U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

MAY 16 2007

Mr. Dale Dague
Branch Director, International Fire
U.S. Forestry Service
Department of Agriculture
FAM-2-SW-Yates
201 14th Street SW
Washington DC 20024

Dear Mr. Dague:

I am writing to respond to your May 11, 2007 telephonic inquiry regarding the documentary requirements under the Western Hemisphere Travel Initiative (WHTI) for firefighters entering the United States. U.S. Customs and Border Protection (CBP) takes very seriously the issues raised in your inquiry.

The Intelligence Reform and Terrorism Prevention Act of 2004 mandates the implementation of WHTI, which generally requires that U.S., Canadian and Mexican citizens and nationals entering the United States by air must present a passport. WHTI does not, however, prevent CBP from continuing to allow firefighters to enter the country on a case-by-case basis in the event of a forest fire or other fire emergency. CBP intends to continue providing emergency air clearance for firefighting aircraft and transports to enter the country in order to provide immediate aid in fire emergencies.

To respond immediately to the concerns raised in your inquiry, CBP has reissued guidance to the field clarifying that United States citizens arriving by aircraft in the case of a fire emergency will be allowed into the United States where a CBP Officer is satisfied that the individual is a United States citizen. CBP also has existing protocols for processing aliens whether firefighters or crew during fire emergencies. These protocols remain in full effect and appropriate discretion will be exercised by CBP Officers to allow these firefighters into the United States. In the long-term, CBP and the Department of Homeland Security will ensure that WHTI is implemented at air, land and sea ports of entry in such a way as to ensure that United States citizens and foreign nationals who are not in possession of a passport will be able to enter the United States to render assistance in a fire emergency.

We would emphasize that CBP will work to accommodate unforeseen emergencies where an individual may not possess a valid passport. However, where an individual can reasonably foresee the need for a passport, such as in the case of a firefighter in a border community who regularly and routinely crosses the border, CBP believes that obtaining and carrying a valid passport is the most expeditious way to ensure prompt entry into the country.

Lastly, you are encouraged to work closely with the CBP Field Office having jurisdiction over the fire emergency for coordination and immediate response issues. CBP Field Office contact information is readily available on the CBP website at cbp.gov under Contacts/Field Operations Offices.

If you have any questions or require any additional information, please contact Ms. Colleen Manaher, Director, WHTI at (202) 344-3003.

Sincerely,

Robert Jacksta

Robert Jacksta
Executive Director
Traveler Security and Facilitation