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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

AG Order No. 2638-2002

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12-18
IN THE OFFICE OF
THE FEDERAL REGISTER

Registration of Certain Nonimmigrant Aliens from Designated Countries

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This Notice requires certain nonimmigrant aliens to appear before, register with, and provide requested information to the Immigration and Naturalization Service on or before February 21, 2003. It applies to certain nonimmigrant aliens from one of the countries designated in this Notice who were last admitted to the United States on or before September 30, 2002, and who will remain in the United States after February 21, 2003. The specific requirements are set forth in the Notice. This Notice is applicable to certain nationals and citizens of Pakistan and Saudi Arabia who entered the United States on or before September 30, 2002, and who will remain in the United States after February 21, 2003. Aliens described in this Notice are required to register and provide additional information to the Immigration and Naturalization Service between January 13, 2003, and February 21, 2003, inclusive. This Notice also rescinds an earlier Notice, Attorney General Order No. 2636-2002 of December 12, 2002, which appeared in the Federal Register on December 16, 2002 (67 FR 77136), and incorrectly listed Armenia as a designated country.

EFFECTIVE DATES: This Notice is effective on January 13, 2003. Aliens described in this Notice are required to register and provide additional information to the Immigration and Naturalization Service on or before February 21, 2003.

FOR FURTHER INFORMATION CONTACT: Dan Brown, Office of the General Counsel, Immigration and Naturalization Service, 425 I Street, NW, Room 6100, Washington, DC 20536, telephone (202) 514-2895.

SUPPLEMENTARY INFORMATION:

Section 265(b) of the Immigration and Nationality Act ("Act"), as amended, 8 U.S.C. 1305(b), provides that

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

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

The Attorney General has previously exercised his authority under these and other provisions of the Act to establish special registration procedures under 8 CFR 264.1(f). 67 FR 52584 (Aug. 12, 2002). These requirements are known as the National Security Entry - Exit Registration System ("NSEERS"). In accordance with the authority set forth in 8 CFR 264.1(f)(4), the Attorney General has determined that certain nonimmigrant aliens specified in this Notice shall be registered and required to provide specific

information. The Attorney General has the sole discretion to make this determination. Under this Notice certain nonimmigrant nationals or citizens of Pakistan and Saudi Arabia are required to appear at an Immigration and Naturalization Service ("Service") office to register under NSEERS and provide additional information. Previous Notices have applied to certain nonimmigrant nationals or citizens of Afghanistan, Algeria, Bahrain, Eritrea, Iran, Iraq, Lebanon, Libya, Morocco, North Korea, Oman, Qatar, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, and Yemen. *See* 67 FR 67766 (Nov. 6, 2002); 67 FR 70526 (Nov. 22, 2002).

In light of recent events, and based on intelligence information available to the Attorney General, the Attorney General has determined that the aliens described in paragraph (a) of this Notice must appear before the Service and provide certain information. This Notice applies only to certain nonimmigrant aliens from one of the countries designated in this Notice who were last admitted to the United States on or before September 30, 2002, and who will remain after February 21, 2003. Based on intelligence information available to the Attorney General, the Attorney General has determined that registering all nonimmigrant aliens from the covered countries would not enhance national security. Moreover, the Attorney General has determined that it would not be administratively feasible at the present time to register all of the nonimmigrants from the specific countries covered by this Notice, and that the delay occasioned by registering all nonimmigrants from the countries covered by this Notice would jeopardize the national security. Accordingly, the Attorney General has determined that only males aged 16 years or older need to be registered at this time. Furthermore, the Attorney

General has determined that an alien who has an application for asylum pending on the date of publication of this Notice has already provided sufficient information in the application for asylum, along with fingerprints, to warrant exclusion from this Notice.

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

Finally, until further notice, once enrolled within NSEERS by registration under this Notice, an alien described in paragraph (a) of this Notice is required to register annually with the Service. All aliens described in paragraph (a) shall comply with all other provisions of 8 CFR 264.1(f)(5) through (f)(9).

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

under, but not limited to, section 212(a)(3)(A)(ii) of the Act, 8 U.S.C. 1182(a)(3)(A)(ii).
See 8 CFR 264.1(f)(8).

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

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

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

- (1) Is a male who was born on or before January 13, 1987;
- (2) Is a national or citizen of Pakistan or Saudi Arabia, who was inspected by the Immigration and Naturalization Service and was last admitted to the United States as a nonimmigrant on or before September 30, 2002; and

(3) Will remain in the United States after February 21, 2003.

(b) **Dual citizens.** This Notice is applicable to any alien who is a national or citizen of a designated country, notwithstanding any dual nationality or citizenship.

(c) **Requirement to appear before an immigration officer.** All aliens described in paragraph (a) shall, between January 13, 2003, and February 21, 2003, inclusive, appear before an immigration officer at any of the locations listed in the appendix to this Notice.

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

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

(2) Present to such immigration officer:

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

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

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

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

(c) **Annual reporting obligations.** All aliens described in paragraph (a) shall appear, within 10 days of each anniversary of the date on which they were registered under this Notice, before an immigration officer at any of the locations listed in the appendix to this Notice and answer questions under oath. All aliens described in paragraph (a) shall comply with all other provisions of 8 CFR 264.1(f)(5) - (9).

(f) **Notice of Change of Address.** All aliens described in paragraph (a) shall advise the Immigration and Naturalization Service, through the filing of Form AR-11, of any change of address within 10 days of such change of address. If an alien fails to notify the Immigration and Naturalization Service in writing of a change of address and the new address, as required by section 265(a) of the Act, 8 U.S.C. 1305(a), the alien may be subject to prosecution under section 266(b) of the Act, 8 U.S.C. 1306(b), and may be deportable as provided in section 237(a)(3)(A) of the Act, 8 U.S.C. 1227(a)(3)(A). If it

becomes necessary to place the alien in removal proceedings, the Immigration and Naturalization Service may use the most recent address provided by the alien for service of the Notice to Appear.

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


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

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

(3) Has an application for asylum pending on [insert date of publication in the FEDERAL REGISTER], or has been granted asylum, under section 208 of the Act, 8 U.S.C. 1158.

(h) **Rescission.** Attorney General Order No. 2636-2002 of December 12, 2002, is rescinded.

12-16-02
Date



John Ashcroft
Attorney General

**CERTIFIED TO BE A TRUE
COPY OF ORIGINAL**

Elizabeth Jarvis

**APPENDIX:
IMMIGRATION AND NATURALIZATION SERVICE
OFFICES FOR REGISTRATION OF
CERTAIN NONIMMIGRANTS PURSUANT
TO NOTICE OF [insert date of publication in FEDERAL REGISTER]**

**ALASKA - Anchorage
620 East 10th Avenue
Anchorage, Alaska 99501**

**ARIZONA - Phoenix
2035 North Central Avenue
Phoenix, Arizona 85004**

**ARIZONA - Tucson
6431 South Country Club Road
Tucson, Arizona 85706-5907**

**ARKANSAS - Fort Smith
4991 Old Greenwood Road
Fort Smith, Arkansas 72903**

**CALIFORNIA - Fresno
865 Fulton Mall
Fresno, California 93721**

**CALIFORNIA - Los Angeles
300 North Los Angeles Street, Room 2024
Los Angeles, California 90012**

**CALIFORNIA - Sacramento
650 Capitol Mall
Sacramento, CA 95814**

**CALIFORNIA - San Bernardino
655 West Rialto Avenue
San Bernardino, California 92410**

**CALIFORNIA - San Diego
880 Front Street, Suite 1209
San Diego, California 92101**

CALIFORNIA - San Francisco
444 Washington Street
San Francisco, California 94111

CALIFORNIA - San Jose
1887 Monterey Road
San Jose, California 95112

CALIFORNIA - Santa Ana
34 Civic Center Plaza
Santa Ana, California 92701

COLORADO - Denver
4730 Paris Street
Denver, CO 80239

CONNECTICUT - Hartford
450 Main Street, 4th Floor
Hartford, Connecticut 06103

FLORIDA - Jacksonville
4121 Southpoint Boulevard
Jacksonville, Florida 32216

FLORIDA - Miami
7880 Biscayne Boulevard
Miami, Florida 33138

FLORIDA - Orlando
9403 Tradeport Drive
Orlando, Florida 32827

FLORIDA - Tampa
5524 West Cypress Street
Tampa, Florida 33607-1708

FLORIDA - West Palm Beach
326 Fern Street
Riviera Beach, Florida 33401

GEORGIA - Atlanta
77 Forsyth Street, SW
Atlanta, Georgia 30303

GUAM - Agana
Sirena Plaza, Suite 100
108 Hernan Cortez Avenue
Hagatna, Guam 96910

HAWAII Honolulu
595 Ala Moana Boulevard
Honolulu, Hawaii 96813

IDAHO - Boise
1185 South Vinnell Way
Boise, Idaho 83709

ILLINOIS Chicago
230 South Dearborn, 2nd Floor
Chicago, Illinois 60604

INDIANA Indianapolis
950 N. Meridian Street, Room 400
Indianapolis, Indiana 46204

IOWA Des Moines
210 Walnut Street, Room 369
Des Moines, Iowa 50309

KANSAS - Wichita
271 West 3rd Street North, Suite 1050
Wichita, Kansas 67202-1212

KENTUCKY- Louisville
601 West Broadway, Room 390
Louisville, Kentucky 40202

LOUISIANA - New Orleans
701 Loyola Avenue
New Orleans, Louisiana 70113

MAINE - Portland
176 Gannet Drive
South Portland, Maine 04106

MARYLAND - Baltimore
31 Hopkins Place
Baltimore, Maryland 21201

MASSACHUSETTS - Boston
Government Center, JFK Federal Building
Boston, Massachusetts 02203

MICHIGAN - Detroit
333 Mount Elliot Street
Detroit, Michigan 48207-4381

MINNESOTA - Minneapolis
2901 Metro Drive, Suite 100
Bloomington, Minnesota 55425

MISSOURI - Kansas City
9747 Northwest Conant Avenue
Kansas City, Missouri 64153

MISSOURI - St. Louis
1222 Spruce Street
St. Louis, Missouri 63103

MONTANA - Helena
2800 Skyway Drive
Helena, Montana 59601

NEBRASKA - Omaha
3736 South 132nd Street
Omaha, Nebraska 68144

NEVADA - Las Vegas
3373 Pepper Lane
Las Vegas, NV 89120-2739

NEVADA - Reno
1352 Corporate Boulevard
Reno, Nevada 85902

NEW HAMPSHIRE - Manchester
803 Canal Street
Manchester, New Hampshire 03101

NEW JERSEY - Cherry Hill
1886 Greentree Road
Cherry Hill, New Jersey 08003

NEW JERSEY - Newark
970 Broad Street
Newark, New Jersey 07102

NEW MEXICO - Albuquerque
1720 Randolph Road SE
Albuquerque, New Mexico 87106

NEW YORK - Albany
1086 Troy-Schenectady Road
Latham, New York 12110

NEW YORK - Buffalo
130 Delaware Avenue
Buffalo, New York 14202

NEW YORK - New York City
26 Federal Plaza
New York, New York 10278

NORTH CAROLINA - Charlotte
210 E. Woodlawn Road, Building 6, Suite 138
Charlotte, North Carolina 28217

OHIO - Cincinnati
550 Main Street, Room 4001
Cincinnati, Ohio 45202

OHIO - Cleveland
1240 East Ninth Street
Cleveland, Ohio 44199

OHIO - Columbus
50 West Broad Street, Suite 304D
Columbus, Ohio 43215

OKLAHOMA - Oklahoma City
4149 Highline Boulevard, Suite 300
Oklahoma City, Oklahoma 73108

OREGON - Portland
511 Northwest Broadway
Portland, Oregon 97209

PENNSYLVANIA - Philadelphia
1600 Callowhill Street
Philadelphia, Pennsylvania 19130

PENNSYLVANIA - Pittsburgh
1000 Liberty Avenue, Room 214
Pittsburgh, Pennsylvania 15222

PUERTO RICO San Juan
7 Tabonuco Street
Guaynabo, Puerto Rico 00968

RHODE ISLAND - Providence
200 Dyer Street
Providence, Rhode Island 02903

ST. CROIX - Christiansted
Sunny Isle Shopping Center
Christiansted, St. Croix
U. S. Virgin Islands 00820

ST. THOMAS - Charlotte Amalie
Nisky Center, Suite 1A
First Floor South
Charlotte Amalie, St. Thomas
U. S. Virgin Islands 00802

SOUTH CAROLINA - Charleston
170 Meeting Street, Fifth Floor
Charleston, South Carolina 29401

SOUTH CAROLINA - Greer
142-D West Philips Road
Greer, South Carolina 29650

TENNESSEE - Memphis
1314 Sycamore View Road, Suite 100
Memphis, Tennessee 38134

TEXAS - Dallas
8101 North Stemmons Freeway
Dallas, Texas 75247

TEXAS - El Paso
1545 Hawkins Boulevard
El Paso, Texas 79925

TEXAS - Harlingen
2102 Teage Avenue
Harlingen, Texas 78550-4667

TEXAS - Houston
126 Northpoint Drive
Houston, Texas 77060

TEXAS - San Antonio
8904 Fourwinds Drive
San Antonio, Texas 78239

UTAH - Salt Lake City
5272 South College Drive, #100
Murray, Utah 84123

VERMONT - St. Albans
64 Gricebrook Road
St. Albans, Vermont 05478

VIRGINIA - Norfolk
5280 Hennesman Drive
Norfolk, Virginia 23513

WASHINGTON, D.C.
4420 North Fairfax Drive
Arlington, Virginia 22203

WASHINGTON - Seattle
815 Airport Way, South
Seattle, Washington 98134

WASHINGTON - Spokane
920 W. Riverside Room 691
Spokane, Washington 99201

WASHINGTON - Yakima
417 E. Chestnut
Yakima, Washington 98901

WEST VIRGINIA - Charleston
210 Kanawha Boulevard West
Charleston, West Virginia 25302

WISCONSIN - Milwaukee
310 East Knapp Street
Milwaukee, Wisconsin 53202

For further information relating to this notice and information about local office hours and locations, the public may call the National Customer Service Center at 1-800-375-5283 or (TTY) 1-800-767-1833, or visit the INS website at <http://www.ins.gov/>.