



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

November 23, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President,

The American Immigration Lawyers Association (AILA) urges your Administration to terminate the National Security Entry-Exit Registration System (NSEERS) program by immediately rescinding the regulation creating the program at 8 CFR 264.1. As the national bar association of immigration lawyers with more than 14,000 members, AILA is committed to the advancement of fair and just immigration law and practice.

The NSEERS program is a shameful part of our country's past. Created in the wake of September 11, 2001, NSEERS required immigrants from 25 Muslim-majority, Arab, and South Asian countries to register their presence, fingerprints, and photographs with local immigration offices or officers at U.S. ports of entry. It targeted people based on national origin, race, and religion rather than on legitimate intelligence information, and led to notorious ethnic profiling and civil rights violations.

During the program's period of operation, AILA received hundreds of stories and complaints from our lawyer members about the injustices caused by NSEERS. Clients who tried to comply with NSEERS and voluntarily appeared for registration were treated like criminals and subjected to aggressive practices. Many were handcuffed, denied access to attorneys, or put into detention. Immigration officials separated people from their family members and wrongly accused them of fraud, even though many were here on valid visas or had green card applications pending.

NSEERS upended the lives of tens of thousands of people lawfully present in the United States in nearly every visa category. Spouses and other relatives awaiting green cards saw their loved ones detained and even taken away on buses to detention centers. Scientists, researchers, entrepreneurs, and successful business owners in the United States on immigrant and nonimmigrant visas were subjected to questioning and intimidation as if they were terrorists rather than upstanding members of the community. Along with nationals of the 25 listed countries that were impacted, AILA lawyers assisted citizens of Canada and many European nations who were born in one of the designated countries and were therefore also required to register.

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NSEERS not only subjected thousands of people to demeaning and hostile practices, it failed miserably as a counterterrorism tool. There is no evidence that the NSEERS program led to any terrorism-related convictions or that it identified any terrorists. James W. Ziglar, former Commissioner of the U.S. Immigration and Naturalization Service stated: “not one actual terrorist was identified [by NSEERS]. But what we did get was a lot of bad publicity, litigation and disruption in our relationships with immigrant communities and countries that we needed help from in the war on terror.”

The program was also poorly implemented. The procedures were unclear, underpublicized, and difficult for individuals to follow. AILA members had clients who tried to comply but misunderstood the requirements and then faced severe consequences like detention. Attempts by government officials to carry out the program wasted millions of taxpayer dollars and led to massive backlogs, denials of green cards and other applications, and the institution of removal proceedings. These inexcusable practices were committed regularly against people who willingly followed the rules and were upstanding members of the community with families, jobs, and businesses.

On April 27, 2011, the Department of Homeland Security announced the elimination of the list of countries whose nationals are subject to registration under NSEERS, thus effectively ending the NSEERS registration process. While this was a welcome step, it did not go far enough to terminate the program. This administration must remove the residual penalties and procedures associated with NSEERS and remove the regulatory framework of NSEERS altogether by rescinding the regulation to ensure that this dark part of our nation’s history is not repeated.

If you need additional information or have questions related to this request, please contact Greg Chen, Director of Advocacy, gchen@aila.org, 202/507-7615.



William A. Stock
President



Benjamin Johnson
Executive Director

cc: Jeh Johnson, Secretary, Department of Homeland Security