

NEXUS “Trusted Traveler” Program

Trusted Traveler programs like NEXUS have become something many travelers feel they can't live without. In general, they make travel across the border swifter, easier, and much less stressful. Enrolling in Nexus can have significant benefits for frequent border-crossers, but travelers should also be aware of the few risks to avoid any missteps.

NEXUS, a joint program of U.S. Customs and Border Protection and the Canada Border Services Agency, provides expedited border crossing to pre-screened, approved cardholders given “Trusted Traveler” status. The advantages are myriad:

- NEXUS cardholders may use dedicated “NEXUS only” lanes at land border crossing locations, which often move much faster than the regular lanes.
- Border Officers’ questioning of NEXUS cardholders can be minimal, generally expediting travelers’ entry to the U.S. Information relevant to admission is provided by a scan of the NEXUS card, and border officials often determine that further questioning is not needed.
- NEXUS cardholders are provided expedited airport security screening, including the use of self-serve kiosks and dedicated lines for international travel (and may not be required to remove their shoes, open laptops or display liquid toiletries in clear plastic bags).
- In Niagara Falls, the Whirlpool Bridge is reserved for the exclusive use of NEXUS cardholders. As a result, it is rarely crowded and generally enables crossing into the U.S. in only a few minutes.
- NEXUS members can also avoid long line-ups and save time using automated self-serve kiosks at nine Canadian international airports (listed at <https://www.cbsa-asfc.gc.ca/prog/nexus/faq-eng.html>). When traveling on domestic, U.S.-bound, and select international flights, NEXUS members can also be expedited through Canadian Air Transport Security Authority (CATSA) airport security screening lanes located at 16 Canadian airports.

When crossing by car, each occupant must have a NEXUS card in order for that car to use a NEXUS lane. It’s easy to become accustomed to the ease with which you are able to travel across the border with NEXUS; for this reason, family members or individuals who frequently travel together may choose to apply for NEXUS approval at or around the same time.

Although NEXUS cards are great for most frequent travelers, cardholders’ status and cards can be confiscated and their membership revoked if an inspecting officer at the port of entry believes that the activities described at inspection require a work permit or other employment authorization. But travelers need to both be aware of the rules and careful to stay within them, if they want to keep their Trusted Traveler status. Even a small infraction can result in the loss of Trusted Traveler status, and as the program is discretionary, it may not be possible to get back in the governments’ good graces if you violate the terms of the benefit program. A few restrictions to also be aware of include:

- As a member of NEXUS, it is your responsibility to declare any controlled or restricted items as well as any goods that exceed your personal exemptions or allowances—and to not try to enter the U.S. through a NEXUS line with such goods. NEXUS members are subject to the same reporting requirements for goods as non-NEXUS travelers.
- NEXUS members who present themselves for NEXUS passage when arriving in the U.S. must not have any commercial goods in their possession or in their baggage. Personal computers and similar items carried by NEXUS members for their own personal use while on business trips are not considered commercial goods.
- If you are crossing the border with currency or monetary instruments valued at \$10,000 or more, you cannot use NEXUS in the land, air or marine modes of transportation.

- Nexus holders can still be inspected. Border officers conduct random secondary inspections of NEXUS users, with officers questioning you in greater detail and/or inspecting your vehicle. If your Trusted Traveler status is revoked as a result, the revocation will be permanently a part of your record and may complicate future border crossings.

Travelers unsure of whether they are at risk should contact an immigration professional for further assessment, or review NEXUS information on the CBP and Canada Border Services Agency websites.

In addition, the ease with which you can enter the U.S. with NEXUS may tempt travelers who are unsure of whether they require work authorization to lie about the purpose of their trip. This is a dangerous game. Customs and Border Protection officers—even those inspecting individuals with “Trusted Traveler” status, at the primary line—may choose to follow up with contacts if you say you are going to visit a friend or family member. If it is discovered that you have lied or misrepresented the purpose of your trip when using a NEXUS lane, your Trusted Traveler status will be revoked, and you could face additional consequences—such as a bar to admission to the U.S. for a set period of time (if misrepresenting material facts) or permanently (if found to have committed fraud by lying). A swift or hassle-free entry is not worth the risk.

NEXUS enrollment may be done at ttp.dhs.gov or ttp.cbp.dhs.gov. Cards are good for five years and cost US\$50.00 or CA\$70.00 (and free for children nineteen and under). Applications may also be submitted in person at the Fort Erie Enrollment Center (10 Central Avenue, Fort Erie, Ontario L2A 6G6) and the Whirlpool Bridge (2250 Whirlpool Street, Niagara Falls, New York 14305).

For more information on this topic, please contact Elizabeth Klarin, Partner at Lippes Mathias Wexler Friedman LLP specializing in Immigration Law. She can be reached at eklarin@lippes.com or 716-853-5100.