



U.S. Department of Justice
Immigration and Naturalization Service

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Office of the Executive Associate Commissioner

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MEMORANDUM FOR REGIONAL DIRECTORS
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CHIEF PATROL AGENTS
DIRECTOR OF INTERNATIONAL AFFAIRS
OFFICER DEVELOPMENT AND TRAINING
FACILITY, GLYNCO
OFFICER DEVELOPMENT AND TRAINING
FACILITY, ARTESIA
DIRECTOR, LAW ENFORCEMENT SUPPORT CENTER

FROM: Johnny N. Williams
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Identification of Nonimmigrant Aliens Subject to Special Registration, or the National Security Entry Exit Registration System

A policy memorandum will be sent to the field addressing the recent changes to Title 8 of the Code of Federal Regulations, part 264.1(f), [8 CFR 264.1(f)]. This section of the Code of Federal Regulations relates to the "special registration" of nonimmigrant aliens, more recently referred to as the National Security Entry Exit Registration System (NSEERS). The special registration policy memorandum contains information relating to the new processing protocols for special registrants. The purpose of this memorandum is to outline specifically who will be subject to special registration.

Arriving nonimmigrant aliens subject to special registration, or NSEERS, will be registered (unless exempt) at the arriving ports-of-entry (POE). When fully implemented there will be four different methods by which a nonimmigrant alien will be identified for special registration. The four methods are: citizens or nationals of countries designated through publication of a notice in the Federal Register, notification through the Interagency Border Inspection System (IBIS), pre-existing criteria as defined by the Attorney General and officer discretion. This information, excluding the countries published by the Attorney General in the Federal Register, is for law enforcement use only and is not to be discussed or shared with the media or the public. The special registration criteria will be implemented in a phased approach beginning on September 11, 2002, and expanded on October 1, 2002.

These criteria may be updated routinely in the future based on current national security, law enforcement or intelligence information. Therefore, managers and supervisors should

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disseminate and discuss the updated criteria at staff meetings, as well as directly with the officers.

Phase 1 – September 11, 2002, through September 30, 2002

The Attorney General, in consultation with the Secretary of State (SOS), may designate that nonimmigrant aliens who are citizens or nationals of certain countries will be subject to special registration by way of a publication of a notice in the Federal Register (FR). In addition, an inspecting officer will subject a nonimmigrant alien to special registration if the officer has a reason to believe that the alien is a citizen or national of a country designated by the Attorney General as being subject to special registration and published via a notice in the FR. For example, a case that might warrant such a registration could be: a nonimmigrant alien who is a dual national and is applying for admission as a national of a country that is not subject to special registration, but the alien's other nationality would subject him or her to special registration.

Currently, there are four countries (Iran, Iraq, Sudan, and Libya) subject to special registration requirements pursuant to 8 CFR 264.1(f), based on an existing FR notice. On or before September 11, 2002, the Attorney General will publish a notice re-designating those four countries and further requiring that nonimmigrant aliens, other than those applying for admission under 101(a)(15)(A) and (G) of the Act, from Syria will be subject to the registration provisions of 8 CFR 264.1(f), as amended. Therefore, on September 11, 2002, any nonimmigrant alien 14 and older, other than those applying for admission under 101(a)(15)(A) and (G) of the Act, who is a citizen or national of Iran, Iraq, Sudan, Libya or Syria, will be registered pursuant to the new special registration procedures. If the inspecting officer learns that a nonimmigrant possesses dual nationality from one of these five countries and is applying for admission using another nationality not cited in a FR notice, the officer *shall* refer the nonimmigrant for special registration.

Phase 2 – October 1, 2002

Inspecting officers will continue to register nonimmigrant aliens applying for admission to the United States from Iran, Iraq, Sudan, Libya and Syria. Commencing October 1, 2002, inspecting officers are also required to specially register nonimmigrant aliens in accordance with the following guidance.

The inspecting officer will receive "special registration" lookouts via the IBIS during their primary inspection of certain nonimmigrant aliens who have been identified by the Attorney General or SOS as being subject to special registration. In addition, nonimmigrant aliens who have been exempted from the special registration requirements by the Attorney General or SOS will also be identified through the lookout system. These alerts will be placed in IBIS by a Department of State consular officer. The consular officer will identify such aliens through the Consular Lookout And Support System (CLASS), which will in turn notify

IBIS through the National Automated Lookout System (NAILS). The lookout will direct the officer to register the nonimmigrant alien or to exempt the nonimmigrant aliens from special registration. A lookout will either bear the code "NSER" and will contain remarks stating that the nonimmigrant alien should be referred to secondary for special registration, or it will bear the code "EXMT" and will contain remarks stating that the nonimmigrant alien should not be referred to secondary for special registration.

The Attorney General has determined under his authority set forth in 8 CFR 264.1(f)(2)(iii) to established pre-existing criteria warranting special registration of certain nonimmigrant aliens, other than those applying for admission under 101(a)(15)(A) or (G) of the Act, who are citizens or nationals, or who an inspecting officer has reason to believe are citizens or nationals, of **Pakistan, Saudi Arabia, and Yemen** who are **males** between **16 and 45** years of age. It is imperative that the officers remain vigilant and verify the age of all males from these three countries in order to properly identify those who are subject to special registration.

Finally, any nonimmigrant alien, regardless of nationality, must be specially registered when the inspecting officer has determined or reason to believe that a nonimmigrant meets pre-existing criteria, as determined by the Attorney General, that would indicate that such alien's presence in the United States warrants monitoring in the interest of national security. In determining whether to exercise his or her discretion to require a nonimmigrant alien to comply with the special registration requirements of 8 CFR 264.1(f) the inspecting officer may only consider the following pre-existing criteria established by the Attorney General:

1. The nonimmigrant alien has made unexplained trips to Iran, Iraq, Libya, Sudan, Syria, North Korea, Cuba, Saudi Arabia, Afghanistan, Yemen, Egypt, Somalia, Pakistan, Indonesia, or Malaysia, or the alien's explanation of such trips lacks credibility.
2. The nonimmigrant alien has engaged in other travel, not well explained by the alien's job or other legitimate circumstances.
3. The nonimmigrant alien has previously overstayed in the United States on a nonimmigrant visa, and monitoring is now appropriate in the interest of national security.
4. The nonimmigrant alien meets characteristics established by current intelligence updates and advisories.
5. The nonimmigrant alien is identified by local, state or federal law enforcement as requiring monitoring in the interest of national security.
6. The nonimmigrant alien's behavior, demeanor, or answers indicate that alien should be monitored in the interest of national security.

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7. The nonimmigrant alien provides information that causes the immigration officer to reasonably determine that the individual requires monitoring in the interest of national security.

The officer's discretionary determination to refer a nonimmigrant alien to special registration must be concurred on by a supervisory immigration officer, at a level to be determined by the district director.

Please disseminate this guidance to all districts, ports, sectors, and asylum offices in your jurisdiction. Please refer questions regarding this memorandum to Assistant Chief Inspector Stephen M. Dearborn at (202) 305-2970.