



# Fact Sheet

May 10, 2007

## **Concerning the Secretary's Exercise of Authority Under Sec. 212(d)(3)(B)(i)**

On April 27, 2007, Secretary Chertoff exercised his authority under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act (the Act), determining that subsection 212(a)(3)(B)(iv)(VI) shall not apply to certain individuals who have provided material support under duress to certain terrorist organizations described in subsections 212(a)(3)(B)(vi)(I) and (II) (designated terrorist organizations) (often referred to as Tier I and Tier II organizations) if warranted by the totality of the circumstances. The authority not to apply subsection 212(a)(3)(B)(iv)(VI) of the Act in certain circumstances shall be implemented by United States Citizenship and Immigration Services (USCIS) in consultation with United States Immigration and Customs Enforcement (ICE).

- This determination only affects those who provided material support under duress to a designated terrorist organization.
  - The determination has no impact on the applicability of any other security-related ground of inadmissibility to an applicant.
  - The determination has no impact on the applicability of 212(a)(3)(B)(iv)(VI) of the Act to those who provided material support NOT under duress to a designated terrorist organization.
- The Department of Homeland Security will identify those designated terrorist organizations that may be included for consideration in this exercise of authority, and the exemption authority will be exercised only with respect to applicants who provided material support under duress to one of those organizations. USCIS will publish on its website the organizations that have been identified.
- USCIS, in its discretion, will evaluate whether the material support provided to a designated terrorist organization was provided under duress and whether the totality of the circumstances warrants a favorable exercise of authority.
- Note that on February 26, 2007, Secretary Chertoff determined that subsection 212(a)(3)(B)(iv)(VI) of the Act shall not apply with respect to material support provided under duress to terrorist organizations described in subsection 212(a)(3)(B)(vi)(III) (undesignated terrorist organizations) (often referred to as Tier III organizations) if warranted by the totality of the circumstances. Separate implementing procedures for each waiver will be issued.