

WHAT IS SPECIAL REGISTRATION?

After the September 11th attacks, with the nation on high alert, the USA PATRIOT Act (UNITING and STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT ACT OF 2001) passed with virtually no debate and gave the Executive branch of the United States unprecedented authority to enact terrorism measures.

Just ten months after the USA PATRIOT Act was passed, former Attorney General John Ashcroft and the Department of Justice enacted the National Security Entry and Exit Registration System (NSEERS), a domestic national security measure. The call-in portion of NSEERS was called "Special Registration" by community members and advocates. It was a tracking program requiring non-citizen men and boys as young as 16 from twenty five countries to be fingerprinted, photographed and interrogated by immigration agents. Green-card holders and people granted asylum were exempt from the requirement.¹

Men and boys ages 16 and older from these countries: Iran, Iraq, Libya, Sudan or Syria, Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, the United Arab Emirates, Yemen, Pakistan, Saudi Arabia, Bangladesh, Egypt, Indonesia, Jordan, Kuwait, were asked between November 2002 and December 2003 to register with the United States Department of Homeland Security (DHS). They were required to appear for a second interview if they stayed longer than thirty days; appear for annual interviews if they stayed longer than a year, and had to register with immigration officials when they left the country.²

The Department of Homeland Security (DHS) picked the twenty five countries represented because they were places "where Al Qaeda and other terrorist organizations have been active."³

¹ Sarkar, S., Engler, M. (2003), March, Ashcroft's roundup-John Ashcroft's Special Registration, *The Progressive*, pg. 2.

² ¹Registration and Monitoring of Certain Nonimmigrants, 67 Fed.Reg. 52,584 (August 12, 2002) Registration of Certain Nonimmigrant Aliens From Designated Countries, 67 Fed. Reg. 66, 765 (November 6, 2002); Registration of Certain Nonimmigrant Aliens from Designated Countries, 67 Fed. (continued from page 1) Reg. 70,525 (November 22, 2002); Registration of Certain Nonimmigrant Aliens From Designated Countries, 67 Fed. Reg. 77, 641 (December 18, 2002); Registration of Certain Nonimmigrant Aliens From Designated Countries, 67 Fed. Reg. 2,363, 2364 (January 16, 2003); Registration of Certain Nonimmigrant Aliens From Designated Countries, 68 Fed. Reg. 8046 (February 19, 2003).

³ Press Release. (2003) *Fact sheet: Changes to National Security Entry Exit Registration System: NSEERS*. Department of Homeland Security. Retrieved May 10, 2007, from http://www.dhs.gov/xnews/releases/press_release_0305.shtm.

Ironically, many of the men who appeared for Special Registration had entered the United States legally on tourist, work or student visas that had expired. They were screened once upon their entry into the US, and through Special Registration, were subjected to additional screening requirements.

Once the program was put into place, complications quickly began to emerge. Since the program was not widely publicized (the primary means of advertising came through the Federal Register), men from the targeted countries were confused about when and where they should register. Immigration agents were not prepared to deal with the influx of registrants and complained of lack of proper training and resources. Another consequence of voluntarily coming forward included being placed in removal proceedings or being detained due to visa violations.⁴

From the period of November 2002-December 2003, over 83,000 Muslim men complied with the program and nearly 14,000 were put into deportation proceedings due to immigration status violations. Although the program claimed to be a tool to increase national security, none of these men were actually charged with terrorism related offenses.⁵

According to a report by the Asian American Legal Defense and Education Fund entitled, "Special Registration: Discrimination and Xenophobia as Government Policy," Special Registration disproportionately affected Muslim men in working class professions, many with wives and children. Over 42% had pending applications for green cards. Two-thirds of those surveyed wanted to comply with the law, but over 50% found themselves in deportation proceedings."⁶

While Special Registration was praised at the time by Attorney General John Ashcroft as an "impressive success in the war against terrorism and in the enforcement of our immigration laws,"

⁴ Rights Working Group, (2006) *Special Registration*. Retrieved May 10, 2007 from <http://www.rightsworkinggroup.org/?q=SpecialRegistration>.

⁵South Asian American Leaders of Tomorrow, (2005) *The Continuing Impact of the Special Registration Program*. Retrieved May 10, 2007 from www.saalt.org, pg.1.

⁶ Sarkar, S., & Ling, S., (2004), January, *Special Registration: Discrimination and Xenophobia as Government Policy*. The Asian American Legal Defense and Education Fund. Retrieved May 10, 2007 from http://www.aaldef.org/images/01-04_registration.pdf, pg. 32.

this assessment is one that has been heavily debated by immigrant advocacy groups, community members and current members of Congress.⁷

In a joint letter to Michael Chertoff, the current Secretary of the U.S. Department of Homeland Security, Senators Richard Durbin, Edward Kennedy and Russell Feingold, stated, "The Special Registration call-in did not lead to the apprehension of any suspected terrorists. Instead, it wasted homeland security resources, alienated the Arab and Muslim communities, and damaged our image in the Muslim world."⁸

On December 1, 2003, DHS suspended the 30 day, the 40 day and one year re-registration requirement for these countries. However, registration of male non-citizens from the same 25 countries under NSEERS continues at selected ports of entry and departure from the US. In January 2004, a new entry-exit registration system (Visitor and Immigration Status Indication Technology System or "US-VISIT") was introduced. The goal of US-VISIT is to register all non-citizen visitors to the United States, regardless of national origin or religion. How US-VISIT connects to NSEERS still remains unclear.⁹

Although DHS suspended certain aspects of the program, Special Registration's impact has not ended. DHS has collected information about over 83,000 men and boys who complied with the Special Registration. According to the National Immigration Forum, men continue to be called in for deportation proceedings as a result of complying with Special Registration.

⁷Ashcroft, J. (2003), March 4., *The War Against Terrorism: Working Together to Protect America*. Global Security.org. Committee on the Judiciary. Retrieved Jan 5, 2007 from http://www.globalsecurity.org/security/library/congress/2003_h/03-04-03_ashcroft.htm.

⁸ Durbin, R.J., Kennedy, E.M. & Feingold, R.D. (2005) June 28., *Letter to Honorable Secretary Michael Chertoff*. United States Senate, Committee on the Judiciary. Retrieved December 12, 2006 from <http://www.rightsworkinggroup.org/?q=node/124>

⁹ Press Release. (2003) December 1., *Changes in Immigrant Registration Program Welcomed, But Incomplete Failed Program Should be Scrapped*. National Immigration Forum. Retrieved January 6, 2007 from <http://www.immigrationforum.org/PrintFriendly.aspx?tabid=461>