

Registration of Certain Nonimmigrant Aliens From Designated Countries
67 Fed. Reg. 66,765-68 (2002)

1 ACTION: Notice.

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3 SUMMARY: This Notice requires certain nonimmigrant aliens to appear before, register
4 with, and provide requested information to the Immigration and Naturalization Service on
5 or before December 16, 2002. It applies to certain nonimmigrant aliens from one of the
6 countries designated in this Notice who were last admitted to the United States on or before
7 September 10, 2002, and who will remain in the United States until at least December 16,
8 2002. The specific requirements are set forth in the Notice.

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11 EFFECTIVE DATES: This Notice is effective on November 15, 2002. Aliens described in
12 this Notice are required to register and provide additional information to the Immigration and
13 Naturalization Service on or before December 16, 2002.

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16 SUPPLEMENTARY INFORMATION: Section 265(b) of the Immigration and Nationality
17 Act ("Act"), as amended, 8 U.S.C. § 1305(b), provides that

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19 [t]he Attorney General may in his discretion, upon ten days notice, require the natives of any
20 one or more foreign states, or any class or group thereof, who are within the United States
21 and who are required to be registered under this subchapter, to notify the Attorney General
22 of their current addresses and furnish such additional information as the Attorney General
23 may require.

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25 Additionally, section 263(a) of the Act, 8 U.S.C. § 1303(a), provides that the Attorney
26 General may "prescribe special regulations and forms for the registration and fingerprinting
27 of . . . aliens of any other class not lawfully admitted to the United States for permanent
28 residence."

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30 The Attorney General has previously exercised his authority under these and other
31 provisions of the Act to establish special registration procedures under 8 C.F.R. § 264.1(f).
32 67 Fed. Reg. 52584 (Aug. 12, 2002). These requirements are known as the National
33 Security Entry--Exit Registration System. In accordance with the authority set forth in 8
34 C.F.R. § 264.1(f)(4), the Attorney General has determined that certain nonimmigrant aliens
35 specified in this Notice shall be registered and required to provide specific information. The
36 Attorney General has the
37 sole discretion to make this determination.

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39 In light of recent events, and based on intelligence information available to the
40 Attorney General, the Attorney General has determined that the aliens described in

1 paragraph (a) of this Notice must appear before the Immigration and Naturalization Service
2 ("Service") and provide certain information. This Notice applies only to certain
3 nonimmigrant aliens from one of the countries designated in this Notice who were last
4 admitted to the United States on or before September 10, 2002, and who will remain until
5 at least December 16, 2002. Based on intelligence information available to the Attorney
6 General, the Attorney General has determined that registering all nonimmigrant aliens from
7 the covered countries would not enhance national security.

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9 Moreover, the Attorney General has determined that it would not be administratively
10 feasible at the present time to register all of the nonimmigrants from the specific countries
11 covered by this Notice, and that the delay occasioned by registering all nonimmigrants from
12 the countries covered by this Notice would jeopardize the national security. Accordingly,
13 the Attorney General has determined that only males aged 16 years or older need to be
14 registered at this time.

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16 Furthermore, the Attorney General has determined that aliens who have, prior to the date of
17 publication of this Notice, applied for asylum, have already provided sufficient information
18 in their applications for asylum, along with their fingerprints, to warrant exclusion from this
19 Notice.

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21 Although section 265(b) of the Act, 8 U.S.C. § 1305(b), provides a minimum period
22 of 10 days notice for covered aliens to provide their current address and other required
23 information, this Notice allows an alien described by the Notice a period of more than 30
24 days to register. The Attorney General has determined that such additional time to register
25 is in the best interests of the United States and has extended this time to register solely as a
26 matter of discretion.

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28 Finally, until further notice, once enrolled within the National Security Entry--Exit
29 Registration System by registration under this Notice, an alien described in paragraph (a) of
30 the Notice is required to register annually with the Service. All aliens described in paragraph
31 (a) shall comply with all other provisions of 8 C.F.R. § 264.1(f)(5) through (f)(9).

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33 A willful failure to comply with the requirements of this Notice constitutes a failure
34 to maintain nonimmigrant status under section 237(a)(1)(C)(i) of the Act, 8 U.S.C. §
35 1227(a)(1)(C)(i). See 8 C.F.R. § 214.1(f). Pursuant to section 237(a)(3)(A) of the Act, 8
36 U.S.C. § 1227(a)(3)(A), an alien who fails to comply with the provisions of this Notice is
37 deportable, unless the alien establishes to the satisfaction of the Attorney General that such
38 failure was reasonably excusable or was not willful. Finally, if an alien subject to this Notice
39 fails, without good cause, to comply with the requirement in 8 C.F.R. § 264.1(f)(8) that the
40 alien must report to an inspecting officer of the Service when departing the United States,
41 the alien shall thereafter be presumed to be inadmissible under, but not limited to, section
42 212(a)(3)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(3)(A)(ii). See 8 C.F.R. § 264.1(f)(8).

1 **Notice of Requirements for Registration of Certain Nonimmigrant Aliens From**
2 **Designated Countries**

3
4 Pursuant to sections 261 through 266 of the Immigration and Nationality Act
5 ("Act"), as amended, 8 U.S.C. § 1302 through 1306, and particularly sections 263(a) and
6 265(b) of the Act, 8 U.S.C. § 1303(a) and 8 U.S.C. § 1305(b), and 8 C.F.R. § 264.1(f), I
7 hereby order as follows:

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9 (a) Scope. Except as provided in paragraph (g), an alien is required to register pursuant to
10 this Notice if the alien:

- 11 (1) Is a male who was born on or before November 15, 1986;
12 (2) Is a national or citizen of one of the countries listed in paragraph (b) who was
13 inspected by the Immigration and Naturalization Service and was last admitted to the United
14 States as a nonimmigrant on or before the relevant date specified in paragraph (b); and
15 (3) Will remain in the United States at least until December 16, 2002.

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17 (b) Designated countries. This Notice is applicable to nationals or citizens of Iran, Iraq,
18 Libya, Sudan, or Syria who were inspected and last admitted to the United States on or
19 before September 10, 2002.

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21 This Notice is applicable to any alien who is a national or citizen of a designated country,
22 notwithstanding any dual nationality or citizenship.

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24 (c) Requirement to appear before an immigration officer. All aliens described in paragraph
25 (a) shall, on or before December 16, 2002, appear before an immigration officer at any of
26 the locations listed in the appendix to this Notice.

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28 (d) Information to be provided. All aliens described in paragraph (a) shall:

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30 (1) Answer questions under oath before an immigration officer, which answers shall
31 be recorded by the immigration officer;

32 (2) Present to such immigration officer:

33 (i) The alien's travel documents, including passport and the Form I-94 issued
34 upon admission, and any other forms of government-issued identification;

35 (ii) Proof of residence, such as, but not limited to, title to land or a lease or
36 a rental agreement, proof of matriculation at an educational institution, and
37 proof of employment; and

38 (iii) Such other information as is requested by the immigration officer; and

39 (3) Shall be fingerprinted and photographed by the immigration officer.

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41 (e) Annual reporting obligations. All aliens described in paragraph (a) shall appear, within
42 10 days of each anniversary of the date on which they were registered under this Notice,
43 before an immigration officer at any of the locations listed in the appendix to this Notice and

1 answer questions under oath. All aliens described in paragraph (a) shall comply with all
2 other provisions of 8 C.F.R. § 264.1(f)(5)-(9).

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4 (f) Notice of Change of Address. All aliens described in paragraph (a) shall advise the
5 Immigration and Naturalization Service, through the filing of Form AR-11, of any change
6 of address within 10 days of such change of address. If an alien fails to notify the
7 Immigration and

8
9 Naturalization Service in writing of a change of address and the new address, as required by
10 section 265(a) of the Act, 8 U.S.C. § 1305(a), the alien may be subject to prosecution under
11 section 266(b) of the Act, 8 U.S.C. § 1306(b), and may be deportable as provided in section
12 237(a)(3)(A) of the Act, 8 U.S.C. § 1227(a)(3)(A). If it becomes necessary to place the alien
13 in removal proceedings, the Immigration and Naturalization Service may use the most recent
14 address provided by the alien for service of the Notice to Appear.

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16 (g) Inapplicability. The requirements of this Notice do not apply to any alien who:

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18 (1) Is presently in a nonimmigrant classification under section 101(a)(15)(A) or
19 101(a)(15)(G) of the Act, 8 U.S.C. § 1101(a)(15)(A) or 8 U.S.C. § 1101(a)(15)(G);

20 (2) Is lawfully admitted to the United States for permanent residence; or

21 (3) Has applied for asylum on or before November 6, 2002, or has been granted
22 asylum, under section 208 of the Act, 8 U.S.C. § 1158.

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24 Dated: November 4, 2002.

25
26 John Ashcroft,
27 Attorney General.

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29 [Appendix Omitted – Designated INS Interviewing Offices for Special Registration]