

**The “Uniting and Strengthening America by Providing Appropriate Tools  
Required to Intercept and Obstruct Terrorism (USA PATRIOT)” Act of 2001**

**SECTION-by-SECTION SUMMARY**  
**IMMIGRATION PROVISIONS**

**TITLE IV—PROTECTING THE BORDER**

**SUBTITLE A—Protecting the Northern Border**

*Section 401: Ensuring Adequate Personnel on the Northern Border*

- Waives FTE cap on personnel

*Section 402: Northern Border Personnel*

- Authorizes funds to triple Border Patrol on Northern Border

*Section 403: Access by DOS and INS to FBI Criminal History Records*

- Provides access to FBI National Crime Information Center’s Interstate Identification Index (NCIC III) files
- Mandates development and certification within 2 years of a technology standard that can be used to verify the identity of persons applying for a visa or seeking to enter the United States.

*Section 404: Limited Authority to Pay Overtime*

- Authorizes overtime pay for INS employees

*Section 405: Report on Automated Fingerprint System*

- Mandates report on feasibility of enhancing the FBI’s Automated Fingerprint Identification system (IAFIS)

**SUBTITLE B—Enhanced Immigration Provisions**

*Section 411: Definitions Relating to Terrorism*

- Adds new grounds of inadmissibility for representatives of foreign terrorist organizations or any group that publicly endorses acts of terrorist activity, and spouses and children of aliens who are inadmissible on any of the terrorism-related grounds;
- Provides new unreviewable authority to Secretary of State to designate any group, foreign or domestic, as a terrorist organization, upon publication in the Federal Register;
- Makes any fundraising, solicitation for membership, or material support (even for humanitarian projects) of groups that are designated terrorist organizations by the Secretary of State a deportable offense (without regard to whether such activities were in furtherance of actual terrorist activity);
- Makes solicitation of funds or other material support for groups *NOT* officially designated as “terrorist organizations” a deportable offense *unless* the person can prove that he “did not know,

and should not reasonably have known, that the solicitation would further the organizations' terrorist activity;

- Certain limits on retroactivity are provided in cases where a person previously provided materials support to the humanitarian projects of a terrorist organization before it was designated as such by the Secretary of State;

*Section 412. Mandatory Detention of Suspected Terrorists; Habeas Corpus; Judicial Review*

- Provides that the Attorney General or the Deputy Attorney General (with no power of delegation) may certify an alien as a terrorist if they have reasonable grounds to believe that the alien is a terrorist or has committed a terrorist activity;
- Requires mandatory detention of a person so certified. Certified persons shall remain in custody irrespective of any relief from removal that they may be eligible for or granted. If the person is finally determined not to be removable, they may no longer be detained under this section;
- Allows the INS to detain a suspected terrorist alien for seven days before bringing immigration or criminal charges. Aliens not charged within seven days shall be released;
- Provides habeas review of the detention and the basis for the certification;
- Provides judicial review by habeas in any district court otherwise having jurisdiction to entertain it. Decisions in any district will be based on the rule of law in the U.S. District Court for the District of Columbia, and all appeals will be made to the Court of Appeals for the District of Columbia;
- For any person with a final order for removal who is detained under this section beyond the removal period, Attorney General must review such detention every 6 months. Continued detention is allowed only upon a showing that "the release of the alien will endanger the national security of the United States or the safety of the community or any person;"
- The Attorney General shall review the certification of any person every 6 months. If, in the Attorney General's discretion, it is determined that the certification should be revoked the person may be released. Any certified person may request a reconsideration of their certification every six months and submit documents or evidence to support that request;
- Requires that the Attorney General must submit a report to Congress on the use of this section every six months.

*Section 413. Multilateral Cooperation Against Terrorists*

- This section provides that State Department records can be provided to a foreign government on a case-by-case basis for the purpose of preventing, investigating, or punishing acts of terrorism. Under current law, the records of the State Department pertaining to the issuance of or refusal to issue visas to enter the U.S. are confidential and can be used only in the formulation and enforcement of U.S. law.

*Section 414: Visa Integrity and Security*

- Expresses the sense of Congress that the integrated entry and exit data system (Section 110 of the INA) should be fully implemented at all ports of entry "with all deliberate speed and as expeditiously as practicable", and that the establishment of the Integrated Entry and Exit Data System Task Force should begin immediately. It also authorizes the appropriation funds to accomplish this goal.

- The development of the system will focus on the use of biometric technology and tamper resistant documents. The system must also interface with law enforcement databases to identify and detain individuals who pose a threat to the national security of the United States.
- Within 12 months, the Office of Homeland Security is required to report to Congress on the information that is needed from various government agencies to effectively screen visa applicants and applicants for admission.

*Section 415: Participation of Office of Homeland Security on Entry-Exit Task Force*

- Authorizes the Office of Homeland Security to be included in the Integrated Entry and Exit Data System Task Force established in Section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

*Section 416: Foreign Student Monitoring Program.*

- Requires the full implementation of the Foreign Student Visa Monitoring Program established by Section 641(a) of IIRAIRA. The program is expanded to include all education institutions that are approved to receive foreign students.

*Section 417: Machine Readable Passports.*

- Requires all countries designated to participate in the Visa Waiver Program to satisfy the requirement of issuing machine-readable passports by October 1, 2003, instead of 2007. The Secretary of State is required to perform annual audits of the designation of countries participating in the visa waiver program.

*Section 418: Prevention of Consulate Shopping.*

- The Secretary of State shall review how consular officers issue visas to determine if consular shopping is a problem.

### **Subtitle C– Preservation of Immigration Benefits for Victims of Terrorism**

*Section 421. Special Immigrant Status*

- Provides special immigrant status to any alien whose family or employment based immigrant petition, fiancé visa, or application for labor certification was revoked or terminated (or otherwise rendered null) due to the death, disability or loss of employment (due to the physical damage or destruction of the business) of the petitioner, applicant, or beneficiary as a direct result of the terrorist attacks.
- The relief is also available to the spouses and children who were either accompanying the principle applicant, or who are following to join the principle applicant up to two years later (September 11, 2003).
- The grandparents of any child whose parents died in the attacks may also qualify for this status if either of the parents were U.S. citizens or legal permanent residents.
- In determining eligibility for an immigrant visa, the public charge grounds of inadmissibility shall not apply to these special immigrants.

*Section 422. Extension of Filing or Reentry Deadlines*

- Provides that an alien who was legally in a nonimmigrant status and was disabled as a direct result of the terrorist attacks (and his or her spouse and children) may remain lawfully in the U.S.

(and receive work authorization) until the later of the date that his or her status normally terminates or one year after the death or onset of disability.

- Such status is also provided to the nonimmigrant spouse and children of an alien who died as a direct result of the terrorist attacks.
- An alien who was lawfully present as a nonimmigrant at the time of the terrorist attacks will be granted 60 additional days to file an application for extension or change of status if the alien was prevented from so filing as a direct result of the terrorist attacks.
- An alien who was lawfully present as a nonimmigrant at the time of the attacks but was then unable to timely depart the U.S. as a direct result of the attacks will be considered to have departed timely if the departure occurs before November 11, and will not be considered to have accrued unlawful presence during that period.
- An alien (and his or her spouse and children) who was in a lawful nonimmigrant status at the time of the attacks but not in the U.S. at that time, and was prevented from returning to the U.S. in order to file a timely application for an extension of status as a direct result of the terrorist attacks will be given 60 additional days to file an application and will have his or her status extended 60 days beyond the original due date of the application.
- Under current law, winners of the fiscal year 2001 diversity visa lottery must enter the U.S. or adjust status by September 30, 2001. This Act provides that such an alien may enter the U.S. or adjust status until April 1, 2002, if the alien can establish that he or she was prevented from doing so by September 30 as a direct result of the terrorist attacks. If the visa quota for the 2001 diversity visa program has already been exceeded, the alien shall be counted under the 2002 program.
- If a winner of the 2001 lottery died as a direct result of the terrorist attacks, the spouse and children of the alien shall still be eligible for permanent residence under the program until June 30, 2002. The ceiling placed on the number of diversity immigrants shall not be exceeded in any case.
- Any immigrant visa that expires before December 31, 2001 shall be extended until that date, if an alien was unable to timely enter the U.S. on the visa as a direct result of the terrorist attacks.
- In the case of an alien who was granted parole that expired on or after September 11, if the alien was unable to enter the U.S. prior to the expiration date as a direct result of the terrorist attacks, the parole is extended an additional 90 days.
- In the case of an alien granted voluntary departure that expired between September 11 and October 11, 2001, voluntary departure is extended an additional 30 days.

*Section 423. Humanitarian Relief for Certain Surviving Spouses and Children*

- Current law provides that an alien who was the spouse of a U.S. citizen for at least two years before the citizen died shall remain eligible for immigrant status as an immediate relative. This also applies to the children of the alien. This section provides that if the citizen dies as a direct result of the terrorist attacks, the two-year requirement is waived.
- If an alien spouse, child, or unmarried adult son or daughter had been the beneficiary of an immigrant visa petition filed by a permanent resident who died as a direct result of the terrorist attacks, the alien will still be eligible for permanent residence. In addition, if an alien spouse, child, or unmarried adult son or daughter of a permanent resident who died as a direct result of the terrorist attacks was present in the U.S. on September 11 but had not yet been petitioned for, the alien can self-petition for permanent residence. These family members may be eligible for deferred action and work authorization.

- This section further provides that an alien spouse or child of an alien who 1) died as a direct result of the terrorist attacks and 2) was a permanent resident (petitioned-for by an employer) or an applicant for adjustment of status for an employment-based immigrant visa, may have his or her application for adjustment adjudicated despite the death (if the application was filed prior to the death).
- The grounds of inadmissibility related to public charge shall not apply to an applicant for permanent residency under this section.

*Section 424. "Age-Out" Protection for Children*

- Provides that an alien whose 21<sup>st</sup> birthday occurs this September and who is a beneficiary for a petition or application filed on or before September 11 shall be considered to remain a child for 90 days after the alien's 21<sup>st</sup> birthday. For an alien whose 21<sup>st</sup> birthday occurs after this September, the alien shall be considered to remain a child for 45 days after the alien's 21<sup>st</sup> birthday.

*Section 425. Temporary Administrative Relief*

- Provides that temporary administrative relief may be provided, for humanitarian purposes or to ensure family unity, to an alien who was lawfully present on September 10, and who was on that date the spouse, parent or child of someone who died or was disabled as a direct result of the terrorist attacks, and is not otherwise entitled to relief under any other provision of Subtitle B.

*Section 426. Evidence of Death, Disability, or Loss of Employment*

- The Attorney General shall establish appropriate standards for evidence demonstrating that a death, disability, or loss of employment due to physical damage to, or destruction of, a business, occurred as a direct result of the terrorist attacks on September 11. The Attorney General is not required to promulgate regulations prior to implementing Subtitle B.

*Section 427. No Benefit to Terrorists or Family Members of Terrorists*

- No benefit under Subtitle B shall be provided to anyone culpable for the terrorist attacks on September 11 or to any family member of such an individual.

*Section 428. Definitions*

- The term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the U.S. on September 11, 2001.

## TITLE X--MISCELLANEOUS

*SEC. 1006: Inadmissibility of Aliens Engaged in Money Laundering.*

- Makes inadmissible any person who a consular officer or the Attorney General knows, or has reason to believe, has engaged, is engaging, or will engage in an offense relating to money laundering.
- Requires the Secretary of State to establish, within 90 days, a watchlist that identifies individuals worldwide who are known or suspected of money laundering, which is readily accessible to, and shall be checked by, a consular or other Federal official prior to the issuance of a visa or admission to the United States