

Memorandum

TO: Nonimmigrant and Immigrant Applicants
FROM: Seyfarth Shaw Business Immigration Group
DATE: September 5, 2003
RE: Nationalities Affected by Post- 9/11 Legislation

I. “T-7” COUNTRIES (Designated by DOS as State Sponsors of Terrorism):

Citizens of these countries are automatically subject to a full security clearance as a condition to being issued a visa at a U.S. consular post. The clearance is now taking approximately 30-60 days.

Cuba
Iran
Iraq
Libya
North Korea
Sudan
Syria

II. THE “ASHCROFT 20”

Citizens of these countries are automatically subject to a full Security Clearance as a condition to being issued a visa at a U.S. consular post. The clearance is now taking approximately 30-60 days. *Remember: The Security Clearance may be required of any visa applicant from any country at the discretion of the Consular Officer.*

Afghanistan	Eritrea	Malaysia	Saudi Arabia
Algeria	Indonesia	Morocco	Somalia
Bahrain	Jordan	Oman	Tunisia
Djibouti	Kuwait	Pakistan	United Arab Emirates
Egypt	Lebanon	Qatar	Yemen

III. PEOPLE WHO MUST COMPLETE FORM DS-157

There are two categories of people who must complete the DS-157:

- A. All male visa applicants, regardless of nationality, between the ages of 16 and 45; and,
- B. All applicants, regardless of gender or age, with passports or travel documents from China (PRC), Cuba, Iran, Iraq, Libya, Russia, Somalia, Sudan or Vietnam.

Remember: Completion of the DS-157 may be required of any visa applicant at the discretion of the Consular Officer. To view the DS-157 or any DOS form, go to www.travel.state.gov

IV. “SPECIAL REGISTRATION” AT THE PORT OF ENTRY THROUGH NSEERS

Now in Effect: Participants are fingerprinted and photographed on arrival and subject to: (a) 30-day in-person registration; (b) annual registration; and, (c) departure control. For additional information on NSEERS (the National Security Entry Exit Registration System), please go to the INS website at www.ins.gov

There are three (3) groups of individuals who are required to participate in NSEERS:

- A. All citizens of the following countries, regardless of age or gender:

Iran
Iraq
Libya
Sudan
Syria

- B. Male citizens of the following countries who are between the ages of 16 and 45:

Pakistan
Saudi Arabia
Yemen

- C. **“Other”:** In addition to categories (1) and (2) above, there are four other ways a person might be placed in NSEERS:

1. Being a citizen/national of a country listed above or listed in future editions of the *Federal Register*;
2. Notification through the Interagency Border Security System (“IBIS”);

3. Pre-existing criteria as defined by the Attorney General, such as:
 - (i) Unexplained trips to Iran, Iraq, Libya, Sudan, Syria, North Korea, Cuba, Saudi Arabia, Afghanistan, Yemen, Egypt, Somalia, Pakistan, Indonesia, or Malaysia, or the alien's explanation of such trips lacks credibility;
 - (ii) Other travel not well explained by the alien's job or other legitimate circumstances;
 - (iii) A previous overstay in the U.S. on a nonimmigrant visa, where monitoring is now appropriate in the interests of national security;
 - (iv) Meeting characterization established by current intelligence updates and advisories;
 - (v) Identification by local, state, or federal law enforcement as requiring monitoring in the interest of national security;
 - (vi) Behavior, demeanor, or answers indicating that the alien should be monitored in the interest of national security;
 - (vii) Information that causes the immigration officer to reasonably determine that the individual requires monitoring in the interest of national security.
4. Officer discretion. Please note that an officer's decision to refer an alien to the NSEERS program must be approved by a supervisor.

V. Special Registration Within the United States:

The following sections of this memo refer to "Call-in" Registration. Under this system, individuals are required to appear at a District Office of the INS prior to a specified deadline to become registered in the NSEERS system.

A. CALL-IN GROUP #1: Notice in *Federal Register* of November 6, 2002

Deadline was December 16, 2002: Participants must register at an INS District Office **on or before** this date. Failure to register timely will result in an INS "Notice To Appear"(NTA) which will place the individual in deportation proceedings before the Immigration Court. However, please see Section I. below which describes the registration "make-up" period.

This group of individuals includes all males born on or before December 15, 1986 and who were last admitted to the U.S. on or before September 10, 2002, and who are nationals or citizens of:

Iran
Iraq
Libya
Sudan
Syria

Instructions: Individuals must appear at a designated INS office before an INS Officer to complete the registration process, which will include, among other things: a requirement to answer questions under oath, fingerprinting, photographing, and the presentation of acceptable proof of status and residence. It is permitted to report to any participating INS office. (See the *Federal Register* for a complete list.) Individuals will be required to re-report annually within 10 days of their initial registration date.

Such proof as stated above shall include: (1) passport/travel document and Form I-94/I-94W issued upon last admission to U.S.; (2) any other government-issued form of identification; (3) proof of land title, mortgage documents, or rental/lease agreement if living in the U.S.; (4) a statement from a host, a hotel address or bill, company housing information, or other accommodations details if visiting the U.S.; (5) proof of employment (especially if status is employment-based); (6) proof of matriculation and good standing at an educational institution (especially if status is school-sponsored); and, (7) any other related documents felt to be helpful, relevant, or necessary to confirm or clarify residency or status. Such documents may include credit card and bank numbers.

A Word on Dual Nationals: This rule applies to an individual who is a national or citizen of one of these designated countries notwithstanding any dual nationality.

Who is Not Required to Participate in Special Registration?

Please note that the following classes of individuals are not required to participate in this system:

Asylees and applicants for political asylum who filed on or before
November 6, 2002
Individuals in A or G non-immigrant visa status
U.S. citizens or Lawful Permanent Residents (“Green Card” holders)

B. CALL-IN GROUP #2: Notice in *Federal Register* of November 22, 2002

Deadline was January 10, 2003: Participants must register at an INS District Office **on or before** this date. Failure to register timely will result in an INS “Notice To Appear”(NTA) which will place the individual in deportation proceedings before the Immigration Court. However, please see Section I. below which describes the registration “make-up” period.

This group of individuals includes all males born on or before December 2, 1986, who were last admitted to the U.S. on or before September 30, 2002, and who are nationals or citizens of:

Afghanistan
Algeria
Bahrain
Eritrea
Lebanon
Morocco
North Korea
Oman
Qatar
Somalia
Tunisia
United Arab Emirates
Yemen

For further details, please see Instructions in Section E. above.

C. CALL-IN GROUP #3: Notice in *Federal Register* of December 16, 2002

Registration Period is January 13, 2003 to March 21, 2003 (extended from February 21st): Participants must register at an INS District Office **on or before** this date. Failure to register timely will result in an INS “Notice To Appear”(NTA) which will place the individual in deportation proceedings before the Immigration Court.

This group of individuals includes all males born on or before January 13, 1987, who were last admitted to the U.S. on or before September 30, 2002, and who are nationals or citizens of:

Pakistan
Saudi Arabia

For further details, please see Instructions in Section E. above.

D. CALL-IN GROUP #4: Notice in *Federal Register* of January 16, 2003

Registration Period is February 24, 2003 to April 25, 2003 (extended from March 28th): Participants must register at an INS District Office **on or before** this date. Failure to register timely will result in an INS “Notice To Appear”(NTA) which will place the individual in deportation proceedings before the Immigration Court.

This group of individuals includes all males born on or before February 24, 1987, who were last admitted to the U.S. on or before September 30, 2002, and who are nationals or citizens of:

Bangladesh
Egypt
Indonesia
Jordan
Kuwait

For further details, please see Instructions in Section E. above.

VI. IMPORTANT INFORMATION REGARDING “MAKE-UP” DATES

Notice in *Federal Register* of January 16, 2003

Individuals who are members of **CALL-IN GROUP #1** or **CALL-IN GROUP #2** and who have missed their registration deadline may now take advantage of an additional registration period. This period will run from **January 27, 2003 to February 7, 2003**. Applicants should refer to the Instructions in Section E. above for more details.