
American Airlines, Inc. (Charter Flights only).
American Eagle Airlines, Inc.
American Flyers Airline Corp.
AvAtlantic (Added 6/9/95; 60 FR 30457)
Braniff Airways, Inc.
British Airways (British Airways Board).
Capitol Airways, Inc.
Continental Airlines (TM 2/90)
Delta Air Lines, Inc.
Flying Tiger Line Inc., The.
Furness, Withy and Co., Ltd.
Guest Aerovias Mexico, S.A.
Miami Air International, Inc.
Northeast Airlines, Inc.
Northeastern International Airways, Inc.
Northwest Airlines, Inc.
Piedmont Airlines (TM 2/90)
Saturn Airways.
Standard Air Ways, Inc.
Swedish American Line Agency, Inc.
Trans International Airlines.
Trans World Airlines, Inc.
United Air Lines.
U.S. Air (TM 2/90)
World Airways, Inc.

At Calgary

Air Canada
Air Niagara Express, Inc. (Added 6/9/95; 60 FR 30457)
America West Airlines, Inc.
American Airlines, Inc.
Big Sky Airlines.
Canadian Airlines International, Ltd. (TM 2/90)

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Canadian Pacific Airlines.
Cascade Airways, Inc.
Express One International, Inc. (Added 6/9/95; 60 FR 30457)
Miami Air International, Inc.
Northwest Airlines, Inc.
Pacific Western Airlines, Ltd.
Time Air, Inc. (TM 2/90)
United Airlines, Inc.
Wardair Canada, Inc.
Western Airlines Inc.

At Dublin (Added 6/9/95; 60 FR 30457)

Air Lingus (Added 6/9/95; 60 FR 30457)
American Trans Air, Inc. (Added 6/9/95; 60 FR 30457)
Delta Airlines (Added 6/9/95; 60 FR 30457)
Tower Air (Added 6/9/95; 60 FR 30457)

At Edmonton

Air Canada.
Canadian Airlines International, Ltd. (TM 2/90)
Canadian Pacific Airlines.
Continental Airlines.
Delta Airlines, Inc. (TM 2/90)
Express One International, Inc. (Added 6/9/95; 60 FR 30457)
Miami Air International, Inc.
Northwest Airlines, Inc.
Pacific Western Airlines.
Republic Airlines.
Wardair Canada, Inc.
Western Air Lines, Inc.

At Freeport

Aerocoach Aviation International, Inc. (TM 2/90)
Aerostar Airlines, Inc.
Air Florida, Inc.
Airways International, Inc.
Bahamas Air Holdings Ltd.
Caribbean Express, Inc.
Comair, Inc. (TM 2/90)
Delta Air Lines Inc.
Evergreen International Airlines, Inc.
Express One International, Inc. (Added 6/9/95; 60 FR 30457)
Gulf Air Transport, Inc.
Gull Air, Inc.
Key Airlines, Inc.
Mackey International Airlines.
Miami Air International, Inc.
Midway Airlines (TM 2/90)
Northeastern International Airways, Inc.
Rich International Airways, Inc.
Sun Country Airlines (TM 2/90)
Trinity Air Bahamas.
U.S. Air, Inc.
United Airlines, Inc.

At Montreal

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Air Alliance, Inc. (TM 2/90)
Air Canada.
Air Florida, Inc.
Air France.
Air Niagara Express, Inc. (Added 6/9/95; 60 FR 30457)
Air Ontario, Limited.
American Airlines, Inc.
American Flyers Airline Corp.
Braniff Airways, Inc.
British Airways (British Airways Board).
Canadian Airlines International, Ltd. (TM 2/90)
Canadian Pacific Airlines, Ltd.
Capitol Airways, Inc.
Comair, Inc.
Continental Airlines.
Delta Air Lines, Inc.
Deutsche Lufthansa Aktiengesellschaft (Lufthansa German Airlines).
Eagle Airways (Bermuda) Ltd.
Eastern Provincial Airways (1963) Limited.
Express One International, Inc. (Added 6/9/95; 60 FR 30457)
McCulloch International Airlines.
Miami Air International, Inc.
Nordair Ltee -- Nordair Ltd.
Northeast Airlines, Inc.
Northwest Airlines (TM 2/90)
Northwest Airlines, Inc.
Odyssey International (TM 2/90)
Ozark Air Lines, Inc.
Pilgrim Aviation and Airlines, Inc.
Piedmont Aviation, Inc.
Quebecair.
Quebec/Air Quebec, Inc., (dba InterCanadian) (TM 2/90)
Republic Airlines, Inc.
Saturn Airways, Inc.
Trans-Florida Airlines, Inc.
Trans World Airlines, Inc.
Transair Limited.
United Air Lines, Inc.
U.S. Air, Inc.
Wardair Canada, Inc.
Western Skyways, Inc.
World Airways, Inc.
World Wide Airways, Inc.
Worldway Airlines Ltd.
Wright Air Lines Inc.

At Nassau

Aerostar Airlines, Inc.
Air Canada.
Air Venturers of Houston, Inc.
American Flyers Airline Corp.
American International Airways.
American Trans Air (TM 2/90)
Bahamasair Holdings Ltd.
Bahamas Airways, Ltd.
Best Airlines, Inc.
British Airways (British Airways Board).
Capitol Airways, Inc.

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Challenge International Airlines.
Continental (Added 6/9/95; 60 FR 30457)
Delta Air Lines, Inc.
Eagle Airways (Bermuda), Ltd.
Executive Jet Aviation, Inc.
Express One International, Inc. (Added 6/9/95; 60 FR 30457)
Florida Air, Inc. (Added 6/9/95; 60 FR 30457)
Flying Tiger Line, Inc., The.
Great Lakes Airlines Limited.
International Air Bahama, Ltd.
Mackey International Airlines.
McCormick Shipping Corp., Eastern Shipping Corp. Agents.
Miami Air International, Inc.
Midway Airlines. (TM 2/90)
Modern Air Transport, Inc.
National Airlines, Inc.
Northeastern International Airways, Inc.
Piedmont Airlines (TM 2/90)
Pro Air Services.
Rich International Airways, Inc.
Sun Country Airlines (TM 2/90)
Trans Caribbean Airways, Inc.
Trans World Airlines, Inc.
Trinity Air Bahamas.
United Air Lines, Inc.
U.S. Air. (TM 2/90)
World Airways, Inc.

At Paradise Island

Express One International (Added 6/9/95; 60 FR 30457)
Paradise Island Airlines, Inc.

At Prince Rupert

State of Alaska Department of Public Works. Westours, Inc.

At Shannon (TM 2/90)

Aer Lingus (Added 6/9/95; 60 FR 30457)
Aeroflot
American Trans Air (TM 2/90)
Condor (Added 6/9/95; 60 FR 30457)
Gulf Air, Inc. (dba TransOcean Airways) (TM 2/90)
Tower Air (Added 6/9/95; 60 FR 30457)
Translift Airways Limited.

At Toronto

Air Canada.
Air Florida, Inc.
Air France.
Air Ontario, Limited.
American Airlines, Inc.
American Flyers Airline Corp.
Astral Aviation, Inc. d/b/a Skyway Airlines (Added 6/9/95; 60 FR 30457)
Atlantic Coast Airlines dba United Express.
Braniff Airways, Inc.
British United Airways (Services), Ltd.

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British West Indian Airways.
Caledonian Airways (Prestwick), Ltd.
Canadian Airlines International, Ltd. (TM 2/90)
Canadian Pacific Air Lines, Ltd.
Capitol Airways, Inc.
Chautauqua Airlines, Inc. d/b/a USAir Express (Added 6/9/95; 60 FR 30457)
Conifair Aviation Inc. dba Royal Airlines.
Dan-Air Services, Ltd.
Eastern Provincial Airways (1963) Limited.
Express One International, Inc. (Added 6/9/95; 60 FR 30457)
McCulloch International Airlines.
Miami Air International, Inc.
Nolisair International, Inc., (dba Nationair Canada)(TM 2/90)
Nordair Ltee -- Nordair Ltd.
North Central Airlines, Inc.
Northwest Airlines, Inc.
Odyssey International (TM 2/90)
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Pilgrim Aviation and Airlines, Inc.
Quebecair.
Quebec/Air Quebec, Inc., (dba InterCanadian) (TM 2/90)
Saturn Airways, Inc.
Standard Airways, Inc.
Trans World Airlines, Inc.
Transair Limited.
United Air Lines, Inc.
U.S. Air, Inc.
Vacationair (TM 2/90)
Wardair Canada, Inc.
Wright Air Lines.
World Airways, Inc.
Worldways Canada Limited.
Yugoslav Airlines.

At Vancouver

Admiral Cruiselines (TM 2/90)
AirBC.
AirCal, Inc.
Air Canada.
Air Niagara Express, Inc. (Added 6/9/95; 60 FR 30457)
American Airlines, Inc.
American Flyers Airline Corp.
British Airways (British Airways Board).
Canadian Airlines International, Ltd. (TM 2/90)
Canadian Pacific Air Lines, Ltd.
Continental Airlines.
Costa Cruise Line.
Delta Airlines, Inc. (TM 2/90)
Empire Airlines, Inc. (Added 6/9/95; 60 FR 30457)
Express One International (Added 6/9/95; 60 FR 30457)
Great American Airways, Inc.
Great Northern Airways, Ltd.
Harbor Airlines, Inc.
Holland America Cruises.
International Jet Air, Ltd.
Miami Air International, Inc.
Monarch Cruise Lines, Inc.

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Nomads, Inc.
P. & O. Inc.
P & O Lines (North America) Inc.
Pacific Interstate Airlines.
Pacific Western Airlines, Ltd.
Paquet Cruise Lines, Inc.
San Juan Airlines, Inc.
Skylink Airlines (TM 2/90)
South Pacific Island Airways.
Standard Airways, Inc.
Sundance Cruises, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Universal Airlines, Inc.
VCHC Enterprises, Limited.
Wardair Canada, Inc.
Western Airlines, Inc.
World Airways, Inc.

At Victoria

Airwest Canada
B.C. Stena Line, Ltd. (TM 2/90)
Black Ball Transport, Inc.
British Columbia Coast Steamship Service.
British Columbia Steamship Co. (1975), Ltd.
Canadian Airlines International, Ltd. (TM 2/90)
Canadian Pacific Railway Co.
Clipper Navigation, Inc.
Island Jetfoil Corporation.
Northwest Hydrofoil Lines, Inc.
Miami Air International, Inc,
Royal Cruise Line.
Washington State Ferries.
Yarmouth Cruises, Inc.

At Winnipeg

Aero Trades (Western) Ltd.
Air Canada.
Air Niagara Express, Inc. (Added 6/9/95; 60 FR 30457)
Aspen Airways (dba United Express) (TM 2/90)
Canadian Airlines International, Ltd. (TM 2/90)
CP Air.
Express One International, Inc. (Added 6/9/95; 60 FR 30457)
Frontier Airlines, Inc.
Holiday Air of America.
Miami Air International, Inc.
Nordair Limited.
North Central Airlines.
Northwest Airlines, Inc.
Pacific Western Airlines, Ltd.
Trans Air, Ltd.
Trans World Airlines, Inc.
VCHC Enterprises, Limited.
Wardair Canada, Inc.

Appendix 47-1 TwoV/In-Transit Report To HQINS

TWOV / IN-TRANSIT REPORT TO HQINS

**ONLY FOR THOSE APPLICANTS WHO FAIL
TO DEPART THE U.S. AS REQUIRED**
CARRIER _____

TYPE OF APPLICANTPORT _____

___ TWOV APPLICANT 1. ___ PAROLED INTO THE U.S.
___ IN-TRANSIT APPLICANT 2. ___ EXCLUDED BY INS IMMIGRATION JUDGE
___ IN-TRANSIT DEPORTEE 3. ___ ESCAPED AFTER INSPECTION
4. ___ ABSCONDED BEFORE INSPECTION
___ UPDATE 5. ___ PLACED IN INS CUSTODY
6. ___ PLACED IN CARRIER CUSTODY
6a. ___ ESCAPED IN CARRIER CUSTODY (1-259)
DID APPLICANT CLAIM POLITICAL 7. ___ OTHER (Explain) _____
ASYLUM? YES ___ NO ___

IF APPLICANT ESCAPED/ABSCONDED: DATE OF ESCAPE ___/___/___.
GUARD ESCAPE REPORT AVAILABLE: YES ___ NO ___

DOCUMENT NAME _____ DATE OF ARRIVAL _____
(last name, first name)

DOCUMENT DOB ___/___/___ SEX M ___ F ___ ARRIVING FLIGHT # _____
mm dd yy

DOCUMENT NATIONALITY _____ U.S. CONNECTING FLIGHT # _____
(if applicable)

CLAIMED/TRUE NAME _____ DEPARTING FLIGHT # _____
(circle one) (last name, first name)

CLAIMED/TRUE DOB ___/___/___ SCHEDULED DATE OF DEPARTURE _____
mm dd yy

CLAIMED/TRUE NATIONALITY _____ FILE # A _____

TICKET # (13-digits) _____ ITINERARY _____

ADDITIONAL COMMENTS:

Instructions: The POEs should send a facsimile of this report to HQINS within 5 days of the TWOV/In-Transit applicant's failure to depart, except those failing to depart timely. This report will be directed to TWOV Liaison Officer at FAX # 202 - 514 - 8345. A copy of this report and related information (including all documentation, photo-copies, guard reports, etc.) should be kept at the POEs and not REPEAT not sent to HQINS. NOTE: All subsequent changes, additions, and/or deletions in status of aliens should be reported to HQINS within 5 days by facsimile using this form.

Inspector's Field Manual

(HQINS-1-93)

Inspector's Field Manual

TM - 1 Memorandum

Memorandum

Date: June 24, 1997

Subject: INSERTS Change Requirement
(INS-TM1)

To: Richard A. Sloan
Office of Policy Directives and Instructions

From: Office of Programs

Please include the following changes in the next release of INSERTS. Add to the "bookshelf" two new books: Adjudicator's Field Manual (AFM) and Inspector's Field Manual (IFM). As previously discussed, the Office of Programs is developing these new reference manuals to replace Operations Instructions and the Examinations Handbook, both of which are largely outdated. Included in these new references will be the policy and procedures instructions needed for implementation of various provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Each field manual chapter or appendix will also be provided in WordPerfect 6.1 format as agreed. We have marked all proposed text linkages within INSERTS by using the symbol "U" to denote links to presently existing text or to text which is to be added to the next INSERTS release as a result of this memorandum. The symbol "Y" is used to denote future links to text which will become part of INSERTS at a later date, such as the Administrative Manual. We request that you arrange for necessary text links to all cited INA and CFR citations, precedent decisions, General Counsel opinions and other references contained in INSERTS. In addition, INS forms which are referenced should be linked to the actual form in the first instance where it appears in a paragraph, in the manner described below. Links to all appendix materials for the field manuals are also required, as marked. Appendix 15-1, the Exchange Visitors Skills List, need not be duplicated in its entirety, since that list is scheduled to be a separate INSERTS book. It is understood that links to all table of contents references and links to the individual chapter contents, although not marked, will also be created by the contractor and that the contractor will make necessary formatting changes to enhance the appearance of INSERTS. Flow charts and other diagrams will be provided in Microsoft Excel, and may be reformatted to enhance their screen appearance.

The manuals themselves will be released in sections, as they are completed. The following chapter materials are attached and should also be included in the first available INSERTS release:

Table of Contents(complete)

Chapter 1	Organization and Content(complete)
Chapter 2	Mission and Conduct, Privileges and Responsibilities (complete)
Chapter 3	The Organization of Inspections (complete)
Chapter 4	Conducting Research (complete)
Chapter 11	Persons Exempt Inspection(complete)
Chapter 12	United States Citizens (complete)
Chapter 13	Returning Lawful Permanent Residents (complete)
Chapter 14	New Immigrants (complete)
Chapter 15	Nonimmigrants and Border Crossers (complete)
Chapter 16	Special Classes (complete)

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Chapter 17	Inadmissible Aliens	(complete)	
Chapter 22	Airport Inspection	(complete)	
Chapter 23	Seaport Inspection	(complete)	
Appendix 1-1	Table of Field Manual Subjects	(complete)	
Appendix 2-1	Sample Format of Report of Planned Operation	(complete)	
Appendix 3-I thru 3-10	Sample Position Descriptions	(complete)	
Appendix 13-1	Class of Admission Codes		(complete)
Appendix 13-2	Country and Nationality Codes	(complete)	
Appendix 14-1	ADIT Information (M-226 Update)	(complete)	
Appendix 15-1	Exchange Visitors Skills List	(complete)	
Appendix 15-2	Six-Month List for Passport Validity	(complete)	
Appendix 15-3	NAFTA Annex 1603, Appendix 1603.A.1	(complete)	
Appendix 15-4	NAFTA Annex 1603, Appendix 1603.D.1	(complete)	
Appendix 15-5	List of Countries Requiring Visa to Enter Canada	(complete)	
Appendix 15-6	List of Consular Posts Issuing MRV's	(complete)	
Appendix 17-1	List of INS Deferred Inspection Offices and Hours	(complete)	
Appendix 17-2	US Public Health Service Offices	(complete)	
Appendix 17-3	Flow Chart for Expedited Removal	(complete)	
Appendix 22-1	INS-Customs MOU	(complete)	
Appendix 22-2	IATA Carrier Code List	(complete)	
Appendix 32-I	INS FDL Alerts	(complete)	
Appendix 32-2	FDL slide programs	(complete)	
Appendix 32-3	Interpol member countries	(complete)	
Appendix 42-1	TWOV contract carriers list	(complete)	
Appendix 42-2	VWPP contract carriers list	(complete)	
Appendix 42-3	ITL contract carriers list	(complete)	
Appendix 42-4	Preinspection agreement contract carriers list	(complete)	

The Operations Instructions rescinded by a separate memorandum to field offices should also be removed from INSERTS.

In addition, OI Appendix 212.1 (six-month list **only**) is redesignated as Appendix 15-2 of the IFM. You previously advised that OI Appendix 212.8 and 212.8(e), the Exchange Visitor's Skills List and amendments, have been updated and will appear in INSERTS as a separate book. Those OIs should, therefore, be canceled and removed.

Linkages to illustrations of the following forms referenced in the above chapters should also be included. Until such time as INSERTS is enhanced with the proposed form filler feature, form linkages to the existing "Public Use Forms" section of INSERTS, the "ORRERY forms" section, or scanned copies of the sample forms provided will be sufficient. Note that the **underlined** forms are not presently included within the "Public Use Forms" INSERTS book. Those forms not presently appearing in either INSERTS forms books should be added to a forms book or separately included as a forms appendix to the IFM. Samples of the underlined forms have been provided.

I-20A/B, I-2OM/N, **I-89**, I-90, I-92, I-94, I-94T, I-94W, I-95, I-99, I-147, I-148, **I-160**, **I-181**, I-192, I-193, **I-194**, I-213, **I-215**, **I-215W**, **I-247**, **I-253**, **I-261**, **I-263A**, I-259, I-275, **I-294**, **I-296**, **I-407**, I-408, **I-409**, **I-410**, I-418, **I-419**, **I-426**, I-508, I-510, **I-512**, I-515, **I-546**, **I-577**, I-751, I-775, **I-797**, I-829, I-860, I-862, I-863, I-867AB, M-444, **G-166**, **G-329**, **G-525**, **G-725**, **FD-249**, and **FD-258**.

The following precedent decisions have been referenced in the manual chapter materials above. The complete

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text of these decisions, and appropriate hypertext links, should be added to the appropriate book on the INSERTS bookshelf: *Matter of Moore*, 13 I&N Dec. 711; *Matter of Montero*, 14 I&N Dec. 399; *Matter of Kane*, 15 I&N Dec. 258; *Matter of Hamlin*, 15 I&N Dec. 443; *Matter of M/T Rajendra Prasad*, 16 I&N Dec. 705; *Matter of Morgan*, 13 I&N Dec. 283; *Matter of Ortega*, 13 I&N Dec. 606; *Matter of Ulanday*, 13 I&N Dec. 729; *Matter of Paco*, 12 I&N Dec. 599; *Matter of Thompson*, 13 I&N Dec. 1; *Matter of Welcome*, 13 I&N Dec. 352; *Matter of Rodriques*, 13 I&N Dec. 746; *Matter of Pierce*, 17 I&N Dec. 456; *Matter of S-B-*, 7 I&N Dec. 298; *Matter of Alarcon*, 17 I&N Dec. 574; *Matter of Khan*, 14 I&N Dec. 122; *Matter of Abdoulin*, 17 I&N Dec. 458; *Matter of Aluller*, 16 I&N Dec. 637; *Matter of Davis*, 16 I&N Dec. 514; *Matter of Delgadillo*, 15 I&N Dec. 395; *Matter of Galvan*, 14 I&N Dec. 518; *Matter of Castro*, 14 I&N Dec. 492; *Matter of Montero*, 14 I&N Dec. 399; *Matter of Wu*, 14 I&N Dec. 290; *Matter of Hoffman-Arvalo*, 13 I&N Dec. 750; *Matter of Wighton*, 13 I&N Dec. 683; *Matter of Salviejo*, 13 I&N Dec. 557; *Matter of Escalante*, 13 I&N Dec. 223; and *Matter of Vielma-Ortiz*, 11 I&N Dec. 414. Complete text of these decisions will be separately provided in Wordperfect 6.1 format.

In the *Service Law Books* INSERTS book, add 22 CFR 89 to the "Other Immigration related Codes" segment. Text will be separately provided in Wordperfect format.

Please coordinate any questions concerning this request with Lawrence J. Weinig, Project Director for the Field Manual Project.

Paul W. Virtue,
Acting Executive Associate Commissioner

Memorandum

Date: June 24, 1997

Subject: Cancellation of Operations Instructions

To: All Regional Directors,
All District Directors,
All Service Center Directors,
All Chief Patrol Agents,
All Officers in Charge
ODTF, Glynco
ODTF, Artesia
Director, Office of Policy Directives and Instructions

From: Office of Programs

As a result of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and publication of interim regulations on March 6, 1997 (62 FR 10312, Part II), the Operations Instructions listed below are hereby rescinded. Until publication of final operating procedures within revised Service handbooks or new field manuals, revised Service policy formerly contained in these Operations Instructions is included in the advance release of various chapters of the *Inspector's Field Manual*, the *Interim Enforcement Officers Procedures* and Chapter 7 of the *Asylum Pre-Screening Officers Procedures Manual* which have been separately distributed and which will ultimately be published as part of INSERTS. These advance chapters and procedures have also been disseminated to the regional offices for distribution to field offices and appear on the '96 Act bulletin board now available via CC: Mail at many field locations. Supplementary policy materials will also continue to be disseminated through the IIRIRA series of field cables, until such time as these materials are also included in more permanent manuals.

Rescinded Operations Instructions: OI 101 (all), 103.1(e), 103.1(e-1), 103.1(f), 103.1(g), 208 (all), 211.I, 211.2, 211.5, 212.3, 212.8, 212.9, 212.10, 212.II, 212.12, Appendix 212.I, Appendix 212.8, 215 (all), 231 (all), 233 (all), 235 (all), 236 (all), 241 (all), 242.1, 242.2 (including appendix), 242.3, 242.4, 242.5, 242.6(a) through (c), 242.7(a) through (c), 242.10, 242.12, 243.1(a), 243.3(c), 243.5, 244(all), 246 (all), 251 (all), 252 (all except 252.5 and appendix to OI 252.5), 253(all), and 289 (all).

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The Office of Field Operations has concurred with this memorandum. Please direct any questions concerning this instruction to Lawrence J. Weing, Director, Manual Project Office.

Paul W. Virtue
Acting Executive Associate Commissioner