



U.S. Department of Justice
Immigration and Naturalization Service

HQINS 70/28

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

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MEMORANDUM FOR REGIONAL DIRECTORS
SERVICE CENTER DIRECTORS
CHIEF PATROL AGENTS
DIRECTOR OF INTERNATIONAL AFFAIRS
OFFICER DEVELOPMENT AND TRAINING
FACILITY, GLYNCO
OFFICER DEVELOPMENT AND TRAINING
FACILITY, ARTESIA
DIRECTOR, LAW ENFORCEMENT SUPPORT CENTER

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

SUBJECT: Standard Operating Procedures for Alien Registration – IFM Update IN02-34

Effective on September 11, 2002, the policies and procedures outlined in this document shall be followed when processing aliens subject to special registration procedures, also known as the National Security Entry Exit Registration System (NSEERS). The legal requirements for this program are found in 67 FR 52584 (August 12, 2002) [to be codified at title 8 Code of Federal Regulations, part 264.1(f), [8 CFR 264.1(f)]

The following information will update the Inspector's Field Manual (IFM). In order to present Inspections personnel with a comprehensive picture of the program, the update contains material specific to other programs as well. The IFM as well as each program's field manuals will be updated with this material in a future release of INSERTS.

Although this memorandum sets forth an update to the IFM, it is to be construed as interim guidance for all programs. As countries are added to and removed from this program and lessons are learned with regards to its operation, these policies will be updated over time.

Address questions to the following points of contact within each program.

Inspections	Stephen Dearborn	(202) 305-2970
INS Services or Adjudications	Len Gradowski	(202) 307-0208
Investigations	Ron Dodson	(202) 616-7310
Border Patrol	Steve Evans	(202) 616-7444
Detention and Removal	Bret Bradford	(202) 353-7774

The NSEERS, or special registration system, replaces the previous special interest alien procedures that applied to certain nonimmigrants from Iran, Iraq, Libya and Sudan. While this policy does not enumerate the countries whose nationals and citizens will be subject to special registration, or NSEERS, it does specify the procedures for secondary processing of those who are subject to special registration. These procedures become effective on September 11, 2002. Please refer to part (a)(2) of this policy for a discussion on identification of the population that will be subject to NSEERS registration. The information contained in this policy applies to other programs in addition to Inspections. The regulatory authority for this program can be found at 8 CFR 264.1(f).

(a) Inspections.

- (1) Exemptions. Arriving nonimmigrant aliens subject to NSEERS, or special registration, will be registered at the arriving ports-of-entry (POEs), except those applying for admission pursuant to section 101(a)(15)(A) and (G) of the Immigration and Nationality Act (Act), or otherwise bearing "A" or "G" visas, or those who have been previously granted a waiver of the special registration requirements by a district director (at a district or sub office) and that waiver is valid for multiple entries and is unexpired. Please refer to section (a)(9) and (b)(7) for more information on waiver of special registration requirements. Registration requirements do not apply to members of the NATO armed forces, seeking to enter the United States pursuant to 8 CFR 235.1(c). In addition, these procedures do not apply to nonimmigrants who have been granted a waiver of the registration requirements by the Secretary of State.

The initial capture of special registration data applies to aliens who apply for admission to the United States as nonimmigrants. Therefore, this policy does not apply to Lawful Permanent Residents, aliens who have been granted asylum, or refugee status, or any other class of alien who is not applying for admission as a nonimmigrant, including International-to-International (ITI) passengers; however, this policy does apply to applicants for admission under the Transit Without Visa (TWOV) program.

Although nonimmigrant crewmen, applying for admission pursuant to section 101(a)(15)(D) of the Act, are not exempt from the special registration provisions set forth in this policy, the Immigration and Naturalization Service (INS) will not impose the departure provisions on such aliens at this time. Therefore, alien crewmen will register upon arrival; however, until further notice such aliens may depart from any point-of-embarkation without reporting their departure at an authorized port-of-departure (POD). Specially registered nonimmigrant crewmen must comply with all other provisions of this policy. While it is understood that nonimmigrant crewmen are typically authorized to stay in the United States for 29 days or less, they must report to the district office for an interview if they remain in the United States 30 days or more. While crewmen are exempt from the departure control portions of this particular policy, the manifest requirements of section 251 of the Act still apply.

- (2) Identification. Aliens subject to special registration are: those who meet pre-existing, or established criteria determined by the Attorney General (to be published via a separate policy memorandum) to indicate that the alien warrants monitoring for national security or law enforcement interests; those who a consular officer has determined meet pre-existing criteria as determined by the Secretary of State and are identified through the Interagency Border Inspection System (IBIS); or those who are identified as being citizens or nationals of a country designated by the Attorney General in the Federal Register. In addition, with the concurrence of the supervisor or acting supervisor, an officer may exercise discretion and register any nonimmigrant (other than the exemptions listed in part (a)(1) above), provided that the officer has a reason to believe that such a registration is warranted for national security or law enforcement purposes. For more information and limitations on discretionary registration please refer to part (a)(3)(F) of this policy.

A Federal Register notice was published in 1998, stating that nonimmigrants (other than those who apply for admission under section 101(a)(15)(A) or 101(a)(15)(G)) from Iran, Iraq, Libya and Sudan are subject to the requirements of 8 CFR 264.1(f). That notice remains in effect; however, a notice is expected to be published on or about September 11, 2002, that will supersede the currently published notice.

In any case, many special registrants will be identified through application of the pre-existing criteria. For this reason, it is imperative that all officers conducting immigration inspections be familiar with and understand the pre-existing criteria and the pertinent Federal Register notices. This includes U.S. Customs (USCS) officers who perform INS inspections. Therefore, please ensure that this policy is shared with USCS. A USCS officer performing an INS inspection must refer identified special registrants to INS for secondary processing.

In most cases, IBIS lookouts for nonimmigrant aliens subject to special registration will contain the code "NSER." The remarks will instruct the officer to refer the alien to secondary for NSEERS, or special registration.

It is possible that officers will encounter aliens who fall within one of the categories of aliens subject to registration, but who will have a record in IBIS that indicates the alien should NOT be subject to NSEERS, or special registration. In such a case, the IBIS notification will include the code "EXMT" and the remarks will state that the alien is exempt from NSEERS, or special registration, and that the alien should NOT be referred to secondary unless other reasons relating to admissibility warrant such a referral.

- (3) Primary Inspections. Aliens subject to special registration must still undergo a full primary inspection, including record checks (according to current INS policy), before being referred for special registration. This is to determine if potential lookouts, or registration exemptions exist. This policy does not alter

existing guidance on IBIS or other database queries. In cases where IBIS is unavailable, follow existing INS guidance on systems back-up procedures, issued on March 21, 2002. The primary inspecting officer must communicate all known information to the secondary officer (via the IBIS referral screen or other method if IBIS is unavailable), including the necessity for special registration. In any case, special registrants will be identified by applying pre-existing criteria, Federal Register notice, database lookout record or officer discretion based on preexisting criteria established by the AG. Therefore, all officers conducting immigration inspections (including USCS officers) must fully understand the factors that will determine if an arriving nonimmigrant must be referred for special registration [refer to part (a)(2) of this policy].

Upon referral for special registration, issue the potential registrant a pamphlet that explains the special registration process. Headquarters will provide these pamphlets.

- (A) Vehicle inspections. Arriving aliens will be inspected as appropriate according to current INS policy. When an arriving alien, who is applying for admission as a nonimmigrant, is referred for special registration, the inspector will note on the IBIS referral screen that the applicant was referred to secondary as an alien subject to special registration. Whether referred to secondary through IBIS or not, the primary officer must insure that the secondary officer understands that the alien is being referred for special registration. As usual, the primary officer must also communicate all known information regarding inadmissibility to the secondary officer.

Under current policy, not all occupants of a vehicle are queried through IBIS; thus, not all potential special registrants will be identified to the inspector by IBIS. Because NSEERS, or special registration is a critical national security effort, officers conducting vehicle primary inspections must be familiar with and understand the factors that would determine whether the alien is subject to special registration, in order to carefully determine on an individual basis if any person in the vehicle is subject to registration. In some instances at land border primary inspections, the officer will determine only through careful questioning that an individual may be subject to special registration.

In cases where aliens subject to special registration are identified at a POE without IDENT/ENFORCE (I/E), or I/E is not operational, the registration process occurs in accordance with the procedures outlined in part (a)(10) of this section.

- (B) Commercial Carrier Passengers. Aliens arriving by commercial air or sea will be queried through IBIS, Advance Passenger Information System (APIS), National Automated Immigration Lookout System (NAILS) or Portable Automated Lookout System (PALS) in accordance with current policy regarding IBIS queries. When an arriving alien is queried through

IBIS and is referred to secondary for special registration, the inspector will note on the IBIS referral screen that the applicant was referred to secondary as an alien subject to special registration. Whether referred to secondary through IBIS or not, the primary officer must ensure that the secondary officer understands that the alien is being referred for special registration. As usual, the primary officer must also communicate all known information regarding inadmissibility to the secondary officer.

In cases where aliens subject to special registration are identified at a POE without IDENT/ENFORCE (I/E), or I/E is not operational, the registration process occurs in accordance with the procedures outlined in part (a)(10) of this section.

- (C) Pedestrian Non-Citizens of a Contiguous Territory. Pedestrians will be queried through IBIS, NAILS, or PALS as appropriate according to current INS policy. Pedestrians arriving from Canada or Mexico who are not citizens of the United States, Canada or Mexico should be queried. This is to ensure that inspecting officers are aware of database notifications for or exemptions from special registration requirements. When an arriving alien is referred to secondary for special registration, the inspector will note the IBIS referral screen that the applicant was referred to secondary as an alien subject to special registration. Whether referred to secondary through IBIS or not, the primary officer must ensure that the secondary officer understands that the alien is being referred for special registration. As usual, the primary officer must also communicate all known information regarding inadmissibility to the secondary officer.

In cases where aliens subject to special registration are identified at a POE without IDENT/ENFORCE (I/E), or I/E is not operational, the registration process occurs in accordance with the procedures outlined in part (a)(10) of this section.

- (D) Commercial vehicles. Commercial vehicles will be processed under the same vehicle guidelines outlined in part (A) of this section.
- (E) Other conveyances. Aliens arriving by private aircraft or vessels, or as train passengers will be queried in IBIS, NAILS or PALS in accordance with current policy. Aliens arriving via such conveyances and subject to special registration will be registered. In cases where aliens subject to special registration are identified at a POE without I/E, the registration process occurs in accordance with the back-up procedures outlined in part (a)(10) of this section.
- (F) Inspector discretion. At the discretion of the primary inspector, and regardless of the nationality of the arriving alien, the inspector may refer any nonimmigrant alien (other than those applying for admission under section 101(a)(15)(A) and (G) of the Act) to secondary to ascertain if the arriving alien should be subject to special registration. However, such

discretionary special registration must have supervisory concurrence at a level determined by the district director. The supervisor should approve such a registration if there is a reason to believe, and the officer can articulate, that the arriving alien meets pre-existing criteria as established by the AG to indicate that the alien warrants monitoring for national security or law enforcement interests. For more information on the established criteria, please refer to part (a)(2) of this policy.

For example, a case that might warrant discretionary registration could be: a nonimmigrant alien who is a dual national and is applying for admission as a national of a country that is not subject to special registration, but the alien's other nationality would subject him or her to special registration.

- (4) Secondary Inspections. The term "secondary inspection" refers to a process rather than a location. At some POEs, special registration might take place in a secondary inspections office, or it might take place at another designated location. Regardless of the location, the process is outlined below.

- (A) Special Registration/admissible alien. After completing a routine secondary inspection, including all applicable database queries, each alien identified as a special registration candidate (including crewmen) will be enrolled into IDENT/ENFORCE (I/E) by taking both index finger prints and a photograph. The required data elements will be obtained under oath from the alien, and recorded in I/E. A field in the I/E registration screen allows the officer to attest that the alien was placed under oath.

If an index fingerprint is unreadable or injured, an alternate print from the same hand will be utilized, and noted in the I/E system.

Special registration does not necessarily bear on the length of the nonimmigrant alien's period of admission. Therefore, unless other information is discovered that might otherwise limit the duration of admission (such as an I-515 for a student), special registrants should be admitted for the appropriate period of time for their class of admission.

Nonimmigrant aliens who have not complied with the terms of a previous special registration, by not having their departure recorded by INS if it was required (departure provisions become effective on October 1, 2002), may be presumed inadmissible pursuant (but not limited to) to section 212(a)(3)(A)(ii) of the Act. Officers should carefully consider the totality of circumstances before applying this ground of inadmissibility. To apply this particular ground of inadmissibility, the officer must know, or have a reason to believe, that the alien seeks to enter the United States to engage in unlawful activity. The 212(a)(3)(A)(ii) charge does not fall into the security grounds removal procedures cited in section 235(c) of the Act. Inspecting officers may take and consider any evidence that an alien complied with the terms of his or her previous admission and registration or that failure to do so was beyond his or her control. For example, even in

cases where an alien's departure under special registration is required, but not recorded in I/E, or the alien is not in possession of a departure stamp, the inspecting officer may consider other evidence that the alien complied with the terms of his or her previous admission and registration or that failure to do so was beyond his or her control, and may subsequently admit such an alien (and register if applicable) upon approval by a supervisor, or acting supervisor at a level to be determined by the district director.

- (B) Inadmissible aliens. As noted in part (a)(1) of this policy, NSEERS registration applies to certain aliens who apply for admission as nonimmigrants. During secondary inspection, while the alien is applying for admission as a nonimmigrant, special registration information will be captured on aliens who meet the criteria for special registration, before it is officially determined whether they are admissible.

Whether an inadmissible alien is being processed under Expedited Removal (including credible fear), Visa Waiver Refusal, Withdrawal of Application for Admission, Security Grounds Removal under section 235(c) of the Act, or Removal Proceedings under Section 240, process the alien using the established removal procedures for these cases. Refer to chapter 17 of the IFM for more information on these processes. However, as stated above the potentially inadmissible alien (including crewmen who may be refused) will be fingerprinted and photographed and asked to provide the special registration data prior to the final determination of his or her inadmissibility. This data will be entered into I/E, including departure data when the alien is immediately removed from the United States.

Furthermore, Form I-94 must contain not only the required information outlined in chapter 17 of the IFM, but also the Fingerprint Identification Number (FIN) and other information as stated in part (a)(4)(D) of this policy. The FIN will be generated by the I/E system.

Inadmissible aliens who would have been subject to special registration had they been admitted, must not be released from INS custody until removed from the United States. Aliens subject to special registration who are having their inspection deferred must remain in custody until the registration data (including photographs and fingerprints) is collected.

- (C) IDENT/ENFORCE hits. When processing an alien in I/E for special registration and an IDENT hit is encountered, confirm the identity of the match by contacting the Western Identification Network Automated Fingerprint Identification System at (619) 662-7001, 7002, 7003. Follow the Inspections IDENT Standard Operating Procedure for I/E hits, and/or existing INS policy. Refer I/E hits on terrorist information to the Joint Terrorism Task Force (JTTF), through your local chain-of-command.
- (D) Form I-94 issuance & FIN notation. The collection of the I/E photograph, fingerprints, and biographical data must be completed prior to making an

official determination of admissibility (or inadmissibility); if admissible the alien will be issued a Form I-94.

The Form I-94 will be annotated with the FIN, placed on the arrival and departure portions of the Form I-94 above the family name.

The words "**SPECIAL REGISTRANT**" will be annotated or stamped on the reverse of the Form I-94 on both the arrival and departure portions. On the arrival portion, this notation will be placed in the "Itinerary/Comments" section. On the departure portion this notation will be made in the "Record of Change" portion.

Some locations have the ability to produce a Form I-94 from the I/E system that includes the alien's photograph. This system-generated Form I-94 is desirable, but not required.

Officers are to ensure the Form I-94 and passport information collected for I/E match precisely. The I/E screen utilized for special registrants will allow for editing the data.

The FIN should be noted on the alien's nonimmigrant visa, but it should not be written over any existing data. When an alien is not in possession of a nonimmigrant visa, the FIN will be placed in the alien's entry document along with the admission stamp. This step may be omitted when the alien is not in possession of either a passport or visa.

(E) Advisory materials. The alien must be served with materials advising him or her of the following requirements:

- To notify the INS of any change of address, school or employment if the alien is staying 30 days or more, within 10 days of such a change.
- To report to the district or sub-office having jurisdiction over his or her place of temporary residence for an interview between the thirtieth and fortieth days of his or her stay if the alien remains in the United States for 30 days or more. During that interview the alien will be required to demonstrate that he or she is maintaining nonimmigrant status. Failure to appear for interview will constitute a violation of his or her nonimmigrant status and may result in his or her removal.
- Annually thereafter (on the anniversary of his arrival), similar to the 30 day interview, the alien must report to the district or sub office having jurisdiction over his or her temporary residence, if the alien remains in the United States that long. Failure to appear for interview will constitute a violation of his or her nonimmigrant status, and may result in removal from the United States.
- Beginning on October 1, 2002, report to INS prior to departing the United States to enable the agency to verify his or her departure. He or she will be told where to report, and what ports of departure are available to him or her. Failure to have his or her departure

verified, or to meet other registration requirements could render the alien inadmissible in the future or could preclude him or her from obtaining a visa.

Documents advising the alien of these requirements (called "walk-away materials") will be sent to the field to be given to the alien.

The I/E screen will have a block for the officer to certify that the walk-away materials have been provided to the alien.

Questions regarding walk-away materials should be forwarded to the Office of Community Programs, Office of Field Operations, 425 I St. N.W., Washington, D.C. 20536.

- (5) Required participation. Pursuant to 8 CFR, 214.1(f), the admission of a nonimmigrant who is subject to special registration is contingent upon compliance with the requirements of 8 CFR, 264.1(f). Upon application for admission, aliens who are subject to special registration and who refuse to comply with the requirements of the registration process are effectively stating that they do not intend to comply with the terms of admission that they are seeking. Therefore, such aliens are inadmissible under section 212(a)(7)(A)(i)(I) or (B)(i)(II) of the Act, as appropriate (if refusal to comply with the terms of special registration is the only basis for the alien's inadmissibility). Such an alien is either not a bona fide nonimmigrant as defined in section 101(a)(15) of the Act, or not in possession of the appropriate nonimmigrant visa for the intent of his or her trip. They will be subject to Expedited Removal (ER), but should be allowed to withdraw their application for admission in lieu of ER at the discretion of the Service. Please refer to IFM chapters 17.2 and 17.15 for more information regarding withdrawal of application for admission and expedited removal respectively. Through the withdrawal of application for admission process, photographs, fingerprints are taken via IDENT enrollment and additional data can be captured via the Q&A. This information should be obtained and entered into I/E. Therefore, it must be made clear to potential special registrants who do not wish to comply with the terms of special registration that they will still be photographed, fingerprinted and asked to provide additional data. The collection of the photograph, fingerprint and additional data will be collected as part of the process for their removal from the United States, or withdrawal of application for admission not under 8 CFR, 264.1(f).
- (6) Alternative Inspections. Aliens who are identified as being subject to special registration, regardless of any special registration waivers granted, are not eligible to participate in any alternative inspection program and must be removed from such systems. This includes, but is not limited to, Secure Electronic Network for Traveler's Rapid Inspection (SENTRI), NEXUS, INSPASS and the I-68 Small Boat Program. Once an alien has been identified as requiring NSEERS or special registration, the alien must adhere to all of the

requirements of the NSEERS program, including departure control where applicable, for each arrival and departure.

- (7) Departure and Readmission. Upon departure, including visits to Mexico, Canada or adjacent islands, the alien must notify INS of such departure and leave through a designated POD, on or after October 1, 2002. Aliens who were subject to special registration and did not report their departure to INS may not be eligible for readmission, including automatic visa revalidation, when attempting to return to the United States.

Officers conducting departure control, pursuant to 8 CFR 264.1(f)(8), must attempt to determine if departing aliens intend to avail themselves of automatic visa revalidation. In such cases, the departure must be recorded in I/E, but the alien should retain his or her original Form I-94. When processing such aliens upon their return, a new special registration will be performed. If admissible, they may be admitted for the balance of their previous admission.

- (8) Aliens in Transit. Nonimmigrants who are subject to special registration and who are eligible to apply for admission under 8 CFR 212.1(f) (Transit Without Visa) shall be registered as described in this policy. However, if the alien intends to depart the United States from an unauthorized POD, his or her departure information will be collected and entered into I/E during the arrival registration. If the alien is intending to depart the United States through an authorized POD, then the departure information will be collected at the departure site listed in the walk-away materials. Refer to part (a)(1) for exemption for ITI passengers.

- (9) Aliens Requesting Waiver of Special Registration Requirements. Aliens who have been registered in the special registration program can make a request to the district director for a waiver of all, or part, of the special registration requirements. This waiver can be granted for up to one year and remains valid upon departure from the United States. Therefore, a nonimmigrant alien, applying for admission, who has been granted a waiver and the waiver has not expired, can be admitted without registration. Information on waivers granted to aliens who have been registered will be updated in I/E by the approving district office. For more information please refer to part (b)(7). Please refer to part (a)(5) for aliens who refuse to participate in the registration procedures.

If a secondary inspecting officer encounters an alien who has been granted a waiver by the district director, it should be noted in the IBIS secondary disposition remarks, in I/E, on the reverse of the Form I-94 and adjacent to the passport admission stamp (where a passport is required).

Not to be confused with a waiver, either the Secretary of State, or the Attorney General can exempt individual nonimmigrants from the special registration requirements upon application for admission to the United States. Some of these exemptions will be posted in IBIS by the Department of State. In those cases, IBIS will alert the officer that this particular alien is exempt from special

registration (or NSEERS) requirements. Please refer to part (a)(1) of this policy for current special registration exemptions.

- (10) **Backup procedures.** If the I/E system is not operational or a POE does not have access to I/E (such as remote seaport inspections), every special registrant alien will be run in IBIS, NAILS or PALS, in accordance with current policy. The data that would normally have been collected in I/E will be recorded under oath in question and answer format on Form I-877. The title of the statement will be "Special Registration, or National Security Entry-Exit Registration System (NSEERS)."

The print from each index finger will be recorded on a Form FD-258, Applicant Fingerprint Card, and a photo taken (digital preferred 1 inch x 1 inch). While the FD-258 will contain some of the same data that will be collected in the Q&A, all of the biographic data on the FD-258 must be completed. The Q&A and fingerprints will be sent, via fed-ex account (number to be provided), from the POE to Biometric Support Center (BSC) at 801 I Street NW, Room 862, Washington, DC 20536. **Mark the envelope "Attn: Special Registration."** Immediately fax all back-up material (FD-258, photographs and Form I-877) to the BSC at (202) 305-2824. The BSC can be reached at 202-307-6937. Please refer to part (10)(E) for forwarding instructions.

In addition to the port code, date and Officer's name, the following data will be collected from the special registrant through examination of documents and questioning of the alien under oath (underlined items are mandatory):

Control (family/last) Name, First (given) Name, Middle Name, Nationality (list both if dual national and list first the nationality that the alien is using to apply for admission), Place of Birth (country & city/province), Sex, Birth Date, Height, Weight, Hair Color, Eye Color, Purpose of Visit, Names of Father & Mother, Dates of Birth of Father & Mother, Points of Contact in Alien's country of Origin, Address While in the United States, Phone Number While in the United States, Miscellaneous Numbers (such as I-94, SSN, perforated document number), Visa Place of Issuance, Visa Date of Issuance, Visa Expiration Date, Passport Number, Passport City/Place of Issuance, Passport Date of Issuance, Passport Date of Expiration, Airline and flight number, Arrival Date, Vessel Name, Vessel Country of Registration, POE Code, Entry Date & Time, Entry Status (class of admission if admissible or type of removal process if inadmissible), Departure Status/Departure Date, Departure Reported/Verified, Waiver of Special Registration Requested, Waiver of Special Registration Granted/Denied, Walk-Away Materials Issued

Note that passport and visa information are not always mandatory fields. Where a special registrant is in possession of either of these documents, those data elements become mandatory.

Note also that there is a space for "Miscellaneous Numbers," and passport number is listed as an example. "Passport Number" is also listed as a separate data element. This allows an inspecting officer to capture a preprinted booklet number or perforated passport number in the "Miscellaneous Numbers" field when that number differs from the issued passport number that is cited on the passport's biographical page.

In the case of a registration being undertaken where an A-number or petition number exists, that number should be listed as a Miscellaneous Number as well.

While both air and sea carrier information is listed as mandatory, it is required that the alien's manner of arrival is included whether it is by air or sea.

- (A) Prints unobtainable. If an index finger is unreadable/injured/missing, an alternate fingerprint from the same hand will be utilized and placed in the appropriate block of the Form FD-258.
- (B) Photographs. Each special registrant will be photographed (digital preferred). Send the photographs with the documents to the BSC.
- (C) No FIN available. Upon conclusion of the interview, if it is determined the arriving alien is admissible, a Form I-94 will be issued. It will be annotated as described in part (a)(4)(D) of this section. However, since the inspecting officer will not have access to I/E, the FIN will not be available to note on the Form I-94, the photo, or the visa. In such a case it is not required.
- (D) Verification of walk-away material delivery. The alien will be served with walk-away materials in accordance with part (a)(4)(E) of this section. However, if I/E is inaccessible or unavailable, verification of service of the walk-away materials will be noted on the Q & A.
- (E) Forwarding of registration material. The material collected under this back-up procedure will be faxed immediately to the BSC at (202) 305-2824, for remote entry into I/E. In addition, the hard copy of the material will be sent daily via Federal Express to the following address:

**Biometric Support Center
Attn: Special Registration
801 I St., N.W. Room 862
Washington D.C. 20536**

- (F) Local recordkeeping. The POE must retain and file chronologically, or by other retrievable method as locally determined, a copy of all material gathered under this procedure. By querying the alien's biographic data in I/E, the POE can determine that the registration information has been

updated into I/E. Once it is confirmed that the BSC has received the back-up material (the Federal Express copy, rather than the fax copy) and it has been entered into I/E, the port's copy can be destroyed via shredder. The BSC will retain the hard copy of the back-up material for future retrieval.

(11) Recording Departure of Special Registrants.

- (A) Authorized PODs. On or after October 1, 2002, and until further notice, special registrants may only depart through specified PODs, designated in the most recent applicable Federal Register notice, and they must register their departure with the INS. ***Failure to report, in person, to INS at the time of their departure could render them inadmissible upon their next arrival to the United States.***
- (B) Additional PODs. Because additional PODs will be added over time, authorized PODs will be published in the Federal Register and will be cited in the walk-away material described in part (a)(4)(E) of this policy that is provided to the alien.

(12) Departure Information.

- (A) Intent to Depart. Upon reporting for departure, special registrants should demonstrate that they intend to depart the United States on the day they report. To do so, they may show onward tickets or boarding passes, where applicable. The amount of evidence that is provided to the inspecting officer will vary depending on where and how the departure takes place. For example, at an airport, a boarding pass could be shown if the review takes place inside the airport security checkpoints. However, if the interview takes place prior to airport security and prior to check-in, the alien might only provide a ticket. At any location (air, land or sea), the officer should interview the departing registrant and examine the evidence provided (if any) and make a determination that the special registrant intends to depart the United States. Where logistically possible and operationally feasible, the officer should witness the departure and annotate I/E to that effect.
- (B) Annotating Departure. The inspecting officer will examine the alien's identity document(s) and Form I-94 and record the registrant's departure in I/E. This process is most quickly and reliably accomplished by fingerprinting the departing alien on I/E. When the record comes back, update the registration screen with the departure date and verification. To ensure that the normal Form I-94 process is not infringed upon, lifting the Form I-94 is not required of the inspecting officer. Depending upon where the departure control point is established, it is possible that the alien's Form I-94 was lifted by the carrier prior to examination upon departure.

In cases where the departure site does not have access to I/E at that location, the departure information must be recorded for later input into I/E. The information collected should contain the special registrant's last name, first name, date-of-birth, FIN number, intended departure date, carrier name, flight number, or vessel name.

If I/E is not available at the departure site and the alien's fingerprints cannot be taken upon departure, the record can be accessed, at a later time, by using the FIN shown on the Form I-94. In those cases the inspecting officer must verify the identity of the alien by comparing the passport photograph or other identification documents with the subject.

If the alien has lost his or her I-94, or it was previously collected by the carrier, examine the passport and nonimmigrant visa to determine if the FIN number has been annotated therein.

If the alien was registered using the back-up procedures contained in part (a)(9) of this policy (which generates no FIN to be shown in the registrant's documents), the I/E record must be retrieved by name and date of birth search. Once the record is located, enter the FIN number on the following documents, if they are available: Form I-94, nonimmigrant visa and/or adjacent to the admission stamp (for the entry in question).

It is imperative that the departure data be entered into I/E immediately and accurately since it could bear on the admissibility of the alien upon his or her next application for admission. All departure information must be entered into I/E within 24 hours of the registrant's departure.

I/E records can be compared with a carrier's departure manifest to determine if the registrant actually departed.

- (C) Passport stamp. The inspecting officer will place an authorized departure stamp in the registrant's passport (where a passport was required for admission). The stamp should be placed as close to the associated admission stamp as possible. The alien should be advised to keep this evidence in order to demonstrate his or her compliance to a consular or inspecting officer upon future applications for a visa or admission.
- (D) Exemption from Departure Recording. Aliens who are granted a waiver of the registration or departure requirements are not subject to part (a)(12) of this policy. Please refer to part (a)(1) of this policy for an exemption of departure requirements for nonimmigrant crewmen.
- (E) Violations of status or warrants discovered. When an inspecting officer discovers that a special registrant has violated his or her nonimmigrant status, a lookout can be entered on the alien in accordance with the IFM, chapter 31.5. If a violation is discovered, the matter will be referred to Investigations, or other INS interior enforcement component, for action they deem appropriate. However, the purpose of examination for special registration purposes upon the alien's departure is not to interfere with the

departure of an alien, or to discover such violations; it is simply to input information on the registrant's departure. Therefore, the inspecting officer must communicate to Investigations the nature of the violation and the amount of time that they have to respond before the alien's planned departure.

- (F) Warrant hits. If I/E is used to retrieve the alien's special registration record, and that query reveals that the alien is the subject of an outstanding warrant of arrest, the originating agency will be advised through normal channels.

(b) Adjudications

- (1) Identifying registrant. Prior to arriving at district or sub offices, the Foreign Terrorist Tracking Task Force (FTTTF) will analyze the data taken at the POE relating to registrants to determine whether they must be interviewed by Investigations or Adjudications. Adjudicators will only interview registrants who have not been identified as being of interest to the FTTTF. These steps are to determine where the registrant should be directed.
 - (A) Field office monitors and surveys the information lobby to identify walk-in National Security Entry Exit Registration System (NSEERS), or special registrants. Registrants must receive same-day processing, provided they have been in the U.S. for a minimum of 30 calendar days.
 - (B) Information Officer requests proof of identity. Special registrants should provide Passport and Form I-94. If the applicant did not bring passport or Form I-94, identity can be checked in I/E.
 - (C) The Joint Terrorism Task Force will screen lists of registered aliens and annotate the comments section of I/E regarding any information discovered through this screening process. Based on these comments, such aliens could be referred to Investigations for the 30-day interview. Please refer to part (c)(3) of this policy for more information on the lists.
 - (D) Registrant is directed to appropriate special registration interviewing officer.
- (2) Adjudications interview. The objective of the interview is to confirm the registrant's adherence to the itinerary and statement of intentions he or she provided at the port-of-entry, or last interview. The first interview will take place after day thirty and before day forty-one of the alien's stay. Aliens reporting beyond this 10-day window will be referred to Investigations; however, between the offices of Investigations and Adjudications, prosecutorial discretion may be exercised on a case-by-case basis. Thereafter, interviews will occur on a yearly basis within 10 days of the anniversary of the last admission. The officer will take a digital photo and record a press print of the index fingers in IDENT to verify registrant's identity. This automatically brings up the applicant's file on the ENFORCE/IDENT (I/E) monitor. While waiting for the file to load on to the screen, the officer can start the interview by inquiring about the following general information:
 - Purpose of trip (business, employment, vacation, school, other)
 - Financial support (source & amount of financial support from abroad, is the alien self-supporting, does he or she have a bank account, etc.)
 - Length of stay
 - Name of contact(s) in U.S.

- Contact(s) address and telephone number(s)
 - Review any supporting documents brought in by the registrant as support (school identification, employment letter, housing agreement, etc.)
 - Whether the alien has been arrested since entry
- (3) Interview Questions. Once the I/E screen appears, the registrant's itinerary, as given at the POE, will be available. After reviewing this screen, the officer should continue with the interview in order to confirm the registrant's adherence to the itinerary and statement of intention provided at the port-of-entry or last interview. Officers should only ask questions that are pertinent to establishing the registrant's compliance with the terms of his or her admission. Depending on the registrant's class of admission, the following sample questions may be used to determine if they remain in a lawful status.
- (A) Business
- Name of your company (address & phone number)?
 - Principal business of company?
 - What do you hope to accomplish on this trip?
 - Name of company you are visiting in United States?
 - How long have you been associated with this United States company?
 - When do you expect to conclude your business in the United States?
- (B) Employment
- Where do you work? (address & phone number)
 - Describe what you do in this business.
 - What other cities/states/countries will you be traveling to as part of your employment?
 - How far is it from your house to your office?
 - How do you get from home to work?
- (C) School
- What school are you attending? (name of school/address & phone number)
 - What courses are you taking?
 - Are you currently enrolled in a full course of study?
 - When did you last attend class and when is your next scheduled class?
- (D) Tourist
- What cities will you be visiting?
 - Where will you be staying? (Name & phone number)
 - What types of activities have you engaged in?
 - Mode of transportation to be used during trip?
 - What is the remainder of your itinerary?
- (4) Continuation of Interview. Only with supervisory concurrence may the interviewing officer continue the interview for additional documentation for up to seven (7) calendar days.

- (5) Unregistered Applicants. Aliens who appear to meet registration criteria but have been lawfully admitted to the United States without having been registered at the POE should not be registered, unless they have been notified to report to the Service for registration through publication in the Federal Register. Subsequent to such a publication, if an interviewing officer discovers an applicant who meets the registration criteria, but has not been previously registered, the interviewing officer must determine if the applicant arrived after the effective date of the Federal Register notice. The interviewing officer must then examine this policy in order to determine if the applicant is exempt from, or has been granted a waiver [see Inspections section paragraph (a)(1)] from the special registration requirements. Once the interviewing officer determines that the applicant should be registered, the interviewing officer will collect photographs, fingerprints and registration data through I/E. This collection of data will be similar to the collection of registration data at a POE.
- (6) Update I/E. Update I/E systems with all pertinent information that was gathered and the interviewer's conclusion. Annotate the reverse of the applicant's Form I-94 to read "Reported for 30-day Interview" and place the district office three-letter code and the date. If the interview was an annual interview replace the term "30-day" with the term "annual". If there is a need to confirm the validity of notation on the Form I-94, I/E can be queried. Information pertaining to the following issues must be updated in I/E:
- (A) The fact that a registrant has not maintained his or her nonimmigrant status must be entered into I/E. If the interviewing officer determines that the registrant is not in compliance with the stated purpose of his or her visit, or there is significant other derogatory information, the registrant must be referred to Investigations using current district procedures for referrals. In addition, the interviewing officer has discretion to refer any registrant to Investigations, who is in compliance with the stated purpose of his or her trip, but about where the officer still has law enforcement or national security concerns.
 - (B) The fact that a special registrant is maintaining his or her nonimmigrant status should be entered into I/E. If the interviewing officer determines that the registrant is in compliance with the stated purpose of his or her visit, the registrant should be furnished with a packet of information to include:
 - Change of address, employment, school instructions
 - Annual registration requirements
 - Departure notification requirements, including authorized PODs.
 - A national 800 number that can be contacted by the registrant if he/she wishes to provide any information concerning acts of terrorism.
- (7) Aliens Requesting Waivers. Aliens who have been specially registered can make a request, in writing, to the district director for a waiver of all or part of

the registration requirements for up to one year. Such requests may only be entertained after registration at the POE. Additional guidance will be forthcoming on the procedures for requesting a waiver. When such requests are approved, the I/E system will be annotated to reflect that a waiver has been granted. Some circumstances which might warrant approval could include: a representative of a foreign government who was issued a visitor's visa in lieu of a diplomatic visa, emergent medical circumstances that prevent the alien from being able to report to the INS as required, or an alien who is exempt registration, but was registered in error (such as aliens admitted under A or G visas).

- (8) Unavailability of I/E. If I/E is not available at the District Office/Sub-office, a print from each index finger will be recorded on a Form FD-258, Applicant Fingerprint Card, and if possible, a photo should be taken (digital photo is preferred)¹. Record the responses (they must be typewritten), under oath, to the questions posed to the registrant [referring to part (b)(3)], and include the FIN number (if available), name and date of birth of the registrant. The interviewing officer should include a statement to indicate if the registrant is maintaining status, or has been referred to Investigations.

The information collected in this back-up procedure will be sent, by Federal Express, from the district or sub office to Biometric Support Center (BSC) at 801 I Street NW, Room 862, Washington, DC 20536. **Mark the envelope "Attn: Special Registration."** Immediately fax all back-up material to the BSC at (202) 305-2824. Please refer to part (a)(10)(E) for forwarding instructions.

- (9) Asylum. Asylum officers might encounter aliens who have made an asylum claim, but who have been registered under the special registration program. In such a case, unless waived, the alien must continue to comply with the terms of his or her special registration until the application is approved, or he or she departs the United States (in which case the alien must report to the departure control officer at an authorized POD). These terms of registration include 30-day and annual interviews at the district office, as applicable. An asylum applicant who departs the United States and returns pursuant to advanced parole (Form I-512) will not be subject to special registration upon return. The reason for this determination is that the alien would be a parolee and not a nonimmigrant applicant for admission upon his or her return and therefore, not subject to the terms of special registration.

(1) ¹ Officers may obtain the information provided by the registrant at the POE from another office where I/E is operational, if this can be accomplished in a timely manner.

(c) Investigations

- (1) Exemptions. At this time, nonimmigrant aliens present in the United States who arrived prior to September 11, 2002 are not subject to the National Security Entry Exit Registration System (NSEERS), or special registration requirements. Likewise, nonimmigrant aliens admitted and classified as "A" or "G" nonimmigrants are not subject to special registration requirements. Please refer to part (a)(1) for more information on exemptions.
- (2) Priority. Nonimmigrant aliens subject to special registration requirements who are out of status or violate the terms of their admission shall be afforded priority consideration for interview and determinations regarding appropriate action with regard to such cases referred or otherwise coming to the attention of the Service. Nonimmigrant aliens subject to special registration requirements are deemed to be of particular national interest, and at a minimum, such cases should be pursued at a higher level priority than is routinely applied to nonimmigrant status violators.
- (3) Automatic Referrals. Nonimmigrant aliens subject to special registration who remain in the United States for 30 days or more are required to appear for an interview at a designated INS office between 30 and 40 days after entry. Those who remain for more than one year are also required to appear for an annual interview at a designated INS office. ENFORCE will automatically identify and generate reports of special registrants subject to these provisions who fail to appear between 30 and 40 days after admission or fail to appear for the subsequent additional interview at one year intervals. Based on these reports, the closest geographic INS Office of Investigations, based on the last known address of the nonimmigrant alien registrant, is responsible for enforcement actions on the aliens listed in their area. If coordinated between the sector and the district office, Border Patrol could be requested to initiate these enforcement actions where Investigations is unavailable.
- (4) Encounters. Nonimmigrant aliens subject to special registration requirements may be encountered in the context of interior enforcement responsibilities and activities in a variety of ways. They can be encountered during field operations such as worksite enforcement operations, jail checks, etc., internal referrals may come from within INS, external referrals may come from local, state or federal law enforcement agencies, from local, state or federal government agencies, or from other sources such as educational institutions, businesses, etc. When an officer discovers an alien who meets registration criteria, but has not been previously registered, the officer must determine if the alien arrived on or after the effective date of the special registration program on September 11, 2002. The officer must then examine this policy in order to determine if the alien is exempt from, or has been granted a waiver of the special registration requirements. Once the officer determines that the alien should have been registered, but was not, the officer will interview the alien to determine if the

alien was not registered due to an intent to evade the registration requirements, if so process accordingly. If the failure to register was inadvertent, the officer should notify the alien that upon their next application for admission they will be subject to special registration and that while present in the United States they could be notified via the Federal Register that they must report to the INS for registration. If a Federal Register notice has been published that requires the registration of an alien who has been admitted into the United States (without having been registered upon admission) and such an alien is encountered, the officer will register the alien in IDENT/ENFORCE (I/E), Inspections module or via the back-up procedure. Refer to parts (a)(4) and (a)(10) for more information on registering aliens.

- (5) Procedures. Nonimmigrant aliens subject to special registration requirements will fall into three categories for action: those aliens who are in status, abiding by the terms and conditions of their admission; those aliens who are out of status, in violation of the terms of their admission or are otherwise in violation of the Immigration and Nationality Act; and, those aliens who are subject to prosecution under the criminal provisions of the United States Code. In some cases, an alien may fall into more than one of these categories. In all encounters, it is the encountering officer's responsibility to reasonably verify the identity of the alien and determine the alien's current immigration status. In general, standard established procedures for enforcement actions will be followed. However, additional specific requirements as outlined in the paragraphs below must also be included.
- (6) Alien in Status. For encounters where the alien is determined to be in status and abiding by the terms and conditions of his or her admission, officers will conduct an I/E check to ascertain compliance with the registration requirements. This information will be located in the Inspections module of I/E. The encounter will be documented by written notation in I/E. The I/E check conducted during field encounters can be performed remotely using the fingerprint identification number (FIN) which should appear as a notation on the nonimmigrant alien's Form I-94 Arrival/Departure Record as a reference to perform a remote query by telephone of ENFORCE. The ENFORCE (Inspections/Registration module) check conducted during office encounters will include an IDENT fingerprint query to confirm identity and bring up the ENFORCE (Inspections/Registration module) registration record. If discovery is made during an encounter that a nonimmigrant alien is subject to registration, but was inadvertently admitted without being registered, the officer encountering the alien will register the alien, only if a Federal Register publication has been issued, authorizing registration of aliens who are present in the United States after being admitted.
- (7) Alien Out of Status. For encounters where the alien is determined to be out of status, officers will ensure that appropriate queries and entries are made in I/E, and the Criminal Investigative Reporting System (CIRS) as applicable. Aliens

subject to removal will be processed for the issuance of a Notice to Appear (NTA) based on applicable removal charges. However, current guidelines on Prosecutorial Discretion apply.

- (A) Significant Incident Reports (SIR). In accordance with established guidelines and procedures, a timely SIR will be generated when appropriate. In such instances, field offices will also ensure that the Headquarters National Security Unit (HQNSU) is notified in accordance with established guidelines and procedures.
- (B) Local INS/JTTF Notification. Managers should exercise local discretion in determining who will interview special registrants. Where INS/JTTF agents are available, it may be appropriate to have them interview the registrant. Notification will be made to the local INS Joint Terrorism Task Force (JTTF).
- (C) Custody, Bond and Release on Recognizance (ROR) Determinations. Unless the nonimmigrant alien subject to special registration is a Special Interest Alien (see policy memo, HQOPS 50/5.11-P, dated October 25, 1999, Subject: Policy Guidance for Handling of Special Interest Cases), standard procedures apply for custody, bond or ROR determinations.
- (8) Referral for Prosecution. Current practices and policies within each district with respect to referral to the U.S. Attorney's Office for criminal prosecution will be followed.
- (9) Record Checks for Nonimmigrant Aliens Subject to Special Registration. Record checks for nonimmigrant aliens subject to special registration referred to Investigations for determinations regarding possible enforcement actions should include the following where electronic access is available: I/E (Inspections/Registration module), Central Index System (CIS), Nonimmigrant Information System (NIIS), CLAIMS, Deportable Alien Control System (DACS), Interagency Border Inspection System (IBIS), Student and Exchange Visitor Information System (SEVIS), National Criminal Information Center (NCIC) criminal history check, Department of Motor Vehicles (DMV), and as available, commercial databases such as CHOICEPOINT, LEXIS-NEXIS, CDB INFOTEK, or other commercial databases.
- (10) Media/Press Inquiries. All media/press inquiries must be coordinated and processed through the District and/or Regional Public Information Offices as appropriate.
- (11) Investigations Tracking and Reporting for Special Registration Activities. The Investigations Activity Report of Field Operations (G-23 report) is a comprehensive monthly record of the cases opened or completed, hours worked, and results obtained in the Investigations program. Statistical reporting and tracking for special registration activities will be recorded in the Performance Accounting System (PAS) G-23.19, at line 517.3, HQINV project. Electronic

tracking of special registration statistics will be available through I/E. Special alien registration cases will automatically be flagged for immediate recognition of such status by ENFORCE/IDENT.

(d) Border Patrol

- (1) Exemptions. At this time, nonimmigrant aliens present in the United States who arrived prior to September 11, 2002 are not subject to the National Security Entry Exit Registration System (NSEERS), or special registration requirements. Likewise, nonimmigrant aliens admitted and classified as "A" or "G" nonimmigrants are not subject to special registration requirements. Please refer to part (a)(1) for more information on exemptions.
- (2) Priority. Nonimmigrant aliens subject to special registration requirements who are out of status or violate the terms of their admission shall be afforded priority consideration for interview and determinations regarding appropriate action with regard to such cases referred or otherwise coming to the attention of the Service. Nonimmigrant aliens subject to special registration requirements are deemed to be of particular national interest, and at a minimum, such cases should be pursued at a higher level priority than is routinely applied to nonimmigrant status violators.
- (3) Automatic Referrals. Nonimmigrant aliens subject to special registration who remain in the United States for 30 days or more are required to appear for an interview at an INS district or sub office between 30 and 40 days after entry. Those who remain for more than one year are also required to appear for an annual interview at a designated INS office. ENFORCE will automatically identify and generate reports of special registrants subject to these provisions who fail to appear between 30 and 40 days after admission or fail to appear for the subsequent additional interview at one year intervals. Based on these reports, the closest geographic INS Office of Investigations, based on the last known address of the nonimmigrant alien registrant, is responsible for enforcement actions on the aliens listed in their area. If coordinated between the sector and the district office, Border Patrol could be requested to initiate these enforcement actions where Investigations is unavailable.
- (4) Encounters. Nonimmigrant aliens subject to special registration requirements may be encountered in the context of interior enforcement responsibilities and activities in a variety of ways. They can be encountered during field operations such as worksite enforcement operations, jail checks, etc., internal referrals may come from within INS, external referrals may come from local, state or federal law enforcement agencies, from local, state or federal government agencies, or from other sources such as educational institutions, businesses, etc. When an officer discovers an alien who meets registration criteria, but has not been previously registered, the officer must determine if the alien arrived on or after the effective date of the special registration program on September 11, 2002. The officer must then examine this policy in order to determine if the alien is exempt from, or has been granted a waiver of the special registration requirements. Once the officer determines that the alien should have been registered, but was not, the officer will interview the alien to determine if the

alien was not registered due to an intent to evade the registration requirements, if so process accordingly. If the failure to register was inadvertent, the officer should notify the alien that upon their next application for admission they will be subject to special registration and that while present in the United States they could be notified via the Federal Register that they must report to the INS for registration. If a Federal Register notice has been published that requires the registration of an alien who has been admitted into the United States (without having been registered upon admission) and such an alien is encountered, the officer will register the alien in IDENT/ENFORCE (I/E), Inspections module or via the back-up procedure. Refer to parts (a)(4) and (a)(10) for more information on registering aliens.

- (5) Procedures. Nonimmigrant aliens subject to special registration requirements will fall into three categories for action: those aliens who are in status, abiding by the terms and conditions of their admission; those aliens who are out of status, in violation of the terms of their admission or are otherwise in violation of the Immigration and Nationality Act; and, those aliens who are subject to prosecution under the criminal provisions of the United States Code. In some cases, an alien may fall into more than one of these categories. In all encounters, it is the encountering officer's responsibility to reasonably verify the identity of the alien and determine the alien's current immigration status. In general, standard established procedures for enforcement actions will be followed. However, additional specific requirements as outlined in the paragraphs below must also be included.
- Field encounters. During field encounters, the I/E must be performed remotely using the fingerprint identification number (FIN). Registration information will be contained in the Inspections module of I/E. That number appears as a notation on the alien's Form I-94 Arrival/Departure Record. It can be used as a reference to perform a query of I/E by telephone. In cases where no FIN was entered (the FIN is omitted when I/E is down at the time or place of entry), the query must be made using biographic identifiers.
 - Office encounters. The ENFORCE (Inspections/Registration module) check conducted during office encounters will include an IDENT fingerprint query to confirm identity and bring up the ENFORCE (Inspections/Registration module) registration record. If discovery is made during an encounter that a nonimmigrant alien is subject to registration, but was inadvertently admitted without being registered, the officer encountering the alien will register the alien only if a publication has been made in the Federal Register authorizing the registration of aliens who are present in the United States after being admitted.
- (A) Alien in Status. When an alien is determined to be in status, abiding by the terms of admission recorded in ENFORCE (Inspections/Registration), the encounter will be documented by notation in ENFORCE.

- (B) Alien Out of Status. When the alien is determined to be out of status, not abiding by the terms and conditions of his entry as recorded in ENFORCE, or otherwise in violation of status, officers will ensure that appropriate entries are made in I/E.
 - o Process for Notice to Appear (NTA). Registered aliens who are subject to removal will be processed for the issuance of a NTA based on applicable removal charges. However, current guidelines on Prosecutorial Discretion apply.
 - o Custody, Bond and Release on Recognizance (ROR) Determinations. Unless the nonimmigrant alien subject to special registration is a Special Interest Alien (see policy memo, HQOPS 50/5.11-P, dated October 25, 1999, Subject: Policy Guidance for Handling of Special Interest Cases), standard procedures apply for custody, bond or ROR determinations.
 - o Significant Incident Reports (SIR). In accordance with established guidelines and procedures, a timely SIR will be generated when appropriate. In such instances, field offices will also ensure that the Headquarters National Security Unit (HQNSU) is notified in accordance with established guidelines and procedures.
 - o Local INS/JTTF Notification. Notification will be made to the local INS Joint Terrorism Task Force (JTTF), when appropriate.
 - o Referral for Prosecution. Current practices and policies within each sector with respect to referral to the U.S. Attorney's Office for criminal prosecution will be followed.
- (C) Record Checks for Nonimmigrant Aliens Subject to Special Registration. Record checks for nonimmigrant aliens subject to special registration, referred to Border Patrol for determinations regarding possible enforcement actions should include the following where electronic access is available:
 - o ENFORCE/IDENT
 - o Central Index System (CIS)
 - o Interagency Border Inspection System (IBIS)
 - o Nonimmigrant Information System (NIIS)
 - o CLAIMS
 - o Deportable Alien Control System (DACS)
 - o Student and Exchange Visitor Information System (SEVIS)
 - o National Criminal Information Center (NCIC) criminal history check
 - o Department of Motor Vehicles (DMV)
 - o As available, CHOICEPOINT, LEXIS-NEXIS, CDB INFOTEK, and other commercial databases.
- (6) Media/Press Inquiries. All media/press inquiries must be coordinated and processed through the Sector and/or HQBOR Public Information Offices as appropriate.

- (7) Border Patrol Tracking and Reporting for NSEERS Activities. Electronic tracking of special registration statistics will be available through ENFORCE/IDENT. Special alien registration cases will automatically be flagged for immediate recognition of such status by ENFORCE/IDENT.

(e) DETENTION AND REMOVAL

- (1) Exemptions. At this time, nonimmigrant aliens present in the United States who arrived prior to September 11, 2002 are not subject to the National Security Entry Exit Registration System (NSEERS), or special registration requirements. Likewise, nonimmigrant aliens admitted and classified as "A" or "G" nonimmigrants are not subject to special registration requirements. Please refer to part (a)(1) of this policy for more information on exemptions.
- (2) Particular national security interest. Aliens who are, or should be, specially registered are of particular national security interest. Their cases require close scrutiny and attention.
- (3) Identification of special registrants.

General criteria for special registration will be published via policy memorandum and updated from time to time. There may also be individual circumstances bringing about a specific registration that does not clearly fall into published criteria. Refer to part (a)(2) of this policy for more information.

In most cases, special registrants encountered by D&R personnel will already have been registered at entry. The registrant will have a Form I-94 that has been specially noted on the back with the words NSEERS (or SPECIAL) REGISTRANT. Usually, the FIN generated at the time of registration will also be noted on the Form I-94. However, because IDENT/ENFORCE may have been out of service at the time of registration, lack of a FIN indicates nothing about the alien's status, or compliance with special registration requirements.

Officers must be alert to the possibility that an alien before them (*either under a removal action, or any other circumstance*) has been registered but carries no evidence of it, or has not been registered and should have been. They must therefore be aware of the parameters for special registration, and be certain to check the ENFORCE database to determine if the alien has been registered. This is most reliably accomplished by taking the alien's two index fingerprints on IDENT, but it may also be done by a FIN or name search against ENFORCE indices.

- (4) Special Registration of certain nonimmigrant aliens. Special registration of nonimmigrant aliens is not a usual part of the D&R function. D&R personnel will enroll those who should have been specially registered at the time of admission when they are encountered in the normal course of D&R activities, only if they are subject to registration pursuant to publication of a notice in the Federal Register, requiring the registration of certain nonimmigrants who are present in the United States after lawful admission.
 - (A) Access registration screens. Special registration information can be accessed through IDENT/ENFORCE (I/E), Inspections/Registration

module. Obtain and record all data required. Place A-number in Miscellaneous Number field.

- (B) Take photo. Use normal ENFORCE methods.
 - (C) Take fingerprints. Follow normal IDENT guidelines.
 - (D) Record FIN on documents. Place FIN and notation "NSEERS REGISTRANT" on any alien registration and release documents. Place the notations near the A-number.
 - (E) System failure. If the IDENT/ENFORCE (I/E) system is down when it becomes necessary to register an alien, follow the procedures (adapting as necessary) set forth in the Inspections portion of this of this memorandum, section (a)(10).
- (5) D&R Actions.
- (A) NSEERS-registered alien being removed. This assumes that the alien has exhausted appeals and is being removed. In that case, retrieve the I/E record (*using IDENT fingerprints to do so to assure reliable retrieval*) and obtain FIN. Note it on the Warrant of Removal/Deportation (W/D) near the verification of departure data. When the departure has been witnessed and the W/D is being completed, use the FIN to call up the ENFORCE record, then update that record with the departure information. *Do not clear the record until departure is verified.* Aliens being removed by the Service may be removed from any location deemed appropriate by the Service, whether or not that port is an authorized POD.
 - (B) Unregistered candidate encountered.
 - o Alien being removed. An officer preparing an alien for departure may find that the alien should be registered, but is not. First, the alien should be registered if appropriate (see sec. (e)(4) above), with any other actions following. A failure to be registered is cause for suspicion, and the circumstances of the failure should be closely examined. If the failure appears willful, the case should be considered under local guidelines for presentation to the U.S. Attorney for prosecution. If prosecution is declined, then the removal should be carried out and the departure recorded in I/E under the procedure set forth in paragraph (4)(A) above.
 - o Other encounters. This may include an alien found in an institution, or one coming in to post bond for another, or any of a broad range of encounters. The point is to see that aliens who should be specially registered are registered. If not registered, the alien should immediately be registered as set forth in section (e)(3) above if there has been a publication in the Federal Register requiring the registration of aliens who are present in the United States (as opposed to those who are applying for admission upon arrival). If found in an institution and it is not practicable to register the alien using I/E equipment, follow the instructions for

registration contained in section (a)(10) above. Thereafter, the alien should be handled in accordance with current INS policy for the circumstance.

- (C) Alien out of status. A special registrant found out of status (particularly for failure to appear for a required interview by INS) should be held, and the case immediately referred to Investigations for action.
- (6) Recordkeeping. A hard copy of any off-line registrations carried out must be kept in chronological order, or other retrievable format as locally determined. By querying the alien's biographic data in I/E, the officer can determine that the registration information has been updated into I/E. Please refer to part (a)(10)(E) and (F). Once it is confirmed that the BSC has received the back-up material and it has been entered into I/E, the port's copy can be destroyed via shredder. The BSC will retain the hard copy of the back-up material for future retrieval.