



EMAIL BULLETIN

THE DEPARTMENT OF HOMELAND SECURITY (DHS) SUSPENDS PORTIONS OF THE NSEERS SPECIAL REGISTRATION PROGRAM

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On December 2, 2003, the Department of Homeland Security (DHS) published amended regulations suspending the requirement that certain individuals appear in person pursuant to NSEERS port-of-entry and "call-in" registration continuing compliance requirements. As published in the most recent Tindall & Foster Email Bulletin, the period of annual re-registration for individuals registered under the "call-in" registration component of NSEERS has begun; however, the new DHS amended regulation grants relief and suspends the requirement that individuals registered pursuant to port-of-entry and "call-in" registration appear in person for 30-day and annual compliance interviews.

The amended regulations alter the current NSEERS registration program, most notably by:

1. Suspending the automatic requirement of an in-person appearance at a Local DHS District Office 30 days after entry as well as the automatic annual re-registration;
2. Providing that individuals registered upon entry will be given notice that they may, in the future, be required to appear in person to provide additional information within ten days of such a DHS request;
3. Providing clarification regarding the procedures and criteria for applying for relief from departure registration (waivers of registration) for pre-approved frequent travelers or when exigent or unusual circumstances exist.

The DHS has determined that suspension of certain requirements of the program is possible given the implementation of the U.S. VISIT program for tracking foreign nationals in the United States. Additionally, by eliminating the automatic 30-day and annual compliance interviews, the DHS hopes to better focus resources and enforcement efforts on follow-up compliance for individuals who have been evaluated and determined to be at a higher risk for violating U.S. law.

While the amended regulations greatly reduce the burden on many registrants, it is important to understand what the amended regulations do not do. There has already been

inconsistent and imprecise reporting by various media outlets which do not emphasize the aspects of the program which remain unaffected by the amended regulations. Therefore, it is imperative that registrants be informed that the amended regulations:

1. DO NOT abolish the port-of-entry special registration program;
2. DO NOT abolish the requirement of departure registration;
3. DO NOT excuse or "forgive" any prior failure to comply with any special registration requirements or change the penalties;
4. DO NOT prohibit DHS officers from identifying individuals who will be required to appear for additional, continuing compliance interviews;
5. DO NOT abolish the requirement that registrants notify the DHS of changes in address, residence, employment, or educational institution within 10 days of such change.
6. DO NOT rule out the use of future "call-in" registrations.

Should a foreign national have any questions or concerns regarding the effect of these newly-published, amended regulations on his or her individual case, the foreign national should contact his or her Tindall & Foster attorney for more case-specific information.