



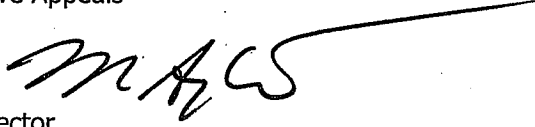
U.S. Citizenship
and Immigration
Services

JUL 28 2008

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Memorandum

TO: Associate Directors
Chief Administrative Appeals
Chief Counsel

FROM: Michael L. Aytes 
Acting Deputy Director

SUBJECT: Implementation of Section 691 of Division J of the Consolidated Appropriations Act, 2008,
and Updated Processing Requirements for Discretionary Exemptions to Terrorist Activity
Inadmissibility Grounds

On December 26, 2007, the President signed the Consolidated Appropriations Act, 2008, Pub. L. 110-161, 121 Stat. 1844 (CAA). In section 691 of Division J (Department of State, Foreign Operations, and Related Programs Appropriations Act) of the CAA, Congress amended the discretionary authority of the Secretary of Homeland Security and the Secretary of State, under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), to exempt the effect of an alien's terrorist activities on his or her inadmissibility to, or removability from, the United States. Additionally, section 691 named certain groups (all of which the Secretaries had previously determined qualified for an exemption under 212(d)(3)(B)) that were not to be considered terrorist organizations under the INA based on terrorist activities conducted prior to enactment of the CAA. It also stated that the Taliban would be considered a Tier I terrorist organization under INA section 212(a)(3)(B)(vi)(I).¹ A copy of the relevant legislation is included as an attachment to this memorandum.

This memorandum explains relevant changes in the law and provides implementation guidance for adjudicating those applications for immigration benefits filed with U.S. Citizenship and Immigration Services (USCIS) that are impacted by this legislation. It also announces exercises of discretionary authority by Secretaries Chertoff and Rice under INA section 212(d)(3)(B)(i), as amended, on June 3, 2008. The memorandum also provides instructions for consideration of these exemptions. A copy of this memorandum should be distributed to all appropriate staff.

¹ INA section 212(a)(3)(B)(vi) has three categories or "tiers" of terrorist organizations, two of which are designated by the Secretary of State and the third of which is undesignated:

"Tier I" – Foreign Terrorist Organizations includes organizations designated by the Secretary of State under INA section 219 (INA section 212(a)(3)(B)(vi)(I)) and, under CAA section 691(d), the Taliban;

"Tier II" – Includes organizations otherwise designated by the Secretary of State as a terrorist organization, after finding that the organization "engages in terrorist activities" under INA section 212(a)(3)(B)(iv)(I)-(VI). (INA section 212(a)(3)(B)(vi)(II)); and

"Tier III" – Undesignated Terrorist Organizations includes a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which "engages in terrorist activities" under INA section 212(a)(3)(B)(iv)(I)-(VI) (INA section 212(a)(3)(B)(vi)(III)).

I. Section 691 of Division J of the CAA

A. Amended discretionary exemption authority under INA section 212(d)(3)(B)(i)

Prior to passage of the CAA, pursuant to INA section 212(d)(3)(B)(i), the Secretary of Homeland Security or the Secretary of State, in consultation with each other and with the Attorney General, could "conclude in such Secretary's sole unreviewable discretion that subsection 212(a)(3)(B)(iv)(VI) shall not apply with respect to material support an alien has afforded to an organization or individual that has engaged in terrorist activity." Section 691(a) of the CAA expands the authority granted under INA section 212(d)(3)(B)(i), allowing the Secretaries of Homeland Security and State, in consultation with each other and the Attorney General, to make a determination to not apply almost all of the terrorism-related provisions under INA section 212(a)(3)(B). The new legislation retains the requirement that once removal proceedings have commenced, only the Secretary of Homeland Security has the authority to apply the exemption.

Under this amended authority, however, the Secretary is precluded from exercising his discretion with regard to the following:

- aliens for whom there are reasonable grounds to believe are engaged in (present activities) or likely to engage in (future activities) terrorist activity (INA section 212(a)(3)(B)(i)(II));
- members of Tier I and Tier II terrorist organizations (designated by the State Department) (INA section 212(a)(3)(B)(i)(V));
- representatives of Tier I and Tier II terrorist organizations (designated by the State Department) (INA section 212(a)(3)(B)(i)(IV)(aa));
- aliens who *voluntarily and knowingly* engaged in terrorist activity on behalf of a Tier I or Tier II organization (INA section 212(a)(3)(B)(i)(I), as defined by INA section 212(a)(3)(B)(iv));
- aliens who *voluntarily and knowingly* endorsed or espoused terrorist activity or persuaded others to do so on behalf of a Tier I or Tier II organization (INA section 212(a)(3)(B)(i)(VII)); and
- aliens who *voluntarily and knowingly* received military-type training from a Tier I or Tier II terrorist organization (INA section 212(a)(3)(B)(i)(VIII)).

These limitations on the Secretary's exemption authority, except for the provision concerning the reasonable grounds to believe an alien is engaged in or likely to engage in terrorist activity, only apply to activities relating to Tier I and Tier II terrorist organizations. The ground of inadmissibility for "is engaging in or is likely to engage in" terrorist activities cannot be exempted regardless of the group involved.

DHS has concluded that the new legislation's prohibition on the exercise of the Secretary's discretion for activities that are undertaken "voluntarily and knowingly" does not preclude the Secretary's previous exercises of authority with regard to material support under duress to a Tier I or Tier II organization. It should be noted that the interpretation of the terms such as "duress," "voluntarily," and "knowingly" are subject to the Secretary's discretion and limited to the unique context of INA section 212(d)(3)(B)(i) of the Act and are not intended to be applied in other contexts.

The new legislation also amends the authority of the Secretaries of Homeland Security and State to determine which organizations should not qualify as Tier III terrorist organizations. The prior version of section 212(d)(3)(B)(i) limited this authority to organizations that fell within the Tier III definition solely because of the activities of a subgroup. Now any Tier III group may be exempted from being defined as a Tier III terrorist organization, with two exceptions:

- groups that have engaged in terrorist activity against the United States or another democratic country; and
- groups that have purposefully engaged in a pattern or practice of terrorist activity that is directed at civilians.

To date, no group has been exempted from being found a Tier III terrorist organization pursuant to this authority under either the prior or current version of the statute.

B. Statutory listing of groups not to be considered terrorist organizations for acts or events occurring prior to December 26, 2007 (date of enactment of CAA)

Section 691(b) of the CAA lists 10 groups that shall not be regarded as terrorist organizations. The provision only applies to the organization's activities or events occurring prior to enactment of the CAA (December 26, 2007), so these organizations may become terrorist organizations again in the future if they engage in terrorist activities. These groups are essentially the same groups previously named by Secretary Chertoff in February and October 2007, in allowing the exemption to be used for material support provided to these organizations. Please note, however, that the new statute refers to appropriate groups "affiliated with the Montagnards," while the Secretary's October 2007 delegation referred specifically to the group FULRO ("Front Unifié de Lutte des Races Opprimées"). The groups listed in the statute are:

- Karen National Union/Karen Liberation Army (KNU/KNLA);
- Chin National Front/Chin National Army (CNF/CNA);
- Chin National League for Democracy (CNLD);
- Kayan New Land Party (KNLP);
- Arakan Liberation Party (ALP);
- Mustangs;
- Alzados;
- Karenni National Progressive Party;
- Appropriate groups affiliated with the Hmong; and
- Appropriate groups affiliated with the Montagnards.

As a result of this legislation, an alien who did any of the following prior to December 26, 2007, or at anytime on or after that date, as long as the organization at issue has not engaged in terrorist activities on or after December 26, 2007, is no longer inadmissible on account of the following terrorist-related grounds of inadmissibility:

- Solicited funds or other things of value on behalf of one of these named groups (INA section 212(a)(3)(B)(iv)(IV)(cc));
- Solicited an individual for membership in one of these named groups (INA section 212(a)(3)(B)(iv)(V)(cc));
- Committed an act that provided material support to one of these named groups (INA section 212(a)(3)(B)(iv)(VI)(dd));
- Is a representative of one of these named groups (INA section 212(a)(3)(B)(i)(IV)(aa));
- Is a member of one of these named groups (INA section 212(a)(3)(B)(i)(VI));
- Persuaded others to support one of these named groups (INA section 212(a)(3)(B)(i)(VII)); or
- Received military-type training from one these named groups (INA section 212(a)(3)(B)(i)(VIII)).

C. Other changes

Section 691(c) of the CAA makes a technical amendment to correct the cross-reference anomaly in the spouse/child exception at INA section 212(a)(3)(B)(ii) to the spouse and child ground of inadmissibility. The exception now correctly references the ground of inadmissibility for spouses and children at section 212(a)(3)(B)(i)(IX). Section 691(d) designates the Taliban as a Tier I terrorist organization for immigration purposes. Section 691(e) imposes certain additional reporting requirements on DHS with regard to "duress" exemptions. Finally, section 691(f) makes all the amendments in the Act fully retroactive.

D. Exercise of Exemption Authority under Section 691(a) of the CAA

On June 2, 2008, Secretaries Chertoff and Rice, in consultation with each other and the Attorney General, exercised their revised authority under INA section 212(d)(3)(B)(i) not to apply exemptible section 212(a)(3)(B) terrorism-related inadmissibility provisions of the INA to individuals for activities or associations connected to each of the 10 groups listed in section 691(b) of the CAA. See section II(B), below for detailed information on these new exemption authorities.

II. Processing cases in which there is a terrorist-related activity connected to one of the ten groups listed in section 691(b) of the CAA

A. Not inadmissible as a matter of law

Given the automatic exemption provided in section 691(b) of the CAA, an alien is not inadmissible under any provision in which "terrorist organization" is an element for any activity occurring prior to December 26, 2007, where the organization in question is one of the 10 groups named in the CAA. As such activities are no longer a basis for inadmissibility, cases involving applicants who engaged in such an activity do not require any special processing (except as may be required by an operational component), expanded supervisory review or completion of the terrorist inadmissibility worksheet.

Aliens who commit any of these same activities on or after December 26, 2007, are not inadmissible under the relevant section of INA section 212(a)(3)(B) unless and until a finding is made that the relevant group meets the definition of a terrorist organization under INA section 212(a)(3)(B)(vi)(III) (Tier III terrorist organization) **for activities carried out by the group on or after December 26, 2007.** If the adjudicator finds information indicating that the relevant group has engaged in terrorist activity on or after December 26, 2007, such that the group meets the INA section 212(a)(3)(B)(vi)(III) (Tier III terrorist organization) definition, the adjudicator will place the case on hold and raise the Tier III determination issue to the USCIS Material Support Working Group (MSWG) via appropriate supervisory channels. The MSWG will communicate to USCIS operational components the determination as to whether or not the group will be considered to meet the Tier III definition.

1. aliens no longer inadmissible for certain activities

Aliens whose immigration applications would have been denied prior to passage of the CAA solely because the alien would be inadmissible for committing one of the following activities prior to December 26, 2007, may now be approved because the alien is no longer inadmissible for those actions as a matter of law:

- Solicited funds or other things of value on behalf of one of these named groups (formerly inadmissible under INA section 212(a)(3)(B)(iv)(IV)(cc));
- Solicited an individual for membership in one of these named groups (formerly inadmissible under INA section 212(a)(3)(B)(iv)(V)(cc));
- Committed an act that provided material support to one of these named groups (formerly inadmissible under INA section 212(a)(3)(B)(iv)(VI)(dd));²
- Was a representative of one of these named groups (formerly inadmissible under INA section 212(a)(3)(B)(i)(IV)(aa));
- Was a member of one of these named groups (formerly inadmissible under INA section 212(a)(3)(B)(i)(VI));
- Persuaded others to support one of these named groups (formerly inadmissible under INA section 212(a)(3)(B)(i)(VII)); or
- Received military-type training from one these named groups (formerly inadmissible under INA section 212(a)(3)(B)(i)(VIII)).

² Aliens previously found inadmissible under this provision for providing material support to one of the groups named in section 691 could be approved before, but only after being found to meet the requirements of one of the Secretary's group-based material support exemptions and the completion of a Material Support Exemption Worksheet.

Decisions issued prior to the enactment of the CAA denying or referring an application because the alien was inadmissible based on one or more terrorist inadmissibility ground(s) that are now inapplicable as a result of the passage of section 691(b) stand, unless reopened by the component with jurisdiction over the adjudication. USCIS adjudicators should favorably consider any reapplication or motion to reopen or reconsider an application previously denied or referred because of a terrorist inadmissibility ground that is now inapplicable, unless other reasons for denial or referral of the application remain applicable. USCIS adjudicators should also favorably consider any fee waiver request.

2. appropriate groups affiliated with Hmong and Montagnards

As stated above, section 691(b) of the CAA lists 10 groups that shall not be considered to be terrorist organizations on the basis of an act or event occurring prior to enactment of the CAA (December 26, 2007). Eight of the 10 groups listed in section 691(b) of the CAA are specifically named. "Appropriate groups affiliated with the Hmong and Montagnards" will be interpreted as referring to the groups identified in the previous material support exemptions signed by Secretary Chertoff and Secretary Rice in October 2007, without the date restrictions included in the exemption documents. These groups are:

- ethnic Hmong individuals or groups, provided there is no reason to believe that the relevant activities of the recipients were targeted against noncombatants; and
- the Front Unifié de Lutte des Races Opprimées (FULRO) (Montagnard group).

The date restrictions included in these exemptions signed by the Secretaries no longer apply because the statutory designation that these groups are not terrorist organizations under the INA applies to any actions taken by the named groups before the enactment of the statute (December 26, 2007).

B. Aliens whose inadmissibility for certain activities carried out on behalf of one of the ten named groups may be exempted as a matter of discretion

Even with the application of section 691(b) of the CAA, an alien may still be inadmissible because that section applies only to inadmissibility provisions in which "terrorist organization" is an element. For example, any alien who is found to have committed any of the following activities (even if on behalf of any of the 10 groups named in section 691(b)) continues to fall within the grounds of inadmissibility, regardless of when the activity took place:

- has engaged in any of the following (INA section 212(a)(3)(B)(i)(I)) –
 - committed or incited to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity (INA section 212(a)(3)(B)(iv)(I));
 - prepared or planned a terrorist activity (INA section 212(a)(3)(B)(iv)(II));
 - gathered information on potential targets for terrorist activity (INA section 212(a)(3)(B)(iv)(III));
 - solicited funds or other things of value for a terrorist activity (INA section 212(a)(3)(B)(iv)(IV)(aa));
 - solicited an individual to engage in conduct otherwise described in INA section 212(a)(3)(B)(iv)(other than those involving activity carried out on behalf of a "terrorist organization") (INA section 212(a)(3)(B)(iv)(V)(aa)); or
 - committed an act that the alien knows, or reasonably should have known, affords material support
 - for the commission of a terrorist activity (INA section 212(a)(3)(B)(iv)(VI)(aa));
 - to any individual who the alien knows, or reasonably should know, has committed or plans to commit a terrorist activity ("terrorist activity" is defined at INA section 212(a)(3)(B)(iii) (INA section 212(a)(3)(B)(iv)(VI)(bb)); or
- has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity (INA section 212(a)(3)(B)(i)(III));

- is a representative of a political, social, or other group that endorses or espouses terrorist activity (INA section 212(a)(3)(B)(i)(IV)(bb)); or
- endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity (INA section 212(a)(3)(B)(i)(VII)).

Although the alien is inadmissible for these activities, Secretaries Chertoff and Rice have exercised their discretionary authority to allow USCIS to grant exemptions from inadmissibility to otherwise eligible aliens who have engaged in such activities.³ If an alien is found to be subject to one of the above listed inadmissibility provisions for terrorist activity on behalf of or in association with one of the 10 groups listed in section 691(b) of the CAA, the alien may be eligible for exemption from the relevant terrorist activity inadmissibility. In order for the alien's application to be approved, the adjudicator must complete a Terrorist-Related Inadmissibility Exemption Worksheet (see section III below) and a supervisor must concur with the adjudicator's favorable decision.

Decisions issued prior to the effective date of the expanded discretionary authority (June 3, 2008) denying or referring an application because the alien was inadmissible and USCIS did not have the discretionary authority to exempt the alien from that inadmissibility, stand, unless reopened by the component with jurisdiction over the adjudication. USCIS adjudicators should favorably consider any reapplication or motion to reopen or reconsider an application previously denied or referred if USCIS now has the discretionary authority to exempt the alien from inadmissibility and no other reason[s] for denial or referral of the application remain applicable.

Before exempting an alien from inadmissibility under the expanded group-based exemption authority described above, adjudicators must determine that there is no reason to believe that the relevant terrorist activities of the alien were targeted against noncombatant persons, and that the alien:

- is otherwise eligible for the benefit or protection sought;
- has undergone and passed all relevant background and security checks;
- has fully disclosed to U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of INA section 212(a)(3)(B);
- poses no danger to the safety and security of the United States; and
- is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.⁴

A spouse or child is inadmissible under INA section 212(a)(3)(B)(i)(IX) if the related alien is inadmissible under INA section 212(a)(3)(B) for actions occurring within the last five years, unless the spouse or child qualifies for the exception provided under INA section 212(a)(3)(B)(ii). If the activity of the related alien is exempted, the spouse or child may also be exempted from inadmissibility.

With issuance of this memo, previous guidance that required two levels of supervisory review for the approval of a group-based exemption is rescinded.⁵ Such exemptions now only require one level of supervisory review, as documented on the Terrorist-Related Inadmissibility 212(a)(3)(B) Exemption Worksheet, in order to be approved. Each division responsible for implementing group-based exemptions will ensure both that supervisors are sufficiently trained to carry out their review in an appropriate manner, and that quality assurance review will be conducted to identify any training needs.

³ See *Exercise of Authority under Section 212(d)(3)(B)(i)*, June 3, 2008, attached.

⁴ See USCIS Memorandum, "Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to Certain Terrorist Organizations," May 24, 2007, for instruction concerning the exercise of discretion through consideration of the totality of the circumstances.

⁵ Duress-based material support exemptions still require two levels of review before approval.

Pursuant to this directive, adjudicators no longer need to withhold adjudication of cases involving activities associated with the 10 groups listed in section 691(b) of the CAA.⁶ Cases previously held under this category of the March 26, 2008, memo, as well as new cases encountered, should receive consideration under the new exemption authority and be processed according to program-specific instructions consistent with the INA as amended and this directive.

III. New 212(a)(3)(B) (terrorist-related inadmissibility) Exemption Worksheet

The 212(a)(3)(B) Exemption worksheet (rev. June 2, 2008), issued with this document, replaces the Material Support Exemption worksheet. The worksheet is required for all USCIS cases in which a terrorist-related inadmissibility exemption is considered. The worksheet has been updated to include the changes in exemption authority resulting from the CAA and the June 3 exercises of discretionary authority.

A category has been added to Section IV of the worksheet: "Individual Exemptions Authorized by DHS Headquarters." The category is only to be used when accounting for those exemptions for individual cases that have been decided by Secretary Chertoff or his designee at DHS headquarters. The box provided should not be checked unless the USCIS official checking the box has been informed of DHS headquarters approval. Generally, supervisory personnel upon instruction from headquarters program personnel will complete this section of the worksheet.

While each adjudicating component is responsible for providing detailed instruction(s) about completion of this worksheet and the USCIS Material Support Working Group will ensure that the worksheet is filled out consistently throughout USCIS, the following points are applicable to all USCIS adjudicators filling out the form.

- USCIS may not grant a benefit or relief to an alien who is inadmissible under INA section 212(a)(3)(B) unless the worksheet is completed.
- A worksheet is not complete until the adjudicating officer has completed all relevant sections of the worksheet except for Section VI (Reviewer's Decision).
- A worksheet is not complete until the adjudicating officer, the first-line reviewing officer and the second-line reviewing officer (if applicable) have signed it in the appropriate blocks in Sections V and VI.
- A worksheet is not complete until all boxes in Section II (Threshold Eligibility) have been checked.
- Adjudicators must provide a concise description of the actions making the alien inadmissible and identify the section of law under which he or she is inadmissible in Section III (Facts of the Case).
- When considering an exemption for an alien who has provided material support to a terrorist organization, the adjudicator must describe the type of support, including to whom the support was provided, what type of support was provided, the date of each provision of support (to the extent possible) and how often support was provided in Section III (Facts of the Case).
- When filling out Section IV for a Group-Based exemption, adjudicators must check the box corresponding to the correct group.⁷ When filling out Section IV for a Duress-Based exemption, adjudicators must check the appropriate box, identify the group by Tier (I, II, or III), name, or if no name, by activity relative to the applicant. Adjudicators should also describe any factors relevant to the determination that the material support was or was not provided under duress.⁸

⁶ See USCIS Memorandum, "Withholding Adjudication and Review of Prior Denials of Certain Categories of Cases Involving Association with, or Provision of Material Support to, Certain Terrorist Organizations or Other Groups," March 26, 2008.

⁷ The other category is intended for use only if the authority for another group-based exemption is exercised. At the time of this memo, "other" is inapplicable.

⁸ See USCIS Memorandum, "Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to Certain Terrorist Organizations," May 24, 2007, for listing of factors relevant to discretion.

- Explanations must be provided in Section V (Adjudicator's Decision) in the appropriate space, for each case in which an exemption is considered but not granted.

IV. Other exemptions

A. Duress based exemptions

To date the Secretaries have only exercised their authority under the CAA in individual cases and for the above-discussed expanded group exemptions. Existing exercises of discretionary authority made prior to the CAA for material support afforded under duress to Tier III terrorist organizations,⁹ and for material support afforded under duress to Tier I and Tier II terrorist organizations,¹⁰ remain valid. For all such cases in which an exemption for material support provided under duress to a terrorist organization is considered, the adjudicating officer will complete the 212(a)(3)(B) Exemption Worksheet (rev. June 2, 2008), and the decision must undergo two levels of review before issuance. Such decisions no longer require Material Support Working Group concurrence or review before issuance.¹¹ Each division adjudicating such cases is responsible for developing procedures for a two-level review process that ensures consistency in decision-making and identification of issues appropriate for elevation to the USCIS MSWG for discussion and guidance. Division procedures must also provide for an appropriate mechanism to gather statistics on cases considered for and granted exemptions in order for USCIS to comply with Congressional reporting requirements.

B. Cases on hold pursuant to March 26, 2008 directive

As indicated above, the CAA expanded the authority of the Secretaries to exempt inadmissibility in certain cases not covered by existing exercises of authority. On March 26, 2008, USCIS issued instructions to place certain categories of cases on hold and to review certain categories of cases denied or referred on or after December 26, 2007.¹² As indicated above, it is no longer necessary to hold cases involving individuals whose terrorist-related inadmissibility involved acts connected to the 10 groups listed in section 691(b) of the CAA. However, but for that instruction, the March 26, 2008, memorandum remains valid and cases falling within the remaining hold categories should be held.

Attachments:

1. Section 691 of Division J (Department of State, Foreign Operations, and Related Programs Appropriations Act) of the Consolidated Appropriations Act, 2008, Pub. L. 110-161, 121 Stat. 1844.
2. Exercise of Authority under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act, June 3, 2008
3. Terrorist-Related Inadmissibility Exemption Worksheet (rev. June 2, 2008)

⁹ See *Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act*, Effective February 26, 2007

¹⁰ See *Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act*, Effective April 27, 2007. Note that, to date USCIS has been authorized to adjudicate exemptions for individuals who have afforded material support to Tier I and Tier II terrorist organizations only in cases in which the support was afforded to three Colombian groups: the Revolutionary Armed Forces of Colombia (FARC); the National Liberation Army of Colombia (ELN); and the United Self-Defense Forces of Colombia (AUC).

¹¹ See USCIS Memorandum, "Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to Certain Terrorist Organizations," May 24, 2007, which mandated Material Support Working Group Review for 90 days after implementation.

¹² See USCIS Memorandum, "Withholding Adjudication and Review of Prior Denials of Certain Categories of Cases Involving Association with, or Provision of Material Support to, Certain Terrorist Organizations or Other Groups," March 26, 2008.

Attachment 1: Implementation of Section 691 of Division J of the Consolidated Appropriations Act, 2008, and Updated Processing Requirements for Discretionary Exemptions to Terrorist Activity Inadmissibility Grounds

Consolidated Appropriations Act, 2008, Pub. L. 110-161, 121 Stat. 1844 (CAA)
December 26, 2007

Section 691

(a) AMENDMENT TO AUTHORITY TO DETERMINE THE BAR TO ADMISSION INAPPLICABLE - Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that subsection (a)(3)(B) shall not apply with respect to an alien within the scope of that subsection or that subsection (a)(3)(B)(vi)(III) shall not apply to a group within the scope of that subsection, except that no such waiver may be extended to an alien who is within the scope of subsection (a)(3)(B)(i)(II), no such waiver may be extended to an alien who is a member or representative of, has voluntarily and knowingly engaged in or endorsed or espoused or persuaded others to endorse or espouse or support terrorist activity on behalf of, or has voluntarily and knowingly received military-type training from a terrorist organization that is described in subclause (I) or (II) of subsection (a)(3)(B)(vi), and no such waiver may be extended to a group that has engaged terrorist activity against the United States or another democratic country or that has purposefully engaged in a pattern or practice of terrorist activity that is directed at civilians. Such a determination shall neither prejudice the ability of the United States Government to commence criminal or civil proceedings involving a beneficiary of such a determination or any other person, nor create any substantive or procedural right or benefit for a beneficiary of such a determination or any other person. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review such a determination or revocation except in a proceeding for review of a final order of removal pursuant to section 1252 of this title, and review shall be limited to the extent provided in section 1252(a)(2)(D). The Secretary of State may not exercise the discretion provided in this clause with respect to an alien at any time during which the alien is the subject of pending removal proceedings under section 1229a of this title.'

(b) AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES - For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), the Karen National Union/Karen Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, the Karenni National Progressive Party, and appropriate groups affiliated with the Hmong and the Montagnards shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of enactment of this section. Nothing in this subsection may be construed to alter or limit the authority of the Secretary of State or the Secretary of Homeland Security to exercise his discretionary authority pursuant to section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)).

Attachment 1: Implementation of Section 691 of Division J of the Consolidated Appropriations Act, 2008, and Updated Processing Requirements for Discretionary Exemptions to Terrorist Activity Inadmissibility Grounds

(c) **TECHNICAL CORRECTION** - Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking 'Subclause (VII)' and inserting 'Subclause (IX)'.

(d) **DESIGNATION OF THE TALIBAN AS A TERRORIST ORGANIZATION** - For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), the Taliban shall be considered to be a terrorist organization described in subclause (I) of clause (vi) of that section.

(e) **REPORT ON DURESS WAIVERS** - The Secretary of Homeland Security shall provide to the Committees on the Judiciary of the United States Senate and House of Representatives a report, not less than 180 days after the enactment of this Act and every year thereafter, which may include a classified annex, if appropriate, describing--

(1) the number of individuals subject to removal from the United States for having provided material support to a terrorist group who allege that such support was provided under duress;

(2) a breakdown of the types of terrorist organizations to which the individuals described in paragraph (1) have provided material support;

(3) a description of the factors that the Department of Homeland Security considers when evaluating duress waivers; and

(4) any other information that the Secretary believes that the Congress should consider while overseeing the Department's application of duress waivers.

(f) **EFFECTIVE DATE** - The amendments made by this section shall take effect on the date of enactment of this section, and these amendments and sections 212(a)(3)(B) and 212(d)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B) and 1182(d)(3)(B)), as amended by these sections, shall apply to--

(1) removal proceedings instituted before, on, or after the date of enactment of this section; and

(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Modulation of Iron Deposition in SCD and Other Hemoglobinopathies.

Date: July 9, 2008.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lakshmanan Sankaran, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7799, ls38oz@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 11, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8-13701 Filed 6-17-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Prospective Grant of Exclusive License: Geldanamycin Derivative and Method of Treating Viral Infections**

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR Part 404.7(a)(1)(i), that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive patent license to practice the invention embodied in U.S. Patent No. 6,890,917, issued May 10, 2005, entitled "Geldanamycin Derivative and Method of Treating Cancer Using Same" [E-050-2000/0-US-15] and foreign equivalents, to Avira Therapeutics, LLC, having a place of business in Menlo Park, California. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license territory may be worldwide, and the field of use may be limited to the use of the manufacture, use, distribution and sale of 17-DMAG, an analog of geldanamycin, as a therapeutic to inhibit the influenza virus, respiratory syncytial virus (RSV) and dengue virus.

This replaces a notice published in 73 FR 31702 on Tuesday, June 3, 2008, which omitted the name of the potential licensee.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before August 18, 2008 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, comments, and other materials relating to the contemplated exclusive license should be directed to: Adaku Madu, J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852-3804; Telephone: (301) 435-5560; Facsimile: (301) 402-0220; E-mail: madua@mail.nih.gov.

SUPPLEMENTARY INFORMATION: This technology relates to novel cytotoxic compounds derived from 17-aminoalkylamino-substituted geldanamycin and pharmaceutical compositions thereof. In particular, this invention refers to 17-(dimethylamino) propylamino-geldanamycin, 17-(dimethylamino) ethylamino-geldanamycin, and the hydrochloride salt of 17-(dimethylamino) ethylamino-geldanamycin (DMAG and analogs). These compounds are Hsp90 inhibitors. Hsp90 inhibition downregulates B-Raf, decreases cell proliferation and reduces activation of the MEK/ERK pathways in some cells. Hsp90 plays an essential role in maintaining stability and activity in its client proteins. Hsp90 inhibitors interfere with diverse signaling

pathways by destabilizing and attenuating activity of such proteins, and thus exhibit antitumor activity. Specifically, 17-DMAG shows cytotoxicity against a number of human colon and lung cell lines, specific melanoma, renal and breast lines, and potentially against various viral infections. In addition, these compounds appear to have favorable pharmaceutical properties including oral activity and improved water-solubility.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR Part 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated exclusive license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: June 9, 2008.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8-13671 Filed 6-17-08; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY**Office of the Secretary****DEPARTMENT OF STATE****Office of the Secretary****Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act**

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.

ACTION: Notice of Determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of

discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to appropriate groups affiliated with the **Montagnards**, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not

intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,
Secretary of Homeland Security.

Condoleezza Rice,
Secretary of State.

[FR Doc. E8-13638 Filed 6-17-08; 8:45 am]
BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

DEPARTMENT OF STATE

Office of the Secretary

Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS;
Office of the Secretary, DOS.

ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B)

of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the **Karen National Union/ Karen National Liberation Army (KNU/KNLA)**, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is

applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,

Secretary of Homeland Security.

Condoleezza Rice,

Secretary of State.

[FR Doc. E8-13640 Filed 6-17-08; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

DEPARTMENT OF STATE

Office of the Secretary

Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.

ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the **Karenni National Progressive Party (KNPP)**, provided that there is no reason to believe that the

relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of

the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,

Secretary of Homeland Security.

Condoleezza Rice,

Secretary of State.

[FR Doc. E8-13643 Filed 6-17-08; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

DEPARTMENT OF STATE

Office of the Secretary

Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.

ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the **Chin National Front/Chin National Army (CNF/CNA)**, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.
Michael Chertoff,
Secretary of Homeland Security.
Condoleezza Rice,
Secretary of State.
 [FR Doc. E8-13651 Filed 6-17-08; 8:45 am]
 BILLING CODE 9117-97-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

DEPARTMENT OF STATE

Office of the Secretary

Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.

ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the **Alzados**, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) has undergone and passed relevant background and security checks;

(c) has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) poses no danger to the safety and security of the United States; and

(e) is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.
Michael Chertoff,
Secretary of Homeland Security
Condoleezza Rice,
Secretary of State.
 [FR Doc. E8-13644 Filed 6-17-08; 8:45 am]
 BILLING CODE 9117-97-P

DEPARTMENT OF HOMELAND SECURITY**Office of the Secretary****DEPARTMENT OF STATE****Office of the Secretary****Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act**

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.

ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the **Arakan Liberation Party (ALP)**, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) has undergone and passed relevant background and security checks;

(c) has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) poses no danger to the safety and security of the United States; and

(e) is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in

consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,
Secretary of Homeland Security.

Condoleezza Rice,
Secretary of State.

[FR Doc. E8-13655 Filed 6-17-08; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY**Office of the Secretary****DEPARTMENT OF STATE****Office of the Secretary****Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act**

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.

ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the **Kayan New Land Party (KNLP)**, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and

Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,
Secretary of Homeland Security.

Condoleezza Rice,
Secretary of State.

[FR Doc. E8-13666 Filed 6-17-08; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

DEPARTMENT OF STATE

Office of the Secretary

Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.

ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the **Chin National League for Democracy (CNLD)**, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and

Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,
Secretary of Homeland Security.

Condoleezza Rice,
Secretary of State.

[FR Doc. E8-13673 Filed 6-17-08; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY**Office of the Secretary****DEPARTMENT OF STATE****Office of the Secretary****Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act**

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.

ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C.

1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to the **Mustangs**, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in

consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,

Secretary of Homeland Security.

Condoleezza Rice,

Secretary of State.

[FR Doc. E8-13642 Filed 6-17-08; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY**Office of the Secretary****DEPARTMENT OF STATE****Office of the Secretary****Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act**

AGENCY: Office of the Secretary, DHS; Office of the Secretary, DOS.

ACTION: Notice of determination.

DATES: This determination is effective June 3, 2008.

Authority: 8 U.S.C. 1182(d)(3)(B)(i).

The Secretary of Homeland Security and the Secretary of State, following consultations with the Attorney General, hereby conclude, as a matter of discretion in accordance with our respective authorities under section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C.

1182(d)(3)(B)(i), as amended by the Consolidated Appropriations Act, 2008 (CAA), Public Law 110-161, Div. J, section 691(a), 121 Stat. 1844, 2364 (December 26, 2007), as well as the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, excluding subclause (i)(II), shall not apply with respect to an alien not otherwise covered by the automatic relief provisions of section 691(b) of the CAA, for any activity or association relating to appropriate groups affiliated with the **Hmong**, provided that there is no reason to believe that the relevant terrorist activities of the alien or the recipients were targeted against noncombatant persons, and further provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed relevant background and security checks;

(c) Has fully disclosed, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each activity or association falling within the scope of section 212(a)(3)(B) of the INA;

(d) Poses no danger to the safety and security of the United States; and

(e) Is warranted to be exempted from the relevant inadmissibility provision by the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and

Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above shall apply to any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the Department of Homeland Security or by the Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: June 3, 2008.

Michael Chertoff,
Secretary of Homeland Security.

Condoleezza Rice,
Secretary of State.

[FR Doc. E8-13652 Filed 6-17-08; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2008-0170]

Collection of Information Under Review by Office of Management and Budget: OMB Control Numbers: 1625-0004

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) requesting an extension of their approval for the following collection of information: 1625-0004, United States Coast Guard Academy Application and Supplemental Forms. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before July 18, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG-2008-0170] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) or to OIRA. To avoid duplication, please submit your comments by only one of the following means:

(1) Electronic submission. (a) To Coast Guard docket at <http://www.regulation.gov>. (b) To OIRA by e-mail to: oira_submission@omb.eop.gov.

(2) Mail or Hand delivery. (a) DMF (M-30), DOT, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Hand deliver between the hours of 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329. (b) To OIRA, 725 17th Street, NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard.

(3) Fax. (a) To DMF, 202-493-2251. (b) To OIRA at 202-395-6566. To ensure your comments are received in time, mark the fax to the attention of the Desk Officer for the Coast Guard.

The DMF maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as

being available in the docket, will become part of this docket and will be available for inspection or copying at room W12-140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://www.regulations.gov>.

A copy of the complete ICR is available through this docket on the Internet at <http://www.regulations.gov>. Additionally, copies are available from Commandant (CG-611), U.S. Coast Guard Headquarters, (Attn: Mr. Arthur Requina), 2100 2nd Street SW, Washington, DC 20593-0001. The telephone number is 202-475-3523.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Requina, Office of Information Management, telephone 202-475-3523 or fax 202-475-3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202-366-9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

The Coast Guard invites comments on whether this information collection request should be granted based on it being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. Comments to Coast Guard must contain the docket number of this request, [USCG 2008-0170]. For your comments to OIRA to be considered, it is best if they are received on or before the July 18, 2008.

Public participation and request for comments: We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to <http://www.regulations.gov>. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the paragraph on DOT's "Privacy Act Policy" below.

Submitting comments: If you submit a comment, please include the docket number [USCG-2008-0170], indicate the specific section of the document to

212(a)(3)(B) EXEMPTION WORKSHEET**I. Alien's Biographical Information**

Full Name:	DOB:	COC:
A#/Case #:	Benefit/Form Type: <input type="checkbox"/> I-485 <input type="checkbox"/> I-589 <input type="checkbox"/> I-590 <input type="checkbox"/> I-730 <input type="checkbox"/> Other:	

II. Threshold Eligibility

- Alien is otherwise eligible for the benefit sought, except for a finding(s) of inadmissibility under INA §212(a)(3)(B).
- Alien has passed all required background and security checks.
- Alien has fully disclosed the nature and circumstances of each activity or association within the scope of INA §212(a)(3)(B).
- Alien poses no danger to the safety or security of the United States.

If alien does not meet one or more of the threshold requirements, explain:

III. Facts of the Case

Provide a brief description of the alien's actions or associations that make him or her inadmissible. (For example, if an alien is inadmissible for providing material support to a terrorist organization, describe the type of support provided as well as to whom, when, and how often the support was provided.) List the INA §212(a)(3)(B) ground(s) under which the alien is inadmissible.

IV. Exemption **GROUP-BASED EXEMPTION**

- Karen National Union/Karen National Liberation Army (KNU/KNLA) Chin National Front/Chin National Army (CNF/CNA)
- Chin National League for Democracy (CNLD) Kayan New Land Party (KNLP) Arakan Liberation Party (ALP)
- Tibetan Mustangs Cuban Alzados Karenni National Progressive Party (KNPP) Hmong individuals or groups
- Front Unifié de Lutte des Races Opprimées (FULRO) Other, Name:

 DURESS-BASED EXEMPTION

Name of group (if unnamed, state "unnamed" and briefly describe the group's activities that qualify it as a terrorist organization):

- Tier I/Tier II
- Tier III

Briefly describe the duress factors.

 INDIVIDUAL EXEMPTION AUTHORIZED BY DHS HEADQUARTERS

Date exemption was authorized by DHS Headquarters:

V. Adjudicator's Decision

- EXEMPTION GRANTED**— Alien qualifies for an exemption.
- EXEMPTION PREVIOUSLY GRANTED**— No new information has been uncovered that warrants reconsideration of the original exemption.
- EXEMPTION NOT GRANTED**—
 - The alien does not meet the threshold requirements. Explain:
 - The terrorism-related activity was **not under duress** and involved a **Tier I or Tier II** organization. (Refer or deny AFTER obtaining concurrence from required reviewers.
 - An exemption is available, but the totality of the circumstances do not merit favorable use of discretion. (Refer or deny AFTER obtaining concurrence from required reviewers.) Explain:
 - An exemption is not available. Explain:

Date:

Adjudicator's Name/Signature:

VI. Reviewer's Decision

First-Line Reviewer

- CONCUR** **DO NOT CONCUR** Explain:

Date:

First-Line Reviewer's Name/Signature:

Second-Line Reviewer (if applicable – not required for group-based exemptions)

- CONCUR** **DO NOT CONCUR** Explain:

Date:

Second-Line Reviewer's Name/Signature:

VII. Other

Additional notes (if any):