



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
SERVICE CENTER DIRECTORS
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FACILITY, GLYNCO
OFFICER DEVELOPMENT AND TRAINING
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DIRECTOR, LAW ENFORCEMENT SUPPORT CENTER

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

SUBJECT: Supplemental Guidance for Special Alien Registration, or the National Security
Entry Exit Registration System.

On September 5, 2002, a policy memorandum was sent to the field, titled "Standard Operating Procedures for Alien Registration." That memorandum addresses 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 issue supplemental guidance for the operation of the special alien registration program.

Dual Nationality

On September 5, 2002, a policy memorandum was sent to the field, titled "Identification of Nonimmigrant Aliens Subject to Special Registration, or the National Security Entry Exit Registration System." This memorandum states: "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." This action would be taken pursuant to 8 CFR 264.1(f)(2)(ii), as amended on August 12, in that the inspecting officer would have *reason to*

Memorandum for Regional Directors, et al
Subject: Supplemental Guidance for Special Alien Registration, or the National Security
Entry Exit Registration System.

believe that the alien is a citizen or national of a country designated by the Attorney General (AG) in the Federal Register (FR) as being subject to special registration.

The language in the September 5th policy memorandum, also known as the standard operating procedures, cites dual nationality as an example of a case that *may* warrant registration. However, this language was formulated prior to the changes of the final regulation, 8 CFR 264.1(f)(2)(ii). Both, the final regulation and the memorandum, titled "Identification of Nonimmigrant Aliens Subject to Special Registration", cite that if the officer has "*reason to believe*" that a nonimmigrant alien is a national or a citizen of a country designated by the Attorney General, the alien *shall* be specially registered.

However, clarification is needed for the inspecting officer to determine what constitutes a "*reason to believe*" that a nonimmigrant alien is a national or a citizen of a country designated in the FR. If the officer does not have a clear and articulable *reason to believe*, the nonimmigrant should not be specially registered.

The supplemental information included with the August 12, 2002 publication of the final regulation enumerates that the officer must have information that indicates an alien is, in fact, a national or citizen of a designated country. This information must be based on articulable facts or evidence that would indicate that the nonimmigrant is presently a citizen or national of one of designated countries. The fact that a nonimmigrant alien is born in a country designated in the FR does not, in and of itself, constitute a reason to believe that the alien is a citizen or national of that country.

Some examples of facts that can be articulated in support of a reason to believe that a nonimmigrant alien is a dual national may include (but are not limited to): an alien is applying for admission as a national of a country that is not subject to special registration, and the alien also presents an additional valid or unexpired passport or travel document (or one is discovered) which identifies him or her as a citizen or national of a country designated in the FR; the alien makes an oral declaration or affirmatively states that he or she is a citizen or national of a country designated in the FR; database lookouts or intelligence information exists which identifies the alien as a citizen or national of a country designated in the FR.

Issuance of Form I-94

All arriving nonimmigrant aliens subject to special registration, or NSEERS, will be issued a Form I-94. Land border fees for Form I-94 should be waived, where the sole reason for issuance of the Form I-94 is to provide the nonimmigrant evidence of special registration.

The September 5th policy memorandum gave instruction on notating the Form I-94 for aliens subject to special registration. Those instructions specified where to annotate the Fingerprint Identification Number (FIN) and also the phrase "NSEERS REGISTRANT" on the Form I-94. In cases where a nonimmigrant alien is subject to special registration and is required to present a Form I-94W, annotate the FIN number on the front side of the arrival and departure portions adjacent to the phrase "VISA WAIVER", which appears on the left side, above space one. This is where the family name is inserted. In addition, on the reverse side of the Form I-94W write, or stamp, the phrase "NSEERS REGISTRANT" across the top of the arrival portion and on the departure portion, adjacent to the phrase "Departure Record."

Memorandum for Regional Directors, et al
Subject: Supplemental Guidance for Special Alien Registration, or the National Security
Entry Exit Registration System.

In cases where a nonimmigrant is subject to special registration and is required to present a Form I-94T, annotate the FIN number on the front side of the arrival portion above the family name. Annotate the FIN number on the front side of the departure portion above the term "I-94T" which appears above the family name, on the left side of the form. In addition, on the reverse side of the Form I-94T write the phrase "NSEERS REGISTRANT" across the middle of the arrival portion, above the word "Authority" and on the departure portion, above the phrase "Departure Information."

Departure Stamps

A requisition for the creation of departure stamps has been awarded to a stamp vendor. However, due to the secure nature of this purchase, the Office of Security is performing an assessment of the vendor. Therefore, it is possible that departure stamps might not arrive by October 1, 2002, at the authorized ports-of-departure (PODs).

On October 1, 2002, the departure control requirement becomes effective for aliens who are subject to special registration. If an authorized POD does not have a departure stamp, where a passport was required for admission, write the phrase "DEPARTURE RECORDED" along with the date, the three-letter port code and the inspector's admission stamp number (**do not place an admission stamp in the passport during this departure recording function**) adjacent to the admission stamp relating to the alien's most recent arrival.

Waivers and Alternative Inspections

The September 5 policy memorandum states: "aliens who are identified as being subject to special registration, regardless of any special registration waivers granted, are not eligible to participate in any alternative inspection program and must be removed from such systems." It has been determined that nonimmigrant aliens who are subject to special registration and have been granted a waiver by a district director may participate (if otherwise eligible) in an alternative inspection program, provided that the waiver is unexpired and valid for multiple entries. Further guidance regarding the issuance of waivers for aliens who are subject to special registration is currently being developed and will be disseminated as soon as possible.

In a case where the nonimmigrant alien is subject to special registration and the alien was participating in the Secure Electronic Network for Traveler's Rapid Inspection (SENTRI), NEXUS or INSPASS, flag the alien's record in the Global Enrollment System (GES) as an interdiction. Enter the phrase "Special Registrant" into the comments field. Upon interdiction the alien will be referred to secondary where they will be registered pursuant to the September 5, policy memorandum. In addition, the alien will be informed that they may apply to the district director for a waiver of all or part of the registration requirements. If it is determined that the registrant has been granted a waiver by the district director, and the waiver is unexpired and valid for multiple entries, remove the interdiction from the GES.

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