

PLEASURE BOAT FACT SHEET

Laws and Regulations Governing Pleasure Boats

Title 8, United States Code, Section 1225 (a)(3), requires that every applicant for admission to or transit through the United States must be inspected by officers. The implementing regulation, Title 8, Code of Federal Regulations (CFR), Section 235.1 requires that every application for entry into the United States must be made in person to an officer at the port of entry (POE) at a time when the POE is open for inspection. A person claiming to be United States citizen must establish that fact to the examining officer's satisfaction.

Title 19, United States Code (USC), Section 1433(a)(1), requires that the master of a vessel immediately upon arrival report at the nearest facility or designated place. The implementing regulation, Title 19, Code of Federal Regulations, Section 4.2 requires boaters to immediately report their arrival by any means of communication approved by the agency.

Reporting Requirements

Pleasure boaters are required to comply with all reporting requirements. Boat masters, family members and all guests entering the United States must report for inspection. Inspection may be obtained in one of three methods:

- Be in possession of a pre-approved form I-68 or NEXUS member proximity card;
- Physically report for inspection to the nearest open port-of-entry (POE);
- Utilize an Outlying Area Reporting Station (OARS)/videophone station

Alternative Inspection Services Program

The alternative inspection programs are available for those traveling by boat along the Northern Border. Specifically, the I-68 Canadian Border Boat Landing Program will be resumed with additional security enhancements during the current boating season.

Only the current Form I-68, revised January 31, 2002, will be accepted for the 2004 boating season. The Form I-68 will not be renewable by mail. Each applicant must appear in person for inspection, interview, and various other law enforcement checks. The fees are \$16 for an individual or \$32 for a family, the same as last year. The names and dates of birth of children under 14 years of age must be listed on one or both parents' Form I-68. If approved, a three-part Form I-68 will be issued to each applicant age 14 years and older. Each part of Form I-68 will bear the photograph and fingerprint of the applicant.

Under the Form I-68 program, applicants for admission into the United States by small pleasure boats are inspected and issued a single boating permit for the entire boating

season. This I-68 permit allows boaters to enter the United States from Canada for recreational purposes with only the need to report to CBP for further inspection by placing a phone call to report their arrival. U.S. citizens (USCs) or lawful permanent residents (LPRs) of the United States and Canadian citizens and permanent residents of Canada who are nationals of Visa Waiver Program countries are eligible to apply for Form I-68.

For those who are not USCs or LPRs of the United States, Form I-68 authorizes admission within the immediate shore area of the United States for no more than 72 hours at a time.

Those persons eligible for the Form I-68 program who are also enrolled in any other Alternative Inspection Program, such as NEXUS, may enter the United States by pleasure boat without obtaining a Form I-68 if they are in possession of evidence of that enrollment, i.e., NEXUS card.

On March 17, 2003, nationals of British Commonwealth countries and Ireland who are residents of Canada and Bermuda, and were not previously required to present a passport and non-immigrant visa to enter the United States are now required to present these documents for entry into the United States. These individuals are no longer eligible to enter the United States with a Form I-68, unless they are nationals of a Visa Waiver Program country and are in possession of a previously issued, unexpired Form I-94W, Nonimmigrant Visa Waiver Arrival/Departure Form. In addition, those individuals who are subject to register in the National Security Entry Exit Registration System (NSEERS) are not eligible for the I-68 program.

Boaters not in possession of a valid Form I-68 or proof of enrollment in any other Alternative Inspection Program, such as NEXUS, must either report in person for inspection at a port-of-entry or utilize one of the OARS videophone stations every time when entering the United States. Under the OARS program, videophones installed at public marinas along the Canadian border provide an automated inspection service enabling two-way visual and audio communication between the inspector and the applicant for admission.

Any person that does not comply with these procedures may be subject to adverse actions under the provisions of the Immigration and Nationality Act and may be subject to a \$5000 fine, seizure or criminal penalties as defined in 19 USC 1436.

Other Alternative Inspection Options

The NEXUS alternative inspection program allows pre-screened, low-risk travelers to be processed with little or no delay by United States and Canadian border officials. Approved applicants are issued a photo-identification/proximity card. Participants cross the border in a dedicated lane, where they present their membership identification and proximity card, and make a declaration. They are then released, unless chosen for a selective or random secondary referral.

A NEXUS member will have the benefit of the expedited processing in both marine and highway modes. Becoming a member of the NEXUS alternative inspection program simplifies border crossings for pre-approved, low-risk travelers. As NEXUS members, recreational boaters have the privilege of entering the United States from Canada for recreational purposes with only the need to report their arrival to CBP by placing a telephone call. Boaters can use their NEXUS membership in lieu of the I-68 for reporting purposes.

Who Qualifies for NEXUS?

Individuals may qualify to participate in NEXUS if they are a citizen or permanent resident of the United States or Canada, or are a non-permanent resident who can demonstrate a need to use the NEXUS lanes. However, individuals may not qualify if they:

- Are inadmissible to the United States or Canada under applicable immigration laws;
- Provide false or incomplete information on their application;
- Have been convicted of a criminal offense in any country for which they have not received a pardon;
- Have been found in violation of customs or immigration law; or
- Fail to meet other requirements of the NEXUS program.

To participate, an individual's application must be approved by both the United States and Canada. If an individual does not meet the requirements of the program, their application will be denied.

What are the Benefits of NEXUS?

Individuals approved to participate in NEXUS receive an identification card to use at the border that allows them to:

- Use NEXUS-dedicated lanes in the United States and Canada; and
- Cross the border with a minimum of routine customs and immigration questioning.
- NEXUS membership allows recreational boaters the privilege of entering the United States from Canada for recreational purposes with only the need to report their arrival to CBP by placing a telephone call.

Because NEXUS is a harmonized program, applicants complete a single application form.

NEXUS also allows United States and Canadian Customs and Immigration officials to concentrate their efforts on potentially higher-risk travelers and goods, which helps to ensure security and integrity at our borders.

Finally, there is a cost benefit compared to other existing alternate inspection programs.

- Recreational boaters now pay \$40 CAD for a 5-year membership in the CANPASS Private Boat Program.
- Recreational boaters must pay an additional \$16 USD yearly for an I-68 permit.
- NEXUS will cost \$50 USD or \$80 CAD for 5 years.

Over a five year period recreational boaters would pay approximately \$110 USD . The total cost of the NEXUS program is \$50 USD for five years. This represents a significant cost saving of \$60 USD.

OARS: Outlying Area Reporting Station

The Outlying Area Reporting Station (OARS) has been developed as an innovative alternative inspection method. The system is free, convenient, and easy to use. Under the OARS program, videophones installed at public marinas along the Canadian border provide a two-visual and audio communication link between the inspector and the applicant for admission.

Further information on the northern border small boat inspections program may be obtained from the CBP internet site located at www.cbp.gov or by calling a local port-of-entry.