

BUSINESS CONNECTIONS

## **New Passport Rules for Air Travel: Guidelines\* and Frequently Asked Questions**

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### **A Business Law Update**

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Starting January 23, 2007, all travelers flying to or from the United States must carry a passport, or one of a few alternative documents, as evidence of citizenship and identity. This is a change to the law that previously allowed travel between the United States and Canada, Mexico, and the Caribbean with documentation of citizenship other than a passport, such as a birth certificate. Following are answers to some questions about the change.

### **Can I drive to Canada or Mexico without having a passport? Are passports required for cruises?**

For now, the rules affect only air travelers. Land and sea travelers will not have to show passports until at least January 2008. This means that a person does not have to have a passport to drive between the U.S. and Canada or Mexico yet. In addition, a passport is not required for a Caribbean cruise that sets sail from the United States.

### **Are U.S. territories exempt?**

The following are exempt from the passport requirement:

- Puerto Rico;
- U.S. Virgin Islands (St Croix, St John and St Thomas);
- Guam;
- The Northern Mariana Islands; and
- American Samoa

To fly to these territories, Americans could use a birth certificate plus photo identification. However, Canadians and citizens from other countries would need a passport.

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\* These materials are provided as general information. The contents do not constitute legal advice. Changes in U.S. law, policy, or procedure may render these materials inaccurate. Consult a qualified immigration attorney before seeking immigration benefits.

## **Are there any other documents besides a passport that would be accepted?**

There are a few alternatives to the passport requirement:

- NEXUS Air card, used by some American and Canadian frequent fliers — only for travel between the U.S. and Canada — for more information see the following link: <http://cbsa-asfc.gc.ca/travel/nexus/menu-e.html>
- U.S. Merchant Mariner's identification card
- Permanent Resident Alien card ("green card") carried by legal permanent residents
- I.D. for active members of the U.S. military (who are exempt from the requirement)

## **What happens to persons who attempt to take a flight to or from the United States without a passport or other required document?**

Air travelers who cannot produce a passport will be interviewed by Department of Homeland Security Customs and Border Protection ("CBP") agents, who will decide whether to let them into the country.

For more information, please contact the Business Practice Group at Lane Powell:

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