

CBP Form I-760

Guam-CNMI Visa Waiver Program (GVWP) Contract Kit

NOTICE TO APPLICANTS:

The Guam and Commonwealth of the Northern Mariana Islands (CNMI) Visa Waiver Program (Guam-CNMI VWP) enables signatory carriers to transport nationals of certain countries to the United States territories of Guam and the CNMI without visas in accordance with Title 8, United States Code, Section 1182(l)(el)); and Title 8, Code of Federal Regulations, Part 212.1(e). Applicants for Guam-CNMI VWP participation must provide: two (2) copies of Form I-760, each bearing the original signature of a company official authorized to contractually obligate the applying commercial carrier; the carrier's 2(or 3)-letter airline designation code, or name of the vessel which will bring Guam-CNMI VWP eligible aliens into Guam or the CNMI; information as to the type and number of aircraft or vessels owned by the company; a complete mailing address, telephone number and e-mail address, along with the address in the United States of the carrier's legal agent. *The applicant must be a commercial carrier regularly involved in the transportation of ticketed passengers.* In addition, CBP requires satisfactory fines, liquidated damages, and user fee payment records as a condition precedent to approval of contracts. Failure to meet eligibility requirements or to provide all requested information and/or documentation may result in an application's denial. Carriers are subject to monetary penalties and possible revocation of Guam-CNMI VWP privileges if these provisions are not met. **Completed Guam-CNMI VWP applications should be sent to: CBP ATTN: Director Dennis McKenzie; 1300 Pennsylvania Ave NW; Room 5.5C; Washington, DC 20229.**

Visa Waiver Program and Guam-CNMI Visa Waiver Program

How Both will Operate in Guam and the Commonwealth of the Northern Mariana Islands (CNMI)

As of November 28, 2009, both the Visa Waiver Program (VWP under INA § 217) and the Guam-CNMI Visa Waiver Program will be in operation in Guam and the CNMI.

- Nonimmigrant visitors may be able to apply for admission to Guam or the CNMI under one or both programs, depending on the nonimmigrant visitors' nationality or citizenship.
- The permitted length of stay will depend on whether the nonimmigrant visitors are admitted under the VWP (INA § 217) or under the Guam-CNMI Visa Waiver Program (INA § 212(l)(e)).
 - VWP: admission not to exceed 90 days
 - Guam-CNMI Visa Waiver Program: admission not to exceed 45 days
- Nonimmigrant visitors who are not eligible for admission under either the VWP or the Guam-CNMI Visa Waiver Program will be required to possess a valid passport and obtain a visa from a U.S. Embassy or Consulate.
- Nonimmigrant visitors to the CNMI no longer will be able to enter using the CNMI Visitor Entry Permit.

Comparison of Programs

Visa Waiver Program (INA § 217):

- 35 participating countries/geographic areas
- Admission not to exceed 90 days
- Admission to the United States, including the 50 states
- ESTA electronic travel authorization required
- Requires completed and signed Form I-94W

Guam-CNMI Visa Waiver Program (INA § 212(l)):

- 12 participating countries/geographic areas
- Admission not to exceed 45 days
- Admission only to Guam and/or the CNMI
- No electronic travel authorization currently required
- Requires completed and signed Form I-736
- Requires a completed Form I-94

Differences between the Existing Guam Visa Waiver Program and the New Guam-CNMI Visa Waiver Program

Beginning November 28, 2009, U.S. immigration law will apply to the Commonwealth of the Northern Mariana Islands (CNMI) and the Guam-CNMI Visa Waiver Program will be in effect. Until then, the current Guam Visa Waiver Program will remain in effect.

Key Differences Between the Programs

1. Guam Visa Waiver Program:

- Admission not to exceed 15 days
- Admission only to Guam
- Does not provide for onward travel to the rest of the U.S.
- Holders of passports from:
 - Australia, Brunei, Indonesia, Japan, Malaysia, Nauru, New Zealand, Papua New Guinea, Republic of Korea (South Korea), Singapore, Solomon Islands, Taiwan (Residents who begin travel in Taiwan and fly to Guam without an intermediate layover or stop en route), United Kingdom (including citizens of Hong Kong), Vanuatu, Western Samoa
- Requires completed and signed Form I-736, Guam Visa Waiver Information form

2. Guam-CNMI Visa Waiver Program:

- Admission not to exceed 45 days
- Admission to Guam or the CNMI
- Does not provide for onward travel to the rest of the U.S.
- Holders of passports from:
 - Australia, Brunei, Hong Kong, Japan, Malaysia, Nauru, New Zealand, Papua New Guinea, Republic of Korea, Singapore, Taiwan, United Kingdom.
- Requires completed and signed Form I-736, Guam-CNMI Visa Waiver Information form, and a completed Form I-94, Arrival-Departure Record
- Requires valid unexpired International Civil Aviation Organization (ICAO) compliant, machine readable passport
- Requires no previous violations of any prior admissions to the U.S.

Changes to the List of Countries / Geographic Areas

Added: Hong Kong Special Administrative Region is added to the list of participating countries / geographic areas:

- The Hong Kong Special Administrative Region passport and Hong Kong identification card will be required for admission.
- Citizens of the Colony of Hong Kong, who were also citizens of the United Kingdom, previously were eligible for admission under the Guam VWP as citizens of the United Kingdom.

Removed: The following four countries are removed from the participating country list:

- Indonesia, Vanuatu and Western Samoa because of high visa refusal rates.
- The Solomon Islands because of ongoing political and civil instability.

GUAM - CNMI VISA WAIVER INFORMATION

Instructions: This form must be completed by every nonimmigrant visitor not in possession of a visitor's visa, who is a citizen of one of the eligible countries* enumerated in 8 CFR 212.1(q) and is applying to enter and remain on Guam or the CNMI for a maximum stay of forty-five (45) days. This regulation applies only to entry into Guam or the CNMI; entry to any other part of the United States pursuant to this regulation is prohibited. Print legibly with pen in ALL CAPITAL LETTERS. Use English. Complete items # 1-9; and sign and date the bottom of this form after carefully reading all of the information. Children under the age of fourteen (14) must have their form signed by a parent, guardian, or other responsible adult. When all items are completed, present this form to the U.S. Customs and Border Protection Officer along with your completed CBP Form I-94, Arrival/Departure Record. * The airline can provide you with the current list of eligible countries.

1. Surnames/Family Names (exactly as in passport) _____
2. First Name and Middle Name _____
3. Other Names Used _____
4. Date of Birth (Day/Month/Year) _____
5. Place of Birth (City and Country) _____
6. Passport Number _____
7. Date Passport Issued (Day/Month/Year) _____
8. Have you applied for an immigrant or nonimmigrant U.S. visa before?
 No Yes (if yes, complete the following)
Place you applied _____
Date you applied (Day/Month/Year) _____
Type of visa requested _____
Was visa issued?
 No Yes
Has your U.S. visa ever been cancelled?
 No Yes

9. All applicants must read and answer the following: A visa waiver is not available to persons who are within specific categories defined by law as inadmissible to the United States (except when a waiver is obtained in advance). Complete information regarding these categories and whether any may be applicable to you can be obtained from U.S. Customs and Border Protection. Generally, they include persons:

- Afflicted with contagious diseases (e.g., tuberculosis) or who have suffered serious mental illness;
- Arrested or convicted for any offense or crime even though subject of a pardon, amnesty, or other such legal action;
- Believed to be narcotic addicts or traffickers;
- Previously removed from or unlawfully in, the United States;
- Who seek, have sought or have procured a visa, or other documentation, or entry into the United States by fraud or willful misrepresentation;
- Who have engaged in any terrorist activity or are a member of a terrorist organization;
- Who ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion under the control, direct or indirect, of the Nazi Government, or of the government of any area occupied by, or allied with, the Nazi Government of Germany, or who participated in genocide in any country.

Do any of these appear to apply to you? No Yes
(If yes, you may be denied entry into Guam or the CNMI)

Important Notice : Your admission into and stay on Guam or the CNMI is for maximum period of forty-five (45) days. You may not apply for: (1) a change of nonimmigrant status; (2) adjustment of status to temporary or permanent resident; or (3) an extension of stay.

Warning : You are ineligible for admission to Guam or the CNMI if you have previously violated the terms of any prior admission to the United States under the Guam-CNMI Visa Waiver Program or the prior Guam Visa Waiver Program. Violation of the terms of a current admission will render you subject to removal from Guam or the CNMI. A nonimmigrant who accepts unauthorized employment is subject to removal.

Waiver of Rights: I hereby waive any rights to review or appeal a CBP Officer's determination as to my admissibility, or to contest, other than on the basis of an application for asylum, any action in removal proceedings.

Certification: I certify that I have read and understand all the questions and statements on this form. The answers I have furnished are true and correct to the best of my knowledge and belief.

Signature _____ Date _____

Paperwork Reduction Act Notice: A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This collection of information is estimated to average 5 minutes per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden to: If you have any comments regarding the burden estimate you can write to: U.S. Customs and Border Protection, Office of Regulations and Rulings, 799 9th Street, NW., Washington DC 20229.

CBP Form I-736 (10/08)

Filling Out CBP Form I-736, for Nonimmigrant Visitors without a Visa for Guam or the CNMI.

This form must be completed by every nonimmigrant visitor not in possession of a nonimmigrant visa, who is a citizen of one of the eligible countries* enumerated in 8 CFR 212.1(q) and is applying to enter and remain on Guam for a maximum stay of forty-five (45) days. This regulation applies only to entry into Guam or the CNMI, entry to any other part of the United States pursuant to this regulation is prohibited.

Print legibly with pen in ALL CAPITAL LETTERS.

Use English.

Complete items # 1-9

Sign and date the bottom of the form after carefully reading all information contained thereon

Children under the age of fourteen (14) must have their form signed by a parent or guardian, or other responsible adult.

Once all items are completed, present Form I-736 to the U.S. Customs and Border Protection Officer along with a completed CBP Form I-94, Arrival-Departure Record.

* The airline will be able to provide the current list of eligible countries.

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection OMB No. 1651-0111

Admission Number: *Welcome to the United States*
0 0 0 0 0 0 0 0 0 0 0 0

I-94 Arrival/Departure Record - Instructions

This form must be completed by all persons except U.S. Citizens, returning resident aliens, aliens with immigrant visas, and Canadian Citizens visiting or in transit.

Type or print legibly with pen in ALL CAPITAL LETTERS. Use English. Do not write on the back of this form.

This form is in two parts. Please complete both the Arrival Record (Items 1 through 13) and the Departure Record (Items 14 through 17).

When all items are completed, present this form to the CBP Officer.

Item 7 - If you are entering the United States by land, enter **LAND** in this space. If you are entering the United States by ship, enter **SEA** in this space.

CBP Form I-94 (10/04)
Admission Number: OMB No. 1651-0111

0 0 0 0 0 0 0 0 0 0 0 0

Arrival Record

1. Family Name			
2. First (Given) Name		3. Birth Date (Day/Mo/Yr)	
4. Country of Citizenship		5. Sex (Male or Female)	
6. Passport Number		7. Airline and Flight Number	
8. Country Where You Live		9. City Where You Boarded	
10. City Where Visa was Issued		11. Date Issued (Day/Mo/Yr)	
12. Address While in the United States (Number and Street)			
13. City and State			

CBP Form I-94 (10/04)
Departure Number: OMB No. 1651-0111

0 0 0 0 0 0 0 0 0 0 0 0

I-94 Departure Record

14. Family Name			
15. First (Given) Name		16. Birth Date (Day/Mo/Yr)	
17. Country of Citizenship			

CBP Form I-94 (10/04)
See Other Side STAPLE HERE

Use all CAPITAL letters. Use English. Use standard United States characters (i.e., A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z). Letters like ñ, é, ü, ç are not recognized by DHS or DOS data systems.

Name (Blocks 1, 2, 14, and 15)

The Family name (Blocks 1 and 14) is also referred to as surname or last name. (If the nonimmigrant has only one name, it should be entered into the surname or last name field. Leave the first and middle name fields blank.)

Spacing is as important as spelling and must be consistent. For instance, systems will not read Mc Millan and McMillan as the same name.

Hyphens must also be used consistently.

Print your name *exactly* as it appears on your passport or national ID card.

Date of Birth (Blocks 3 and 16) and Date Issued (Block 11)

Your date of birth must be given in Day/Month/Year order. This is not the same order that appears on your Form I-20 or DS-2019. For example, if you were born on the 9th day of January in the year 1986, you should write 090186 in the birth date block (Block 3 and 16). The same date format (dd/mm/yy) is used in block 11 for Date Issued.

Country of Citizenship (Blocks 4 and 17)

Country of citizenship is the country that issued your passport. You can find the U.S. spelling in block 1 of the Form I-20 under the Country of citizenship. It is on the second line of block 1 on the Form DS-2019 under Citizenship Country Code.

Be sure you complete all required blocks (Blocks 1 through 17).

Upon being granted entry into the United States, the CBP Inspector will stamp the bottom section of the Form I-94 (the departure record) with your class of admission. This section is generally stapled into your passport. This is a critical document. Make a copy and put it in a safe place. Safeguard the original.

Filling Out Arrival-Departure Record, CBP Form I-94, for Nonimmigrant Visitors without a Visa for the U.S.

For nonimmigrant visitors entering Guam or the CNMI without a visa, there is a requirement to fill a CBP Form I-94 (white form). This form has two specific perforated sections to it. The visitor or the carrier representative must complete both sections of CBP Form I-94 upon arrival in Guam or the CNMI. **The bottom section of CBP Form I-94 is a departure record and must be returned to U.S. officials upon exiting Guam or the CNMI.**

The information requested on the CBP Form I-94, Arrival Record, upper portion, includes:

- Family Name
- First Name
- Date of Birth
- Country of Citizenship
- Sex (Male or Female)
- Passport Number
- Airline and Flight Number **(if applicable)**
- Country Where You Live – Lawful Permanent Residence
- City Where You Boarded **(if applicable)**
- City Where Visa was Issued **(if applicable)**
- Date Issued (Day/Mo/Yr) **(if applicable)**
- Address While in the United States (Number and Street)
- City and State

The information requested on the CBP Form I-94, Departure Record, lower portion, includes:

- Family Name
- First Name
- Date of Birth
- Country of Citizenship

After the applicant has successfully completed the processing of his/her request for admission, a CBP officer stamps the applicant's CBP Form I-94, Arrival and Departure Records, and the passport. The CBP officer retains the arrival portion of the CBP Form I-94 and returns the departure portion of the CBP Form I-94 and passport to the applicant.

The departure portion of CBP Form I-94 and passport are to be in the applicant's possession at all times until the applicant departs Guam or the CNMI. When an applicant boards a commercial conveyance to depart Guam or the CNMI from within Guam or the CNMI (and not just from the CNMI to Guam or Guam to the CNMI), transportation carriers are:

1. To remove the departure portion of the CBP Form I-94 from the applicant's passport.
2. Annotate the reverse of the departure portion of the CBP Form I-94 with the facts of the applicant's departure from Guam or the CNMI.
3. Return the departure portion of the CBP Form I-94 to the nearest CBP office.

It is the passenger's responsibility to ensure that his or her I-94 is turned in to CBP at the end of their visit to the United States.

- As a passenger, if you are departing by air or sea, please return the I-94 to the departure agent.

8 CFR Part 212.1(q) – Guam – CNMI Visa Waiver Program

(q) Aliens admissible under the Guam-CNMI Visa Waiver Program.

(1) Eligibility for Program. In accordance with Public Law 110-229, beginning June 1, 2009¹, the Secretary [of the Department of Homeland Security (DHS)], in consultation with the Secretaries of the Department of the Interior and State, may waive the visa requirement in the case of a nonimmigrant alien who seeks admission to Guam or to the Commonwealth of the Northern Mariana Islands (CNMI) under the Guam-CNMI Visa Waiver Program. To be admissible under the Guam-CNMI Visa Waiver Program, prior to embarking on a carrier for travel to Guam or the CNMI, each nonimmigrant alien must:

(i) Be a national of a country or geographic area listed in paragraph (q)(2) of this section;

(ii) Be classified as a visitor for business or pleasure;

(iii) Be solely entering and staying on Guam or the CNMI for a period not to exceed forty-five days;

(iv) Be in possession of a round-trip ticket that is nonrefundable and nontransferable and bears a confirmed departure date not exceeding forty-five days from the date of admission to Guam or the CNMI. "Round-trip ticket" includes any return trip transportation ticket issued by a participating carrier, electronic ticket record, airline employee passes indicating return passage, individual vouchers for return passage, group vouchers for return passage for charter flights, or military travel orders which include military dependents for return to duty stations outside the United States on U.S. military flights;

(v) Be in possession of a completed and signed Guam-CNMI Visa Waiver Information Form (CBP Form I-736);

(vi) Be in possession of a completed and signed I-94, Arrival-Departure Record (CBP Form I094);

(vii) Be in possession of a valid unexpired ICAO compliant, machine readable passport issued by a country that meets the eligibility requirements of paragraph (q)(2) of this section;

(viii) Have not previously violated the terms of any prior admission. Prior admissions include those under the Guam-CNMI Visa Waiver Program, the Guam Visa Waiver Program, the Visa Waiver Program as described in section 217(a) of the Act and admissions pursuant to any immigrant or nonimmigrant visa;

(ix) Waive any right to review or appeal an immigration officer's determination of admissibility at the port of entry into Guam or the CNMI;

(x) Waive the right to contest any action for deportation or removal, other than for on the basis of: An application for withholding of removal under section 241(b)(3) of the INA; withholding or deferral of removal under the regulations implementing Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; or, an application for asylum if permitted under section 208 of the Act; and,

(xi) If a resident of Taiwan, possesses a Taiwan National Identity Card and a valid Taiwan passport with a valid re-entry permit issued by the Taiwan Ministry of Foreign Affairs.

(2) Program Countries and Geographic Areas.

(i) General Eligibility Criteria.

¹ On March 31, 2009, the Secretary of the Department of Homeland Security (DHS) announced that she had exercised her authority to delay the transition program effective date until November 28, 2009.

(A) A country or geographic area may not participate in the Guam-CNMI Visa Waiver Program if the country or geographic area poses a threat to the welfare, safety or security of the United States, its territories, or commonwealths;

(B) A country or geographic area may not participate in the Guam-CNMI Visa Waiver Program if it has been designated a Country of Particular Concern under the International Religious Freedom Act of 1998 by the Department of State as a source country if refugees designated of special humanitarian concern to the United States;

(C) A country or geographic area may not participate in the Guam-CNMI Visa Waiver Program if that country, not later than three weeks after the issuance of a final order of removal does not accept for repatriation any citizen, former citizen, or national of the country against whom a final executable order of removal is issued. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal or reconsideration for release or removal of any alien.

(D) DHS may make a determination regarding a country's eligibility based on other factors including, but not limited to, rate of refusal for nonimmigrant visas, rate of overstays, cooperation in information exchange with the United States, electronic travel authorizations, and any other factors deemed relevant by DHS.

(ii) Eligible Countries and Geographic Areas. Nationals of the following countries and geographic areas are eligible to participate in the Guam-CNMI Visa Waiver Program for purposes of admission to both Guam and the CNMI: Australia, Brunei, Hong Kong (Hong Kong Special Administrative Region (SAR) passport and Hong Kong identification card are required), Japan, Malaysia, Nauru, New Zealand, Papua New Guinea, Republic of Korea, Singapore, Taiwan (residents thereof who begin their travel from Taiwan to Guam or the CNMI without an intermediate layover or stop except in a territory of the United States enroute), and the United Kingdom.

(iii) Significant Economic Benefit Criteria. If, in addition to the consideration enumerated under paragraph (q)(2)(i) of this section, DHS determines that the CNMI has received a significant economic benefit from countries during the period of May 8, 2007 through May 8, 2008, those countries are eligible to participate in the Guam-CNMI Visa Waiver Program unless the Secretary of Homeland Security determines that such country's inclusion in the Guam-CNMI Visa Waiver Program would represent a threat to the welfare, safety, or security of the United States and its territories.

(iv) Additional Eligible Countries or Geographic Areas Based on Significant Economic Benefit.

[Reserved]

(3) Suspension of Program Countries or Geographic Areas.

(i) Suspension of a country or geographic area from the Guam-CNMI Visa Waiver Program may be made on a country-by-country basis for good cause including, but not limited to if: The admissions of visitors from a country have resulted in an unacceptable number of visitors from a country unlawfully remaining in Guam or the CNMI, unlawfully obtaining entry to other parts of the United States, or seeking withholding of removal or seeking asylum; or that visitors from a country pose a risk to law enforcement or security interests, including the enforcement of immigration laws of Guam, the CNMI, or the United States.

(ii) A country or geographic area may be suspended from the Guam-CNMI Visa Waiver Program if that country or geographic area is designated as a Country of Particular Concern under the International Religious Freedom Act of 1998 by the Department of State, or identified by the Department of State as a source country of refugees designated of special humanitarian concern to the United States, pending an evaluation and determination by the Secretary.

(iii) A country or geographic area may be suspended from the Guam-CNMI Visa Waiver Program by the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of

State, based on the evaluation of all factors the Secretary deems relevant including, but not limited to, electronic travel authorization, procedures for reporting lost and stolen passports, repatriation of aliens, rates of refusal for nonimmigrant visitor visas, overstays, exit systems and information exchange.

(4) Admission under this section renders an alien ineligible for:

(i) Adjustment of status to that of a temporary resident or, except under the provision of section 245(i) of the Act, to that of lawful permanent resident;

(ii) Change of nonimmigrant status; or;

(iii) Extension of stay.

(5) Requirements for transportation lines. A transportation line bringing any alien to Guam or the CNMI pursuant to this section must:

(i) Enter into a contract on CBP Form I-760, made by the Commissioner of Customs and Border Protection on behalf of the government;

(ii) Transport an alien who is a citizen or national and in possession of a valid unexpired ICAO compliant, machine readable passport of a country enumerated in paragraph (q)(2) of this section;

(iii) Transport an alien only if the alien is in possession of a round trip ticket as defined in paragraph (q)(1)(iv) of this section bearing a confirmed departure date not exceeding forty-five days from the date of admission to Guam or the CNMI which the carrier will unconditionally honor when presented for return passage. This ticket must be:

(A) Valid for a period of not less than one year,

(B) Nonrefundable except in the country in which issued or in the country of the alien's nationality or residence, and

(C) Issued by a carrier which has entered into an agreement described in paragraph (q)(5) of this section.

(iv) Transport an alien in possession of a completed and signed Guam-CNMI Visa Waiver Information Form (CBP Form I-736), and

(v) Transport an alien in possession of completed I-94, Arrival-Departure Record (CBP Form I-94).

(6) Bonding. The Secretary may require a bond on behalf of an alien seeking admission under the Guam-CNMI Visa Waiver Program, in addition to the requirements enumerated in this section, when the Secretary deems it appropriate. Such bonds may be required of an individual alien or of an identified subset of participants.

(7) Maintenance of status. (i) Satisfactory departure. If an emergency prevents an alien admitted under the Guam-CNMI Visa Waiver Program, as set forth in this paragraph (q), from departing from Guam or the CNMI within his or her period of authorized stay, an immigration officer having jurisdiction over the place of the alien's temporary stay may, in his or her discretion, grant a period of satisfactory departure not to exceed 15 days. If departure is accomplished during that period, the alien is to be regarded as having satisfactorily accomplished the visit without overstaying the allotted time.

(8) Inadmissibility and Deportability.

(i) Determinations of inadmissibility.

(A) An alien who applies for admission under the provisions of the Guam-CNMI Visa Waiver Program, who is determined by an immigration officer to be inadmissible to Guam or the CNMI under one or more

of the grounds of inadmissibility listed in section 212 of the Act (other than for lack of a visa), or who is in possession of and presents fraudulent or counterfeit travel documents, will be refused admission into Guam or the CNMI and removed. Such refusal and removal shall be effected without referral of the alien to an immigration judge for further inquiry, examination, or hearing, except that an alien who presents himself or herself as an applicant for admission to Guam under the Guam-CNMI Visa Waiver Program, who applies for asylum, withholding of removal under section 241(b)(3) of the INA or withholding or deferral of removal under the regulations implementing Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must be issued a Form I-863, Notice of Referral to Immigration Judge, for a proceeding in accordance with 8 CFR 208.2(c)(1) and (2). The provisions of 8 CFR subpart 208 subpart A shall not apply to an alien present or arriving in the CNMI seeking to apply for asylum prior to January 1, 2015. No application for asylum may be filed pursuant to section 208 of the Act by an alien present or arriving in the CNMI prior to January 1, 2015; however, aliens physically present in the CNMI during the transition period who express a fear of persecution or torture only may establish eligibility for withholding of removal pursuant to INA 241(b)(3) or pursuant to the regulations implementing Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(B) The removal of an alien under this section may be deferred if the alien is paroled into the custody of a Federal, State, or local law enforcement agency for criminal prosecution or punishment. This section in no way diminishes the discretionary authority of the Secretary enumerated in section 212(d) of the Act.

(C) Refusal of admission under this paragraph shall not constitute removal for purposes of the Act.

(ii) Determination of deportability.

(A) An alien who has been admitted to either Guam or the CNMI under the provisions of this section who is determined by an immigration officer to be deportable from either Guam or the CNMI under one or more of the grounds of deportability listed in section 237 of the Act, shall be removed from either Guam or the CNMI to his or her country of nationality or last residence. Such removal will be determined by DHS authority that has jurisdiction over the place where the alien is found, and will be effected without referral of the alien to an immigration judge for a determination of deportability, except that an alien admitted to Guam under the Guam-CNMI Visa Waiver Program who applies for asylum or other form of protection from persecution or torture must be issued a Form I-863 for a proceeding in accordance with 8 CFR 208.2(c)(1) and (2). The provisions of 8 CFR part 208 subpart A shall not apply to an alien present or arriving in the CNMI seeking to apply for asylum prior to January 1, 2015. No application for asylum may be filed pursuant to section 208 of the INA by an alien present or arriving in the CNMI prior to January 1, 2015; however, aliens physically present or arriving in the CNMI prior to January 1, 2015, may apply for withholding of removal under section 241(b)(3) of the Act and withholding and deferral of removal under the regulations implementing Article 3 of the United Nations Convention Against Torture, Inhuman or Degrading Treatment or Punishment.

(B) Removal by DHS under paragraph (b)(1) of this section is equivalent in all respects and has the same consequences as removal after proceedings conducted under section 240 of the Act.

(iii) Removal of inadmissible aliens who arrived by air or sea. Removal of an alien from Guam or the CNMI under this section may be effected using the return portion of the round trip passage presented by the alien at the time of entry to Guam and the CNMI. Such removal shall be on the first available means of transportation to the alien's point of embarkation to Guam or the CNMI. Nothing in this part absolves the carrier of the responsibility to remove any inadmissible or deportable alien at carrier expense, as provided in the carrier agreement.

**Form I-760:
Guam-CNMI Visa Waiver Program Carrier Agreement**

Please return two (2) original signed copies of this document to the Director of the Fines, Penalties & Forfeitures Division, along with the information and documentation referenced on the cover page of this contract package.

GUAM-CNMI VISA WAIVER AGREEMENT

Agreement Between

A Carrier operating between foreign territory and Guam and/or
the Commonwealth of the Northern Mariana Islands (CNMI)
and

The United States of America

Entered into pursuant to Sections 103 and 212(l)

Immigration and Nationality Act

WHEREAS, by virtue of the authority contained in Sections 103 and 212(l) of the Immigration and Nationality Act, and in Section 212.1(q) of Title 8 of the Code of Federal Regulations, the Commissioner of U.S. Customs and Border Protection on behalf of the United States of America, is empowered to enter into contracts with carriers for the entry and inspection of aliens coming to Guam and/or the CNMI from foreign territories, as set forth in Section 212.1(q) of Title 8 of the Code of Federal Regulations: and whereas no such transportation line is permitted to land any such alien on Guam and/or the CNMI until and unless it has entered into such a contract.

NOW, THEREFORE, the undersigned transportation line, hereinafter called "the carrier", and the undersigned Commissioner of U.S. Customs and Border Protection, hereinafter called "the Commissioner", on behalf of the United States of America, hereby agree:

1. That the carrier shall not accept for passage to Guam and/or the CNMI any alien visitor not in possession of a nonimmigrant visa, as required unless such alien is a citizen and in possession of a valid passport issued by a country listed in Part 212.1(q)(2) of Title 8 Code of Federal Regulations.
2. That the line shall not accept for passage to Guam and/or the CNMI any alien visitor, within the provisions of Section 212.1(q) of Title 8 of the Code of Federal Regulations not in possession of a completed and signed Guam-CNMI Visa Waiver Information CBP Form I-736 and a completed Form I-94.
3. That the line shall not accept for passage to Guam and/or the CNMI any alien visitor, within the provisions of Section 212.1(q) of Title 8 of the Code of Federal Regulations, not in possession of a round-trip, nonrefundable, nontransferable transportation ticket bearing a confirmed departure date not exceeding forty-five days from the date of admission to Guam and/or the CNMI which the carrier will unconditionally honor when presented for return passage.
4. That the carrier shall be responsible for lifting, at the time of departure, CBP Form I-94 for any alien visitor within the provisions of Section 212.1(q) of Title 8 of the Code of Federal Regulations and returning it to CBP within 48 hours of the alien's departure.
5. That the carrier shall, without expense to the Government of the United States, remove to the foreign port from which the alien embarked to Guam and/or the CNMI any alien brought to Guam and/or the CNMI under this agreement that is either refused admission to Guam and/or the CNMI or remains in Guam and/or the CNMI unlawfully after the maximum period. The carrier shall carry out the responsibilities under this paragraph in a manner that does not impose on the U.S. expenses related to the transportation of such alien from the point of arrival in Guam and/or the CNMI. Further, carrier shall indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to Guam and/or the CNMI or remains in Guam and/or the CNMI after the forty-five day period.
6. The carrier shall reimburse within 30 days of notice (not pay as a penalty) CBP for any and all costs and expenses incurred in the transportation (from the point of arrival in Guam and/or the CNMI) of an alien described in paragraph 5 of this Agreement in the event that the carrier fails to abide by said paragraph 5.
7. That this agreement, which it is understood and mutually agreed by the parties hereto cancels and supersedes any prior agreement between the parties hereto with respect to the subject matter hereof (but not as to any rights and liabilities already accrued under any prior agreement), shall take effect immediately upon its approval by the Commissioner.
8. That the carrier's failure to meet the terms of this agreement may result in the Commissioner's termination of this agreement upon five days' written notice to the carrier, but such termination shall neither alter nor affect any liabilities of the carrier that have already accrued under this Agreement.
9. This agreement shall be subject to cancellation by either party upon five days' notice in writing to the other party, but such cancellation shall not terminate any rights or liabilities already accrued under this agreement.

Signed this _____ day of _____ 20 _____

Signed this _____ day of _____ 20 _____

At _____

At: _____

United States of America

(Address of Transportation Line)

Printed Name _____
(Carrier Representative)

By _____
Commissioner
U.S. Customs and Border Protection

(Signature)

Paperwork Reduction Act Statement: An agency may not conduct or sponsor an information collection and a person is not required to respond to this information unless it displays a current valid OMB control number. The control number for this collection is 1651-0126. The estimated average time to complete this submission is 12 minutes per respondent. If you have any comments regarding the burden estimated you can write to U.S. Customs and Border Protection, Office of Regulations and Rulings, 799 9th Street, NW., Washington, DC 20229.