



## America Welcomes You – But, Be Prepared! [Details]

### Passports, Visas, ESTA & EVUS Authorizations

Rule #1: Inspect your travel documents carefully. Make sure that they are valid for upcoming travel.

The U.S. requires many foreign passports to be valid for 6 months BEYOND the intended stay at date of arrival. CHECK to see if your nation is a member of the Six-Month Club – which only needs to have passport validity for the actual length of planned US stay:

<https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/Six-Month%20Club%20Update122017.pdf>

U.S. WORK visas often need to be valid for a period BEYOND the initial date of U.S. entry. But B-1/B-2 Visitor visas need only be valid on the date of entry, and can expire during US stay - without affecting the length of stay granted upon entry.

The ESTA authorization for entry under the VWP Visa Waiver Program is valid for two years.

<https://esta.cbp.dhs.gov/esta/>

Like the B Visitor visa, the ESTA authorization only needs to be valid on the date of entry to the U.S. Once admitted to the U.S., no extension beyond the maximum 90 days is available. Stepping out of the U.S. to neighboring Canada or Mexico in order to step back into the U.S. for another 90 days is usually not permitted or effective.

EVUS Electronic Visa Update System

<https://www.cbp.gov/travel/international-visitors/electronic-visa-update-system-evus/frequently-asked-questions>

This new system functions much like the VWP Visa Waiver Program ESTA authorization. EVUS provides a portal for China passport holders to update their B visitor visa eligibility every two years.

### Biometrics: fingerprints, face recognition, iris scans

There is a photo in your passport. You may manage to upload a newer photo with your DS-160 online non-immigrant visa application.

<https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/forms/ds-160-online-nonimmigrant-visa-application.html>

A photo will be taken upon arrival at a Consular post for your visa interview. Your fingerprints will be taken. Your iris may be scanned. Upon arrival at the POE Port of Entry or PreClearance, more photos and fingerprints will be collected and compared. All this biometric data will be compared to information already on file - provided by you or from other sources.

### **Who's looking at you – when, where and how**

Security officials of your own country will be reviewing your background in the context of a passport application. Some of that information may be shared with the U.S. government.

When you upload information via the ESTA, EVUS or DS-160 online portals, security officials of the U.S. government will examine it.

The personal interview with a U.S. Consular Officer in the context of a visa application at an Embassy or Consulate will give a trained human being the opportunity to examine you face-to-face. A similar interview is required to participate in any Trusted Traveler program.

When you check in for departure by air for the U.S., your machine-readable passport will be scanned by airline personnel. The U.S. fines those air carriers who bring passengers without adequate documentation to the U.S. Airline personnel can lose their job if they board a non-qualifying passenger, so they tend to err on the side of refusing boarding if questions arise. There is a CBP hotline for airlines to resolve issues relating to the boarding of U.S.-bound passengers:

<https://www.cbp.gov/travel/travel-industry-personnel/carrier-liaison-prog>

30 minutes before “wheels up,” airlines must transmit the data collected on all boarded passengers to CBP. While the plane is en route to the US, a team of skilled CBP officers will review the background of every person on board. This permits the team to alert CBP Officers at Primary Inspection stations to refer certain identified individuals to Secondary Inspection upon their arrival in the U.S.

The team may need to take action while the flight is in the air. Here are two widely publicized examples:

On September 21, 2004, the CBP Team at Dulles International Airport outside Washington, DC discovered that a flight from Heathrow in the UK had a famous singer on board, who used to be known as “Cat Stevens.” Now known as Youssef Islam, the US government determined that he was on a no-fly list and inadmissible to the U.S., due to financial contributions to the terrorist group Hamas. The United Airlines pilot was directed to divert the flight to Bangor, Maine. Youssef Islam was removed from the plane and deported to the UK the next day.

On Christmas Day, December 25, 2009, the CBP team at Detroit Airport determined that Umar Farouk Abdulmutallab was on a Northwest Airline flight from Amsterdam, and could be a security risk based upon prior intelligence reports, last minute cash airline ticket purchase, and other key indicators. They decided to have him questioned upon arrival, but did not alert anyone on the plane. Minutes before arrival, Abdulmutallab tried unsuccessfully to blow up the plane. Other CBP teams examining inbound passenger manifests are now much more cautious.

Upon arrival at the POE Port of Entry or PreClearance, there is yet another face-to-face interview with officers of CBP Customs & Border Protection.

### **Trusted Traveler programs**

Limited physical facilities and trained personnel, coupled with growing international arrivals, force the U.S. government to seek out efficiencies in the Inspection process. One approach involves the identification of Trusted Travelers, including US Citizens, LPR Lawful Permanent Residents [“green card” holders], and travelers from certain foreign countries. Use of these programs eliminates the need for a person-to-person interview with a CBP Officer at arrival in the U.S.

Canadians enjoy the NEXUS program <https://www.cbp.gov/travel/trusted-traveler-programs/nexus> .

Mexicans use SENTRI <https://www.cbp.gov/travel/trusted-traveler-programs/sentri> .

All others fall under the umbrella of Global Entry <https://www.cbp.gov/travel/trusted-traveler-programs/global-entry> .

Check to see if you may qualify, as use of these programs can be a major time and energy saver. <https://www.cbp.gov/travel/trusted-traveler-programs/global-entry/international-arrangements>

WARNING: Because the programs are so popular, the time necessary to complete the required interview may be as long as six months. Plan ahead.

### **Making the Final Cut at Inspection: Admission or Otherwise**

98% of all arrivals obtain Admission to the United States from CBP Primary Inspection, collect their bags, and walk freely out into the sunshine. Some arrivals are looked at more closely at Secondary Inspection before Admission is granted. Others are given a later date to return to a CBP office near their final destination to complete the process at Deferred Inspection.

Some who are NOT admitted to the U.S. are permitted to withdraw their application for admission and depart the U.S. immediately. Others are formally removed, with more significant legal consequences. A small number are arrested, detained in custody and processed for more serious violations of U.S. criminal and immigration laws.

There is no access to legal counsel or assistance from others. Phone and computer access may be available once the arriving aircraft has touched down, but these devices may be confiscated and searched at Secondary.

### **First Impressions – Face to Face at Primary Inspection**

A CBP officer scans the machine-readable portion of the arriving passenger’s passport. This triggers access to the passenger’s record in the CBP database.

## **Answering the most basic questions**

The CBP Primary Inspection officer has at least a few simple questions:

What is the purpose of your visit today?

How long will you be in the United States?

Where will you be staying?

Do you have funds? How much?

**Answer them briefly and truthfully. Maintain eye contact. Await the next question.**

## **Documentation**

Long lines of queuing passengers prevent CBP Officers at Primary Inspection from examining many documents. A business card may be helpful and can be quickly reviewed. A brief letter explaining the purpose and duration of the stay may be useful - particularly for non-native English speakers. Keep any such "pocket letter" in reserve – until it appears useful or necessary.

Examinations of cell phones and computers – particularly for social media information – have become more common. But the time involved usually requires a visit to Secondary Inspection.

## **Secondary Inspection**

Any significant review of documents or devices, or a deeper assessment of admissibility, can only be accomplished in an environment less pressured by deplaning travelers. Secondary Inspection is a triage station, usually staffed by the most experienced CBP officers. They have the luxury of available time to try to make the right decision on admissibility. Access to computer systems that require authorizations are labor intensive. Calls to friends, relatives, business contacts or employers of the arriving individual are often made to glean key information and to compare with the traveler's statements.

The Secondary Inspection lounge will almost always have some travelers waiting to be processed. The passport and other documents are set aside. CBP officers on duty then call up waiting travelers on a first come / first served basis. The wait can be hours long. There is no concern on the part of CBP for missed travel connections. If the traveler anticipates a likelihood of interrogation at Secondary Inspection, they may wish to choose a Port of Entry where it is convenient to spend the night.

Assertion of power and authority by CBP officers to compel compliance by travelers is common. Those travelers who appear to be lying are often punished by either being refused admission or - worse yet - being "expeditiously removed." People who make innocent mistakes and provide honest answers to questions are often given the benefit of the doubt, and admitted.

## **Deferred Inspection**

Some admissibility issues cannot or should not be resolved at Secondary Inspection at the airport. These situations may involve pregnant women, travelers with young children, elderly, etc. In these limited cases - where admission is likely, and the traveler is unlikely to abscond - CBP may retain the traveler's passport, but permit them to appear at an office near their final U.S. destination for further admissibility proceedings.

## **Arrest & Detention vs. Sequestration & Departure; Cancellation of Travel Permission; Documentation**

In a best case scenario following denial of admission to the U.S., a traveler may be permitted to withdraw their application for admission and return abroad. Any existing U.S. visa is usually cancelled with prejudice. Such withdrawal and cancellation creates no legal barrier that will block re-application for another visa.

A much more serious consequence is Expedited Removal, where the CBP officer effects a Deportation in order to impose a significant barrier to US return.

Whenever an individual is refused admission, a Q&A Question & Answer document is created by the interviewing CBP officer. The traveler is requested to sign it, attesting to its accuracy. A copy of the Q&A is provided to the traveler. Because travelers are fearful of the consequences of NOT signing the document, many often sign a Q&A form which does NOT contain an accurate report of the circumstances. This can lead to enormous problems later, as it becomes hard to backtrack and deny statements made under oath.