



**U.S. Customs and
Border Protection**

APR 6 2012

MEMORANDUM FOR: Directors, Field Operations
Director, Preclearance Operations (Acting)
Office of Field Operations

Director, Field Operations Academy
Director, Advance Training Center
Office of Training and Development

FROM: Executive Director [REDACTED]
Admissibility and Passenger Programs

SUBJECT: Providing Inadmissible Travelers with Documentation of an
Adverse Action Case

U.S. Customs and Border Protection (CBP) officers are under statutory, regulatory, and procedural requirements to provide travelers, who are denied entry into the United States, with documentation of the adverse action taken at the port of entry. An important element of the Enforcement Mindset of CBP officers is the proper, efficient, and legally correct manner of processing applicants for admission. When CBP officers do not provide travelers with copies of their case, it creates a significant burden on both CBP and the applicant when reconstructing the events that occurred at the time the person was denied entry.

In the statutory authority of CBP officers to take sworn statements in Section 235(a)(5) of the Immigration and Nationality Act (INA) [8 U.S.C. 1225(a)(5)], includes an implicit requirement to furnish to the traveler a record of the proceedings. The regulatory requirement to furnish copies of proceeding is based on each case type (Expedited Removal – 8 CFR 235.3(b)(2); Notice to Appear – 8 CFR 235.6; Withdrawal – 8 CFR 235.4; and Visa Waiver Refusal – 8 CFR 217.4).

Specific procedures are currently listed in the Inspector's Field Manual, Chapter 17 for processing adverse action cases. In general, copies of CBP documents signed by the traveler as part of the processing of an adverse action must be provided to the traveler. Copies of forms a traveler must receive upon the completion of CBP adverse action processing include

- Expedited Removal
 - Sworn Statement (Form I-867A&B)
 - Removal Order (Form I-860)
 - Consequence of Removal Order (Form I-296)

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- Expedited Removal with Credible Fear:
 - Sworn Statement (Form I-867 A&B)
 - Information regarding a Credible Fear Interview (M-444)
 - List of Free Legal Services
- Section 240 Removal Proceedings (Notice to Appear)
 - Sworn Statement (Form I-877)
 - Notice to Appear (Form I-862)
 - List of Free Legal Services
- Withdrawal of Application for Admission
 - Sworn statement (either Form I-867A&B or I-877)
 - I-275
- Visa Waiver Refusal
 - Sworn statement (Form I-877)
 - In the case of a request for asylum:
 - Notice Regarding a Limited Review (Form I-863)
 - List of Free Legal Services

Directors, Field Operations are required to ensure that each port of entry in his or her jurisdiction implement procedures to ensure inadmissible travelers receive pertinent copies of all documentation pertaining to his or her adverse action case.

Please ensure that this memorandum and muster are disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact (b)(6)(b)(7)(C) Director, Enforcement Programs at (b)(6)(b)(7)(C).

Attachments

Weekly Muster

Week of: When Received
Topic: Providing Inadmissible Travelers with Documentation of an Adverse Action Case
References: Sections 217 and 235 of the INA
8 CFR 217 and 8 CFR 235
Headquarters POC: (b)(6)(b)(7)(C)
Office: Admissibility and Passenger Programs

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The Inspector's Field Manual, Chapter 17 list the procedures for processing adverse action cases. Copies of forms a traveler must receive upon the completion of CBP adverse action processing include:

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