

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

[Docket No. USCBP-2006-0037]

#### Expansion of Global Entry Pilot to Mexican Nationals

**AGENCY:** U.S. Customs and Border Protection; Department of Homeland Security.

**ACTION:** General notice and request for comments.

**SUMMARY:** U.S. Customs and Border Protection (CBP) is conducting an international trusted traveler pilot program, referred to as the Global Entry pilot, at several major U.S. airports. Currently, eligibility is limited to U.S. citizens, U.S. nationals, U.S. lawful permanent residents (LPRs), and certain eligible citizens of the Netherlands. This document announces that pursuant to a Joint Declaration between the U.S. Department of Homeland Security and the Secretariat of Governance of the United Mexican States, CBP is expanding eligibility for participation in the Global Entry pilot to include qualified nationals of Mexico who otherwise satisfy the requirements for participation in the Global Entry pilot.

**DATES:** *Effective Dates:* The expansion of eligibility in the Global Entry pilot to qualified nationals of Mexico will occur on December 29, 2010. Applications are currently being accepted from U.S. citizens, U.S. nationals, U.S. lawful permanent residents, and certain eligible citizens of the Netherlands and will be accepted for the duration of the pilot. Applications will be accepted from nationals of Mexico beginning December 29, 2010. Comments concerning this notice and all aspects of the announced pilot may be submitted throughout the duration of the pilot.

**ADDRESSES:** You may submit comments, identified by "USCBP-2006-0037," by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Border Security Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, Mint Annex, 799 9th Street, NW., Washington, DC 20229.

*Instructions:* All submissions received must include the agency name, document title, and docket number (USCBP-2006-0037) for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received go to <http://www.regulations.gov>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Office of Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW., 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

Applications for the Global Entry pilot are available via the CBP Global Entry Web site, <http://www.globalentry.gov> or through the Global On-Line Enrollment System (GOES) Web site, <https://goes-app.chp.dhs.gov>. Applications must be completed and submitted electronically.

**FOR FURTHER INFORMATION CONTACT:**

Larry Panetta, Office of Field Operations, (202) 344-1253.

**SUPPLEMENTARY INFORMATION:**

#### Background

In a notice published in the **Federal Register** on April 11, 2008 (73 FR 19861), CBP announced an international trusted traveler pilot program, then referred to as International Registered Traveler (IRT) program, which was scheduled to commence operations at three initial U.S. airports on June 10, 2008. In a subsequent notice published in the **Federal Register** on May 27, 2008 (73 FR 30416), CBP changed the name of the pilot program from IRT to Global Entry and moved up the starting date to June 6, 2008.

The Global Entry pilot allows for the expedited clearance of pre-approved, low-risk travelers into the United States. Currently, eligibility is limited to U.S. citizens, U.S. nationals, U.S. lawful permanent residents (LPRs), and certain eligible citizens of the Netherlands. The initial **Federal Register** notice published on April 11, 2008 contained a detailed description of the program, the eligibility criteria and the application and selection process, and the initial airport locations: John F. Kennedy International Airport, Jamaica, New York, Terminal 4 (JFK); the George Bush Intercontinental Airport, Houston, Texas (IAH); and the Washington Dulles International Airport, Sterling, Virginia (IAD). CBP chose these initial airports due to the large numbers of travelers that arrive at those locations from outside the United States.

On August 13, 2008, in a notice published in the **Federal Register** (73 FR 47204), CBP announced that the

Global Entry pilot had expanded to include all terminals at JFK and four additional airports: Los Angeles International Airport, Los Angeles, California (LAX); Hartsfield-Jackson Atlanta International Airport, Atlanta, Georgia (ATL); Chicago O'Hare International Airport, Chicago, Illinois (ORD); and Miami International Airport, Miami, Florida (MIA). Additionally, on April 23, 2009, in a notice published in the **Federal Register** (74 FR 18586), pursuant to an arrangement between the United States and the Netherlands, CBP expanded eligibility for participation in the Global Entry pilot to include citizens of the Netherlands who participate in Privium, an expedited travel program in the Netherlands.

On August 10, 2009, in a notice published in the **Federal Register** (74 FR 39965), CBP announced that the Global Entry pilot had again expanded to include thirteen additional airports: Newark Liberty International Airport, Newark, New Jersey (EWR); San Francisco International Airport, San Francisco, California (SFO); Orlando International Airport, Orlando, Florida (MCO); Detroit Metropolitan Wayne County Airport, Romulus, Michigan (DTW); Dallas Fort Worth International Airport, Dallas, Texas (DFW); Honolulu International Airport, Honolulu, Hawaii (HNL); Boston-Logan International Airport, Boston, Massachusetts (BOS); Las Vegas-McCarran International Airport, Las Vegas, Nevada (LAS); Sanford-Orlando International Airport, Sanford, Florida (SSB); Seattle-Tacoma International Airport-SEATAC, Seattle, Washington (STT); Philadelphia International Airport, Philadelphia, Pennsylvania (PHL); San Juan-Luis Munos Marin International Airport, San Juan, Puerto Rico (SAJ) and Ft. Lauderdale Hollywood International Airport, Fort Lauderdale, Florida (FLL).

#### Operations

The Global Entry pilot allows pilot participants expedited entry into the United States at any of the designated airport locations by using automated kiosks located in the Federal Inspection Services (FIS) area of each airport. The Global Entry pilot uses fingerprint biometrics technology to verify a participant's identity and confirm his or her status as a participant.

Global Entry pilot participants do not have to wait in the regular passport control primary inspection lines. After arriving at the FIS area, participants proceed directly to the Global Entry kiosk. A sticker affixed to the participant's passport at the time of acceptance in the Global Entry pilot

provides visual identification that the individual can be referred to the kiosk.

After arriving at the kiosk, participants activate the system by inserting either a machine-readable passport or a machine-readable U.S. permanent resident card (Form I-551) into the document reader. On-screen instructions guide participants to provide fingerprints electronically. These fingerprints are compared with the fingerprint biometrics on file to validate identity and confirm that the individual is a member of the program. Participants are also prompted to look at the camera for a digital photograph and to respond to several customs declaration questions by use of a touch-screen.

When the procedures at the kiosk have been successfully completed, participants are issued a transaction receipt. This receipt must be provided along with the passport or permanent resident card to the CBP Officer at the exit control area who will examine and inspect these documents. CBP officers stationed in booths next to the kiosk lanes also oversee activities at the kiosk.

#### Declarations

When using the Global Entry kiosks, Global Entry pilot participants are required to declare all articles being brought into the U.S. pursuant to 19 CFR 148.11.

If a Global Entry pilot participant declares any of the following, the kiosk redirects that user to the head of the line at the nearest, open passport control, primary inspection station:

(a) Commercial merchandise or commercial samples, or items that exceed the applicable personal exemption amount;

(b) More than \$10,000 in currency or other monetary instruments (checks, money orders, etc.), or foreign equivalent in any form; or

(c) Restricted/prohibited goods, such as agricultural products, firearms, mace, pepper spray, endangered animals, birds, controlled substances, fireworks, Cuban goods, and plants.

Global Entry pilot participants may also be subject to further examination and inspection as determined by CBP Officers at any time during the arrival process.

For a more detailed description of the Global Entry pilot, please refer to the April 11, 2008 **Federal Register** notice, 73 FR 19861.

#### *Notice of Proposed Rulemaking To Establish the Global Entry Pilot as a Permanent Program*

In a Notice of Proposed Rulemaking (NPRM), published in the **Federal**

**Register** on November 19, 2009 (74 FR 59932), CBP proposed establishing the Global Entry pilot as a permanent voluntary international trusted traveler program which would operate in a manner similar to the Global Entry pilot. The comment period has closed and CBP is in the process of analyzing the comments. As provided in the NPRM, current participants in the Global Entry pilot would be automatically enrolled in Global Entry once the permanent Global Entry program is finalized. Although it is projected that the Global Entry program will eventually operate at all major international airports, at the start of the program, it is anticipated that its operation would initially be limited to the airports participating in the pilot.

#### Expanded Eligibility for the Global Entry Pilot

Eligibility criteria for participation in the Global Entry pilot are also set forth in detail in the April 11, 2008 **Federal Register** notice. To date, only U.S. citizens, U.S. nationals, U.S. LPRs, and certain citizens of the Netherlands are eligible to participate in the pilot. However, as explained in the November 19, 2009 NPRM, CBP is working to expand the eligibility of the Global Entry pilot to certain nonimmigrant aliens from countries that have entered into arrangements with CBP concerning international trusted traveler programs. The notice stated that such expansions of the pilot would be announced by publication in the **Federal Register** and would include the country and any conditions that may apply based on the terms of the arrangement. The notice also stated that CBP anticipates that if the United States enters into such a Global Entry arrangement during the period of the pilot and announces the arrangement in the **Federal Register**, the participating citizens of that country would be automatically enrolled in the permanent Global Entry program once it is established.

#### *Expansion of Global Entry Pilot To Include Nationals of Mexico*

On November 30, 2010, the U.S. Department of Homeland Security signed a Joint Declaration with the Secretariat of Governance of the United Mexican States regarding cooperation on the development of an international trusted traveler pilot consisting of two phases. Phase 1 is the CBP Global Entry phase expected to offer expedited travel into the United States for Mexican nationals who meet CBP Global Entry program requirements following screening of applicants by both countries. Phase 2 is the Mexico Trusted Traveler Program phase expected to

include development of a Mexican trusted traveler program that offers expedited travel to Mexico for U.S. citizens and Mexican nationals and other eligible applicants, who meet mutually determined criteria.

Consistent with Phase 1 of this Joint Declaration, CBP is expanding eligibility for the Global Entry pilot. Specifically, nationals of Mexico will now be able to apply for participation in the Global Entry pilot. In order to participate, Mexican nationals will be required to complete the on-line application located on the GOES Web site, pay the non-refundable \$100 per person applicant processing fee, and satisfy all the requirements of the Global Entry pilot.

Based on the Joint Declaration, Mexican nationals will be permitted to participate in the Global Entry pilot only upon successful completion of a thorough risk assessment by both CBP and the Mexican Government. As is the case with all Global Entry pilot applicants, an individual who is inadmissible to the United States under U.S. immigration law is ineligible to participate in the Global Entry pilot. Applications from such individuals will automatically be rejected. Applications for the Global Entry pilot may also be rejected if the applicant has ever been convicted of a criminal offense, or if the individual has ever been found in violation of customs or immigration laws, or of any criminal law. Additionally, an applicant will not be accepted for participation in the Global Entry pilot if CBP determines that the applicant presents a potential risk of terrorism, or criminality (including smuggling), or if CBP cannot sufficiently determine that the applicant meets all the program eligibility criteria. CBP will be accepting applications from eligible nationals of Mexico beginning December 29, 2010. Additional information on eligibility will be announced at <http://www.globalentry.gov>.

All other aspects of the Global Entry pilot as described in the previous notices remain in effect.

#### *U.S. Citizens Participation in Mexico's Trusted Traveler Program*

Consistent with Phase 2 of the Joint Declaration with the Mexican government, U.S. citizens who participate in the Global Entry pilot will have the option to apply for participation in Mexico's trusted traveler program, once such a program is established. Once that program is established, it will be announced on CBP's Web site.

Dated: December 23, 2010.

**Thomas S. Winkowski,**

*Assistant Commissioner, Office of Field Operations.*

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

[Docket No. USCBP-2010-0033]

#### Utilization of Global Entry Kiosks by NEXUS and SENTRI Participants

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** General notice and request for comments.

**SUMMARY:** U.S. Customs and Border Protection (CBP) operates several international trusted traveler programs to provide expedited entry into the United States at designated ports of entry for pre-approved travelers. Through the utilization of automated kiosks, the Global Entry pilot program allows CBP to expedite clearance of pre-approved, low-risk air travelers arriving in the United States. In this notice, CBP is announcing that it is expanding two other trusted traveler programs, NEXUS and the Secure Electronic Network for Travelers Rapid Inspection (SENTRI), to permit participants of these programs currently in good standing to utilize Global Entry kiosks as part of their NEXUS or SENTRI membership. CBP also is describing the terms and conditions for such use. NEXUS is a program jointly administered by the United States and Canada that allows certain pre-approved, low-risk travelers expedited processing for travel between the United States and Canada. The SENTRI trusted traveler program allows certain pre-approved, low-risk travelers expedited entry at specified land border ports along the U.S.-Mexico border.

**DATES: Effective Dates:** Eligible NEXUS or SENTRI participants may begin to utilize the Global Entry kiosks immediately upon notification of eligibility from CBP. Comments concerning this notice and all aspects of the announced Global Entry pilot may be submitted throughout the duration of the pilot.

**ADDRESSES:** You may submit comments, identified by "USCBP-2010-0033," by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Border Security Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, Mint Annex, 799 9th Street, NW., Washington, DC 20229.

**Instructions:** All submissions received must include the agency name, document title, and docket number (USCBP-2010-0033) for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received go to <http://www.regulations.gov>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Office of Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW., 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

Applications for NEXUS, SENTRI and the Global Entry pilot are available through the Global Online Enrollment System (GOES) via the GOES Web site, <https://goes-app.cbp.dhs.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Larry Panetta, Office of Field Operations, (202) 344-1253.

**SUPPLEMENTARY INFORMATION:**

**Background**

CBP operates several voluntary trusted traveler programs to provide expedited travel for certain pre-approved travelers. While each program caters to a different set of travelers based on the program's unique eligibility criteria, any applicant to a trusted traveler program undergoes the same CBP pre-screening process. The three trusted traveler programs relevant to this document are described below.

*NEXUS Trusted Traveler Program*

NEXUS is a joint trusted traveler program between the United States and Canada. It was established in 2002 as part of the U.S.-Canada Shared Border Accord. NEXUS allows pre-approved, low-risk travelers expedited processing for travel between the United States and Canada at dedicated processing lanes at designated northern border ports of entry, at NEXUS kiosks at U.S. pre-clearance airports in Canada, and at marine reporting locations. An applicant may qualify to participate in NEXUS if he or she is a citizen or lawful permanent resident of the United States or Canada and voluntarily undergoes a

thorough background check by U.S. and Canadian authorities against criminal, law enforcement, customs, immigration, and terrorist databases, a 10-fingerprint law enforcement check and a personal interview with a CBP officer. An applicant is ineligible to participate in NEXUS if inadmissible to the United States or Canada under either U.S. or Canadian immigration law. Any one of the following risk factors may disqualify an individual from NEXUS participation:

- The individual provides false or incomplete information on his or her application;
- The individual has been convicted of a criminal offense in any country;
- The individual is a subject of an ongoing investigation by any federal, state or local law enforcement agency in any country;
- The individual has been found to have violated any customs, agriculture, or immigration regulation or laws in any country;
- The individual is inadmissible to the United States or Canada under applicable immigration laws or regulations, including applicants with approved waivers of inadmissibility or parole documentation;
- The individual does not intend to lawfully reside in either Canada or the United States for the term of his or her NEXUS membership; or
- The individual cannot satisfy CBP of his or her low-risk status or meet other NEXUS program requirements.

To participate in NEXUS, both the United States and Canada must approve the individual's application. Denial of an application by either country will keep an applicant from participating in the NEXUS program. Applicants may apply on-line via the CBP GOES Web site, <https://goes-app.cbp.dhs.gov>, or on paper by mailing the application to Canada Border Services Agency. All qualified applicants are required to travel to a NEXUS Enrollment Center for an interview. If approved to participate in NEXUS, the individual will receive a membership identification card to use when entering Canada or the United States at all designated NEXUS air, land and marine ports of entry. Additional details regarding the NEXUS trusted traveler program can be found at <http://www.nexus.gov>.

*SENTRI Trusted Traveler Program*

CBP operates the Port Passenger Accelerated Service System (PORTPASS), a legacy system of the former Immigration and Naturalization Service, which identifies certain ports of entry as providing access to the United States for identified low-risk border