

Immigration Law Alert

December 19, 2002

“Special Registration” Rules Expanded Again to include Pakistan and Saudi Arabia

This autumn we advised you that the federal government implemented a new Special Registration Program on October 1, 2002. Under this Program, citizens and nationals of certain countries or persons who otherwise raise security concerns are required to submit to a special registration process upon entering the U.S. The registration procedure requires the registrant to provide fingerprints and photographs, as well as to answer a variety of background questions.

On November 6, 2002, and November 22, 2002, the federal government announced that it was substantially expanding the Special Registration Program to include some nonimmigrants *presently in the U.S.* who may not have gone through the registration process upon entry. Those affected by the new rules (Special Registration Call-In Program) are males aged 16 and older who were last admitted to the U.S. as nonimmigrants *and* who are nationals or citizens of Iran, Iraq, Libya, Sudan or Syria (Group A); Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, or Yemen (Group B).

On December 16, 2002, the list was expanded to include nationals or citizens of Pakistan and Saudi Arabia. (Group C) Despite the fact that the government refers to this as a “call-in” program, applicants must register in person.

These regulations do not impose any obligations on employers. However, employers may wish to provide

information regarding these new requirements to their employees in order to assist them in complying with the law. If an employer elects to provide this information to its employees, information may be posted or circulated to all employees regarding the new requirement. Employers should not search employment records to determine whether they have affected employees in their workforce.

Who Must Register Now?

A nonimmigrant (NOT lawful permanent residents or U.S. citizens) in the U.S. who meets *all* of the following criteria must appear at a designated INS office for special registration:

GROUP A

1. A Male;
2. Born on or before November 15, 1986;
3. Who is a citizen or national of **Iran, Iraq, Libya, Sudan or Syria**; and was
4. Last admitted to the United States as a non-immigrant on or before September 10, 2002; and who
5. Remained in the United States at least until December 16, 2002, should have registered by December 16, 2002

GROUP B

1. A Male;
2. Born on or before December 2, 1986;
3. Who is a citizen or national of **Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, or Yemen**; and was
4. Last admitted to the United States as a non-immigrant on or before September 30, 2002; and
5. Who will remain in the United States at least until January 10, 2003.

GROUP C

1. A Male;
2. Born on or before January 13, 1987;
3. Who is a citizen or national of **Pakistan or Saudi Arabia**; and was
4. Last admitted to the United States as a non-immigrant on or before September 30, 2002; and who
5. Will remain in the United States at least until February 21, 2003.

Persons who do not meet *all* of the criteria above are *not* required to register at this time.

Also exempt from the registration requirement are: Legal Permanent Residents (i.e., persons with “green cards”) and U.S. citizens; persons in A or G visa status; and certain persons who have applied for or been granted asylum.

How Does One Register?

Persons from Group A who meet the registration criteria listed above were to appear at a designated INS office on or before December 16, 2002. Persons in Group B must appear on or before January 10, 2003; and persons in Group C must appear on or before February 21, 2003. The list of designated offices includes most local INS offices and is available online at:

<http://www.ins.usdoj.gov/graphics/lawenfor/specialreg/ALISTOFL.pdf>.

The location of designated offices may also be found by calling the INS National Customer Service Center at 1-800-375-5283. For example, in Illinois, registrants must report to the Chicago INS Office, 230 South Dearborn, 2nd Floor, Chicago, Illinois 60604.

When registering, the person should bring: (1) travel documents, including passport and the Form I-94 issued upon admission; (2) any other forms of government-issued identification; (3) proof of residence, such as title to land or a lease or rental agreement; (4) proof of matriculation at an educational institution (if applicable); and (5) proof of employment (if applicable).

Failure To Register

A willful failure to register constitutes a failure to maintain nonimmigrant status. An alien who fails to register is deportable, unless he or she establishes to the satisfaction of the Attorney General that such failure was reasonably excusable or was not willful. As always, if you have any questions about the Special Registration Program, please do not hesitate to contact your Vedder Price attorney, or:

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The Vedder Price Business Immigration Group

U.S. companies—whether large or small—increasingly hire employees from around the globe. The search for talent within industries such as financial services, bio-medical, high tech, pharmaceutical, automotive, engineering and other key sectors of the U.S. economy is relentless in its intensity. In response to the needs of companies to manage their internationally mobile workforce, the law firm of Vedder Price has created a Business Immigration Practice Group, designed specifically to serve the immigration law and compliance needs of companies throughout the country. In addition, the firm provides counsel and assistance with respect to all types of employment-related immigrant and non-immigrant visa categories.

Specific services include:

- Determining and applying for the most appropriate visa categories for individuals who intend to stay temporarily in the United States for employment or other business-related reasons.
- Preparation and processing of permanent resident visas for executives and other professional employees.
- Due Diligence regarding immigration law issues in corporate mergers, acquisitions, divestitures, and other forms of corporate reorganization.
- Counseling employers regarding compliance with immigration laws (IRCA) in order to avoid civil and criminal penalties.
- Assisting in processing visa applications and resolving other State Department matters in U.S. Embassies and Consulates around the world.
- Assisting employers with their non-U.S. immigration needs through our network of attorneys licensed in other countries.

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