

MAR 16 2015



U.S. Customs and  
Border Protection

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

Director, Preclearance Operations  
Office of Field Operations

FROM: Carey T. Davis (b) (6), (b) (7)(C)  
Acting Executive Director  
Admissibility and Passenger Programs  
Office of Field Operations

SUBJECT: Update on Policy for the Treatment of Individuals who were  
Previously Subject to (b) (7)(E) Reporting and Registration  
Requirements

**Background**

On April 28, 2011, through a notice published in the Federal Register, DHS removed the list of countries whose nationals had been subject to (b) (7)(E) registration and reporting requirements.

On April 16, 2012, DHS issued guidance on how its components should treat an alien's past failure to comply with special registration and reporting provisions associated with the (b) (7)(E) program, clarifying the limited circumstances under which negative immigration consequences would result from an alien's prior failure to comply with (b) (7)(E).<sup>1</sup> This memorandum provides OFO personnel with that guidance.

**Policy**

U.S. Customs and Border Protection (CBP) officers are reminded that they must follow the guidance from the April 16, 2012, as explained below, if they encounter an individual who was previously subject to the (b) (7)(E) reporting requirements, the individual failed to comply with those requirements, and an enforcement action may be appropriate for that individual.

(b) (7)(E)

Guidance for CBP Officers Regarding Cases Involving Failure to Comply with NSEERS

(b) (7)(E)

(b) (7)(E)

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However, the alien should be found inadmissible only if all of the following apply to the alien:

: (b) (7)(E)

(b) (7)(E)

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Reporting and Registration Requirements

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CBP officers should consult with the 2012 DHS Guidance (attached) for further information on any additional questions.

Nothing in this guidance shall prevent CBP from exercising its full authorities in response to any derogatory information, including, but not limited to, (b) (7)(E)

(b) (7)(E)

Record Keeping

(b) (7)(E)

This memorandum and attachment are intended solely for the guidance of CBP OFO personnel in the performance of their official duties. It does not, is not intended to, nor should be relied upon to, create any substantive or procedural right or benefit that is enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner. Furthermore, as there is no right to the favorable exercise of the Department's discretion, nothing in this memorandum should be construed to prohibit the apprehension, detention, or removal of any alien unlawfully in the United States or to limit the Department's legal authority in any way.

Please ensure that this Memorandum is not disseminated to CBP Officers below the GS-13 supervisory level. Should you have any questions or require additional information, please contact, Enforcement Programs Division Director J. Ryan Hutton or Branch Chief, (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C)

Attachment