



**Homeland
Security**

FAQ

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CHANGES TO THE NSEERS PROCESS

What is being announced?

The Department of Homeland Security has suspended the 30-day and annual interview requirements from the special registration process for certain non-immigrants. An interim rule will be published in the Federal Register on December 2, 2003, which provides for a 60-day public comment period.

Was this decision made as a result of recent public pressure?

No. DHS have been reviewing NSEERS information for the past few months to determine if NSEERS is being executed in the most productive and effective manner, or if it needs to be changed given that the Student and Exchange Visitor Information System (SEVIS), US-VISIT, and other databases are available now but were not available at the inception of NSEERS.

Why continue with any NSEERS activities--you haven't caught any terrorists and you have just upset thousands of people based on their race and religion?

We have caught suspected terrorists under NSEERS. While they may not be charged with terrorism grounds of inadmissibility or removability, that is not an indication of whether terrorists were caught. A non-immigrant visitor who overstays a visa, is present without inspection, commits a crime or fraud is just as removable under those grounds as terrorism grounds. NSEERS never was based on race nor religion. Non-immigrant visitors from 150 countries have complied with NSEERS requirements.

Will re-registration be discontinued?

In place of the previous requirement, the new rule will allow DHS, as a matter of discretion, to notify individual nonimmigrant visitors subject to NSEERS registration to appear for one or more additional continuing registration interviews in those particular cases where it may be necessary to determine whether the visitor is complying with the conditions of his or her nonimmigrant visa status and admission.

Will anyone who needed to re-register be penalized if they did not do so?

Re-registering with DHS is a condition for maintaining legal non-immigrant status in the U.S.. Failing to re-register is a failure to comply with the terms of a non-immigrant admission, making a person removable.

Is it fair that some of the walk-in registrants have to re-register under the threat of breaking the law when others whose one year anniversary that falls later won't have to do so and are not threatened as a result?

Whenever a law or regulation is changed, it affects the activity required by people to be in compliance with the law; changing registration requirements is not unique in that regard. DHS will continue to have the ability to require visitors to check in periodically with the department and will need to use that tool on occasion so some visitors who are currently scheduled to re-register in April may still be asked to do so individually even after the new regulation eliminates the group re-registration requirement.

Why hasn't DHS publicized the need to re-register up till now?

Individuals were provided information at the time of their initial registration and any subsequent registration, such as at a port-of-entry when returning from a trip out of the U.S., notifying them of the requirement to re-register.

What will replace NSEERS in the future?

SEVIS is now operating and US-VISIT will begin soon. These two programs take care of most of the NSEERS requirements. NSEERS was intended to be the first step towards a full entry-exit program. With US-VISIT starting in January, we will be making our transition away from NSEERS, as intended.

Is the announcement an acknowledgement that NSEERS was a failure?

No. NSEERS registration and departure procedures have proven valuable. DHS will continue to record non-immigrant visitors' entry to and exit from the U.S. in US-VISIT. With respect to having non-immigrant visitors register periodically while in the U.S., DHS will continue to have that ability for those non-immigrant visitors that warrant continued verification of compliance with the terms of their admission.