#### Weekly Muster

Week of Muster:

May 19, 2008

Topic:

Exceptions to Mandatory Secondary Referrals

Reference:

(b) (7)(E)

CBP Directive #3340-040A, Section 6.2.3

**Headquarters POC:** 

(b) (6), (b) (7)(C

Office:

Admissibility and Passenger Programs

- If a traveler is an exact match to a record, but the primary CBP officer is certain, based on articulable facts, that one of the circumstances noted below applies, the CBP officer may enter "E" for Exception, and may release the traveler on primary, provided there exists no additional reason for referral.
- Once an exception code is entered, the record will be referred to the (b) (7)(E) and no (b) (7)(E) or other secondary record will be created.
- If a traveler is an exact match to a record contained in TECS, and no exception applies, the traveler must be referred to secondary for further processing to address any potential security risks or CBP violations.
- If the primary CBP officer has any doubt whether an exception applies, the primary CBP officer will refer the traveler for secondary processing.
- The exceptions outlined below do not apply to records or (b) (7)(E)
- When a TECS match is no longer relevant or the port believes the record needs to be amended, the primary CBP officer should notify the (b) (7)(E)
- The following examples are intended for use as a guideline in applying these discretionary measures, but other circumstances may be applicable, as warranted on a case-by-case basis.

#### Lookouts on A & G Visa Holders (Exception Code "A")

- National Security Entry Exit Registration System (NSEERS) Lookouts
- Visa Waiver Program (VWP) Overstay Lookouts
- CLASS or TECS Lookouts indicate an inadmissibility ground(s) specifically addressed via a waiver of inadmissibility noted on a non-immigrant visa (NIV).
- A-1, A-2, G-1, G-2, G-3 and G-4 NIV holders are only inadmissible under Immigration and Nationality Act (INA) § 212(a)(3)(A) and (B).

# Lookouts for Travelers with Immigrant Visas (Exception Code "I")

- NSEERS Lookouts
- VWP Overstay Lookouts

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#### Lookouts on Lawful Permanent Residents (Exception Code "L")

- NSEERS Lookouts
- VWP Overstay Lookouts
- Central Index System (CIS) I-551 Card Invalid Lookouts traveler is not in possession of invalid card (provided there is no indication of fraud or need for further review/inspection)

## Lookouts for Travelers With Overcome Inadmissibility Grounds (Exception Code "O")

• Lookouts that indicate an inadmissibility ground(s) that the traveler has overcome during a subsequent inspection, as evidenced by supporting documentation from the traveler, such as a valid I-94, or other available means.

## Lookouts for NSEERS (Exception Code "S")

- NSEERS lookouts for a traveler holding a valid NSEERS waiver, or who is the subject of Department of State authorized exemption.
- NSEERS lookouts for crewmembers holding valid NSEERS waivers

#### Lookouts on U.S. Citizens (Exception Code "U")

- NSEERS Lookouts
- VWP Overstay Lookouts
- Lost/Stolen passport (Lookout for passport rather than traveler; passport presented is not an exact match to the lookout)
- CIS I-551 Card Invalid Lookouts traveler is now a U.S. citizen
- TECS records from Federal Aviation Administration (FAA) for travelers with a pilot's license

## Lookouts for VWP Overstays (Exception Code "V")

- Lookouts for VWP Overstay now in possession of an NIV
- Lookouts for VWP Overstay traveler presents evidence of citizenship that otherwise exempts them from visa requirements (such as naturalized Canadian citizens)

#### Lookouts for Travelers with a Waiver of Inadmissibility (Exception Code "W")

- Lookouts that indicate an inadmissibility ground(s) that is specifically addressed via a
  waiver of inadmissibility noted on an NIV, Form I-194, Notice of Approval of Advance
  Permission to Enter as a Nonimmigrant, or other government documentation
- All travelers entering the United States pursuant to a valid waiver of inadmissibility must be documented with an I-94, Arrival/Departure Record



Exceptions Reason - Code Table (TECS OIT changes effective 1/24/08)		
	Description	Example
Α	Diplomat	The lookout does not apply to the traveler as he/she has presented evidence of immigration status as a foreign government official.
I	Immigrant Visa	The lookout does not apply to the traveler as he/she has presented an immigrant visa.
L	U.S. Lawful Permanent Resident	The lookout does not apply to the traveler as he/she has presented evidence of status as a lawful permanent resident.
0	Other	The lookout does not apply to the traveler as he/she has presented evidence that the basis for the lookout has been overcome.
S	NSEERS waiver	The lookout does not apply to the traveler as he/she has presented a valid NSEERS waiver.
U	U.S. Citizen	The lookout does not apply to the traveler as he/she has presented evidence of their U.S. citizenship.
V	Visa Waiver Program Overstay	The lookout does not apply to the traveler as he/she is not seeking admission under the Visa Waiver Program.
w	Waiver of Inadmissibility	The lookout does not apply to the traveler as he/she has presented a valid waiver of inadmissibility, relating to the specific ground(s) identified in the lookout.