

November 15, 2011

Hon. Margo Schlanger
Officer, Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Washington, DC 20528

Hon. Kelly Ryan
Acting Deputy Assistant Secretary for Policy
U.S. Department of Homeland Security
Washington, DC 20528

RE: NSEERS

Dear Officer Schlanger and Deputy Ryan:

The undersigned organizations are writing to request a meeting with you and your delegates to discuss the steps your agency has taken to address the residual populations affected by the National Security Entry-Exit System (NSEERS) program since our meeting on June 2, 2011. At that meeting, we highlighted the importance of implementing a specific policy to remove the residual penalties and procedures associated with NSEERS, and asked for the removal of the regulatory framework of NSEERS altogether.

We are particularly concerned by a recent Policy Memorandum (PM) from the United States Citizenship and Immigration Services (USCIS), "Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens" (PM-602-0050 (November 7, 2011)), and the direction therein to "refer all cases in which an application is denied based on an NSEERS violation to ICE for possible NTA issuance."

[http://www.uscis.gov/USCIS/Laws/Memoranda/Static_Files_Memoranda/NTA%20PM%20\(Approved%20as%20final%2011-7-11\).pdf](http://www.uscis.gov/USCIS/Laws/Memoranda/Static_Files_Memoranda/NTA%20PM%20(Approved%20as%20final%2011-7-11).pdf) Rather than taking steps to eliminate penalties associated with alleged NSEERS noncompliance, and to conserve enforcement resources in a manner consistent with the new policies, the PM suggests that USCIS will continue to deny benefits cases based on alleged NSEERS noncompliance, and moreover, will defer to, and in turn permit, ICE to issue NTAs in NSEERS cases. We are troubled by the inclusion of this language in the PM and believe it and any process that continues the NSEERS program and sanctions for noncompliance should be eliminated. Attached is the correspondence associated with the June 2 meeting. Also attached is a press release from the American Immigration Lawyers Association expressing its concern about the PM's language on NSEERS. <http://www.aila.org/content/default.aspx?docid=37595>

Thank you for your attention. We look forward to discussing this issue further with your offices. If you have any questions, please contact Shoba Sivaprasad Wadhia at ssw11@psu.edu.

American-Arab Anti-Discrimination Committee
American Immigration Lawyers Association
National Immigration Forum
Rights Working Group
South Asian Americans Leading Together
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cc: Stephen H. Legomsky, Chief Counsel, United States Citizenship and Immigration Services, U.S. Department of Homeland Security