

ARAB AMERICAN INSTITUTE

NATIONAL SECURITY ENTRY-EXIT REGISTRATION SYSTEM

Background

The National Security Entry-Exit Registration System (NSEERS), otherwise known as INS Special Registration, was initiated in September 2002 as a domestic component to the “War on Terror.” NSEERS, a system for registration of certain non-citizens within the United States, required non-immigrant men and boys from predominantly Arab and Muslim-majority countries to report to an immigration office to be photographed, fingerprinted and interviewed. Those targeted by the NSEERS program were only permitted to leave the United States from specified ports. Failure to comply with the program often resulted in arrest and deportation. There were criminal and civil penalties associated with NSEERS, including arrest, detention, monetary fines and/or removal from the United States.

The domestic “call-in” registration program resulted in hundreds of detentions and confusion at understaffed local immigration offices. More than 13,000 men who complied with call-in registration were placed in removal proceedings. Publicly available information from the Department of Homeland Security (DHS) indicates that approximately 84,000 individuals registered through this process. In addition, thousands of men who were required to register but failed to do so were susceptible to NSEERS penalties. Although conceived as a program to thwart terrorist attacks, NSEERS proved ineffective as a counterterrorism tool. Among the tens of thousands of men and boys forced to register under NSEERS, none were ever convicted by the U.S. government for a terrorism-related crime.

In practice, NSEERS led to the deportations of thousands of people from Arab and Muslim-majority countries for minor civil immigration violations and brought an abrupt end to their productive jobs, property ownership and community ties, including to family members with U.S. citizenship. NSEERS violated civil liberties through racial profiling, unlawful arrests, and in some cases, detentions of individuals who were not required to register under the program.

The Problem

On April 27, 2011, DHS announced that it would be shutting down the NSEERS registration process. While a step in the right direction, shutting down the NSEERS registration process only ceased the collection of data - it did not eradicate the potential for misuse of the already-collected data, and left the underlying framework in place.

In an April 27, 2011 letter, Margo Schlanger, DHS Officer for Civil Rights and Civil Liberties, wrote that the underlying regulation would remain in place in the event special registration is “needed again.”

While NSEERS primarily impacted men from Arab and Muslim-majority countries, the government’s decision to retain the regulatory framework of NSEERS means that every foreign national in the United States is at risk of the program’s reinstatement.

Recommendations

- The federal government should take steps to repeal the underlying framework that governs NSEERS, 8 CFR 264.1, to ensure that NSEERS cannot be re-activated.
- Data collected under the NSEERS program should be expunged, and those that did not register or did not properly register should no longer be denied immigration benefits for which they are otherwise eligible.

- The Department of Justice and Department of Homeland Security should clarify how data collected through NSEERS is currently being used by government agencies or contractors.
- The federal government should prohibit the implementation of future programs or policies that single out individuals based on race, religion, national origin, or ethnicity.