



Rona M. Lum, P.C.

Attorneys at Law

Immigration Law Updates

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Traveling Abroad? Documents You'll Need to Enter the U.S.

All persons, including U.S. citizens traveling by air between the U.S., Canada, Mexico, the Caribbean and Bermuda are required to present a passport, Merchant Mariner Document (presented by U.S. citizen merchant mariners traveling on official business) or NEXUS card (NEXUS enrollment is limited to citizens of the United States and Canada, and lawful permanent residents of the United States and Canada). Children are required to present their own passports.

U.S. lawful permanent residents, refugees, and asylees will continue to be able to use their Alien Registration Card (I-551), issued by the Department of Homeland Security to apply for entry into the United States. The Western Hemisphere Travel Initiative (WHTI) will not affect travel between the United States and its territories. U.S. citizens traveling directly between the United States, Guam, Puerto Rico, the U.S. Virgin Islands, American Samoa, Swains Island and the Commonwealth of the Northern Mariana Islands will continue to be able to the usual forms of identification to board flights and for entry.

As a reminder, as of January 31, 2008, verbal declarations of identity and citizenship alone will no longer be accepted. On this date, U.S. and Canadian citizens entering the U.S. at land and sea ports of entry from within the Western Hemisphere will need to present a government-issued proof of citizenship, such as a birth certificate, along with a government-issued photo ID, such as a driver's license. While a passport is not currently required for entry by land or sea, I highly encourage all U.S. citizens to obtain your passports, if you have not already done so.

Full WHTI implementation is currently planned for the summer of 2009.

If you have questions, please contact my office.

Items You Must Declare for Duty When You Return to the U.S.

The U.S. Customs and Border Protection (CBP) is responsible for keeping our borders secure, and that includes examining your baggage and determining if any articles, purchased in a foreign country, is subject to duty.

When you return from a foreign country, you will need to declare everything you brought back that you did not take with you when you left the United States. This includes the following:

- Items you purchased and are carrying with you upon return to the U.S.
- Items you received as gifts, such as wedding or birthday presents.
- Items you inherited.
- Items you purchased in duty-free shops, on the ship, or on the plane.
- Repairs or alterations to any items you took abroad and then brought back, even if the repairs/alterations were performed free of charge.
- Items you brought home for someone else.
- Items you intend to sell or use in your business.

If you are travelling by air or sea, you will be asked to complete a CBP declaration form. You must state on the CBP declaration form, in U.S. currency, what you actually paid for each item, including taxes. If you don't know the exact price, estimate. For example, if an item was a gift, estimate its fair retail value in the country where you received it. Even if you used the item during your trip, it is still dutiable.

Now, some good news – The duty-free exemption is the total value of merchandise that you may bring back to the United States without having to pay duty. You are allowed to bring back more than your exemption, but you will have to pay duty on it. In most cases, the exemption is \$800.00, but there are some exceptions to this rule.

If it is determined that you owe duty, you must pay it when you arrive in the U.S. The duty must be paid in U.S. dollars in cash, by personal check with proper identification, money order or traveler's check if the amount does not exceed the duty owed by more than \$50, and in some locations, by either MasterCard or Visa.

A special note about money and monetary instruments – You are allowed to bring into or take out of the U.S., including by mail, as much money as you wish. However, if it is more than \$10,000.00, you are required to report it to CBP. You can ask any CBP Officer for the Currency Reporting Form (FinCen 105). The penalties for non-compliance can be severe.

"Money" means monetary instruments and includes U.S. or foreign coins currently in circulation, currency, and travelers' checks in any form, money orders, and negotiable instruments or investment securities in bearer form.

TIP: Register Items Before You Leave the United States

Did you know that you could be subject to duty on a foreign made item that you purchased in the U.S.? For example, if your laptop computer was made in Japan – you might have to pay duty on it each time you brought it back into the United States, unless you could prove that you owned it before you left on your trip. Documents that fully describe the item, such as sales receipts, insurance policies, or jeweler's appraisals, are acceptable forms of proof.

To make things easier, you can register certain items, such as watches, cameras, laptop computers, firearms, and CD players with CBP before you depart, as long as the item has a serial number or other unique, permanent marking. To register the item, complete Certificate of Registration – CBP Form 4457, and take the item you wish to register to the nearest CBP office. You may also register items with CBP at the international airport from which you are departing. The certificate may be retained for future trips. The CBP recommends that you register such items that you have owned for less than six months prior to a trip abroad.

If you have questions, please contact my office.

The information contained in this e-newsletter is intended as information only, and is not to be construed as legal advice.



Rona M. Lum

Rona M. Lum, P.C.
Attorneys at Law
691 N. Squirrel Rd, Suite 185
Auburn Hills, MI 48326
248.340.1854

rlum@corpimmigration.us
www.corpimmigration.us

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