



U.S. Department of Justice  
Immigration and Naturalization Service

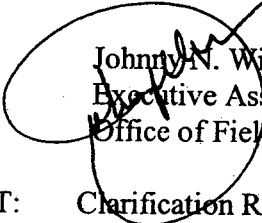
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Office of the Executive Associate Commissioner

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

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

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

On September 5, a policy memorandum was sent to the field addressing the identification of nonimmigrant aliens who are subject to special registration, or the National Security Entry Exit System (NSEERS). The purpose of this memorandum is to clarify who will be subject to special registration and, in particular, amend the Attorney General's (AG) pre-existing criteria.

The September 5 memorandum referenced above outlines a two-phase approach to determine those nonimmigrant aliens who are subject to special registration. Phase-two of the criteria will begin on October 1, 2002. When fully implemented, there will be four different methods by which a nonimmigrant alien will be identified as being subject to 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 (AG), and officer discretion. This information, excluding the countries published by the AG 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 above referenced criteria may be updated 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. Specifically, this memorandum will supersede the pre-existing criteria language of phase-two of the September 5 memorandum referenced above. The portions of the September 5 memorandum that have been altered are in italics.

## **Phase 2 – October 1, 2002**

Inspecting officers will continue to register nonimmigrant aliens applying for admission to the United States *who are citizens or nationals of 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 AG or *Secretary of State (SOS)* as being subject to special registration. In addition, nonimmigrant aliens who have been exempted from the special registration requirements by the AG 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 (NAIS). 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 AG has determined under his authority set forth in 8 CFR 264.1(f)(2)(iii) to establish 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 *applying for admission as, and* 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. Inspecting officers will only apply the aforementioned pre-existing criteria to those nonimmigrant aliens presenting themselves for admission as a citizen or national of one of the three countries listed.

*In addition to the aforementioned pre-existing criteria, regardless of citizenship or nationality, any nonimmigrant alien (other than those applying for admission under 101(a)(15)(A) or (G) of the Act) 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 AG, 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 AG:*

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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.
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 *require* a nonimmigrant alien to *comply with* special registration *requirements* 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.

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