

Office-by-Office Summary of How INS Is Handling Call-In Special Registration (Updated 01/15/03)

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INS OFFICE-BY-INS OFFICE SUMMARY OF HOW CALL-IN REGISTRATION IS BEING HANDLED

(Updated 01/15/03)

"INS Office statements" are based on information provided by that INS office to immigration attorneys. "Reports from individuals/attorneys of actual experiences" are based on information provided by immigration attorneys and their clients. This information is changing constantly. The information provided below is from reports provided to AILA as of January 15, 2003. The most recent additions to this document are in red.

Terminology:

NTA=Notice to Appear, the document issued by INS to begin removal proceedings.

245(i)=A provision whereby certain people who began certain processes for obtaining permanent residence prior to April 30, 2001, may complete the process without having to depart the United States even if they have not continually maintained legal Status.

ARLINGTON, VA

INS Office statements:

- Registrants who are out of status will be referred to Investigations for issuance of NTAs. Anyone taken into custody will be placed in handcuffs since they are under arrest. Once some modifications have been made to the office, Investigations personnel can conduct interviews there and handcuffing may be avoided.
- If there are no exacerbating factors, bonds will be set for persons taken into custody at \$1,500. Release on own recognizance will be considered in "certain cases."
- Anyone with a valid EAD will not be referred to Investigations unless there is a ground of removal/inadmissibility present.
- Registrants with an adjustment of status application pending (and with proof of its pendency) will likely not be referred to Investigations, but the INS reserves the right to issue an NTA where it concludes that the person is subject to removal.
- Filing of a labor certification application alone will not prevent referral to Investigations. If the labor certification is approved, and an I-140/I-485 filed, or an I-130/I-485 are filed, the registrant will likely not be processed for an NTA. (But see reports from individuals/attorneys, below, wherein the actual experiences have been different from this assertion.)

- Voluntary departure will be permitted for persons out of status or with no basis to remain in the U.S. They must have the means to effect departure, not be a flight risk, and not pose a danger to the community.
- Those who come in after their deadline will be referred to Investigations.
- Registrants have the right to have counsel present (but note reports from individuals/attorneys below regarding actual experiences with this issue).
- Registrants with pending appeals will not be referred to Investigations.
- During the last registration period, the Arlington office had 303 individuals processed for registration, and 14 referred to Investigations for NTAs. Of those, 11 had bonds of \$5,000, one had a bond of \$10,000, and two were released on their own recognizance.

Reports from individuals/attorneys of actual experiences:

- Persons attempting to register during the week of 12/9 were told to return after 12/16, but the District Office advised INS HQ that this is not happening.
- People attempting to register in Arlington are often told to go to Dulles airport. At Dulles, attorneys are not being allowed in the interview "because it is a secured area", and are told to go back to Arlington if they wish to have representation during the interview.
- On deadline date (12/16), person attempting to register was told to go to Dulles Airport, because the Arlington Office is not equipped to handle registration.
- Early on, process took about 20 minutes. Social security card, driver's license, credit card, passport, I-94, and proof of employment (pay stub) were requested. Fingerprinted and photographed. A registration number was placed on the back of the I-94.
- Statements from INS indicating that individuals who are out of status will be referred for NTAs should be taken seriously. Registrants must show that they have continuously maintained status throughout their stay in the U.S.
- Despite INS statements otherwise, registrants who filed adjustment applications concurrently with I-130 or I-140 petitions, but the petition has not yet been approved, are being processed for NTAs and sometimes must pay a \$1,500 bond.
- Individuals who are in nonimmigrant status must take W-2s for proof of continued employment with the petitioning employer, as well as proof of current residence.
- Registrants who arrived on 1/8 before 9:00 am were referred to Deferred Inspections at Dulles Airport.

- Two registrants with 245(i) labor certification applications pending were taken into custody on 1/8. No bond set as of 1/9.

Treatment of late registrants:

- The Arlington office has indicated that registrants who come in after their deadline will be referred to Investigations, presumably for issuance of an NTA.

ATLANTA, GA

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- All registrants are to ask to see DAO Thomas or Benton. Brief interview. Passport, work authorization card and copy of lease were brought to interview and reviewed.
- Waiting time of 4 hours, in room 104.
- Individual who entered under advance parole was told by INS that he was subject to call-in registration, despite information in the Federal Register notice and advice from INS General Counsel's office to AILA to the contrary.
- If the registrant is completely in status, the interview is handled by Examinations. If there is any status issue, including an adjustment applicant whose nonimmigrant status lapsed, the registrant is referred to Investigations.
- On 1/7, four registrants were detained and released on 1/8.

BALTIMORE, MD

INS Office statements:

- Registrants who are "out of status" will be referred to Investigations. Absent derogatory information, they are unlikely to be taken into custody.
- Persons with adjustment applications pending, including those concurrently filed with I-130s or I-140s, generally will not be issued NTAs, unless there is other derogatory information.
- Beneficiaries of approved I-130s or I-140s will be given two weeks to file an adjustment of status application and present proof of the filing. NTAs will be issued if they fail to do so, or if it is determined that they are ineligible for adjustment.
- The Baltimore office will not permit voluntary departure for persons with no basis to remain in the U.S. NTAs will be issued, but if the individual departs during proceedings the office will not oppose a Motion to Terminate removal proceedings if there is evidence of the

departure.

- Attorneys are being allowed to attend the interviews.
- I-94 cards being marked to show that registration occurred.

Reports from individuals/attorneys of actual experiences:

- Early on, attorneys were being barred from clients' interviews. Also was not marking I-94 cards of those who appeared.
- Credit card numbers requested and taken down.
- Registrants need to have the name and address or phone number of 3 contact persons, and must bring photo identification.
- Credit card and bank account numbers were requested but, when the registrant didn't have them with him, the INS did not insist that he return with them.

BLOOMINGTON, MN

INS Office statements:

- On 12/20, a supervisor indicated that the policy had changed and people with pending adjustments would not be put in proceedings unless there are other problems.

Reports from individuals/attorneys of actual experiences:

- On 1/09, a citizen of Liberia who was born in Liberia to Lebanese/Liberian parents was placed in removal proceedings. He has TPS as a Liberian, but entered the U.S. on a Lebanese passport (legally obtained in Liberia). He's never been to Lebanon. He's the manager of a local Japanese restaurant and has a labor cert pending under 245(i). His wife and 4 children are here. One child is a USC.
- Registrant with pending Immediate Relative-based adjustment (adjustment interview already held) interviewed briefly by Exams, then sent to Detention & Removal. INS indicated that anyone with an apparent gap in status would be so referred. Attorney barred from D&R interview. NTA was issued, and appeared to based on information obtained during this interview.
- Three registrants taken into custody on 12/5. One had 245(i)-based adjustment pending and two were married to U.S. citizens with long-pending petitions. Handcuffed and separated from attorney. Threatened to set \$10,000 bond, but eventually released on own recognizance at the end of the day.
- Early on, guards were not familiar with Special Registration, and so did not allow registrants to enter. When registrant finally got in, interview took about 45 minutes. It was the first Special Registration interview that that office had conducted. Interview was cordial.

- Registrant with pending V application was issued an NTA, and was told that instructions from Washington are that such people are to be placed in proceedings "in case" their other applications are denied. Also told that offices are under instructions to take and hold passports of anyone considered out of status.
- Canadian landed immigrant who had entered on H-1B, been laid off on 12/22, but had filed a change of status to J-1 on 12/16, was initially told that he'd be taken into custody, but then was referred to an attorney. He resolved the situation by departing the U.S. and returning in J-1 status.
- Somali under an Order of Supervision who had applied for asylum before 11/22/02 and who was granted TPS was told that he must register because the Federal Register notice for Saudi Arabia and Pakistan referred to only approved or pending asylum claims and "that's what they meant to say for the rest of the countries."
- There is some concern about the 1/10 deadline, which falls on a Friday, because the Bloomington office is usually closed on Fridays. That office has said they will take special registrants on Friday, but the concern is that the guards may not realize they are special registrants and turn them away. Thus, it will be critical to invoke the magic words "special registration" that day.
- On 1/8/03, two Tunisian citizens and one Yemeni citizen who had pending I-130/adjustment applications were referred to Investigations and issued NTAs. They were not detained, and bond was not required.

BOSTON, MA

INS Office statements:

- All registrants must first report to Room E-140, Examinations. Those who are out of status will be referred to Investigations.
- Adjustment of status applicants will not be put in removal proceedings.
- Although the office has not yet encountered the situation, they believe that if an individual who is out of status but has a labor certification application pending is encountered, a Notice to Appear will be issued but the person would not be detained.
- Only those with outstanding warrants or criminal "hits" are being detained.

Reports from individuals/attorneys of actual experiences:

- Early on, attorneys were allowed in interviews, but told that they could not say anything or participate in any way. Now full representation is being allowed.

- Registrants asked to empty their wallets. Credit card, bank account numbers, and video rental card numbers recorded. Relatives' contact information requested.

Treatment of late registrants:

- An individual (who was maintaining H-1B status) who registered after his deadline encountered no problems.

CHARLOTTE, NC

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Persons who are in status are registered by an examinations officer. Passports are taken at the door and given to an officer for an IBIS check. The individual fills out a questionnaire (copy not available). The officer calls the person back for an extensive interview, mostly biographic information.
- Registrants with an adjustment application pending, but who were not maintaining status prior to filing, may or may not be placed in proceedings—it is up to the Investigations officer's discretion. Generally, if a pending adjustment application can be verified and there are no fraud issues, an NTA won't be issued.
- Registrants who are out of status—whether 245(i) eligible or not—generally are issued an NTA, and may or may not be detained.

Treatment of late registrants:

- INS has indicated that late registrants will be detained, even if they are in a valid nonimmigrant status, unless they can produce credible circumstances as to why they failed to register before the deadline. Simply not knowing about registration is not enough.

CHICAGO, IL

INS Office statements:

- In at least two cases, Out of Status (OOS) individuals were led in handcuffs outside the office building and down the street on their way to detention for all the public to see. Attorneys have been assured by the District Director's office that this will not happen again. **(see below for a case where public handcuffing and procession to detention did take place)**

Reports from individuals/attorneys of actual experiences:

- B-2 overstay registrant from Afghanistan with an approved 1st preference family based petition. Registrant present in US since 1990, and his entire family are either U.S. citizens or LPRs (Legal Permanent Residents). He is eligible to apply for cancellation of removal. After the registration was completed, investigators came & arrested registrant.

Despite the protests of his attorney, officers handcuffed him and walked him out of 230 S. Dearborn to 10 W. Jackson, in full public view, at 10:30 in the morning. It took all day for the NTA and bond paperwork to be issued, but registrant did bond out at \$1,500 by 5:15 pm.

- Out of Status (OOS) individuals with adjustment applications on file have, for the most part, been allowed to register without being detained. However, at least three cases have involved adjustment applicants who filed I-485s while in status, but now have expired nonimmigrant status (2 B-1s and 1 F-1). The three registrants were detained and later allowed to post bond, but this clearly runs contrary to what the District Office said at an AILA Detention liaison meeting on Dec. 11th.
- Moroccan registrant, age 25, B-2 overstay from 1995 married a US citizen in 2000. Appeared for Special Registration on 1/7/03. Adjustment filed late November 2000, still pending.

Registrant arrived at 8:45 a.m.; seen by Officer at 11:20 a.m. Registration consisted of INS officer reviewing passport, I-94 and personal identification documents (drivers license, Employment Authorization Document, credit cards) and taking biographic information under oath. Questions about client's and parents' names, nationality/citizenship, addresses, e-mail, telephone number, employment, and means by which he traveled to U.S. Officer checked computer to verify pending adjustment application, scanned in client's right and left index fingerprints, took a digital photo and notated registrant's I-94 to reflect that he appeared for Special Registration. Officer provided registrant with written information about special registration procedure, and instructed client to register again in a year if he had not yet received LPR status. Registrant left INS about 12:15 pm.

- For the most part, INS officers have been courteous. Those out of status registrants who have been detained were issued a Notice to Appear (NTA), and released on bond for what appears to be an average of \$1500 to \$5000. Some people have reported bonds of as high as \$15,000 for no particular reason (eg. B-2 overstay with US citizen spouse and children--no criminal issues).
- B-1 overstay registrant married to a US citizen (no criminal issues) had to spend the weekend at a detention facility in Wisconsin without explanation; INS had been unable to process his case before the weekend.
- In one case, INS used information gained during the interview to go out and detain the wife and minor child of the individual who registered.
- Chicago registrants are asked to come to 230 South Dearborn (2nd Floor). After an individual signs in at the 2nd floor reception, names are eventually called. Some registrants wait several hours for the interview. At the interview, individuals are asked a variety of questions, mostly biographical information of the variety you would find on a G-325A. They are also asked to provide documents, including passport, I-94, drivers license, social security card and in some cases credit card info (at least one attorney was told that the credit card

data is for id purposes only and the information is not used to check into suspicious purchases). If there are no other issues, the individual is given information regarding continuing obligations and asked to leave.

- Lebanese citizen, adjustment applicant based on marriage to U.S. Citizen and a visa overstay (entered in 1988 in F-1 status). Provided evidence of the bona fides of the marriage (birth certificate of child, etc.) and evidence that he's not a flight risk (mortgage, lease for business office, professional licenses etc.).

After a 3+ hour wait, registrant was called up to the 23rd floor by an examinations officer. He had a set list of questions, which included most of the items you would find on the G-325A form about his personal and family background and questions about his employment, schooling and passport and visa information. Registrant was asked to produce a passport, I-94 card and driver's license. Officer did not ask for other documentation, including I-485 receipt, A#, work authorization, evidence of bone fides of marriage or anything else.

Registrant was then fingerprinted (index fingers of both hands) photographed, and run through the IBIS system. The officer marked an FIN (Fingerprint Identification Number) in his passport and on his I-94 card, gave him written instructions to re-register in one year (or if he leaves the U.S.) and released him. The interview took about one hour.

- Registration of Iranian-born Canadian citizen on TN was "quick and cordial". Questions were routine.

CINCINNATI, OH

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Person with approved I-140 and adjustment application pending arrested at special registration interview. No bond.
- Individual who was admitted on a visa waiver was removed without hearing even though he had an immediate relative adjustment application, based on a long-standing marriage, pending.

CLEVELAND, OH

INS Office statements:

- District office given orders by INS Headquarters that Adjustment of Status (AOS) and 245(i) cases were not to be issued Notice to Appear (NTAs).
- All individuals with status violations will be placed into proceedings. This includes people with pending adjustment applications, and holding work authorizations but whose underlying nonimmigrant admissions have expired (including expiration after the filing of the adjustment

application..

- Detention will be considered on a case-by-case basis.

Reports from individuals/attorneys of actual experiences:

- Registrant with pending employment-based 245(i) adjustment application taken into custody. Eventually released, but advised that an NTA will be issued.
- Registrants asked to empty their wallets. Credit card, bank account numbers recorded.

DALLAS, TX

INS Office statements:

- Office is open for registration M-F, 6:30 am to 3:00 pm. Get in line and tell guard you are here for special registration. Bring passport and original I-94.

Reports from individuals/attorneys of actual experiences:

- Palestinian born in Gaza and carrying an Egyptian travel document was referred to call-in Special Registration when he went to the ASC for adjustment fingerprints, because he had different A numbers on his LIFE legalization receipt and his I-765 receipt.

DENVER, CO

INS Office statements:

- Office is not detaining persons with 245(i) adjustment applications pending (this statement, made on 12/28, differs from actual experiences described below).
- Official of this office indicated that no one wants to be the person who releases the next Mohammed Atta, so they won't think twice about detaining anyone. If the detention is an error, it will be dealt with later.

Reports from individuals/attorneys of actual experiences:

- Experiences are mixed, with some "sailing through" and some being detained.
- Individual with immediate relative-based adjustment application pending has been detained for several days now.
- Client questioned without attorney present even though attorney had accompanied individual and was temporarily barred from the interview.

- In-status individual detained because computer showed that his H-1B had been revoked (even though individual had no knowledge of such a thing and had evidence that he was still working for the employer).
- Reports of students who had dropped to less than full time with DSO's permission being detained.
- Several reports of registrants with pending adjustment of status applications being detained.

Treatment of late registrants:

- An Iranian-born Canadian citizen registered on 12/19 (3 days after the deadline), and had no problem about the late registration. The overall interview took one hour.

DES MOINES, IA

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Swedish citizen born in Lebanon (family members are all Swedish) was told he did not need to register. Given form to show he attempted to register.

DETROIT, MI

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Two reports of simple and courteous process. Wait time approx. 2 hours.
- Several reports of straightforward and courteous interviews, as of 1/8/03.

EL PASO, TX

INS Office statements:

- Registrants who are currently out of status may request reinstatement to student status or submit an "untimely" request for extension of nonimmigrant stay. The interviewer will determine the bona fides of the request and adjudicate the application on site. If the application is denied, the individual will be referred to Investigations.
- The interviewer will determine on a case-by-case basis whether to refer to Investigations someone who is otherwise out of status but has an adjustment of status application pending.
- If an individual is currently in status, but has had past violations, he most likely will not be referred. However, if the interviewer determines that the

current status was obtained fraudulently or the individual is not entitled to the status, he will be referred for issuance of an NTA.

- As of 12/9/02, no registrant had been detained, but that is not to say that it will not happen in the future.

Reports from individuals/attorneys of actual experiences:

- Registrant was promptly arrested and issued an NTA, since his I-485 was denied. He was not given any type of bond. Bond motion filed, and registrant is currently awaiting his removal hearing.
- Other registrants were not issued NTAs because they were either already in proceedings or had been successful in immigration court.
- The treatment by the INS ADOS who handled the registrations was very polite and professional. The time it takes to register can be anywhere from 30 minutes to 3 hours.

FRESNO, CA

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Registrant married to a U.S. citizen who had overstayed a nonimmigrant admission was detained with no bond.

HARLINGEN, TX

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Questions were along the line of what is on the Cleveland worksheet, and utility receipts were requested to establish residence. INS interviewer did not seem familiar with immigration law or with the system for registration, and gave several pieces of plainly erroneous information. Process, which took 1.5 hours, involved the completion of 4 pages. After each page was entered, the INS interviewer had to wait for a response back before he could continue to complete the next page.

HARTFORD, CT

INS Office statements:

- Persons out of status are referred to Investigations. Officer In Charge has discretion as to how to deal with these cases. As of 12/12, there had been about 6-8 of these.
- Persons with a pending, viable adjustment of status application are not placed in proceedings, unless there is other negative information.

Similar weight is given to an approved or pending I-130.

- Persons subject to mandatory bars and are not 245(i) eligible, but filed an adjustment application anyway are issued an NTA.
- Persons currently in status, but who have past violations, are assessed on a case-by-case basis.

Reports from individuals/attorneys of actual experiences:

- Report to room 456.
- Registrant with pending 245(i) adjustment application taken into custody, but released after attorney faxed the I-797 receipt notice and approval notice for the I-140. INS called VSC, where adjustment is pending, to verify. No NTA issued.

HONOLULU, HI

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- 11/27 was the first registration in that office. Process took 3 hours. Only index fingerprints taken, not full 10-finger.

HOUSTON, TX

INS Office statements:

- Houston ADDE Kathy Shuler has informed the Houston AILA Chapter that beginning 1/13/03, all I-485 interviews will be temporarily frozen due to staffing demands for the next wave of Special Registration for Pakistanis and Saudis. I-485 appointments will be rescheduled as soon as possible.
- If the person is out of status, he will be referred to Investigations to determine if an NTA should be issued. In most cases, a person out of status will be issued an NTA.
- If the person is an adjustment of status applicant under Section 245(i), the person will not be arrested or sent to Investigations.
- If the person has prior immigration violations but has reinstated his immigration status, the person will not be arrested.
- The Service reserves the right to investigate and issue an NTA on a case by case basis, of course.

Reports from individuals/attorneys of actual experiences:

- 20 year old Moroccan citizen on F-1 went to register. His only violation is that he works as a waiter at a restaurant; full time student otherwise. Immediately detained and placed on a \$10,000 bond. At

the bond hearing, attorney was informed that since registrant had lied on his I-9 when filling out the job application, his case would be referred to the US attorney unless he agrees to waive hearings, etc. Attorney decided to go ahead with the bond hearing anyway. Judge Bentson dropped the bond to \$3500.

- Group 2 registrant entered US on F-1, too late to register for classes advised by DSO to wait for next semester, been attending full time, married to USC, no adjustment application filed yet. Handcuffed and NTA issued, released on personal recognizance.
- 2 other group 2 registrants detained for NIV violations, bond starting at \$10,000. Transferred to Export Plaza. Bond hearings requested but not yet set.

INDIANAPOLIS, IN

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Reports of reasonably fair treatment, for the most part, of persons registering before their deadlines. Overall, minor status violations and pending adjustments with prior questionable status seem to be of little concern.

Treatment of late registrants:

- A reported occurrence of a Purdue University student being one day late for the December deadline because of a final exam, and subsequently placed in removal proceedings.

KANSAS CITY, MO

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Three-hour wait. Interview itself lasted 20-30 minutes. Questions included such items as whether registrant is married, what transportation he uses, where and how often he travels, where he was born. Passport and current pay stubs requested. I-94 was notated.

LAS VEGAS, NV

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Office was uncertain how to handle registrant with pending asylum application, but who plans to withdraw that application and file an adjustment application under 245(i). Interview conducted, and registrant sent home with statement that INS may call. INS Investigations did call later in the day, asking registrant

to return. Indicated that detention is mandatory with no bond until all inquiries are negative.

LOS ANGELES, CA

INS Office statements:

- In a 1/9/03 meeting, LA INS indicated that it had received guidance from DOJ that should result in fewer detentions. People with pending adjustment of status applications with no adverse factors WILL NOT BE DETAINED. Solely having an approved I-130 and a priority date is not immediate relief. If an NTA is issued, they will be released on their own recognizance (if there are no adverse factors).
- In the 1/9 meeting, it was announced that people previously detained who have relief available (e.g., an adjustment application pending) will be sent a letter saying the NTA will be withdrawn. If the NTA has already been filed with the immigration court, the INS will consider terminating the matter on a case-by-case basis.
- Registrants who are out of status and "criminal registrants" will be detained and bonds set.
- The new Acting District Director indicates, as of 12/16/02, that earlier policies noted below have been changed. Now, anyone considered out of status will be arrested and held until they have been cleared through security checks.
- Early statements indicated that, if the individual "has ever been out of status", he will be detained and put in removal proceedings, even if an adjustment of status application is pending. Later, LA indicated that it has prosecutorial discretion to proceed. Later still, LA indicated that it will not be exercising prosecutorial discretion, but will be detaining all individuals considered to be out of status.
- After a background check is completed, bond will be considered.
- As of 12/4, LA was registering 50-60 people per day. It had referred two people to investigations, and taken one person into custody. Later reports, as of 12/19/02, show a sharp increase in the number of detentions (see reports from individuals/attorneys, below).
- Asst. Director of Adjudications indicated on 12/19 that over 1200 people have been interviewed in LA, and slightly more than 400 detained.
- On 12/19, an announcement was made in a cafeteria filled with family members waiting to bond out their relatives, that persons with bonds set over \$5,000 would remain in custody and family members could post the bonds; persons with bonds lower than \$5,000 would be released and receive a letter telling them to report back in 30-60 days and the bond would not need to be paid.
- As of 12/20, reports being received that some detainees are being released without the imposed being required.

- As of 12/4, LA was registering 50-60 people per day. It had referred two people to investigations, and taken one person into custody. Later reports, as of 12/17/02, show a sharp increase in the number of detentions, now believed to be somewhere between 200-500. In a case in which there had been an approved I-130 (priority date not yet current) and the individual was eligible for 245(i), the person was not taken into custody. Pending motions to reopen on denied changes or extensions of status are also favorable factors. However, this was an early case, and the District's approach has since changed (see above)..
- Registrants have the right to counsel.
- Definition of "national" will be based on retention laws of the country of birth.
- INS officer can adjudicate an extension of status application (but not change of status application) for someone who failed to timely file one, or an application for replacement I-94, on the spot.
- People who fail to register are subject criminal penalties and removal.

Reports from individuals/attorneys of actual experiences:

- Dual national (Iran/Canada) with pending Adjustment of Status told he still must register.
- On 1/10, people were divided into groups of 15 and sent to Rooms 2024, 6024, and 8024. Registrants were first asked at the 8024 counter to provide ID documents, passports and status documents. Copies were made (INS appreciates copies made in advance by the attorney), and then a brief review of the documents at the counter was done. Officer then briefed each registrant as to whether he would be issued an NTA .

Registrant was then called in by an officer to the interviewing room to go through the 3 page questionnaire. Fingerprints and photos were taken, and for those that needed to be referred to investigation, they were taken to the basement. Attorney saw one registrant who was handcuffed in front of others, but made a request as to whether officers could avoid doing this in front of other registrants. The officer agreed to this request.
- On 1/10, registrant who was referred to Investigation knew first thing in the morning when he had his documents checked by the Investigation officer that an NTA would be issued and that he would be released on his own recognizance later in the day. Registrant was released at about 9 pm that evening.
- On 1/10, officials on the 8th floor went out of their way to be polite and courteous. Many were checking on those registrants who were waiting at the interviewing rooms to make sure they were being processed accordingly. Registrants and attorneys were even told to go to have breakfast for an hour as officials were getting ready. This was important, as many registrants ended up waiting for the entire day, and this was the only meal they had for the day.

- On 1/10/03, INS Room 8010, handling Special Registration cases exclusively, was reported to be "very quiet." No reports of anyone being led away in handcuffs. 40 to 50 people showed up to be registered, some of whom were sent to other rooms, such as 6024. One registrant who arrived at 7 am and was given number 25 in the queue, completed registration process by 3 pm. INS did 4 adjustments in the entire day, and did not accept any adjustment inquiries.
- Mass arrests of registrants are being reported, with numbers apparently well into the hundreds, and perhaps more. One attorney, who brought 34 clients for registration one day, saw 30 of them detained. Most were adjustment of status applicants, and most of those had been maintaining nonimmigrant status at the time the adjustment application was filed (the nonimmigrant status had expired after the adjustment was filed, and the individuals have work authorization).
- Detention conditions are poor, with people sleeping on floors and reports that detainees have not been fed in over 24 hours because the facility ran out of food.
- Multiple reports of detention and expedited removal of registrants who had entered on the visa waiver program, despite pending or approved immigrant petitions or pending adjustment of status applications.
- In two instances in which registrants were interviewed by INS District Adjudications Officers, the following information was requested:

- 1) Family name
- 2) First name
- 3) Middle initial

They were then asked to provide their drivers' licenses, passport, I-94 form and asked the following questions:

- 4) What's your nationality
- 5) Place of Birth
- 6) Sex
- 7) Date of Birth
- 8) Height
- 9) Weight
- 10) Hair color
- 11) Eye color
- 12) Purpose of your visit
- 13) Names of Mother and Father
- 14) Mother/Father dates of birth
- 15) Last address in country of origin
- 16) Social security number
- 17) Place of issuance of visa
- 18) Date of issuance of visa
- 19) Expiration date of issuance of visa
- 20) Passport Number
- 21) City of issuance of the passport
- 21) Date of issuance of the passport
- 22) Expiration date of issuance of the passport Although all the information requested is on the passport, the INS District Adjudication Officers did not look at the passport and asked

the clients directly for the information.

23) What airline did you fly in entering the United States

24) Flight number

25) Date of arrival

26) Time of arrival

Following the interviews, the interviewer made photocopies of employment verification letters and paycheck stubs.

Fingerprints were taken of the right and left index fingers. The INS interviewer then took the I-94 form and signed the back of the I-94 form and also printed their District Adjudication Officer number. The interviewer then annotated the I-94 form acknowledging the person had registered. The passport, driver's license, and I-94 were then given back to the registrant.

- Reports are being received of large numbers of people being detained at the LA office. Stories abound of INS running out of handcuffs, and registrants being placed in criminal prisons because of lack of space in INS detention facilities.
- Several reports as of 1/8/03 of registrants with pending marriage-based adjustment of status applications NOT being detained. Most examples include Lebanese registrants.

Treatment of late registrants:

- INS-LA indicates that there must be a "reasonable excuse" for not registering. What is a "reasonable excuse" needs further refinement. One example, according to INS-LA, is that the individual misunderstood his obligation to register because of the error that was on some Arabic-language notices published by INS. Plain fear of the process will not be sufficient.

MEMPHIS, TN

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Go into the window information area and tell the security guard the purpose of the visit. No need to take a number. An information officer will provide a "referral letter" and a short worksheet and direct you to the 2d floor. The worksheet asks for biographical information, bank account information, credit card numbers and a contact name and address. Put the completed worksheet in the appointment slot and wait. The interview, including fingerprinting and photographs, takes approx. one hour. The information is input into a computer, and a search for name hits is done.
- This office has only 3 computers that can be used for special registration.
- Registrant who is maintaining status had a "long but painless" interview.
- Registrant who was out of status but currently in removal proceedings with a application for cancellation and withholding pending was told that

Investigations is supposed to see him, but because he has a merits hearing coming up, so there was no need for custody or bond.

- "Memphis is giving almost no problems"

MIAMI, FL

INS Office statements:

Reports from individuals/attorneys of actual experiences

- "Polite but stumbling." Took 3-5 minutes for each question, with INS staff uncertain how to enter answers into computer. Overall, took 8 hours for a completely clean case.

MINNEAPOLIS, MN (see BLOOMINGTON, MN)

NEWARK, NJ

INS Office statements:

- Whether to detain/put in proceedings any registrant is a case-by-case determination, taking into account "all factors and aspects" of the situation.

Reports from individuals/attorneys of actual experiences:

- Yemeni registrant on Jan. 9 waited 12 hrs after arriving at 10 am, even though officials in room 1404 on 1/7 told attorney that the approximate length of time needed to register was "very quick, maybe an hour and a half to 2 hrs." At 2 pm, attorney asked how much longer it would take, and was told that their computer system was down and they were trying to fix it.

By 4 pm, the line still was not moving, with no other information at all from officials as to what was going on. By that point, most registrants still had no food or drink all day, not wanting to lose their place in line in case they were called. By 5 pm, attorney asked if the system was back up again, and officials said yes, and that all 20 registrants still left, would be interviewed that day.

With building now closed, building security is contacted to facilitate registrants leaving briefly to move cars before parking garages close; a list of those who leave is made.

At 6:15 pm, Yemeni registrant is called. Attorney asked to show G-28 and attorney ID Registrant is asked what his immigration status is and attorney replies "adjustment of status pending." Officer Craig looks at attorney and asks "what is that?" Attorney explains it to him. Then the usual follows: questions about the filing, his entry into the U.S., a look at his EAD, a check of his passport, etc. Registrant then just sits there as data is entered into computer, and is told nothing.. At about 6:45pm system crashes again!

Registrant waits another hour. Officials go to move their cars and get some dinner. For registrants, still nothing to eat or drink. INS Headquarters finally agrees that system will be down and gives okay

to finish manually. Entire registration process started all over again, with fingerprinting and regular photos. Registrant is done about 8:30pm. He waits another 45 min. to get his passport back but is told not to leave. At 9:30 he gets the yellow sheet, meaning he is referred to investigations and has to go to Hemisphere Center that night. All 5 remaining get the same thing. One was a student (in status), two were LULAC beneficiaries, already interviewed in Newark, one had entered without inspection and had an approved labor certification under 245i, and one, unknown status.

Yemeni registrant waits for another to finish his free translation service to the INS, as they have no one who speaks Arabic there. By 10 pm everyone is ready to leave, and don't want to go the Hemisphere Center late at night, but were told by the supervisor that they have to, just take bus #62 from Broad Street. Attorney gives registrant his file, and goes home; registrant heads to Hemisphere Center.

At 10:45 pm, attorney receives a call from registrant is told that Duty Officer will lock him up because he came to Newark to register even though his case is in NY. Attorney asked to speak with the Officer, but Officer refused. Attorney told client that it does not matter were you register, just any INS office.

Investigations were finally done with registrant at 4am, and he was sent out looking for a taxi at the Ramada Inn at that hour! Finally, he was let back in to use their telephone and was at home 5am. Investigations wondered, though, that why is INS sending all these people there when they all have cases pending! However, of the 5, Yemeni registrant was the only one that was let go without a bond. The other 4 were not allowed to leave unless someone posted a bond from \$4000 to \$5000...at 4am.

- On January 6, 2003, registrant with I-485 pending, I-370 R-1 Approved, 245(i), was asked to wait in information line on Orchard Street, only to realize later when he got inside the building that he could have gone directly to the 14th Floor (2 1/2 hours wasted).

Upon check-in on the 14th floor, client was asked to submit old and new passports. G-28 was submitted at interview. 3 hours wait before client was interviewed.

At the interview client was asked the following:

- a) Full name, date of birth, place of birth, address
- b) IDs - Drivers license, SS, EAD, Credit Card, I-94
- c) Current INS status
- d) date and manner of last entry
- e) any extension applications filed (proof of same)
- f) parents' date of birth, place of birth, present address
- g) proof of present employment
- h) name, address, phone number of emergency contact in the US
- i) photographed, fingerprinted

Entire interview lasted approximately 1 hr. All of the above information was keyed into computer. At the end, client's I-94 was endorsed and he was reminded to re-register next year if I-485 is still pending. Demeanor of the interviewing officer was

“professional.”

- Two reports of confusion and having trouble finding anyone (guards, INS employees) who had heard of special registration. Eventually sent to room 1404.
- Those who arrived later were seen first. Early arrivals had to wait approximately 6 hours.
- Interviews vary: (1) Relaxed interview, with questions similar to those on Form G-325. Checked passport for travel patterns, and other cards, such as credit cards, social security, drivers' license. (2) 1.5 hour interview. (3) 30-minute interview. (4) virtually no interview at all.
- Officer indicated that they don't take anyone into custody unless there is an outstanding warrant, and that you don't have to be a NJ resident to go to this office. Also indicated that INS WILL deport if you fail to register.
- On 1/8/03, registrant with pending I-140/I-485, and grandfathered under 245(i), was detained with bond (which was not set until after 5:00 pm for person who arrived at 8:30 am) of \$2,500.

NEW ORLEANS, LA

INS Office statements:

- Examiners have been instructed to register individuals with adjustment applications pending, then refer them to Investigations. Investigations will then determine whether to issue an NTA based on criminal history, etc.

Reports from individuals/attorneys of actual experiences:

- Citizen of Trinidad & Tobago who was born in Libya (but neither parent was born in Libya) was told that he did not need to register.
- Registrant denied right to counsel on 12/18. Office now made aware by attorney that there is a right to counsel in call-in registration.
- Two registrants who had pending marriage-based I-130/adjustment of status applications were, on 1/8/03, initially detained to be placed in removal proceedings, but were later released without NTAs being issued after attorney involvement.

NEW YORK, NY

INS Office statements:

- Registrants who entered without inspection (EWI) will be registered and will not be turned away (even though EWI's are not subject to special registration).

- Out of status registrants will be referred to Investigations for possible issuance of a Notice to Appear. Investigations will use prosecutorial discretion in determining whether to issue an NTA, but most likely someone who has no application pending WILL be issued the NTA.
- Persons with a 245(i) application pending most likely will not be referred to Investigations, unless there is a "hit" from the computer checks. If there is a hit, most likely an NTA will issue.
- Registrants who are currently in status, but have had past status violations, generally will not be referred to Investigations if they've since returned to the U.S. with the proper visa, waiver, etc. But the District does have discretion to put in proceedings anyone it feels is removable.
- The District does not plan to detain out of status registrants, but reserves the discretion to do so.

Reports from individuals/attorneys of actual experiences:

- On 01/10, a group of approx. 20 Arab men were denied entry into 26 Federal Plaza to register just before the end of the deadline. Guards at the building's entrance locked the doors at 3:30 p.m. and did not permit anyone who wanted to register to enter, stating that the INS office closed at 3:30 p.m.

At approx. 4:45 p.m., the INS Acting Director of Community Relations at INS HQ was contacted and advised of the situation. Within 15 minutes, the men were all guided to a side door into the INS and allowed to register. The group was accompanied in by representatives from the Arab American Family Support Network, the American-Arab Anti-Discrimination Coalition and a few immigration attorneys.

- Enter in front and go to room 310.
- Questions include names, addresses and dates of birth of parents; 2 contacts in U.S.; email address; social security number; whether you are a terrorist. Asked to see passport, I-94, driver's license, proof of status (employment letter; transcript, etc.) Photo and fingerprint taken.
- Registrant with pending 245(i) adjustment application detained and issued NTA.
- In another case, interview went smoothly, and INS "very nice".
- Waiting time during the 1/10/03 deadline lead-up period has been 3 to 7 hours, and is expected to be longer on 1/9 and 1/10.
- Registrants are asked for their passports, I-94s, social security cards, drivers licenses, and credit cards. One officer indicated that the credit cards would not be necessary if the person has a social security card, but others ask for the credit cards. Passports and I-94s are held and returned (with notation on the I-94) only to those considered to be in status.

- Files of out of status registrants, and registrants with pending adjustment applications but no other status, are sent to 10th floor Investigations for security checks. Most registrants are questioned on the 3d floor, but those taken to Investigations are not allowed to have their attorneys with them. A few have been taken into custody, but it appears that most have been released after the security check is completed (but their passports are kept and they are given appointments for a later date, mostly in April or May). As the 1/10 deadline nears, it may be that the number of registrants will become large enough that the security checks cannot be completed on the same day and the registrants may be detained, but this is not a stated policy.
- Persons who entered on advance parole are being told that they do not need to register.

Treatment of late registrants:

- A Belgian citizen, who is also an Iranian national, decided after the 12/16 deadline that perhaps he is subject to registration. He went in to the NY district office on 12/20. He was asked no questions as to the late registration and everything proceeded normally.
- The explanation of a Syrian registrant (who had overstayed his tourist visa but had filed a meritorious request for deferred action) that he had not heard about the requirement was accepted on 1/7, and he was registered. His passport was held and he was given an appointment for an interview with Investigations in a couple of months, but this seems more related to the overstay than the late filing.

OKLAHOMA CITY, OK

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Two cases of persons with I-140/485s on file at TSC for nearly 10 days before appearing for registration, but the INS still issued its NTA (Notice to Appear) since the registrants failed to have a receipt notice and case number to prove the filing.
- Two cases of person with US citizen wives and kids who came in with paperwork to file an I-130/485. The INS did not have time to accept the application, but made the time to issue Notices to Appear.
- Registrant with B-2 that expires in February. Attorney sent him to register (Group I) when he went to them to file a timely extension request. He made it to INS just 3 days after the Group I registration period ended and was immediately sent into deportation even though he swore (and had attorney's) letter that he came immediately after learning of his obligation to do so. Registrant had only been in this country for a few months, and did not speak much English. He was eventually released on his own recognizance.

- District Office is calling the employers of the registrants and threatening them with sanctions if the employer allows the registrant back to work (even those with families to support and I-485s pending).
- First attempted to register on 11/12, but INS office was not familiar with special registration.
- Attorney barred from interview.

OMAHA, NE

INS Office statements:

- Persons out of status handled on a case-by-case basis.
- Persons who are out of status but are a beneficiary of a 245(i) application, are handled on a case-by-case basis.
- Persons now in status but had previously violated status are handled on a case-by-case basis.
- Persons who fail to register will be apprehended and placed in proceedings.

Reports from individuals/attorneys of actual experiences:

- Registrants are given long interview under oath. Questions include: last 3 addresses, parents' names and dates of birth, names and addresses of at least 2 people from home country who are currently in the U.S. Took credit card and bank account information.
- Interview took approximately one hour.

PHILADELPHIA, PA

INS Office statements:

Reports from individuals/attorneys of actual experiences

- Registrant taken into custody despite pending 245(i)-based adjustment of status application. Eventually released and issued an NTA.

PHOENIX, AZ

INS Office statements:

- Adjustment applicants whose nonimmigrant status expired during the process will be processed by Investigations and held until the computer checks clear.

- Persons who are out of status will be held until a variety of checks, including the FBI 10-fingerprint check, are completed.
- Late registrants will be processed by Investigations, and have to establish that he didn't know about registration and failure to timely register was beyond his control.

Reports from individuals/attorneys of actual experiences:

PITTSBURGH, PA

INS Office statements:

Reports from individuals/attorneys of actual experiences

- Pakistani attempted to register, but was told that even though the INS had permission to start registering the February 23 deadline group before their start date of January 13, they had been ordered by DOJ to stop. Registrant was also told that Pakistan probably will be removed from the list

PORTLAND, OR

INS Office statements:

- Persons currently out of status will be referred to Investigations.
- Section 245(i) applicants are not automatically referred to Investigations, unless there is negative information in their record.
- Persons currently in status who have past violations are not referred to Investigations.
- If someone is currently out of status, or has a "hit" on his record, he will be detained.
- The following statement was issued by the Portland office's Community Relations Officer on 1/7/03 (a few weeks after the statements cited above were made):

"This Friday, January 10th, 2003 is the deadline for registration for non-immigrant males who are citizens or nationals of Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, or Yemen. Over the last month we have heard concern expressed about what would happen if someone coming in to the Portland District Office for Special Registration were out of status (such as overstaying or violating the terms of their visa), entered the United States illegally, or had an outstanding warrant for their arrest from a law enforcement agency. I'd like to briefly address these concerns. First, and foremost, immigration law is very case specific and each person's immigration situation is unique. There is no way that you can predict, based on the case of one person, how another person's case might be adjudicated or what action might be taken. The Portland District sees people each day who are out of status, who have entered illegally, and who have

warrants for their arrest. Those with outstanding warrants, or who have entered illegally, are arrested and are either put into removal proceedings or are turned over to other law enforcement agencies. When a person is out of status each case is judged on an individual basis. One of the top law enforcement priorities for the Portland District is the arrest and removal of criminal aliens - those people who have been convicted of felonies. During Fiscal Year 2002, 75% of the non-citizens who were removed from Oregon were criminals - the other 25% represented people who were non-criminals but were not legally in the United States for a variety of reasons - including being out of status. When we encounter people who are out of status we are required to enforce the law, but we still try to be sensitive to the person's unique situation. In some cases, people are arrested and put into removal proceedings. In other cases, a person might not be arrested while they resolve their problem. It is totally case specific. We understand that the Special Registration process can be very intimidating for a person. We can assure you that the Portland District will continue to use discretion in deciding how to handle each case and will treat everyone with respect and dignity. People coming in for Special Registration can expect an interview of about an hour done in a professional and courteous manner. The person will be interviewed one-on-one with a standard list of questions. In addition, a security check will be made to determine if the person has any outstanding warrants or if they are out of status. We will also ask questions related to what the person has been doing while in the United States, where they have been, and how long they intend to stay. The purpose is to verify that the person is who they say they are and that they are complying with the conditions of their entry.

The requirements of Special Registration are very specific. Failure to register, or not register by the deadline, could mean that the person is out of status and subject to removal proceedings. If you are required to come in for Special Registration and you are out of status, or have an outstanding warrant for your arrest, you may wish to consult with an immigration attorney before coming in to register."

Reports from individuals/attorneys of actual experiences:

Treatment of late registrants:

- A 1/7/03 statement from the INS community affairs officer included this indication: "The requirements of Special Registration are very specific. Failure to register, or not register by the deadline, could mean that the person is out of status and subject to removal proceedings."

SACRAMENTO, CA

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Long wait. Attorney representation allowed, but registrant's brother not permitted in the interview. Registrant has pending 245(i) adjustment application. Not referred to Investigations. Registrant was asked to complete questionnaire similar to the Chicago airport questionnaire. Same questions asked in interview under oath.

SALT LAKE CITY, UT

INS Office statements:

- Anyone who is out of status will be referred to Investigations.

Reports from individuals/attorneys of actual experiences:

SAN ANTONIO, TX

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Moroccan F-1 student did go to school for one year, but has been out of status for several years now. 245(i) I-130 petition filed in April 2001 by his permanent resident wife. After some issues were resolved with their marriage (they separated at one point) and issues with the wife that might have caused a naturalization problem were settled (she was naturalized), adjustment case was filed during the holidays (but no receipt from the INS had been received at time of registration). Registrant had no criminal history and no hits as a "terrorist." INS acted very civilly. They asked him only biographic questions, registered him, and sent him on his way.
- Moroccan F-1 student, who attended one year of English classes but did not go back to school last August (2002), married a U.S. citizen last Wednesday, 1/8/03 (the timing was a little suspect for the INS, but couple had been dating for 7 months). Citizen wife went into the hospital that same night for emergency surgery, so the planned adjustment packet scheduled for 1/9 was not done. Registrant was questioned about general biographic information, and then was taken to Investigations, accompanied by attorney. After some discussion about attorney being present (the officer said no, but after attorney reminded her that it was the law, she consulted with her supervisor, and attorney was allowed to remain with him). Registrant had no criminal or terrorist hits, so he was issued an NTA for violating the terms of his visa, and was released on his own recognizance.

Attorney hesitates to cite this as the "local policy," since this particular registration finished up at 7 p.m. Friday night and everybody was wanting to go home. Attorney also believes that the fact that an attorney was with him, and that he had possible relief, made a huge difference. Attorney believes if he hadn't been there, the scenario may have been different because they would have simply held him over the weekend and processed him on Monday, 1/13.

- Permanent resident from Zambia (not on the Special Reg. list) with a British passport (also not on the list) came in to register because he was confused by the law. Rather than just excusing him, the front desk took his passport, went upstairs and ran a check on him, then questioned him as to whether he had any relatives in the Middle East or any ties to the middle east. Only after all that did they excuse him.

SAN BERNADINO, CA

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Registrant with pending labor certification application under 245(i) detained, and bond set at \$2500. When he was unable to post bond, was transferred to prison facility in Lancaster, CA, then to LA. Wife given runaround when she tried to post bond; attorney told INS had no record of detainee.

SAN DIEGO, CA

INS Office statements:

- If a registrant is currently out of status, the individual will be referred to Investigations
- Section 245(i) applicants will be handled the same as other out of status registrants
- If an individual has past violations of status, but is now maintaining status, no other action will be taken

Reports from individuals/attorneys of actual experiences:

- On 12/16, more than 50 registrants were detained. Reports indicate that many of them have pending adjustment cases or other relief available. As of 12/17, many were still in detention with no bond set.
- Detainees are being transferred to San Diego from other jurisdictions.
- There is a severe backlog on bond redetermination hearings for detainees. As of 12/20, hearings were being set for 1/9.
- Things went well on 1/10. Only one person, whose status and facts are unclear, was detained.

SAN FRANCISCO, CA

INS Office statements:

- Office indicates that they are not arresting or detaining registrants. *(but see reports of actual experiences below, which contradict this statement).*

Reports from individuals/attorneys of actual experiences:

- **Most registrants who were detained were released on own recognizance, or were bonded out. INS stayed open late for posting of bonds.**
- Two Canadian citizens born in Iran were determined not to be subject to Special Registration. One was given a stamp on his I-94 indicating

that he had appeared to register.

- There for 5 hours, including waiting time. Asked extensive questions.
- Requested driver's license, credit and medical cards. Account number taken down from ATM card. I-94 notated.
- Early on, office was unfamiliar with call-in registration and registrants were turned away.
- *Despite office's statement that they are not arresting or detaining registrants, an Iranian who had overstayed his admission, and who has a 245(i) labor certification application pending, was detained and is being held without bond.*
- On 12/18, registrant with pending adjustment application, who had attempted to maintain nonimmigrant status, but encountered problems on technicalities, was detained and an NTA is being written up. No bond decision yet.
- On 12/19, registrant with pending adjustment application detained for 4.5 hours, then released after background investigation. Others seen at the same time were held longer (approx. 48 hours).
- It appears that at least some detainees are being transferred to San Diego.

Treatment of late registrants:

- On 12/18, registrant with pending adjustment application, who had attempted to maintain nonimmigrant status, but encountered problems on technicalities, was detained and an NTA is being written up. No bond decision yet.
- A national of Sudan who appeared for registration on 12/19 was taken into custody.

SAN JOSE, CA

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- No appointments, but registrants should come early.
- Total wait of approx. 1.5 hours.
- Interviewer friendly, but inexperienced and unfamiliar with basic immigration documents. Interviewer read prepared statement asking registrant to confirm that process is strictly voluntary (which it is not) and that he is free to leave at any time. Documents requested were passport, driver's license, employment verification letter, and credit cards. Interviewer was completing a 30-question computerized form. Interview itself took 3 hours. Notation of registration made on I-94.

- Detainees are being transferred to San Diego.
- No need to wait in line if there for special registration—go to head of line and tell guard.
- Person born in Lebanon, but whose mother is European and father a European who was a naturalized U.S. citizen (now deceased), was told by INS that he is not subject to registration.

Treatment of late registrants:

- Two individuals in H-1B status--Canadian citizens born in Iran—went to INS after the deadline to check to see if they were required to register. They were taken into custody, and now have been transferred to San Diego, where they are awaiting a bond hearing scheduled for 1/6.

SANTA ANA, CA

INS Office statements:

- INS Investigations Section Chief indicated that this suboffice will not take into custody registrants with pending adjustment applications if the case is bona fide and there are no other problems. For 245(i) cases, there must be an approved I-140 (labor certification is not enough) or I-130.

Reports from individuals/attorneys of actual experiences:

- A registrant with an approved I-130, but still 1 year from priority date currency, was issued an NTA.

SEATTLE, WA

INS Office statements:

- All late registrations are referred to Investigations, and the basis for failure to register will be considered.
- Inspections officers have received a memo, which INS will not release even under FOIA, advising them on whom to register, and indicating that registration does not include a person just because of where s/he was born. No other information was provided.
- One officer is assigned each day to handle call-in registration. S/he must notify Investigations if there are any status issues.
- Not all cases referred to Investigations will be issued NTAs.
- "Normal practice" is not to arrest people, unless the situation is egregious (failure to depart after final order, outstanding warrants, convictions, etc.). But see reports from individuals/attorneys, below, for actual experiences.

Reports from individuals/attorneys of actual experiences:

- Wait in “take a number” line outside, but don’t need a number once inside. Wait was approx. one hour, and interview lasted about 15-20 minutes. Attorney allowed to be present. Fingerprints captured electronically. Passport was the only document reviewed. Questions included:
 - Where were you born?
 - Home address and phone number
 - Approximately when did you move there?
 - height, weight, hair color, eye color
 - Do you work or go to school?
 - name and address of school/work
 - (For student) What is your major?
 - Where was your visa issued?
 - Who would be your contact if something should happen to you?
- Three registrants were arrested on 1/7/03 (these were the first known arrests in this office). One was an Algerian H-1B who had been laid off. Facts of other 2 cases are unknown.

Treatment of late registrants:

- INS office has indicated that all late registrations will be referred to Investigations, and the basis for failure to register will be considered.

TAMPA, FL

INS Office statements:

Reports from individuals/attorneys of actual experiences:

- Dual national (Iran/Canada) with pending Adjustment of Status told he still must register.

WICHITA, KS

INS Office statements:

Reports from individuals/attorneys of actual experiences

- B-2 overstay with pending 245(i) labor certification application not referred for proceedings. Decision made after call to Kansas City INS office. Entire process took 20 minutes.