U.S. IMMIGRATION POLICY REGARDING IRANIAN NATIONALS

HEARING
BEFORE THE
SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND INTERNATIONAL LAW
OF THE
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U.S. IMMIGRATION POLICY REGARDING IRANIAN NATIONALS

THURSDAY, APRIL 17, 1980

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
REFUGEES, AND INTERNATIONAL LAW,
COMMITTEE ON THE JUDICIARY,
WASHINGTON, D.C.

The subcommittee met at 1:50 p.m. in room 2141 of the Rayburn House Office Building; Hon. Elizabeth Holtzman (chairperson of the subcommittee) presiding.

Present: Representatives Holtzman, Hall, Barnes, Evans, and Butler.

Staff present: Arthur P. Endres, Jr., and James J. Schweitzer, counsel, and Alexander B. Cook, associate counsel.

Ms. HOLTZMAN. Today the subcommittee will receive testimony from the Departments of Justice and State on recent actions taken at the direction of the President to limit the immigration of Iranian nationals to the United States, to restrict extensions of stay for those presently within the country, and to locate and expel Iranian diplomats and out-of-status Iranian students. Our witnesses will be David Crosland, Acting Commissioner of the Immigration and Naturalization Service, Barbara Watson, Assistant Secretary of State for Consular Affairs, and Peter Constable, Deputy Assistant Secretary of State for the Bureau of Near Eastern and South Asian Affairs.

Long before the takeover of the Embassy in Tehran last November, I had been concerned about our immigration policy regarding Iranian nationals, particularly with respect to efforts to facilitate the entry of groups or individuals possibly subject to persecution in Iran. Over 1 year ago, on March 2, 1979, I directed letters to both the Secretary of State and the Attorney General on this issue, requesting a full report on the Department’s proposals for accommodating those wishing to leave the country. The subcommittee has continued to monitor this situation closely as well as all the actions of the administration relating to Iranians, and in recent months we have been briefed privately on two occasions by the relevant departments.

In the long months following the takeover, we have all been confronted with difficult decisions regarding our Nation’s response to this flagrant violation of international law. Some of our colleagues in the House, articulating the frustration felt by the American people, have advocated sweeping actions directed at all Iranians seeking to enter or already present in the United States. I personally was perplexed that all Iranian visas were not canceled prior to the President’s April 7 directive. In my judgment, those visas should have been canceled long ago. In any event, many of these steps have now finally been ordered by the President.
Today we will focus on the steps the administration has already taken with respect to Iranian nationals and possibly more restrictive future options. We are especially interested in an assessment of the effectiveness of these recent actions, the logistical and legal problems encountered, and the impact of any added responsibilities on the personnel and financial resources of the Immigration Service and the State Department. Furthermore, we want to learn what, if any, steps are contemplated with respect to Iranians still in this country. At the same time we also want to make certain that all Iranian nationals involved have an opportunity to assert any legitimate claims they may have to enter or remain in this country.

I want to welcome the witnesses before the subcommittee. We appreciate your willingness to appear today to represent the administration.

We will begin with the Honorable Barbara Watson.

TESTIMONY OF BARBARA M. WATSON, ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS; PETER D. CONSTABLE, DEPUTY ASSISTANT SECRETARY OF STATE, BUREAU OF NEAR EASTERN AND SOUTH ASIAN AFFAIRS; ELIZABETH J. HARPER, DEPUTY ASSISTANT SECRETARY FOR VISA SERVICES; AND DAVID CROS-LAND, ACTING COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE

Ms. Watson. Madam Chairwoman, members of the subcommittee, I am pleased to appear before you today to review the course of our policy respecting the entry of nationals of Iran since early 1979.

In February 1979, at the time of the Shah's departure from Iran and the overrunning of our Embassy in Tehran, the situation in Iran had become extremely unstable and confused. Many Iranians were seeking to relocate themselves temporarily outside the country until order and stability were reestablished. Applications for non-immigrant visas by Iranians in this situation were creating uncertainties among consular officers attempting to administer the Immigration and Nationality Act at our posts abroad.

We did not see this situation as a unique one. Many Lebanese, for example, had the same understandable desire to be out of the line of fire during the fighting in their nation a few years earlier. As we had done in the Lebanese situation, we pointed out to our consular officers that an applicant seeking to visit the United States to ride out the period of uncertainty could qualify for a visitor visa if he or she had an honest intention of returning to Iran once stability was restored. Naturally, this applied only to applicants whose residence had been in Iran and not to Iranians resident in third countries.

We refer to this position as taking the long view of the question of whether the applicant has a residence in a foreign country which he or she has no intention of abandoning. We believe that this interpretation of the law is a legitimate, legally permissible one, appropriate for the abnormal situation in Iran.

During the spring and summer of 1979 the visa section of the Embassy at Tehran was not open for business. Thus, all Iranians had to apply for visas in third countries. This fact caused us to reiterate
our original guidance to all consular officers in May 1979. By late summer the visa section of the Embassy in Tehran was able to reopen and for a brief period conducted more or less normal operations, although burdened by an enormous buildup of applicants.

On November 4 the Embassy was seized and many of our staff taken hostage. In the aftermath, two steps were taken with regard to Iranian visa applicants.

First: A requirement was imposed that all Iranian nonimmigrant visa applicants—except diplomatic travelers—be checked through Washington. This procedure was not a retaliatory measure; it was a direct result of information held by the State Department which indicated that pro-Khomeini activists might try to enter this country to stir up trouble. This additional name check procedure was designed to improve our ability to detect such cases.

Second: The President issued an Executive order to authorize the Secretary of State and the Attorney General to impose additional restrictions on nationals of Iran holding nonimmigrant visas.

In the instructions establishing this name check procedure, we reminded consular officers of the previous guidance sent out to posts concerning the long view and specified that it still applied. More recently, in March we once again reiterated to our officers the Department’s view of the question of applications for nonimmigrant visas submitted by Iranians wishing to relocate themselves temporarily.

There has been some difference of opinion concerning our view of this question—the long view. There are some who see it as being liberal—beyond the terms of the law and, thus, illegal. Others feel that it is too restrictive. The Department of State feels that this view is a realistic one and one which is consistent with the intent of the law. Statistics of the Immigration and Naturalization Service for the period from November 4, 1979, to the end of March 1980 indicate that more Iranian nonimmigrants departed the United States than entered. While this does not mean that every decision to issue a visa was a right one, it does indicate that there has definitely been a travel pattern which supports the general validity of our view.

This brings us to April 7, when the President announced a series of steps designed to hasten the release of the hostages. These actions are founded in section 215 of the Immigration and Nationality Act. As I have mentioned, the President issued an Executive order last November delegating to the Attorney General and the Secretary of State authority to impose additional restrictions and limitations on the entry of Iranian nationals holding nonimmigrant visas. The evolution of the situation in Iran since that time has been such that even broader action than then envisioned appeared necessary. Thus, the President amended the original Executive order to authorize additional steps which have been taken.

In broad outline, the entry of nationals of Iran, other than those accredited to or employed by the United Nations or another international organization—classified under section 101(a)(15)(G) of the act—is subject to the additional restrictions announced by the President on April 7. The mechanism for applying these restrictions lies in the regulations published by the Secretary and the Attorney General as 22 CFR 46.8. (See appendix 2)
Turning now to the substance of these restrictions, the President announced, as I am sure you are aware, that the entry of Iranian nationals, either as immigrants or as nonimmigrants, would be authorized only in cases of compelling and proven humanitarian considerations or in which it was determined to be in our national interest to do so. The President also stated that these tests would be strictly applied.

Subsequently, the Immigration and Naturalization Service has announced that applications for adjustment of status, extension of stay, and change of nonimmigrant classification by nationals of Iran already in the United States will be subjected to the same criteria and will be granted only on the same basis. I do not wish to speak for the Service and, thus, will confine myself to a discussion of the visa issuance aspects. I would like to emphasize, however, that we are working closely with the Service, as we always do, to see to it that we are applying like requirements in a like manner.

In implementing the measures announced by the President, we have instructed consular officers to submit for the Department's review all immigrant visa cases of Iranian nationals as well as all nonimmigrant cases in which the consular officer believes that it does, or even may possibly, fall within the President's guidelines. While the required name check is being completed here in Washington, we will determine on a case-by-case basis whether or not each falls within the guidelines and instruct consular officer accordingly.

This concludes my opening statement. I am at your disposal for any questions you may wish to raise.

I would like also to state that I am accompanied by Ms. Elizabeth J. Harper, Deputy Assistant Secretary for Visa Services, who has been intimately connected with this whole problem.

Ms. Holtzman. Thank you very much. Thank you for your testimony.

We will now hear from David Crosland, Acting Commissioner of the Immigration and Naturalization Service.

Mr. Crosland. Thank you, Madam Chairman. With your permission and with the permission of the committee I would like to submit for the record my formal statement and discuss highlights of it with you.

Ms. Holtzman. Without objection, so ordered. The entire text of your statement will be incorporated in the record.

Mr. Crosland. Thank you very much. I'd like to address this afternoon, if I may, the three phases of the Iranian project as it relates to the work of the Immigration and Naturalization Service. The first phase began in mid-November when the President ordered Iranian students to report to INS to verify their status. Plans and directives were made over a 3-day weekend and the reporting took place from mid-November through the end of December.

By the end of December, 56,694 Iranian students were interviewed by Immigration and Naturalization Service officers either at INS offices or on various college campuses around the country. Of that number, 50,238 were found to be in status while another 6,456 were found to be out of status.

A special entry and departure control procedure was set up for Iranians so that all Iranians who entered the country were subjected
to stringent secondary inspections. All Iranian students who were entering the country in mid-November until April 7 were photographed as they came in. For those persons who left the country, those Iranians who left the country, an ad hoc departure control system which substantially is tighter than our existing system was set up.

That is, at each port where Iranians were departing, a specific individual employed by INS was identified who was responsible for collecting on a daily basis the I-94’s, the travel documents, from Iranians who were leaving the country.

From November 14 through April 15, some 15,350 Iranians entered the United States and in the same period departures were greater, 16,893 Iranians left the country.

The second phase of the Iranian project consisted of identifying those students who didn’t report during the period designated by the Attorney General and expelling those not in compliance with the law, whether they were persons who reported or those who reported in as out of status. Field officers from around the country sent the I-20’s, the documents on foreign Iranian students, to the central office where they were processed through the computer and checked against microfilm to see if in fact they may have actually already reported elsewhere or if in fact they may have left the United States.

The INS then sent back those travel documents where we could not get some verification of the person having already reported or that they had not already left the country to a district where the most recent address was on file. Since that time, we have located 959 Iranian students who failed to report. Expulsion proceedings are being held for those who are out of status.

We have 6,271 hearings scheduled; 2,799 Iranian students have been ordered to leave the country; 214 Iranian students have been expelled and departure confirmed. The total number of Iranians, whether they are students or nonstudents, who have been expelled totals 520 since the crisis began. Departure was confirmed for all of those.

Now we have a proposed regulation in the Federal Register which would tighten controls on all foreign students, including Iranians. It would require that all foreign students report to the Immigration and Naturalization Service in much the same way that the Iranians did, providing some significant information as to their whereabouts, whether they are in-status, and their last address. It will also require that each foreign student renew their status on an annual basis rather than doing so as the situation exists now.

Under existing regulations a student is in duration of status so long as he or she is in the school or course of work that they have an I-20 to be enrolled in. So a student can be here for 4 years through graduate school and get a masters degree and Ph. D. and postgraduate work and could become a professional student. This way they’ll have to renew their status from year to year, and if we don’t wish for them to be in the country we could deny them their renewal at that time.

The President ordered Iranian diplomats to leave in December. The State Department gave us a list of 226 to be removed through deportation. Now the list was a cumulative list. Some of the addresses were no more than the Iranian Embassy here but thus far we located out of the 226, we located 142. Fifty-three have left the country and 18 have been given voluntary departure. Seven have applications for
change-of-status pending or granted. One is in a deportation proceeding; Eighty-four have not been located.

This is different from the figures which are in the statement. These are the latest figures as of today. Of the 84, 72 of those persons who are on diplomatic status entered before January 1, 1979. Take that date as being the date of change of government in Iran and you have only 12 persons, 12 Iranian diplomats who were theoretically representing the Government of Iran and those are the persons against whom the President's order was directed.

Now as you know, our departure control system as to persons leaving the country has been largely dependent on the cooperation of various airlines in providing us with the travel documents, the I-94's. Since mid-November, as I stated, we have an ad hoc control system for those persons who leave the country but it's entirely possible that persons left prior to mid-November and I-94's weren't collected and therefore we have no record of their having left.

The third phase of the Iranian project is that of tightening procedures against Iranians who are outside the country or those within this country. On April 7 the President invalidated all Iranian visas. All Iranians who were outside the country have to go to consul offices abroad to have them revalidated before they re-enter.

On the same day the President directed that the visas outside the country be revalidated, I directed all INS offices in the field to close our borders to Iranians except for those who had visas that had been revalidated for humanitarian reasons. My understanding is that we had a number that have been revalidated and have re-entered since that time.

On April 12, I directed that the field offices around the country deny any extensions or adjustments for Iranians in the United States unless there were compelling humanitarian reasons. The criteria for revalidating the travel status or the stays of Iranians in the country was based on three considerations.

The first is if an Iranian filed an asylum claim, whether it be for fear of persecution on account of ethnic origin, religious or political beliefs, they would be allowed to stay until those claims were adjudicated. Anyone who has a close family relative who is a U.S. citizen—spouse, child, parent, brother or sister—or aliens who are the spouse or unmarried child of a permanent resident could be allowed to extend their stay within this country.

Persons who are in need of immediate medical attention could be allowed to stay.

Now the President ordered the departure of Iranian military trainees who are A-2's. The State Department advised us they weren't representatives of a foreign government within the meaning of diplomats and they were ordered—the A-2 military types were ordered to leave by midnight of Friday, April 11. After midnight of Friday, April 11, they were subject to deportation and were therefore out of status.

INS assisted the State Department and Department of Defense by confirming departures and INS obtained the identity of some 217 A-2's known to be in training but not listed by name. Through Monday there were 398 departures confirmed out of 496 ordered out.

Among the rest there were 20 asylum requests. Fifty-six had applied for change of status. One is known to have absconded. Three applied
for permanent resident status. Fifty four allowed to remain for health related reasons. That leaves out of that total number some 1,200 accounted for.

INS personnel exerted extra effort to implement the directions given by the Attorney General during this crisis. They carried out additional unexpected duties while conducting normal business without additional funds or personnel. I think it's a tribute to INS employees and demonstrates that the Service can carry out the mandates of the administration and Congress. I thank you and I'm happy to answer any questions you may have.

[The complete statement follows:]

STATEMENT OF DAVID CROSLAND, ACTING COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE

Good morning. I am pleased to have the opportunity to appear here today and to give the Subcommittee an up-date on the actions which the Immigration and Naturalization Service has taken during the Iranian crisis.

During the past five months the Service has responded in an efficient and effective manner.

The actions of INS during this period have been in three phases. I will briefly explain what each of those three have been.

The first phase began in mid-November when the President ordered all Iranian non-immigrant students in the United States to report to INS to provide current addresses and submit evidence that they were full-time students in compliance with the laws under which they entered the country.

You may recall that the order went out over a three-day weekend. Many of the key supervisory central office and field staff worked that weekend preparing directives and organizing a plan of action so that interviewing of students could begin immediately. At the same time a reporting system was initiated so that we could track the results of the operation on a daily basis.

During the interview period from mid-November through December 31, INS interviewed 56,694 students. Nearly half of them were interviewed at schools and campuses. Some 50,238 were found to be in status, and therefore in compliance with the law. There were 6,456 students who were not in compliance.

Also, during phase one we set up a special entry and departure control procedure for Iranians. All who attempted to enter the country were ordered to undergo a stringent second inspection to ensure that their documents were valid and that they were entering the country for the purpose stated on their visa. All students entering were photographed.

Also, to enable us to keep track of Iranian entries and departures on a daily basis, arrangements were made to obtain from the airlines the I-94's (entry and departure documents) for Iranians from the airlines and send them to a specific location where they would be kept separate from the thousands of other such forms received daily.

The results of this program are as follows: from November 14 through April 13, 15,350 Iranians have entered the United States, of whom 2,615 are permanent United States residents returning to this country. Departures have been greater than entries, in that 16,839 Iranians left the United States over this same period.

The second phase of INS activities began January 1, immediately after the interview period expired. This has consisted of identifying those who did not report, and expelling those who were not in compliance with the law.

We directed field offices to send to the Central Office documents on students who appeared to be attending school in their areas, but who did not report. These were processed in Washington and checks were made to eliminate duplications in cases where there were errors in names, or the student was attending school elsewhere and had reported. All names were run through a computer to identify those who had left the country.

Investigative efforts during the past four months have concentrated on finding and taking action against those who did not report. To date, we have located 959.

Deportation hearings and expulsions of those students who violated the law have been progressing. Through the first week of April, 6,271 hearings have been scheduled before Special Inquiry Officers. Some 2,799 Iranian students have been ordered to leave the country and 214 have actually left. Their departure has been verified.
Also, during this period INS has moved to tighten overall controls over all foreign students. Proposed changes in regulations were published March 19 in the Federal Register.

These proposed changes would require all foreign non-immigrant students attending post-secondary schools to report to INS for a review of their status. In December, while INS was continuing to interview Iranian students, President Carter ordered all except 35 Iranian diplomats to leave the United States. The State Department then provided a list of the names of 226 diplomats to INS with directions to locate and remove those diplomats through the deportation process.

The list was not current and many addresses were incorrect. As a result, there has been a problem in finding many of them. INS has located 118 of the diplomats with the following disposition of their cases: 52 have either left the country or have made arrangements to do so; 49 have an application for change of status either pending or granted; 16 had been ordered reinstated by the State Department and one is in deportation proceedings. That leaves 108 who have not been located. However, 80 of those had entered the United States prior to January 1, 1979, and are assumed to be representatives of the previous Iranian government. Thus only 28 against whom the directive was intended have not left according to INS records. Some of those may have left before mid-November when we set up a special procedure for recording departure of Iranians.

The third phase of INS activities has tightened the procedures on Iranians still further. On April 7 the President announced that all Iranian visas were invalided, and visa holders could not enter the United States after that date without having their visas revalidated by the State Department. Revalidation was to be done only for compelling humanitarian reasons.

Orders immediately went to INS field offices and by the end of that day the President's directive was in effect. This has effectively closed this country to entry by Iranians. Since April 7 only 43 have entered, not including permanent residents returning to the United States.

On April 12 INS announced that extensions or adjustments of status for Iranians already in the United States would be discontinued to bring the policy in line with that for new entries. INS field offices were directed to grant adjustments or extensions of stay in the following cases only:

(a) Iranians who filed a claim for asylum based on a fear of persecution because of their ethnic origin, religious or political beliefs;

(b) Iranians with close family relationships to a U.S. citizen (spouse, parent, children, brother or sister) or aliens who are the spouse or unmarried child of a lawful permanent resident; or

(c) Iranians in need of immediate medical attention.

In a further action, last week the President ordered the departure of all Iranian military trainees attending schools in the United States. The State Department advised that they were not considered representatives of a foreign government, thus they were not declared persona non grata. This meant that if they did not leave the country by midnight Friday, April 11, they would be subject to the deportation procedure and rights of appeal.

INS assisted the State Department and the Department of Defense in initiating a system to determine the departure time for each individual covered by the order and INS personnel were present at airports to insure that those leaving boarded the planes and to collect their departure documents. In addition, INS was able to obtain the identity of 217 Iranians who were known to be here in training on A-2 visas.

Through Monday, April 14 departure of 372 of the trainees was verified out of a total of 496 names. Among the remaining 124 there have been 20 asylum requests and 48 applied for another non-immigrant status. Twelve have scheduled departure dates or appearances at INS offices to determine their status, one is known to have absconded after he learned of the departure order, three are applicants for permanent resident status, five were allowed to remain for a brief time because of health and other similar reasons, and 35 are unaccounted for at this time.

This concludes my summary of INS activities since the start of the Iranian crisis in early November. Before I close, however, I would like to pay tribute to the men and women of INS who have exerted extra effort to implement the directives ordered by the President and the Attorney General. The fact that we have carried out these additional and unexpected activities while conducting our normal business without additional personnel or funds is a tribute to the personnel of the Immigration and Naturalization Service.

Thank you. I will be pleased to answer your questions.
Ms. Holtzman. Thank you very much.

My first question deals with the problem of carrying out orders to deport or expel persons of Iranian nationality no longer permitted to stay in the United States. It seems to me from the testimony you have given that despite the orders for military personnel, diplomatic personnel and students in various categories to leave, many of these persons have not left and we do not know their whereabouts.

For example, 2,800 students have been ordered deported but only 214 have left. Over 1,000 students have been granted voluntary departure but we do not know how many of these students have left and whether these departures have indeed been verified. This is in addition to the students who never reported in the first place.

One hundred and eight diplomats on the original list submitted by the State Department to the INS were not located. Apparently you changed that figure now to 48. Is that correct?

Mr. Crosland. Eighty-four are not located, 72 of whom entered before January 1, 1979. Twelve theoretically represent the preregime in Iran.

Ms. Holtzman. In any case we have 84 unlocatable diplomats, whenever they came to this country, and 7 of the 118 who were located have not had their departures verified. Another 36 military and nondiplomatic personnel on the State Department’s list of 496 names were also not located or their departures not verified.

Mr. Crosland. That number is changed. We are down to 12 on that. Twelve weren’t accounted for.

Ms. Holtzman. That’s 12 you can’t account for but you have one who absconded so why don’t we put the number at 13.

Mr. Crosland. All right, 13.

Ms. Holtzman. Thank you. What is being done about this problem?

Mr. Crosland. A number of things. Let me give a bit of background for those who may not totally understand the picture. A person who is in a deportation proceeding, subject to deportation, not persona non grata, can’t be arbitrarily picked up and thrown out of the country. The Iranian diplomats were given a certain time period in which to leave and could be physically placed on planes to leave. That’s the 35 who left most recently.

For the other persons, they have a right to a deportation hearing before an immigration judge. They have a right if they so choose to appeal to the Board of Immigration Appeals. From the Board of Immigration Appeals they can appeal to a circuit court of appeals.

As to following up on the persons who either did report or in whatever status failed to report and for whom we show no record of their having left, we set up a tickler system to those people granted voluntary departure which will reflect when they are supposed to leave and require that the investigator in a particular district go out and find those persons who didn’t leave during that time.

Now, as to those persons who are presently being picked up, when they come in voluntarily or are picked up, if they are out of status, I directed as of today that we not grant voluntary departure prior to hearing. That is, an order to show cause against any person who is picked up will be issued. As to that person, the district director will look very carefully as to what type of bond is appropriate for that individual given the circumstances to make sure that the person does not abscond.
After a hearing, as of today, anyone who is ordered deported or is granted voluntary departure will be required to advise our immigration officers within a short period of time when they expect to leave and to come back and show, if they are on bond, to come back and show evidence by a ticket as to when they actually plan to leave, so that there will be tighter control of those persons who have been granted voluntary departure. They won't be granted voluntary departure any more by the district directors prior to hearings. They will have to wait until after hearing. Anytime they want to leave before that time, they can leave.

As to those persons who failed to report, we are trying to use the best address that we have to go out and find those persons, either going to schools or going to whatever address we had that is most current. Obviously they are the people that we have had the least contact with so we will focus our attention on those with whom we have contact to insure they do depart as they are supposed to depart.

Ms. Holtzman. Let me follow up a little bit more closely. On the students, my figures show that roughly 1,076 were granted voluntary departure through December 31, 1979, and 521 have been granted voluntary departure after that date. How many of that total in fact left? Do you have the information to answer that question?

Mr. Crosland. We show a total of persons who have left, whether they are voluntary departures or whether they are deportations, of 512. That's students and nonstudents. I don't have a breakdown of verified departures as to who is a student or nonstudent. These are persons out of status and were directed to leave the country.

Ms. Holtzman. Let me make sure I understand that. 521 students—

Mr. Crosland. 512.

Ms. Holtzman. 512 students—

Mr. Crosland. Students and nonstudents.

Ms. Holtzman. Let's restrict this to students.

Mr. Crosland. I don't have a breakdown for you today as to verification of who is a student and who is a nonstudent. I have the total number. I can give you the total granted voluntary departure, students, and that's 2,477.

Ms. Holtzman. What are your procedures now for verifying whether voluntary departure has taken place? I have been assuming that all of the 512 departures were students, that's still roughly one-third of the students granted voluntary departure. What assurances can you give to the Congress that these orders by the court or by the Immigration Service are in fact resulting in anything?

Mr. Crosland. What we are doing is we still have our ad hoc control system for departure in place, so we know who leaves. We also have a screening process of people coming in so we know who is coming in. They are not going to come in. Those under voluntary departures, as of today, anybody who is picked up will not be granted voluntary departure anymore before hearing by the district director. They will be told, "You are out of status, you have a right to a hearing, you can leave voluntarily."

They will have a hearing set down. They also look closely at what kind of bond should be appropriate for that particular student. Many
of the students didn't have—were granted voluntary departure. Many are granted voluntary departure by immigration judges after hearing.

Ms. Holtzman. What does that mean in terms of when these people have to go? Can they stay 6 months? Ten months? Two years?

Mr. Crosland. They give a specific period as to when a person should leave.

Ms. Holtzman. Now we have 1,076 granted voluntary departure before December 31, 1979. We are now in April. Shouldn't all of these persons have left?

Mr. Crosland. Ms. Holtzman, I, as you, are concerned that people shouldn't be here and don't have business being here. What I am trying to do is to make sure that we have a tickler system so we can send somebody out to find them and ask for assistance from other agencies.

Ms. Holtzman. Aren't you tickled about the fact that these students are still here?

Mr. Crosland. Yes. If a person decides they want to go into hearing, they can go into hearing. We have 6,000 who voted for a hearing.

Ms. Holtzman. I'm not talking about hearings. I'm talking about, these 1,000 students who have been granted voluntary departure and should, in fact, have left by this time and what steps you are taking with respect to them.

I don't understand your tickler system. If it's not telling you these people are here and if you haven't gone after them, I'm concerned and I think the other members of the subcommittee are as well.

Mr. Crosland. I had regional commissioners from around the country come in to the central office last March and I told them I want every single district and every single sector to set as a first priority in the Immigration and Naturalization Service the Iranian project. That includes walking through every single kind of step, including figuring out what is the best information we have on people and finding those persons who haven't left as they are supposed to and going out and arresting them and putting them in detention to get them out of the country where it's appropriate.

Now we are doing that. We made apprehensions of people who never reported. We are setting up a control system which requires that those who are going through the hearings will have to show when they are leaving. We are going out to find those granted voluntary departure who haven't left. Beyond that, I will acknowledge that I don't like what the statistics show as to the fact that people haven't left. I intend to take further actions based on what the statistics show.

The reason I presented these statistics is that I went to be candid with the committee as to what the picture is. If people are not leaving when they say they are going to leave, and we, in good faith, give them an opportunity to get their things in order, we will change our standard. We will tighten up—we have tightened up and will tighten even further to assure they do leave.

Ms. Holtzman. As you know, this subcommittee has been fighting to try to get the Immigration Service to be in a position where it can enforce the law by providing for computerization and recordkeeping with respect to those people who enter and leave the country. Unfortunately we have not always had cooperation from the Department
of Justice in implementing the recommendations that this subcommit-

tee has made and that Congress has enacted into law.

Let me ask you briefly what steps you are taking to find the 84
diplomats who have vanished and the 13 military personnel who have
vanished or absconded? Are you getting the cooperation of the FBI
in this regard?

Mr. Crossland. We have been in contact with the FBI, with the
Department of State. We went over to the Department of State and
looked through their records. We followed up leads. We reduced the
number even more than were reported in the statement that I pre-

sented yesterday.

As I stated earlier, it may be because of the lack of a departure
control system prior to November 13 that persons may have actually
left. They may not actually be here.

Ms. Holtzman. It may also be because the State Department
was not keeping an accurate list. Your testimony is extremely dis-
turbing to me.

I recognize the gentleman from Texas, Mr. Hall.

Mr. Hall. Mr. Crossland, how do you lose a diplomat? I mean, when
they come over here, tell me what the procedure is when a diplomat
comes into this country. What are they supposed to do first? What
type of addresses are they supposed to give? What type of followup
do we have, if any, on keeping those diplomats in line where they are
supposed to be?

Mr. Crossland. Mr. Hall, we got the finished product. I would like
to pass the buck to Ms. Watson to answer what the State Department
does about getting the act together.

Mr. Hall. Fine.

Ms. Watson. Mr. Hall, the diplomats do report to the Protocol
Office in the Department of State. They are given cards, et cetera.
But prior to coming, of course, they have to get what is called a
diplomatic visa before they leave the country of origin to come here.
The Protocol Office is supposed to be keeping a file of all diplomats
who are here in this country, the date of arrival and also when they
depart.

It is quite possible that there has been some confusion in some of
our figures, because the files have not been as accurate or kept up
to date as they should be. Some of those diplomats that had been
listed had actually already departed the country. I suppose this is
one of the reasons why Mr. Crosland has difficulty in finding some of
them. They are, as I understand it, taking steps to be more careful
and accurate in the recordkeeping procedures.

Mr. Hall. Who keeps the accuracy—who checks the accuracy of
those files? What department?

Ms. Watson. I beg your pardon?

Mr. Hall. You said if the files weren't as accurate as they should
be.

Ms. Watson. We have the Office of Protocol in the Department
of State. There is a dual responsibility not only for the Department
of State but, also, for the Embassy to notify the Department of State
when a diplomat has terminated his duties at the Embassy, or in
this country, and has departed. In many instances the Embassies
have been negligent and new instructions are going from Protocol to
remind them of their responsibilities.
Mr. Hall. Heretofore, as I take it, our country had relied to a great degree upon the countries themselves to tell us when there has been change in their Embassy's staff or who may be a diplomat in this country from a particular country.

Ms. Watson. That is right.

Mr. Hall. Especially with this Iranian situation, have we been doing anything to double-check what the Iranian consul or the Iranian office has told us about who may or may not be the reigning diplomat in this country from Iran?

Ms. Watson. We don't have any official Iranian diplomat at this point.

Mr. Hall. I understand, but we did until a few days ago. These you can't locate, you say some have departed. Now, when they depart this country, who gets that information first, your department or the Immigration Department?

Ms. Watson. Actually, the Embassy should notify the Department of State that Mr. X is no longer the political officer or the Ambassador or whatever, and then they go through departure controls. Unfortunately, up until recently, we didn't have any departure controls in the United States. Now we have.

Mr. Crosland. As to Iranians.

Mr. Hall. Are you saying, Mr. Crosland, that some of these diplomats you can't locate may have already departed?

Mr. Crosland. That is correct.

Mr. Hall. The next question is, When will we know whether they have departed or whether they are still here?

Mr. Crosland. We may not.

Mr. Hall. There is no way we can check on that?

Mr. Crosland. Any Iranian who after November 13 left, we have an I-94. We have a very good chance that we got him. But prior to that time, the departure control system has been such that we rely in this country upon the air carriers that transport people out. The air carrier, the employees of the airlines, collect the I-94's and give them to us. If they don't give them to us, our remedy would be to get a statement from the person who went aboard, didn't have his I-94 collected, and then levy a fine against the air carrier for some minimum amount.

Mr. Hall. This form they fill out, the I-94, are the airlines supposed to give to you a copy of that indicating what person or persons have left this country?

Mr. Crosland. Yes.

Mr. Hall. I understand they may not be doing it to the fullest.

Mr. Crosland. They are on Iranians now, but they may not have prior to the middle of November. And they may not—we could not depend as to any other nationality right now to insure they have actually departed unless the airline collected it. On Iranians we have someone going down to the lowest level and saying you will be responsible for getting I-94's on Iranians and if you tell me who you will talk with in each airline and what shift and get them every day. We send them to the central office and we know who is left.

Prior to mid-November that didn't exist on Iranians. It still doesn't exist on any other nationality from any other country. There is a study going to be conducted as to what the policy of this country
should be, but the policy in this has been not to have that kind of control over any—

Mr. HALL. As I understand you, you are saying at this time, and I'm speaking now of the lost diplomats, that we don’t have a policy that can, with any degree of certainty, tell us whether or not those people have left this country.

Mr. CROSBLAND. We don’t have a controlled system for nonimmigrants in existence, except as to Iranians, that would tell us—

Mr. HALL. I'm speaking of the lost Iranian diplomats.

Mr. CROSBLAND. Prior to November 13, we didn’t have any nonimmigrant control system which I think we could honestly say is strong enough to know who is left. That’s right.

Mr. HALL. And we don’t at this time have any.

Mr. CROSBLAND. We know who left since November 13.

Mr. HALL. But you still have some that are lost that you can’t account for.

Mr. CROSBLAND. Yes, but they could have left before November 13.

Mr. HALL. We don’t know that, and we have no way of determining that at this time.

Mr. CROSBLAND. That’s right.

Mr. HALL. I yield back the balance of my time.

Ms. HOLTZMAN. The gentleman from Virginia.

Mr. BUTLER. Thank you Madam Chairman.

Mr. Crosland, I feel like our Chairwoman. I would just like to say, given the situation, I think we have to admit you are trying very hard, but I’m not sure that you solved all the problems. I feel like you are making a good effort under the circumstances, but it’s rather discouraging to find what we do know about our lack of knowledge about citizens of any country.

I would like to zero in on the problem of Iranian diplomats just because I think it’s illustrative of the overall problem of keeping track of diplomats in this country from any country, perhaps even the Soviet Union. So I will begin by a quote from page 4 of your statement:

The State Department provided a list of names of 226 diplomats to INS with directions to locate and remove those diplomats through the deportation process. The list was not current and many addresses were incorrect.

Now Ms. Watson, I refer you to that statement and ask you, has Mr. Crosland accurately stated the situation at that point?

Ms. WATSON. I think he has. The procedures are standard in the field of diplomacy as it’s applied to us abroad and to other countries who have offices here. Abroad, we are required to notify the central government who is coming in as a diplomat and the role he will play and he is given diplomatic identification. When our people leave we have to notify the central government again. The same procedure is followed in this country. Unfortunately, the Iranians didn’t notify us. It became a sloppy operation, and they didn’t notify us when some of their people departed.

Mr. BUTLER. I understand. You know there has been a change in government in Iran.

Ms. WATSON. That is correct.

Mr. BUTLER. Did they tell you? Did the Iranians tell you or did you find that out for yourself?
Ms. Watson. They have told us, yes.

Mr. Butler. Well, let's go back. Many of the addresses on the list were incorrect. You have said, yes, that is true. What I'm trying to figure out is, whose responsibility in the State Department was it to keep a current list?

Ms. Watson. The Office of Protocol.

Mr. Butler. Is that under your jurisdiction?

Ms. Watson. No.

Mr. Butler. They report to you?

Ms. Watson. No, sir.

Mr. Butler. Is that Ms. Harper?

Ms. Watson. No.

Mr. Butler. You don't have the person here?

Ms. Watson. No; the person is not here.

Mr. Butler. So, I will try to obtain from you what I can about the rumor going around the State Department about this problem. If the list was not current, if many addresses are incorrect, what efforts were made between the time the Government changed and November 13—I believe that's the date—to update that list?

Ms. Watson. I'm not in a position to answer that question. That is not my area of jurisdiction. I am certain they must have made some efforts to get in touch with the Embassy to get on up-to-date list. I would be happy to take the question and get the information for you if you wish.

Mr. Butler. I really think that this is indicative of the fact that the State Department is not—and you represent the State Department—

Ms. Watson. I couldn't possibly represent the entire Department. I can only speak in my specific area.

Mr. Butler. When a Congressman goes home and speaks to his people, we represent the whole Government. I'm speaking of one little old Department and an answer to this problem.

Ms. Watson. I sympathize with you.

Mr. Butler. I don't think I want to take up any more time, but I sincerely think we ought to have another witness here or someone from the State Department to put on paper just what happened in terms of keeping track of Iranian diplomats in this country, between what has happened in the whole history of the problem, particularly in view of the fact that the Iranians have changed governments in the middle of all these diplomats running around in this country.

I think it's something that we ought to have on record. I think it would be constructive as to how we keep track of the representatives of foreign countries that are in the United States. If you could provide us with that information—I assume you join me in this request.

Ms. Holtzman. I certainly do.

Mr. Butler. That will be helpful to us.

[The information referred to follows:]

JUNE 23, 1980.

Hon. M. Caldwell Butler,
House of Representatives.

Dear Mr. Butler: At the hearing held on April 17 before the Subcommittee on Immigration, Refugee and International Law, House Committee on the Judiciary, you asked for information as to how the Department of State maintains records on Iranian and other diplomats in this country.

With regard to notification procedures pertaining to diplomatic and consular personnel, the Department is guided by the Vienna Conventions on Diplomatic and
Consular Relations, Articles 10 and 24 respectively, which provide in effect that the Department shall be notified of the appointment, arrival, and final departure or termination of official functions of members of diplomatic missions and consular posts.

A comprehensive restatement of the requirements and procedures for such notification was made in a diplomatic note issued by the Department and circulated to all diplomatic missions in Washington on October 2, 1978. The note restated the missions' obligations for an annual listing of all officers and employees on duty in the United States, and contained a request for the submission of a current listing (excluding diplomatic and consular officers for whom records were considered to be accurate and complete) by November 15 of that year. Action on certain requests of embassies was to be deferred if a particular embassy did not submit the listing within the time specified.

In response to the request of October 2, 1978, the Imperial Embassy of Iran furnished in January 1979 a list of nondiplomatic personnel of the Embassy. At that time, our records were checked and the notification forms of any persons not included in the list were retired. The Embassy did not send listings for consular employees and other foreign government personnel, as had been requested. Subsequently, the Department's Office of Protocol attempted to obtain the additional information required of the Embassy, but did not receive a satisfactory response.

Thus, when the change of government in Iran occurred on February 11, 1979, the Department had not received all of the information it had requested of the Imperial Embassy of Iran. Then representatives of the Islamic Republic of Iran in Washington began informing the Department of the appointment and termination of services of Iranian government personnel, but there remained in the files the notification forms of persons whose services had probably been terminated without the Department's knowledge.

On May 10, 1979, the Department sent a second general note to the diplomatic missions requesting the listings for foreign government personnel (other than diplomatic and consular) from embassies which had not yet complied with the requirement stated on October 2, 1978. The Embassy of the Islamic Republic of Iran was, of course, included in the mailing.

In connection with the U.S. required draw down of personnel representing the government of the Islamic Republic of Iran in this country, the Embassy of the Islamic Republic of Iran furnished the Department on December 14, 1979, with a list of 32 Iranian nationals who would serve at the Embassy and the consulates. On December 20, the Department furnished the Embassy a list of all Iranian nationals then registered with the Office of Protocol as being employed by the Iranian government in the United States with the request that the Embassy inform the Department in appropriate cases of the termination of their services. On December 21, the Embassy informed the Department of the termination of employment of 163 persons, most of whom had been employed by the previous regime. Although the representatives of the new government had earlier submitted a number of termination notices to the Office of Protocol, none had been submitted for these persons. The original notification forms therefore remained in the active files of the Protocol Office.

As to the general notification requirement, it will be of interest that the Department recently informed all diplomatic missions of the requirement for submission of the 1980 annual listings by August 1, of this year.

I have enclosed, for your information, copies of the Department's circular notes referred to above.

Sincerely,

J. Brian Atwood,
Assistant Secretary for Congressional Relations.

Enclosures.

DEPARTMENT OF STATE,

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to issue by this note a comprehensive restatement of the requirements and procedures for notifying the Department of State of officers and employees of foreign governments on duty in the United States, as well as for notifying the Department of private servants in the household of such officers and employees.

That there is a need for such a restatement has become apparent from the lapse of time since the last circular note on the general subject was issued; from the coming into operation in the meantime of new legal authorities for requiring the data requested; and from variations observed in the degree to which each diplomatic mission clearly understands and meets the reporting requirements previously prescribed.
REGISTRATION OF MEMBERS OF DIPLOMATIC MISSIONS

On the matter of legal authority for calling for submission of notification forms concerning members of the mission, the Department of State invites attention to Article 10 of the Vienna Convention on Diplomatic Relations. That Article provides that the Ministry for Foreign Affairs of the receiving State shall be notified of the appointment, arrival, and final departure or termination of official functions of members of the mission; of the presence of members of their families in the receiving State and of all changes in the family status initially reported; of the arrival and final departure or termination employment of private servants in the household of members of the mission; and of the engagement and discharge of persons resident in the receiving State as members of the mission entitled to privileges and immunities. Since the enjoyment of rights, privileges, and immunities to which members of missions in the United States may be entitled by virtue of the Vienna Convention or domestic law and practice depends upon the Department's timely receipt of complete and accurate information needed for its records system, the advantages to the missions, as well as to their personnel, of supplying this information will of course be obvious.

The new appointment of a diplomat is to be notified to the Department's Office of Protocol by submission of all but the last copy of a completed Form DS-1497, "Notification of Appointment of Foreign Diplomatic Officer." Although the form is largely self-explanatory, certain points need to be stressed. (1) The Secretary of State's circular note of June 17, 1977, restating in expanded form the Department's criteria for accreditation of diplomats and registration of nondiplomatic staff of the missions remains in effect. (2) While A-1 is the proper visa category for foreign diplomats, if that visa status has not been granted by the time the Form DS-1497 is filed, the existing visa status is to be entered in the relevant block, and the Department should be notified promptly by diplomatic note that the needed adjustment has been requested. (3) Biographic data need cover only the last five years. (4) Missions should promptly report to the Department by diplomatic note any change in the status of a diplomatic officer's dependents as initially reported on Form DS-1497, such as change in marital status, the birth of a child in this country, the arrival of a spouse, parent, or child from abroad, or the departure of any family member from the United States prior to termination of the officer's diplomatic assignment.

Upon termination of a diplomatic officer's duties, missions are required without delay to submit Form DS-1497A, "Notice of Final Departure of Foreign Diplomatic Officer," in duplicate to the Office of Protocol. All credentials, such as diplomatic identification documents, tax exemption cards, and automobile license tags, should be returned at that time.

All members of the staff of a diplomatic mission other than diplomats, including American citizens, foreign nationals admitted into the United States for permanent residence, and third-country nationals in nonimmigrant visa status, plus all private servants of diplomats and employees of the mission, must within thirty days of their employment be individually registered with the Office of Protocol by the filing of Form DS-394, "Notification of Foreign Government-Related Employment Status," in duplicate. These forms do not require transmittal by diplomatic note. Missions are reminded that, under the procedure at present prescribed by the Visa Office of the Department, Forms DS-394 on persons whose visa status requires adjustment are to be submitted to that Office and not to Protocol.

Terminations of the services of all nondiplomatic members of the staff of the mission, as well as of private servants in the household of either diplomats or employees, must be notified to the Department without delay through the filing of Form DS-394A in duplicate. All credentials, such as tax exemption cards and D.C. automobile license tags in the "WN" series, should be returned at that time.

Attention is called to the fact that Form DS-394 has been thoroughly revised, and all missions should now use only the new version, which bears the date indication "5-78" in the lower left-hand corner of the form. On the reverse side of the new form the various legal authorities for requiring the information requested are cited for convenient reference. The Office of Protocol will be pleased to answer questions that may arise concerning the application of particular provisions of law to specific classes of employees. The Department takes this occasion to point out, however, that 22 USC 613, the Foreign Agents Registration Act, constitutes the principal basis for requiring the registration of all American citizens in the employ of foreign governments in the United States for more than thirty days, whether
in the diplomatic mission, in consular posts, or in other miscellaneous foreign government entities operating in this country. Section 3 of that Act requires recognition of such an employee's official status and knowledge of his/her activities by the Secretary of State in order to establish exemption from the requirement of registration with the Attorney General. Accordingly the Department wishes to stress that it places considerable importance on observance of this requirement, and that it will look to the diplomatic missions for compliance with respect to all American employees, no matter to what element of the sending State in this country they may be attached.

Changes in the marital status of nondiplomatic members of the mission, as well as changes in visa status (including admission to permanent residence) and changes in position title reflecting a significant change in duties, and the arrival or departure of family members should be reported promptly to the Department by diplomatic note.

REGISTRATION OF MEMBERS OF CONSULAR POSTS

Article 24 of the Vienna Convention on Consular Relations contains provisions, paralleling those of Article 10 of the Diplomatic Relations Convention, requiring that the Ministry for Foreign Affairs of the receiving State be notified of the appointment and arrival of members of a consular post, their final departure or the termination of their functions, and any other changes affecting their status that may occur in the course of their service with the consular post. Notification is also required of the presence of members of their families in the receiving State and of all changes in the family status initially reported; of the arrival and final departure or termination of employment of private servants in the household of members of a consular post; and of the engagement and discharge of persons resident in the receiving State as members of a consular post entitled to privileges and immunities. The Department of State is confident that the diplomatic missions in Washington whose governments maintain consular posts in the United States will abide by these reporting requirements as obligatory under international law, as well as essential to the enjoyment by the members of those posts of the rights, privileges, and immunities which may be their due.

As Chiefs of Mission were informed by the circular note of July 13, 1971, the United States Government follows the practice of accomplishing consular recognition by exequatur in the form of a diplomatic note. The pertinent facts of a consular assignment should be given in a first person note requesting recognition of a consular officer. These include the full name of the appointee, his/her consular title, post of assignment, and consular jurisdiction if not previously defined. The note should be accompanied by a completed Form DS-394 in duplicate if one has not already been submitted.

All members of the staff of a consular post other than consular officers, including American citizens, foreign nationals admitted into the United States for permanent residence, and third-country nationals in nonimmigrant visa status, plus all private servants of consular officers and employees of the consular post, must within thirty days of the commencement of their employment be individually registered with the Office of Protocol by the filing in duplicate of Form DS-394 in its current version.

Changes in the marital status of members of the consular post, as well as changes in visa status (including admission to permanent residence) and changes in position title reflecting a significant change in duties, and the arrival or departure of family members should be reported promptly to the Department by diplomatic note.

The Department should be notified without delay, through the filing of Form DS-394A in duplicate, of all terminations of assignments of consular officers, of the services of other members of the consular post, and of the employment of private servants in the household of members of a consular post. Identification cards issued by the Department to career consular officers should be returned in this process.

REGISTRATION OF OTHER EMPLOYEES

All persons, including United States citizens and permanent residents, who are employed by a foreign government and on duty in the United States for a period exceeding thirty days other than in its diplomatic mission or with a consular post, as well as their private servants who are in nonimmigrant visa status, must also be registered with the Department within the first thirty days of that duty through the filing of Form DS-394 in duplicate. Changes in the status of such persons need be reported only if they involve a change in duty station.
Termination of the services of officers and employees in this category and of their private servants should be notified to the Department without delay by Form DS-384A, filed in duplicate.

The registration of members of a government's armed forces under this heading is no longer required if they are in this country for training, or are assigned to a multinational NATO defense unit, or are serving in a liaison capacity with the United States armed forces or a manufacturer of military materiel. Military personnel need be reported only if they are assigned to an activity which the foreign government carries on in the United States, such as a procurement office. For many years existing registration instructions have called for the missions to submit annual listings of all officers and employees of their governments, including United States citizens and immigrants as well as foreign nationals in nonimmigrant status, together with the private servants of such persons, on duty in the United States. The record of compliance with this requirement has unfortunately been less than satisfactory, despite the conscientious filing of such lists by some missions.

The lists in question are essential if the Department is to be enabled to correct inaccuracies which develop in its records through accumulated errors of omission or commission. In many instances, for example, Forms DS-394 are still in active files, although it is almost certain from their age that the services of the individuals to whom they relate have been terminated but termination notices have never been received.

The Department earnestly appeals at this time to each mission to comply with the required annual submission of the lists in question. All missions which have not submitted lists this year are expected to file them, in duplicate, by November 15, 1978, following the enclosed format. Diplomats and consular officers need not be listed in this submission, as the Department's records of these officials are considered to be sufficiently accurate.

Action on all requests for adjustment of visa status from any mission which has not submitted the required list by November 15 will be deferred by the Visa Office of the Department pending Protocol's receipt of the list in question. The Department will communicate again with the Chiefs of Mission on the subject of a staggered schedule to be followed in 1979 and thereafter in submitting the annual lists.

Inquiries on the substance of this note may be directed to the Embassy Services Unit of the Office of Protocol: 632-0605 or 632-3171.

Enclosure,

FORMAT FOR REQUESTED LISTINGS (SEPARATE LISTING TO BE PREPARED FOR EACH OF THE ENTITIES NAMED BELOW)

DIPLOMATIC MISSION, CONSULAR POST, OR OTHER GOVERNMENT ENTITY WITH ADDRESS OR ADDRESSES

Name of Official or Employee (and family members and servants, if any); Position Title (if servant of diplomatic or consular officer, provide employer's name and title); Nationality; Visa Status.

The names of all personnel, including servants of diplomatic and consular officers, should be set out in alphabetical order, family name first, rather than by organizational subdivision.

DEPARTMENT OF STATE,

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to refer to his note of October 2, 1978, which provided comprehensive information respecting the registration of officers and employees of foreign governments and requested the missions to submit listings of all foreign government personnel, other than diplomatic and consular officers and family members, to the Department by November 15, 1978. The Department of State greatly appreciates the cooperation of the many missions which have furnished the requested listings. However, a considerable number of missions have not yet complied with the Department's request. Since

1Missions are reminded that listing of diplomatic and consular officers is not requested at this time.
the information requested is needed to enable the Department to maintain accurate required records of all current foreign government personnel, it is essential that all these missions submit their listings at an early date, and in any event not later than June 15, 1979. Action on visa adjustment and employment requests received from any mission delinquent in submitting the required listing by June 15 will be deferred pending receipt of the list. Inquiries regarding this matter may be directed to the Embassy Services Unit of the Office of Protocol: 632-0605 or 632-3171.

DEPARTMENT OF STATE,

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to refer to the Department's circular diplomatic note of October 2, 1978, which provided comprehensive information concerning registration with the Department of State of officers and employees of foreign governments on duty in the United States and of their private servants.

This communication also dealt with the existing requirement respecting the submission by the diplomatic missions of annual listings of all officers and employees of their governments, including United States citizens and permanent residents as well as foreign nationals in nonimmigrant status, together with the private servants of such persons, and contained the request that listings of such persons, other than diplomats and consular officers, be filed with the Department by November 15, 1978.

At this time, the Department requests that all missions which have not submitted annual lists in 1980 file them, in duplicate, by August 1, 1980. The listing should include the names of diplomats and consular officers and may be prepared following the enclosed format.

Action on requests for adjustment of visa status or employment of dependents from any mission which has not submitted the required list by August 1 will be deferred by the Visa Services of the Department until the list is received in the Protocol Office.

The Department has decided not to adopt a staggered schedule for the submission of annual listings and, accordingly, future listings should be provided by all diplomatic missions on July 1 of each year.

Inquiries concerning this matter may be directed to the Embassy Services Unit of the Office of Protocol: 632-0605 or 632-3171.

Enclosure.

FORMAT FOR REQUESTED LISTINGS (SEPARATE LISTING TO BE PREPARED FOR EACH OF THE ENTITIES NAMED BELOW)

DIPLOMATIC MISSION, CONSULAR POST, OR OTHER GOVERNMENT ENTITY, WITH ADDRESS OR ADDRESSES

Name of Official or Employee (and family members and servants, if any); Position Title (if servant of diplomatic or consular officer, provide employer's name and title); Nationality; Visa Status.

The names of all personnel, including servants of diplomatic and consular officers, should be set out in alphabetical order, family name first, rather than by organizational subdivision.

Ms. Holtzman. I think the gentleman raised a good point. I think the subcommittee is extremely concerned about the recordkeeping system with respect to not only diplomats but all people who come into and leave this country. That is why we authorized $2.1 million last year for the development of a system of nonimmigrant document control. Unfortunately it seems that the will of the Congress in this regard has been frustrated.

I am not being critical of you, Mr. Crosland, because I agree with Mr. Butler and I hope my comments didn't reflect anything different.
You're trying very hard. But we have to get these proposals into effect.

What concerns me very much about your testimony about keeping track of diplomats is that we're still relying on airlines to provide us with I-94's?

What guarantee is there, for example, that the national airline of an unfriendly country might deliberately withhold the I-94's?

Mr. Crosland. None.

Ms. Holtzman. Perhaps it might be worthwhile to try to develop a different system with respect to this.

Mr. Crosland. I think you're right. It also requires some decisions, not just by the Immigration and Naturalization Service or the administration, but by the Congress as to how tight a nonimmigrant control system you want to have in this country. There are countries that require, when you go into the country, that each place you check in you surrender your passport. The local police are notified, and so on.

We are not a country that has taken that type of approach in the past. It's a matter of degree as to how tight you go. We get a non-immigrant who comes into the country and says he will stay in a particular hotel and will be gone in 3 weeks, we don't go down to the hotel to check to see if he is there.

There are a lot of decisions, not just mechanical decisions but policy decisions, that need to be addressed, not only by the administration but by Congress. I think the select commission is interested in some of them.

Ms. Holtzman. I'm concerned about relying on airlines to tell us when diplomats leave. We may be deluding ourselves as to the accuracy of the information we get.

The gentleman from Maryland.

Mr. Barnes. Thank you. Just following up on the comments that have been made, I think it's apparent that the entire subcommittee shares the concerns expressed by my colleagues that there really are minimal mechanisms that can be put in place that would eliminate this kind of problem in the future.

I was a foreign student myself in a country where my status as a student was checked personally by the police in that country every 3 months. The police came to the place where I was a student, to the university where I was studying, to check to make sure I was still enrolled. It was a quarterly thing.

The steps being taken now—which I think everyone here applauds, to annualize the requirement for checking of status, seems to me really are minimal. We can maintain a free society while having restrictions that are reasonable upon visitors to our country to assure that they are carrying out the intent of the visit that was approved at the outset.

Let me say, however, despite my agreement with my colleagues that the processes that we have now are totally inadequate and demonstrated their inadequacy rather brutally in this Iranian situation, where we seem to be losing people at a time when we ought to have very close tracking of everyone who is here, I really have to say that throughout this experience I and the people with whom I have worked in the Congress have been very impressed by the sensitivity that you, Mr. Crosland, have shown in a lot of individual cases and the concern that has been demonstrated both within the Service and
the State Department with respect to the rights of individual visitors to the United States and concerns that many Americans have had with respect to this whole situation.

I want to get on the record my personal praise for the sensitivity that has been shown and for the great cooperation that your offices have shown to me and to others in the Congress that have worked with you throughout this.

I would like to go to the other side of the question. It may be a difficult one to answer, but you're probably in a better position to answer it than anybody in the United States. What kind of effect are these policies having upon the Iranians? I'm not talking about the individual Iranians, who are obviously being placed in personal difficulty by having to give up their life in the United States or, not being able to come to the United States, or whatever. But what kind of sense are you getting from the Iranians who are coming into contact with your offices and obviously you are coming in contact with thousands of them, given the numbers you've given the subcommittee? What kind of message are they getting back to their Government in Iran about the problems they're facing and what impact do you see these policies that have been initiated by our Government having upon the hostage situation and our relations with the Iranians generally? Do you have some comments about how effective all this is?

Mr. CONSTABLE. I wonder if I might address that. Let me speak to the broad impact and perhaps Mr. Crosland or Ms. Watson would talk about the specific context of Iranians applying for visas.

We see the President's measure on visas and on the status of Iranians in the United States as part of an overall approach, putting pressure on the Iranians and trying to persuade them that it is no longer in their interest to hold the hostages. No one step will be decisive in this process. The process is a larger one of unilateral steps taken by the United States and steps that we hope our allies and other friendly governments will take in the next week or 10 days.

Mr. BARNES. Could I interrupt and ask you: Are any friendly governments considering doing what we've done with respect to Iranian nationals in their countries? Are we getting any cooperation on this particular issue?

Mr. CONSTABLE. I'm not aware of any governments doing this with visas as we have done.

Mr. BARNES. If the whole free world shuts down access, if our allies said to Iranians you can't come here either, this would have an extraordinary impact upon Iran.

Mr. CONSTABLE. I agree it would. The focus of our discussions with our allies, as you know, in the past 10 days has been on the economic sanctions.

Mr. BARNES. We have not raised this issue with them?

Mr. CONSTABLE. Not specifically this issue, no. We've talked about economic sanctions and about diplomatic—their diplomatic relationships with Iran.

Mr. BARNES. I interrupted you. Go ahead.

Mr. CONSTABLE. I think it is very clear that there is very deep concern in Iran over the measures that have been taken and there is concern, I'm confident, over the whole visa question of the ability of the Iranians to go to the United States.
This has been a favored place for Iranians to come and study, for Iranians to come and visit. Our hope is that those who are now deprived of this opportunity will make their views known and be part of a growing feeling in Iran that holding the hostages is not only an outrage against international law but is personally costly to their interests and to the interests of their country.

Mr. Barnes. That's our hope. Do we have any evidence that that is happening? That they go home and make that case?

Mr. Constable. The evidence so far is this concern in governmental circles about the inability of Iranians to continue to go to the United States. Translating that into a role impact and a decision to release the hostages is not yet in evidence.

Ms. Watson. I might add that insofar as we have been informed from our posts, there does seem to be a reaction on the part of some of these governments. Nothing broadcast in loud tones but in terms of action, certainly there's less of an inclination to admit Iranians to their country without screening. They are being rather restrictive in the admission of Iranians in various countries abroad. This has not been announced as a policy in terms of an official policy enunciated by the President.

There has been some impact. The resultant impact on the present government is still not known. Mr. Constable would be in a better position than I to discuss that.

Mr. Barnes. Thank you. I thank the chair for the time.

Ms. Holtzman. The gentleman from Georgia.

Mr. Evans. Thank you, Madam Chairman.

Mr. Crosland, there are approximately 56,694 Iranian students in this country, is that correct?

Mr. Crosland. Yes. Those were the ones we interviewed. There were more.

Mr. Evans. How many do you estimate that we have?

Mr. Crosland. I hesitate to get in the numbers game because of the weaknesses in the system that I have described already here today. There could be as many as 20,000, although—

Mr. Evans. Could be as many as how many?

Mr. Crosland. 20,000 more who have not left the country. But they could have—many could have well left prior to November 13, 1979.

Mr. Evans. Well, without getting into the weaknesses in the system, of those we have found and identified could you identify the branch of Government now that gives the right to the students to remain in this country if they're not found deportable?

Mr. Crosland. They have a right under the Constitution of the United States and under the laws and regulations of the United States to have a hearing.

Mr. Evans. What part of the Constitution gives the right to an alien to a hearing? Do you know offhand? I heard that said many times.

Mr. Crosland. The right of due process and to a hearing.

Mr. Evans. I thought that was for Americans.

Mr. Crosland. No, sir. Any person in this country has the protections of the Constitution. However, if there is a rational basis for making a distinction between one person and another person, or one class of persons and another, such a rational basis can be made.
In fact, a rational basis was made and upheld by the Court of Appeals for the District of Columbia.

Mr. EVANS. That's the answer I wanted. The Court of Appeals ruled the Iranian students in good status and following the rules of a right to remain in this country for the duration of their stay.

Mr. CROSLAND. The Court of Appeals ruled that our action in requiring only Iranian students as opposed to any students of other nationalities to report was a reasonable—that was a reasonable basis for doing so and it was not in violation of the Constitution of the United States.

Mr. EVANS. To pick out just Iranians.

Mr. CROSLAND. That's correct.

Mr. EVANS. OK. Now of these people who weren't found deportable, these Iranians, what would they have to do or what would be the least that they'd have to do in order to have their status reviewed and be found? Let me give you an example.

If they take part in anti-U.S. demonstrations, do they have the same rights as Americans—to do this without being deported?

Mr. CROSLAND. An alien has a right to exercise first amendment rights, express his or her opinions under the Constitution of the United States. That would not make them deportable.

If they did some act—or committed some crime—they would be deportable.

Mr. EVANS. How serious would the crime have to be? Could it be a misdemeanor?

Mr. CROSLAND. A crime of violence which could result in 1 year or more of imprisonment.

Mr. EVANS. We don't have any process of treating those people by the Golden Rule—whatever way their government treats our people, we can't treat their people the same way?

Mr. CROSLAND. We have made distinctions between Iranians and non-Iranians in this country. The first step required all Iranian students to report. That was challenged legally and our action was upheld by the courts.

Last week, on Saturday, I directed that all Iranians who are in this country who apply for extensions or who file petitions to adjust be denied those extensions or be denied their petitions to adjust unless there are humanitarian reasons. So there was a basis which I considered to be reasonable which treats Iranians differently from other people.

Today I am directing that all Iranians who are out of status not be granted voluntary departure, as other nationals might be, because they are Iranians, because of the international crisis, and that action, I think, is reasonable under the present circumstances. So there have been some distinctions.

Mr. EVANS. Well, what portion of these students would you estimate, if you have any idea, are taking part in anti-American demonstrations?

Mr. CROSLAND. Well, I haven't read of many demonstrations occurring in this country lately.

Mr. EVANS. I saw on television someone carrying a coffin around the other day talking about how bad they were being treated by the Americans.
Mr. Crosland. I don't have any actual basis for stating how many are or are not involved in demonstrations. I am aware there are distinctions among Iranians, that some persons are concerned about repercussions because of their relationships with the previous government.

Mr. Evans. Is that a part of the process? Are they asked these type things?

Mr. Crosland. Yes. Any student who is found to be out of status is asked as to whether there is any reason they shouldn't be returned. If they have some valid—if they wish to file an asylum claim they can file one and that will be considered by the State Department.

Mr. Evans. Do you have any idea of what percentage of the Iranian students that you have interviewed were actually admitted prior to the changing of the government and what portions of those would be representatives of the previous government?

Mr. Crosland. I don't have that kind of information. I am not sure you could actually draw an analysis just on the basis of when they were admitted.

Mr. Evans. I'm sure you could not but I wondered in the interview if you received any information that would indicate that they were a part of the new revolutionary government or not.

Mr. Crosland. The information that was sought in the interview was to determine whether or not they were in status. The President directed all Iranian students in the country not in legal status should be deported or deportation proceedings should be brought against them.

Mr. Evans. Of the 6,900 found deportable, only a few have left; is that correct?

Mr. Crosland. That's correct.

Mr. Evans. How soon will they be sent out of the country?

Mr. Crosland. I wish I could answer that question.

Mr. Evans. How long can they keep an appeal going?

Mr. Crosland. As a lawyer, you know a fellow can go from one step to another and a lot depends on their backlog in a particular court of appeals. Under the present law and regulations, they can go to the Board of Immigration Appeals and from there to a court of appeals and from there to the Supreme Court.

Mr. Evans. I am aware of that. Do you have an indication that the majority of these people who are appealing their status are being found deportable?

Mr. Crosland. I don't have the statistics as to the numbers but I can get them for you and submit it for the record. (Information was not submitted.)

Mr. Evans. I would be curious as to how many are in that status. In the event they don't appeal, how much time do they have to get out of the country? How would you verify that?

Mr. Crosland. A person has 10 days to file an appeal. Under the present regulations Immigration judges can either order them deported or they can grant them voluntary departure, and if they don't leave by a certain date, an order of deportation in lieu of the voluntary departure.

Mr. Evans. What is that time limit? 10 days for a hearing and after the hearing the judge gives an order for them to be deported. How much time can they stall around before they are deported if they don't appeal?
Mr. CROSCLAND. It depends on how much time the Immigration judge gives them on voluntary departure in most cases.

Mr. EVANS. How much time does he normally give them? I know it depends on the circumstances.

Mr. CROSCLAND. Normally 30 days. Some have given more time. I'm looking at that particular question rather closely as to what existing regulations require and what regulations might be implemented which would shorten that time substantially.

Mr. EVANS. It seems ironic to me that Iran can take over our Embassies and take hostages and we are powerless, really, to remove people from this country, even if they are sympathetic to the new government, and perhaps there is no way to deal with it in a country as free as ours but certainly I don't think they enjoy the same rights as American citizens.

Mr. CROSCLAND. I am sympathetic to that concern. I think that this situation demonstrates the strengths of our country in spite of the delays as opposed to theirs where one man can control the whole works.

Mr. EVANS. I agree with that argument to an extent but I think the overwhelming majority of the American people would like to see something done in this instance and it's sort of amazing to me that the will of the great majority of the American people cannot be exercised in this instance.

Thank you, Madam Chairman.

Ms. HOLTZMAN. Mr. Crosland, I would like to follow up with just a few brief questions.

First, you mentioned under your departure control system that from November 14 to April 13, 15,000 Iranians entered the United States and in that same period 16,830 Iranians left the United States. What percentage of the 15,350 Iranians who entered left during that period of time?

Mr. CROSCLAND. Those that came in that left—I don't have those statistics. I would have to—I'm not sure we have the statistics as such. We would probably have to look at each individual one and compare them against those who left.

Ms. HOLTZMAN. I thought that you said you were developing a departure control system now with respect to the Iranians.

Mr. CROSCLAND. I'm saying I don't have it here. I have the numbers. I know who left and who came in. It might mean we would have to compare each individual who left.

Ms. HOLTZMAN. Don't you have a computer doing that?

Mr. CROSCLAND. Yes. All of them are put in the computer.

Ms. HOLTZMAN. So it should take simply the pressing of a button.

Mr. CROSCLAND. I can submit it for the record. That's all I'm saying.

Ms. HOLTZMAN. That would be useful. Second, with regard to general ability of the Immigration Service to keep track of who has come and who has left, how has carrying out the President's policies with respect to the Iranians affected your budget and personnel? Are you having to take immigration officers away from work on other kinds of projects? Do you need additional personnel in order to be able to implement these policies?

Mr. CROSCLAND. We are using investigators primarily so the investigative section of the Enforcement Division of the Immigration Service
is that unit which is most utilized. We have a limited number of investigators. The Iranian project is being given the highest priority of any project so, to the extent that we are putting people on Iranian cases as a first highest priority type of case, rather than just as a case we want to look at, we may take them away from investigative positions where there are some concerns.

We are using investigators in area control operations also. My sense is, given the numbers of persons found to be out of status during the reporting provision, we had a pretty good cost-effective ratio of people involved, people who were identified as being out of status, probably as great as if they had been out on the street trying to find people working illegally or in this country illegally who weren't Iranians. It's not hurting us from that score. It could take away from work on other kinds of investigations.

Ms. Holtzman. Let me ask you about some reports in the press and elsewhere that other possible actions may be taken with respect to Iranians in this country. Have you given consideration to making all Iranians report to INS offices as you required for students?

Mr. Crosland. I think it would probably not be appropriate for me to comment on hypothetical kind of situations which might be done. We have not thus far obviously required all Iranians in this country to report to INS offices. As to whether that would be a step taken, that is something that would require review throughout the whole Government—through appropriate people within the Justice Department and the White House.

The steps that have been taken thus far have been coordinating with the Attorney General and then with other representatives from other agencies, people in the White House and the President.

Ms. Holtzman. Secretary Watson, let me ask you about your policy on issuing visas. We understand that many visas that were issued in the Embassy in Tehran before it was taken over were multiple-entry visas for extensive periods of time.

What has been the policy with regard to the issuance of multiple-entry visas?

Ms. Watson. That depends on the situation. Visa validity, including the number of entries, is based on reciprocity. There were some times when only single-entry visas were issued. The multiple-entry visa would be issued, for example, to a student who has the appropriate I-20, has been admitted to a school for matriculation, if his country would accord the same visa to a U.S. student. Since the INS admits them for duration of status, very often they wish to return home to visit family during school holidays, and the multiple entry visas are a great convenience.

Ms. Holtzman. What has your policy been since April 7 with regard to the issuance of multiple-entry visas to Iranians coming to the United States?

Ms. Watson. Everything has been reviewed on a case-by-case basis. Anyone who leaves the country must go to a consulate or Embassy to have their visa case reviewed in terms of the new policy as laid down by the President. Then whether or not they will be given multiple entry, I doubt it, would probably be a single entry and they would have to be reviewed again, until such time as the President changes his decision.
Ms. Holtzman. Is that a formal policy?
Ms. Watson. This is what we are following right now, as has been determined by the President in his April 7—
Ms. Holtzman. Let me direct this question to you or Mr. Crosland. Have you discovered any fraudulent visas possibly manufactured by the militants holding the Embassy?
Ms. Watson. We have not discovered any, no.
Mr. Crosland. There were questions raised about one or two, but any questions about visas were referred over to the State Department for their review.
Ms. Holtzman. Is that review done by the Protocol Office?
[Laughter.]
Ms. Watson. No. Actually I know just exactly what you are referring to. There were rumors to that effect. There were thorough investigations and we have not actually come close to anything of that nature. All of our consular offices have been notified to examine these things very carefully. The Immigration Service has been notified that everybody who comes in, should have their visas very carefully scrutinized.
Ms. Holtzman. I understand that the visa cancellation policy applies to immigrants as well as nonimmigrants, which means that it applies to cases of family reunification. This obviously covers situations in which parents and children are being reunited, husbands and wives are being reunited, brothers and sisters being reunited. What is the policy with respect to the reunification of families under the April 7 directive? I'm talking about close relatives.
Ms. Harper. The President's instructions were to issue or revalidate in cases involving humanitarian concerns. We have interpreted that to include close family relationships and such visas will be either endorsed—none have come to our attention so far—or issued as the case may be, if the applicant is eligible for a visa, of course.
Ms. Holtzman. Thank you. The gentleman from Texas.
Mr. Hall. I know on April 8, 1980, the Department of State rule or regulation, which appeared in the Federal Register on page 24849, in which it is stated that, "Since it has been determined to be in the national interest to limit access to the United States by nationals of Iran, it is necessary to withdraw this privilege from nationals of Iran." My question is: To whom is this information directed that I just read?
Ms. Watson. In the Federal Register? To anyone who can read it.
Mr. Hall. Is it directed to any particular agency of the Government to follow up to see that the access is denied to the United States of these people?
Ms. Watson. Well, certainly if a visa is required, certainly it is directed to the State Department. If it is in terms of admission to the United States, it would be directed to the Immigration Service.
Mr. Hall. Does the consular affairs of the Department of State follow up to determine if access is being denied to nationals of Iran who are seeking to get into the United States?
Ms. Watson. No. The consular officer is required to review the case that is before him, the application, and decide whether to grant the visa or deny the visa, and only then to refer the case to the Department with regard to the President's program. But the follow up is not within their purview.
When the alien comes to the United States, then he is under the jurisdiction of Mr. Crosland and the Immigration and Naturalization Service. Would you like to speak to that?

Ms. Harper. Every Iranian application is being referred to the Department of State for decision, sir, as to whether or not the applicant’s circumstances fall within the President’s decision that visas should be issued or endorsed only in cases of compelling humanitarian concerns or the national interest.

Mr. Hall. So, anyone who is from Iran seeking entrance goes to the Department of State first, for review.

Ms. Harper. He goes to a consular office abroad and they send us the details of the application.

Mr. Hall. That person is held in status quo in that country until a final decision is made here as to whether to enter that person or deny entry.


Mr. Hall. All right. Now if the person is denied entry, of course, that is, I presume, the end of it. If the person is granted admission to enter the United States, and I assume that person comes to the United States on an airplane or something, do we have any followup in the United States after that person arrives here as to the location or the business that the person may be engaged in, or anything to know where that person might be located?

Ms. Harper. Not by the Department of State. Once the individual arrives in the United States, he becomes the responsibility of the Immigration Service.

Mr. Hall. At that point the consular affairs of the Department of State has lost jurisdiction, so to speak, of that individual.

Ms. Harper. That is right.

Mr. Hall. Then it becomes the business of the Immigration Service?


Mr. Hall. All right. Now after that person in that foreign consular office is admitted, does the consular service at that point in time notify the Immigration Service that Mr. A or whomever is coming to this country?

Ms. Harper. No, sir. The individual shows up with a visa which indicates that he has been screened by us.

Mr. Hall. We have no contact with that person after he gets here.

Ms. Harper. Not in the State Department.

Mr. Hall. Who notifies Immigration that the person is here?

Ms. Harper. The individual who arrives at the port of entry with the visa. Immigration Service has to take formal action in order to admit an individual to the United States so they don’t have to be told about him.

Mr. Hall. When the person arrives then, it’s automatic that it goes to Immigration.

Ms. Harper. That’s right. They go through two inspections. Primary and secondary inspections.

Mr. Hall. All right. Now, Mr. Crosland, after that has been done, the primary and secondary inspection has been completed, do you have any further access to that person after they have arrived here?

Mr. Crosland. After they have gone through that, on Iranians we get much better information than we have gotten on other people.

Mr. Hall. I’m talking about Iranians.
Mr. Crosland. We report that to the central office and keep information as to where they are. There has been a fair amount of confusion in the press as to the difference between visa and travel documents.

A visa is issued by the State Department abroad. It is in effect a ticket to get them in the door, to the door. Then they are admitted by Immigration. Immigration gives them a travel document called an I-94. That is a ticket so they can be here and how long they are going to be here.

Their visa may be good for a year, but they may not be allowed to stay here a year. They may say they want to visit someone and will be here 2 weeks and get a stamp on the travel document at that time and it says how much time they have got to be here and where they will be staying.

Now, all that information is sent to the central office and sent out to the district where they are. The technical system I referred to earlier is making sure that our district office knows when they are about to expire, so they go out and find them if they haven’t left.

Mr. Hall. When the Consular Service allows them to come into this country and they arrive, their travel document is granted by your department.

Mr. Crosland. That’s correct.

Mr. Hall. Is there any other document that an immigrant can receive from Iran other than a travel document when they arrive in this country?

Mr. Crosland. Well, they would get a travel—coming in, they would get a travel document.

Mr. Hall. All people that have been allowed to come to the Consular Service get a travel document when coming to this country.

Mr. Crosland. That’s right.

Mr. Hall. Is anything said to these people about continuing to report in at certain intervals as to their location, where they may live, in the business or occupation they may or may not be involved in?

Mr. Crosland. Presumably they have only been allowed to come here because of humanitarian concerns. So they have already been screened rather closely. We screen them again and find out where they are going to be and tell them they have to leave at the end of their stay. Anybody who doesn’t continue to have meritorious concerns, if they ask for an extension and don’t get it, they have to go abroad again.

Mr. Hall. Is it your department’s responsibility to contact that person at the end of that time?

Mr. Crosland. Yes; that is what we try and do.

Mr. Hall. Does the Consular Service have any more say so in this person after he arrives in this country?

Mr. Crosland. No.

Mr. Hall. OK. Now, have any Iranians been admitted since November 1979 by way of the procedure I just outlined?

Mr. Crosland. Well——

Mr. Hall. How many Iranians have been admitted to the United States vis-a-vis the procedure we just mentioned since November 1979?

Mr. Crosland. Now, since November—we have a different situation since November 1979 and April 7, 1980. April 7, 1980—well,
the figures I gave in my statement—bear with me a second—15,350
Iranians entered from November 14 through April 13, and 16,839
left the United States during that same period; 2,615 of those are
permanent residents of the United States.

Mr. HALL. Since November 1979 through April 13, some 15,000
Iranians have entered the United States pursuant to the procedure
we have discussed here in the last few minutes.

Mr. CROSLAND. Except that there is a new wrinkle as of April 7.
As of April 7, everybody's visa was canceled so they could not enter
after April 7 unless they had a revalidated visa based on certain
humanitarian concern. A fellow coming over here on business who
didn’t have a close family relative or some concern such as that would
not be allowed to—wouldn’t get his visa revalidated.

Mr. HALL. Have we allowed anyone to enter after April 7, 1980,
until now on a humanitarian basis?

Mr. CROSLAND. There have been 105 entries since April 7, and these
are persons—

Mr. HALL. For humanitarian reasons?

Mr. CROSLAND. I can submit to you for the record the numbers who
have been revalidated. (Information was not submitted.) There was
a short transition period where the flow went out which allowed our
Immigration inspectors on a case-by-case basis to admit those persons,
actually on the airplane in transit, people who were a close family
relative or were in need of medical attention. Other people were
turned around and sent back. Indeed, April 8 we sent several people
back to Iran who didn’t fit that.

Mr. HALL. All right. And since November through April 13, you
say 16,000 Iranians have left this country?

Mr. CROSLAND. 16,839.

Mr. HALL. But 2,615 have become permanent——

Mr. CROSLAND. They were already permanent residents.

Mr. HALL. Are we still allowing Iranians to come into this country
since April 8, 1980, for any reason other than humanitarian reasons?

Mr. CROSLAND. No. Unless they are returning permanent residents.
It's restricted to nonimmigrants. Returning permanent residents are
allowed to re-enter.

Mr. HALL. If an Iranian who is a permanent resident left this
country, either before April 8 or since April 8, and seeks to return to
this country, he or she can do so.

Mr. CROSLAND. All right.

Ms. HOLTZMAN. The gentleman from Virginia.

Mr. BUTLER. Thank you. We talk about the I-94. Is that a travel
document you receive when you come to this country?

Mr. CROSLAND. Yes.

Mr. BUTLER. Than what you’re asking the airlines to do is keep
them and return them to you concerning Iranians.

Mr. CROSLAND. They are supposed to fly away, but we want to
make sure we know who the person is, who our employee is and who
theirs are that collects those documents on a daily basis.

Mr. BUTLER. I can understand that procedure. Heretofore, what
have you done with I-94's?

Mr. CROSLAND. We relied upon the airlines to turn them in and the
airlines may not have been very diligent about collecting them and
turning them in.
Mr. Butler. What sanctions are available to you as against the uncooperative airline?

Mr. Crosland. Hardly anything really. We would have to prove that the person had the I-94 and the airline didn't ask to collect it and he took it home with him, get some kind of statement from them, and then levy a small fine.

Mr. Butler. I guess my question is this: If you get an airline that says, "He took his I-94 and threw it in the wastebasket," what can you do about it?

Mr. Crosland. We haven't had anyone but—it's $10 a document. So you see it's not a whole lot of teeth.

Mr. Butler. Does FAA or anybody of that nature have any regulations regarding this?

Mr. Crosland. We really haven't had—I don't want to suggest we had an arrogance among airlines. We had good cooperation generally with airlines. It's certainly not a tight nonimmigrant document control system for departures.

Mr. Butler. Thank you. I wanted to get a feel for the problem. Following the line of the gentleman from Texas, since November when you issue a travel document to an Iranian, that information goes to the central office?

Mr. Crosland. Yes.

Mr. Butler. That's the tickler system you referred to.

Mr. Crosland. Yes.

Mr. Butler. Is there any kind of data system that you have—

Mr. Crosland. It's put into a computer.

Mr. Butler. By tickler system, that's a computerized tickler.

Mr. Crosland. Right.

Mr. Butler. So you have some continuance in your ability to keep track of that information?

Mr. Crosland. Yes.

Mr. Butler. So that's no problem. All right, thank you.

Now, turning to policy decisions, are we giving any consideration to the Iranians, students or otherwise, from their country who are unwilling to request asylum for reasons of their own, but want to wait out the crisis at home before going back? Do they have any options available other than requesting asylum?

Mr. Crosland. Some students have asked, granted voluntary departure, were granted periods of voluntary departure which would cover—they were about to graduate. This would allow them to do so. But we have—we are following a policy which says unless they have a close family relative here who is a citizen or permanent resident or unless they have a claim for asylum, they are not granted extensions.

Under the present regulations, foreign students are considered to be in status so long as they are not working, haven't committed certain kinds of crimes, have a full caseload, a load of courses, so long as they are in the course they started out in.

What we are proposing is regulations which would make them review their status on an annual basis. Right now most students are—if they haven't violated any of the conditions of their status, will be allowed under present regulations to stay here as long as they continue in their course of study. That's what we are trying to change.

Mr. Butler. That's with reference to the students. If you're not a student—
Mr. CROSLAND. Then you're not going to be allowed to stay here unless you file a claim for asylum. The reason you don't want to go back is because you're afraid you would be persecuted. If you don't have a close family relative who is a citizen or permanent resident, and you're not in need of any medical attention, then you file an asylum. If you're not willing to do that, you have to leave.

Mr. BUTLER. Just so I can understand more clearly the policy considerations, if you're an Iranian with national loyalty to the present administration and an unwillingness to express that, and you want to stay in the United States so you don't get sent back to Iran and have to live with that choice, what options are available to that person?

Mr. CROSLAND. Asylum. You say he doesn't want to file asylum?

Mr. BUTLER. No, unless he starts——

Mr. CROSLAND. He will have to leave.

Mr. BUTLER. All right. Now, let's turn to another question. A person requesting asylum goes through the procedure which you outlined, I think, for Mr. Hall. Has any priority been given to consideration and application for political asylum, or for asylum for Iranians versus other applications?

Mr. CROSLAND. Well, processing following asylum is the claims are sent over to the State Department for their review. As to Iranians, the INS will not take any action on any case where an asylum claim is filed unless we give it to the State Department.

What priority the State Department may or may not be giving as to political versus any other kind of asylum for any nationality, I will defer to the State Department to answer.

Mr. BUTLER. Do you prefer not to answer?

Mr. CONSTABLE. I'm not an expert on the question, but I will try to address it.

Mr. BUTLER. That's not necessary. I really wanted to hear their aspect of it. I think I got the answer I wanted unless we get the expert from the State Department. We will wait for that. My time seems to have expired.

Ms. HOLTZMAN. Are there any further questions?

The hearing will stand adjourned.

[Whereupon, at 3:37 p.m., the hearing was adjourned.]
APPENDIXES

APPENDIX 1.—PRESIDENTIAL DOCUMENTS

A. EXECUTIVE ORDERS

[From the Federal Register, Monday, Apr. 21, 1980]

Executive Order 12211 of April 17, 1980

FURTHER PROHIBITIONS ON TRANSACTIONS WITH IRAN

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Sections 1732 and 2656 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in order to take steps additionally to those set forth in Executive Order No. 12170 of November 14, 1979, and Executive Order No. 12205 of April 7, 1980, to deal with the threat to the national security, foreign policy and economy of the United States referred to in those Orders, and the added unusual and extraordinary threat to the national security, foreign policy and economy of the United States created by subsequent events in Iran and neighboring countries, including the Soviet invasion of Afghanistan, with respect to which I hereby declare a national emergency, and to carry out the policy of the United States to deny the use of its resources to aid, encourage or give sanctuary to those persons involved in directing, supporting or participating in acts of international terrorism, it is hereby ordered as follows:

1-101. Paragraph 1-101 (d) of Executive Order No. 12205 is hereby amended by the addition of a new subparagraph (v) as follows:

(v) Make any payment, transfer of credit, or other transfer of funds or other property or interests therein, except for purposes of family remittances.

1-102. The following transactions are prohibited, notwithstanding any contracts entered into or licenses granted before the date of this Order.

(a) Effective immediately, the direct or indirect import from Iran into the United States of Iranian goods or services, other than materials imported for news publication or news broadcast dissemination.

(b) Effective immediately, any transactions with a foreign person or foreign entity by any citizen or permanent resident of the United States relating to that person's travel to Iran after the date of the Order.

(c) Effective seven days from the date of this Order, the payment by or on behalf of any citizen or permanent resident of the United States who is within Iran of any expenses for transactions within Iran.

The prohibitions in paragraphs (b) and (c) of this section shall not apply to a person who is also a citizen of Iran and those prohibitions and the prohibitions in section 1-104 shall not apply to a journalist or other person who is regularly employed by a news gathering or transmitting organization and who travels to Iran or is within Iran for the purpose of gathering or transmitting news, making news or documentary films, or similar activities.

1-103. The Secretary of the Treasury is hereby directed, effective fourteen days from the date of this Order, to revoke existing licenses for transactions by persons subject to the jurisdiction of the United States with Iran Air, the National Iranian Oil Company, and the National Iranian Gas Company previously issued pursuant to regulations under Executive Order No. 12170 or Executive Order No. 12205.

1-104. The Secretary of the Treasury is delegated, and authorized to exercise, all functions vested in the President by the International Emergency Economic
Powers Act (50 U.S.C. 1701 et seq.) to carry out the purposes of this Order. The Secretary may redelegate any of these functions to other officers and agencies of the Federal government.

1-105. The Secretary of the Treasury shall ensure that actions taken by him pursuant to the above provisions of this Order, Executive Order No. 12170 and Executive Order No. 12205 are accounted for as required by Section 401 of the National Emergencies Act (50 U.S.C. 1641).

1-106. The Secretary of State is delegated, and authorized to exercise in furtherance of the purposes of this Order, the powers vested in the President by Section 2001 of the Revised Statutes (22 U.S.C. 1732), Section 1 of the Act of July 3, 1926 (22 U.S.C. 211a), and Section 215 of the Immigration and Nationality Act (8 U.S.C. 1185), with respect to:

(a) the restriction of the use of United States passports for travel to, in or through Iran; and
(b) the regulation of departures from and entry into the United States in connection with travel to Iran by citizens and permanent residents of the United States.

1-107. Except as otherwise indicated herein, this Order is effective immediately. In accord with Section 401 of the National Emergencies Act (50 U.S.C. 1641) and Section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703), it shall be immediately transmitted to the Congress and published in the Federal Register.

THE WHITE HOUSE, April 17, 1980.

[From the Federal Register, Wednesday, April 9, 1980]

Executive Order 12205 of April 7, 1980

PROHIBITING CERTAIN TRANSACTIONS WITH IRAN

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in order to take steps additional to those set forth in Executive Order No. 12170 of November 14, 1979, to deal with the threat to the national security, foreign policy and economy of the United States referred to in that Order, and in furtherance of the objectives of United Nations Security Council Resolution 461 (1979) adopted on December 31, 1979, it is hereby ordered as follows:

1-101. The following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order:

(a) The sale, supply or other transfer, by any person subject to the jurisdiction of the United States, of any items, commodities or products, except food, medicine and supplies intended strictly for medical purposes, and donations of clothing intended to be used to relieve human suffering, from the United States, or from any foreign country, whether or not originating in the United States, either to or destined for Iran, an Iranian governmental entity in Iran, any other person or body in Iran or any other person or body for the purposes of any enterprise carried on in Iran.

(b) The shipment by vessel, aircraft, railway or other land transport of United States registration or owned by or under charter to any person subject to the jurisdiction of the United States or the carriage (whether or not in bond) by land transport facilities across the United States of any of the items, commodities and products covered by paragraph (a) of this section which are consigned to or destined for Iran, an Iranian governmental entity or any person or body in Iran, or to any enterprise carried on in Iran.

(c) The shipment from the United States of any of the items, products and commodities covered by paragraph (a) of this section on vessels or aircraft registered in Iran.

(d) The following acts, when committed by any person subject to the jurisdiction of the United States in connection with any transaction involving Iran, an Iranian governmental entity, an enterprise controlled by Iran or an Iranian governmental entity, or any person in Iran:

(i) Making available any new credits or loans;

(ii) Making available any new deposit facilities or allowing substantial increases in non-dollar deposits which exist as of the date of this Order;
(iii) Allowing more favorable terms of payment than are customarily used in
international commercial transactions; or
(iv) Failing to act in a businesslike manner in exercising any rights when
payments due on existing credits or loans are not made in a timely manner.
(e) The engaging by any person subject to the jurisdiction of the United States
in any service contract in support of an industrial project in Iran, except any
such contract entered into prior to the date of this Order or concerned with
medical care.
(f) The engaging by any person subject to the jurisdiction of the United
States in any transaction which evades or avoids, or has the purpose or effect
of evading or avoiding, any of the prohibitions set forth in this section.
1-102. The prohibitions in section 1-101 above shall not apply to transactions
by any person subject to the jurisdiction of the United States which is a non-
banking association, corporation, or other organization organized and doing
business under the laws of any foreign country.
1-103. The Secretary of the Treasury is delegated, and authorized to exercise,
all functions vested in the President by the International Emergency Economic
Powers Act (50 U.S.C. 1701 et seq.) to carry out the purposes of this Order. The
Secretary may redelegate any of these functions to other officers and agencies of
the Federal government.
1-104. The Secretary of the Treasury shall ensure that actions taken pursuant
to this Order and Executive Order No. 12170 are accounted for as required by
Section 401 of the National Emergencies Act (50 U.S.C. 1641).
1-105. This Order is effective immediately. In accord with Section 401 of the
National Emergencies Act (50 U.S.C. 1703), it shall be immediately trans-
mitted to the Congress and published in the Federal Register.

THE WHITE HOUSE, April 7, 1980.

JIMMY CARTER.

[From the Federal Register, Wednesday, April 9, 1980]

Executive Order 12206 of April 7, 1980

AMENDMENT OF DELEGATION OF AUTHORITY WITH RESPECT TO ENTRY OF CERTAIN
ALIENS INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of
the United States, including Section 215 of the Immigration and Nationality Act,
as amended (8 U.S.C. 1185), and Section 301 of Title 3 of the United States
Code, it is hereby ordered as follows:
1-101. Amendment.
Section 1-101 of Executive Order 12172 of November 26, 1979, is amended by
deleting "holding nonimmigrant visas."
1-102. Effective Date.
This order is effective immediately.

THE WHITE HOUSE, April 7, 1980.

JIMMY CARTER.

[From the Federal Register, Wednesday, Nov. 28, 1979]

Executive Order 12172 of November 26, 1979

DELEGATION OF AUTHORITY WITH RESPECT TO ENTRY OF CERTAIN ALIENS INTO
THE UNITED STATES

By virtue of the authority vested in me as President by the Constitution and
laws of the United States, including the Immigration and Nationality Act, as
amended, 8 USC 1185 and 3 USC 301, it is hereby ordered as follows:
Section 1-101. Delegation of Authority. The Secretary of State and the Attor-
ney General are hereby designated and empowered to exercise in respect of
Iranians holding nonimmigrant visas, the authority conferred upon the Presi-
dent by section 215(a) (1) of the Act of June 27, 1952 (8 USC 1185), to prescribe
limitations and exceptions on the rules and regulations governing the entry of
aliens into the United States.
Section 1-102. Effective Date. This order is effective immediately.


JIMMY CARTER.
Executive Order 12170 of November 14, 1979

Blocking Iranian Government Property


I, Jimmy Carter, President of the United States, find that the situation in Iran constitutes an unusual and extraordinary threat to the national security, foreign policy and economy of the United States and hereby declare a national emergency to deal with that threat.

I hereby order blocked all property and interests in property of the Government of Iran, its instrumentalities and controlled entities and the Central Bank of Iran which are or become subject to the jurisdiction of the United States or which are in or come within the possession or control of persons subject to the jurisdiction of the United States.

The Secretary of the Treasury is authorized to employ all powers granted to me by the International Emergency Economic Powers Act to carry out the provisions of this order.

This order is effective immediately and shall be transmitted to the Congress and published in the Federal Register.

JIMMY CARTER.


B. Remarks, Memoranda, and Messages

Sanctions Against Iran

Remarks Announcing U.S. Actions. April 7, 1980

Ever since Iranian terrorists imprisoned American Embassy personnel in Tehran early in November, these 50 men and women—their safety, their health, and their future—have been our central concern. We've made every effort to obtain their release on honorable, peaceful, and humanitarian terms, but the Iranians have refused to release them or even to improve the inhumane conditions under which these Americans are being held captive.

The events of the last few days have revealed a new and significant dimension in this matter. The militants controlling the Embassy have stated they are willing to turn the hostages over to the Government of Iran, but the Government has refused to take custody of the American hostages. This lays bare the full responsibility of the Ayatollah Khomeini and the Revolutionary Council for the continued illegal and outrageous holding of the innocent hostages. The Iranian Government can no longer escape full responsibility by hiding behind the militants at the Embassy.

It must be made clear that the failure to release the hostages will involve increasingly heavy costs to Iran and to its interests. I have today ordered the following steps.

First, the United States of America is breaking diplomatic relations with the Government of Iran. The Secretary of State has informed the Government of Iran. The Secretary of State has informed the Government of Iran that its Embassy and consulates in the United States are to be closed immediately. All Iranian diplomatic and consular officials have been declared persona non grata and must leave this country by midnight tomorrow.

Second, the Secretary of the Treasury will put into effect official sanctions prohibiting exports from the United States to Iran, in accordance with the sanctions approved by 10 members of the United Nations Security Council on January 13 in the resolution which was vetoed by the Soviet Union. Although shipment of food and medicine were not included in the U.N. Security Council
vote, it is expected that exports even of these items to Iran will be minimal or nonexistent.

Third, the Secretary of Treasury will make a formal inventory of the assets of the Iranian Government, which were frozen by my previous order, and also will make a census or an inventory of the outstanding claims of American citizens and corporations against the Government of Iran. This accounting of claims will aid in designing a program against Iran for the hostages, for the hostage families, and other U.S. claimants. We are now preparing legislation, which will be introduced in the Congress, to facilitate processing and paying of these claims.

Fourth, the Secretary of Treasury [State] and the Attorney General will invalidate all visas issued to Iranian citizens for future entry into the United States, effective today. We will not reissue visas, nor will we issue new visas, except for compelling and proven humanitarian reasons or where the national interest of our own country requires. This directive will be interpreted very strictly.

In order to minimize injury to the hostages, the United States has acted at all times with exceptional prudence and restraint in this crisis. We have supported Secretary-General Waldheim's activities under the U.N. Security Council mandate to work for a peaceful solution. We will continue to consult with our allies and other friendly governments on the steps we are now taking and on additional measures which may be required.

I am committed to resolving this crisis. I am committed to the safe return of the American hostages and to the preservation of our national honor. The hostages and their families, indeed all of us in America, have lived with the reality and the anguish of their captivity for 5 months. The steps I have ordered today are those that are necessary now. Other action may become necessary if these steps do not produce the prompt release of the hostages.

Thank you very much.

Note: The President spoke at 3:10 p.m. to reporters assembled in the Briefing Room at the White House.

DIPLOMATIC RELATIONS WITH IRAN

Memorandum From the President. April 7, 1980.

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

In connection for my decision today to close Iranian diplomatic facilities in the United States, I am directing that the Uniformed Division of the Secret Service provide any assistance necessary to the Secretary of State and the Attorney General in order to make my decision effective, including control of movement of persons and property into and out of Iranian diplomatic facilities in the District of Columbia.

JIMMY CARTER.

ECONOMIC SANCTIONS AGAINST IRAN

Message to the Congress Reporting on the U.S. Actions. April 7, 1980

TO THE CONGRESS OF THE UNITED STATES: Pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703, I hereby report to the Congress that I have today exercised the authority granted by this Act to take certain trade, financial and other measures against Iran and its nationals.

1. On November 14, 1979, I took the step of blocking certain property or interests in property of the Government of Iran, its instrumentalities and controlled entities and the Central Bank of Iran. At that time the United States Embassy in Tehran was occupied and American personnel were being held hostage there in flagrant violation of international law. In addition, Iran had threatened suddenly to withdraw its assets from United States banks, to refuse to accept payment in dollars for oil, and to repudiate obligations owed to the United States and to United States nationals. Iran's actions attacked the foundations of the international legal order as well as the stability of the world economy and the international monetary system.
2. The extraordinary threat to the national security, foreign policy, and economy of the United States, which I determined existed on November 14, continues today. The United States has used every diplomatic and legal means available to it to end this extraordinary threat, but without avail. Iran has ignored or rebuffed a decision by the International Court of Justice, resolutions by the Security Council of the United Nations and efforts by the Secretary General of the United Nations and others to resolve the underlying problems.

3. In light of the above, it is necessary for me to order the following to be prohibited:

(a) The sale, supply or other transfer, by any person subject to the jurisdiction of the United States, of any items, commodities or products, except food, medicine and supplies intended strictly for medical purposes and donations of clothing intended to be used to relieve human suffering, from the United States or from any foreign country, whether or not originating in the United States, either to or destined for Iran, an Iranian governmental entity in Iran, any other person or body in Iran, or any other person or body for the purposes of any enterprise carried on in Iran.

(b) The shipment by vessel, aircraft, railway or other land transport of United States registration or owned by or under charter to any person subject to the jurisdiction of the United States or the carriage (whether or not in bond) by land transport facilities across the United States of any of the items, commodities and products covered by subparagraph (a) of this paragraph which are consigned to or destined for Iran, an Iranian governmental entity or any person or body in Iran, or to any enterprise carried on in Iran.

(c) The shipment from the United States of any of the items, products and commodities covered by subparagraph (a) of this paragraph on vessels or aircraft registered in Iran.

(d) The following acts, when committed by any person subject to the jurisdiction of the United States in connection with any transaction involving Iran, an Iranian governmental entity, an enterprise controlled by Iran or an Iranian governmental entity, or any person in Iran:

(i) Making available any new credits or loans;

(ii) Making available any new deposit facilities or allowing substantial increases in non-dollar deposits which exist as of the date of the Order;

(iii) Allowing more favorable terms of payment than are customarily used in international commercial transactions; or

(iv) Failing to act in a businesslike manner in exercising any rights when payments due on existing credits or loans are not made in a timely manner.

(e) The engaging by any person subject to the jurisdiction of the United States in any service contract in support of an industrial project in Iran, except any such contract entered into prior to the date of the Order or concerned with medical care.

(f) The engaging by any person subject to the jurisdiction of the United States in any transaction which evades or avoids, or has the purpose or effect of evading or avoiding, any of the prohibitions set forth above.

Attached is a copy of this Executive Order which I am transmitting pursuant to 50 U.S.C. 1641(b).

The prohibitions in paragraph 3 above shall not apply to transactions by any person subject to the jurisdiction of the United States which is a non-banking association, corporation, or other organization organized and doing business under the laws of any foreign country.

The above measures are being taken in furtherance of the objectives of Resolution 461 adopted by the Security Council of the United Nations on December 31, 1979, and would have been specifically mandated by the Security Council on January 13, 1980, but for a veto by the Soviet Union.

This action is taken with respect to Iran and its nationals for the reasons described in this report.

JIMMY CARTER.
IRANIAN STUDENTS IN THE UNITED STATES

Announcement on Actions To Be Taken by the Department of Justice. November 10, 1979

The President has directed the Attorney General to identify any Iranian students in the United States who are not in compliance with the terms of their entry visas, and to take the necessary steps to commence deportation proceedings against those who have violated applicable immigration laws and regulations.

As an initial measure, the Immigration and Naturalization Service of the Department of Justice will issue a notice requiring all Iranian students to report their present location and status immediately to the nearest INS office, and will take additional steps to locate and identify such students to determine legal status. For students found to be in illegal status, deportation proceedings will be conducted in accordance with constitutional due process requirements.
APPENDIX 2.—RULES AND REGULATIONS

[From the Federal Register, Tuesday, July 22, 1980]

DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
8 CFR PART 214

REQUIREMENTS FOR EXTENSION OF STAY FOR IRANIAN NONIMMIGRANT STUDENTS

Action: Final rule.
Summary: This amendment to the regulations of the Immigration and Naturalization Service is made in order to further clarify the conditions under which an Iranian national nonimmigrant student may obtain an extension of nonimmigrant stay.
Effective date: June 10, 1980.

For further information contact:

Supplementary information: On July 2, 1980, 8 CFR 214.1(c) was amended to provide, among those circumstances under which an Iranian national nonimmigrant may obtain an extension of stay in the United States, that an Iranian nonimmigrant "F" or "J" student may obtain an extension of stay if it is sought in order to complete a current course of study or to begin graduate study. Further clarification is required in the case of those Iranian nonimmigrant students beginning a new course of study.

The provisions of the Administrative Procedure Act (5 U.S.C. 553) relative to notice of proposed rulemaking and delayed effective date are inapplicable inasmuch as the amendment confers a benefit and is a clarification. Moreover, it is issued in the course of and in response to the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran.

Accordingly, the following amendment is made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 214—NONIMMIGRANT CLASSES

The third sentence of 8 CFR 214.1(c) is amended as follows:
§ 214.1 Requirements for admission, extension, and maintenance of status

(c) Extension of stay. * * * A nonimmigrant alien who is an Iranian national is ineligible for extension of stay unless he fulfills at least one of the following conditions: (1) He is in immediate need of urgent medical treatment which is available only in the United States; (2) he has a relationship to a United States citizen or lawful permanent resident within the categories specified in section 201(b) or section 203(a) (1), (2), (4), or (5) of the Act; (3) the Department of State has stated that an extension of stay is in the national interest; or (4) in the case of a "J" or "F" nonimmigrant student, an extension of stay is sought in order to complete a current course of study, or to begin high school, college, or graduate studies if he had already been accepted by the appropriate institution on or before June 9, 1980.

* * * * * * *

(Sec. 103, 214 (8 U.S.C. 1103, 1181))
Effective date: This amendment became effective on June 10, 1980.
Dated: July 17, 1980.

DAVID CROSLAND,
Acting Commissioner,
Immigration and Naturalization Service.
REQUIREMENTS FOR EXTENSION OF NONIMMIGRANT STAY


Action: Final rule.

Summary: This amendment to the regulations of the Immigration and Naturalization Service is made in order to allow Iranian nationals to obtain extensions of nonimmigrant stay in certain specified circumstances in addition to those already provided by regulation.

Effective date: June 10, 1980.

For further information contact:


Supplementary information: On April 16, 1980, 8 CFR 214.1(c) was amended to limit the extension of nonimmigrant stay in the case of Iranian nationals to those cases in which the alien is in immediate need of urgent medical treatment which is available only in the United States or has a relationship to a United States citizen or lawful permanent resident as specified in sections 201(b) or 203(a) (1), (2), (4), or (5) of the Act. It has been determined, however, that the current regulation does not allow sufficient flexibility to deal with cases which present certain compelling or hardship circumstances. Accordingly, it is being amended to allow, in addition to those circumstances already provided, extensions of stay where (1) the Department of State has stated that an extension of stay is in the national interest, or (2) in the case of a “J” or “F” nonimmigrant student, an extension of stay is sought in order to complete a current course of study or to begin graduate study.

The provisions of the Administrative Procedure Act (5 U.S.C. 553) relative to notice of proposed rule making and delayed effective date are inapplicable because the amendment confers a benefit.

Accordingly, the following amendment is made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 214—NONIMMIGRANT CLASSES

The third sentence of 8 CFR 214.1(c) is amended as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

(c) Extension of stay. * * * A nonimmigrant alien who is an Iranian national is ineligible for extension of stay unless he fulfills at least one of the following conditions: (1) He is in immediate need of urgent medical treatment which is available only in the United States, (2) He has a relationship to a United States citizen or lawful permanent resident within the categories specified in section 201(b) or section 203(a) (1), (2), (4), or (5) of the Act, (3) the Department of State has stated that an extension of stay is in the national interest, or (4) in the case of a “J” or “F” nonimmigrant student, an extension of stay is sought in order to complete a current course of study or to begin graduate studies.

(Sec. 103, 214; (8 U.S.C. 1103, 1184))

These amendments become effective on June 10, 1980.

Dated: June 27, 1980.

DAVID CROSLAND,
Acting Commissioner of Immigration and Naturalization Service.
DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, 8 CFR PART 242

PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL; RESTRICTION ON REINSTATEMENT OF VOLUNTARY DEPARTURE FOR NATIONALS OF IRAN; CORRECTION

Action: Final Rule; correction.
Summary: This amendment is intended to correct the amendment published on May 7, 1980, to limit the prohibition against reinstatement of voluntary departure by immigration judges to cases involving Iranian nationals.
Effective date: May 7, 1980.
For further information contact:

Supplementary information: On May 7, 1980, (45 FR 30063) an amendment to 8 CFR 242.22 was published which was intended to preclude reinstatement of voluntary departure by immigration judges in cases involving Iranian nationals. It was made in response to the international crisis created by the unlawful detention of American citizens in the United States Embassy in Iran. The language limiting the prohibition to cases involving Iranian nationals, however, was inadvertently omitted. Consequently, this clarifying amendment is necessary.

Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary and contrary to the public interest.

In FR Doc. 80-13962 appearing at page 30063 in the Federal Register of May 7, 1980, in the second column, the phrase added to § 242.22 is corrected by deleting the comma and inserting the following phrase after the word “departure”:

§ 242.22 Reopening or reconsideration

* * * “in a case involving an Iranian national,”

(Sec. 103, 242, 8 U.S.C. 1103, 1252)
Dated: May 21, 1980.

DAVID CROSLAND,
Acting Commissioner of Immigration and Naturalization.

[From the Federal Register, Wednesday, May 7, 1980]

DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, 8 CFR PART 211

DOCUMENTARY REQUIREMENTS: IMMIGRANTS, WAIVERS; PROHIBITION AGAINST READMISSION TO THE UNITED STATES FOR LAWFUL PERMANENT RESIDENTS AFTER TRAVEL TO, IN, OR THROUGH IRAN

Action: Final rule.
Summary: These amendments bar the readmission to the United States of returning lawful permanent resident aliens after travel to, in, or through Iran unless the Secretary of State has granted permission for such travel.
Effective date: May 7, 1980.
For further information contact:
For specific information: Marvin J. Gibson, Assistant Commissioner, Inspections, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20538. Telephone: (202) 683-3019.

Supplementary information: Because of the Iranian Government's failure to resolve the international crisis it created by the unlawful detention of American citizens in the U.S. Embassy in Tehran, the President of the United States announced the break in diplomatic relations with that country on April 7, 1980. On April 17, 1980 the President further ordered the regulation of departures from and entry into the United States by lawful permanent residents after travel in Iran. These amendments are made pursuant to the President's order. (Executive Order 12211.)

8 CFR 211.1(b) (1) is amended to bar the use of Forms I-151 and I-551 for readmission to the United States by lawful permanent residents after travel to, in, or through Iran. An alien crewman is exempted if his/her travel to Iran was pursuant to his employment. Section 211.1(b) (2) and (3) are amended to invalidate a reentry permit and prohibit a lawful permanent resident from obtaining a visa waiver after travel to Iran unless the Secretary of State has granted permission for the travel.

Accordingly, the following amendments are made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

1.8 CFR 211.1(b) (1), is amended to read as follows:

§ 211.1 Visas

(a) * * *

(b) Aliens returning to an unrelinquished lawful permanent residence. (1) Form I-151 or I-551, Alien Registration Receipt Card. An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may present an Alien Registration Card (Form I-151 or I-551) duly issued to him in lieu of an immigrant visa, provided that during such absence he did not travel to, in, or through Iran. An alien regularly serving as a crewman in any capacity required for normal operation and services aboard an aircraft or vessel of American registry who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may present an Alien Registration Receipt Card (Form I-151 or I-551) duly issued to him in lieu of an immigrant visa, notwithstanding travel to, in, or through Iran pursuant to his employment as a crewman. A spouse or a child of a member of the Armed Forces of the United States or of a civilian employee of the United States Government stationed foreign pursuant to official orders may present an Alien Registration Receipt Card (Form I-151 or I-551) when returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad: Provided, such spouse or child resided abroad while such member of the Armed Forces or such civilian employee was on overseas duty and is preceding or accompanying the member or employee or is following to join the member or employee within four months of the member's or employee's return to the United States, and during the temporary absence did not travel to, in, or through Iran.

2. 8 CFR 211.1(b) (2) is amended by adding a new sentence to the end of the existing paragraph to read as follows:

(2) Reentry permit. * * * A reentry permit shall be invalid when presented by an alien who, during his temporary absence abroad, traveled to, in, or through Iran, unless the Department of State has granted the alien permission to travel to, in, or through Iran.

3. 8 CFR 211.1(b) (3) is amended by adding a new sentence to the end of the existing paragraph to read as follows:

(3) Waiver of visas. * * * If the alien has traveled to, in, or through Iran, a waiver will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through Iran.

(Sec. 103, 211 (8 U.S.C. 1103, 1181))
The foregoing action is taken in accordance with Executive Order 12211 of April 17, 1980, issued in the course of, and in response to, the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran.

Dated: May 2, 1980.

DAVID CROSLAND,
Acting Commissioner of Immigration and Naturalization.

8 CFR PART 242

PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL: RESTRICTION ON REINSTATEMENT OF VOLUNTARY DEPARTURE FOR NATIONALS OF IRAN


Action: Final rule.

Summary: This amendment is intended to expedite the departure of Iranians who are unlawfully in the United States by precluding reinstatement of voluntary departure by Immigration judges in cases involving Iranian nationals.

Effective date: May 7, 1980.

For further information contact:


Supplementary information: Because of the Iranian Government's failure to resolve the international crisis it created by the unlawful detention of American citizens in the United States Embassy in Tehran, the President of the United States announced the break in diplomatic relations with that country on April 7, 1980. In further response to the international crisis it has been determined to expedite the departure of Iranians unlawfully present in the United States. Consequently, the Immigration and Naturalization Service will amend its regulations to preclude Iranian nationals unlawfully in the United States from obtaining reopening of a deportation hearing by an Immigration judge for the purpose of reinstating voluntary departure.

This amendment is effective immediately because of the urgency of the international crisis. Publication is made in order to swiftly and efficiently advise the public of this action.

Accordingly, the following amendment is made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL

§ 242.22 Reopening or reconsideration

* * * except for the purpose of reinstating a grant of voluntary departure,

(Sec. 103, 242; 8 U.S.C. 1103, 1252)

The foregoing actions are taken in accordance with the President's proclamation of April 7, 1980, issued in the course of, and in response to, the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran.

Dated: May 2, 1980.

DAVID CROSLAND,
Acting Commissioner of Immigration and Naturalization.
AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The Immigration and Naturalization Service is amending its regulations to limit to 15 days the amount of time an immigration judge may grant an Iranian national in deportation proceedings to depart the United States voluntarily under section 244(e) of the Immigration and Nationality Act. In addition, it is amending §242.5(a)(2) to preclude Iranian nationals unlawfully in the United States from obtaining a grant of voluntary departure prior to the institution of deportation proceedings except in limited cases. These amendments are intended to expedite the departure of Iranians in the United States.

Effective date: April 25, 1980.

For further information contact:


Supplementary information: Because of the Iranian Government's failure to resolve the international crisis it created by the unlawful detention of American citizens in the United States Embassy in Tehran, the President of the United States announced the break in diplomatic relations with that country on April 7, 1980. In further response to the international crisis it has been determined to expedite the departure of Iranians unlawfully present in the United States. Consequently, the Immigration and Naturalization Service will amend its regulations to limit to 15 days the amount of time an immigration judge may grant an Iranian national in deportation proceedings to depart the United States voluntarily under section 244(e) of the Immigration and Nationality Act. In addition, it will amend §242.5(a)(2) to preclude Iranian nationals unlawfully in the United States from obtaining a grant of voluntary departure prior to the institution of deportation proceedings except in limited cases.

These general statements of policy are effective immediately because of the urgency of the international crisis. Publication is made in order to swiftly and efficiently advise the public of these actions.

Accordingly, the following amendments are made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

8 CFR 244.1 is amended by inserting a new sentence after the first sentence to read as follows:

§ 244.1 Application
* * * In the case of a national of Iran the amount of time within which he/she may be granted to depart voluntarily by the special inquiry officer shall not exceed 15 days from the date the special inquiry officer renders his/her decision in the case. * * *

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPEHENSION, CUSTODY, HEARING, AND APPEAL

8 CFR 242.5(a)(2) is amended by inserting "other than a national of Iran" after the word "alien" where it first appears in the subsection. It is further amended by adding a new sentence at the end of the subsection which reads as follows:

§ 242.5 Authorization
(a)(2) * * * Voluntary departure may be granted to a national of Iran who is statutorily eligible and falls within one of the classes described above if he
or she has applied for asylum, has a relationship to a United States citizen or lawful permanent resident as described in sections 201(b), 203(a)(1), (2), (4) or (5) of the Act, or there is an immediate need for medical attention for the alien or that alien's dependent.

(Secs. 103, 242, 244 (8 U.S.C. 1103, 1252, and 1254)

effective date: These amendments become effective on April 25, 1980.

The foregoing actions are taken in accordance with the President's proclamation of April 7, 1980, issued in the course of, and in response to, the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran.

Dated: April 21, 1980.

DAVID CROSLAND,
Acting Commissioner of Immigration and Naturalization.

[From the Federal Register, Wednesday, April 23, 1980]

DEPARTMENT OF STATE [PUBLIC NOTICE 712]

IRAN; RESTRICTION ON THE TRAVEL OF PERMANENT RESIDENT ALIENS TO, IN, OR THROUGH IRAN

Pursuant to the authority conferred on me by Executive Order 12211, travel from the United States of permanent resident aliens to, in, or through Iran is prohibited unless an exception to this prohibition is granted under the authority of the Secretary of State.

The Assistant Secretary of State for Consular Affairs is authorized to grant exceptions to this prohibition. Applications for exceptions will be considered on the basis of whether the proposed travel is in the national interest or is justified by compelling humanitarian considerations.

This Public Notice shall become effective upon publication in the Federal Register (April 23, 1980) and shall expire at the end of one year unless extended or sooner revoked by Public Notice.


CYRUS R. VANCE,
Secretary of State.

[From the Federal Register, Wednesday, April 23, 1980]

DEPARTMENT OF STATE [PUBLIC NOTICE 711]

IRAN; RESTRICTION ON THE USE OF U.S. PASSPORTS FOR TRAVEL TO, IN, OR THROUGH IRAN

Pursuant to the authority conferred on me by Executive Order 11295 and Executive Order 12211, and in accordance with 22 CFR 51.72(a)(3), the use of United States passports for travel to, in, or through Iran is hereby restricted.

This action is required by the increasingly unstable situation in Iran and the concomitant increase in the threat of hostile act against Americans. The governing authorities in Iran have repeatedly demonstrated their unwillingness to maintain public order and to protect United States nationals from hostile and uncontrolled mob action. The Government of Iran has approved the holding in unlawful captivity of 51 United States diplomatic and consular personnel and two additional United States nationals who are not employees of the United States Government; both the governmental authorities and militant groups express extreme hostility to the United States in their public statements.

In these circumstances, where the governing authorities have approved attacks upon United States nationals and where protection against such attacks is unavailable, there is an imminent danger to the physical safety of United States nationals in Iran.

Accordingly, United States passports shall cease to be valid for travel to, in, or through Iran unless specifically validated for such travel under the authority of the Secretary of State.
This Public Notice shall be effective upon publication in the Federal Register (April 23, 1980) and shall expire at the end of one year unless extended or sooner revoked by Public Notice.


CYRUS R. VANCE,
Secretary of State.

[From the Federal Register, Tuesday, April 22, 1980]

DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
8 CFR Part 245

ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE; AMENDMENT TO CLARIFY ASYLUM CASES


Action: Final rule.

Summary: This is an additional amendment to the regulations of the Immigration and Naturalization Service dealing with limitations and restrictions imposed upon Iranian nationals. The amendment further clarifies the limited conditions under which an Iranian national may seek adjustment of status under section 245 of the Act.

Effective date: April 11, 1980.

For further information contact:


Supplementary information: Because of the Iranian Government’s failure to resolve the international crisis if created by the unlawful detention of American citizens in the United States Embassy in Tehran, the President of the United States announced the break in diplomatic relations with that country on April 7, 1980. Consistent with the President’s proclamation, it is in the national interest to place appropriate limitations and restrictions upon those Iranian nationals who are presently in the United States as nonimmigrants. The Immigration and Naturalization Service has published amendments to its regulations to place appropriate limitations and restrictions upon Iranian nationals presently in the United States.

These amendments were published in the Federal Register on April 16, 1980. However, we believe further amendatory language is required regarding those Iranian nationals who seek adjustment of status in asylum cases; therefore, 8 CFR 245.1(d) will be further amended to include those nonimmigrant aliens who have applied for asylum as well as those who have been granted asylum. Applicants for asylum were not included in the original amendments to the regulations.

Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is unnecessary because the amendment confers a benefit upon the parties affected and delay in implementing the amendment is unnecessary and contrary to the public interest.

Accordingly, the following amendment is made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE

§ 245.1 [Amended]

8 CFR 245.1(d) is amended by deleting the last clause of the last sentence at the end of the existing subparagraph which reads, “(2) he/she has been granted asylum in the United States,” and substituting in its place, “(2) he/she has applied for or has been granted asylum in the United States.”
DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, 8 CFR Parts 214, 245 and 248

REQUIREMENTS FOR EXTENSION OF NONIMMIGRANT STAY, ADJUSTMENT OF STATUS TO LAWFUL, PERMANENT RESIDENT STATUS, AND CHANGE OF NONIMMIGRANT CLASSIFICATION FOR NONIMMIGRANTS FROM IRAN

Action: Final rule.
Summary: These amendments to the regulations of the Immigration and Naturalization Service are intended to place appropriate limitations and restrictions upon Iranian nationals who are presently in the United States. The amendments are issued pursuant to the President's proclamation of April 7, 1980.
Effective date: April 11, 1980.


Supplementary Information: Because of the Iranian Government's failure to resolve the international crisis it created by the unlawful detention of American citizens in the United States Embassy in Tehran, the President of the United States announced the break in diplomatic relations with that country on April 7, 1980. Consistent with the President's proclamation, it is in the national interest to place appropriate limitations and restrictions upon those Iranian nationals who are presently in the United States as nonimmigrants. The Immigration and Naturalization Service will amend its regulations to provide for the review of all requests for extension of stay, adjustment of status and change of nonimmigrant classification, and to place restrictions on the conditions under which Iranian nationals will be permitted to remain in the United States.

Section 214.1(c) of Title 8 will be amended to impose certain additional requirements on nationals of Iran who seek an extension of their nonimmigrant stay in the United States. An extension will not be granted unless the alien is in immediate need of medical treatment which is available only in the United States or unless he/she has a certain relationship to a United States citizen or lawful permanent resident. Section 245.1(d) of Title 8 will be amended to restrict adjustment of status of Iranians to those who have certain close family ties to a United States citizen or lawful permanent resident, or who have been classified as refugees. Section 248.2 of Title 8 will be amended to render nationals of Iran ineligible for any change of nonimmigrant classification except to classification under section 101(a) (15) (G) of the Act.

In the public interest and because of practical necessity, the provisions of the Administrative Procedure Act (5 U.S.C. 553) relative to notice of proposed rule making and delayed effective date will be waived.

Accordingly, the following amendments are made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 214—NONIMMIGRANT CLASSES

1.8 CFR 214.1(c) is amended by adding the following sentence between the second and third sentences of the subparagraph:

§ 214.1—Requirements for admission, extension, and maintenance of status

Dated: April 17, 1980.

DAVID CROSLAND,
Acting Commissioner of Immigration and Naturalization.
(c) Extension of stay. * * * A nonimmigrant alien who is an Iranian national is ineligible for extension of stay unless he fulfills at least one of the following two conditions: (1) He/she is in immediate need of urgent medical treatment which is available only in the United States, or (2) He/she has a relationship to a United States citizen or lawful permanent resident within the categories specified in section 201(b) or section 203(a) (1), (2), (4), or (5) of the Act.

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE

2.8 CFR 245.1(d) is amended by adding a new sentence to the end of the existing subparagraph to read as follows:

§ 245.1 [Amended]
(d) Immediate relatives under section 201(b) and preference aliens under section 203(a) (1) through 203(a) (7). * * * A nonimmigrant alien who is an Iranian national is not eligible for the benefits of section 245 of the Act unless (1) he/she claims immediate relative status under section 201(b) or preference status under section 203(a) (1), (2), (4), or (5) of the Act and is also the beneficiary of a valid unexpired visa petition filed in accordance with Part 204 of this chapter and approved to accord him/her such status, or (2) he/she has been granted asylum in the United States.

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

3.8 CFR 248.2 is amended by adding a new sentence to the end of the existing paragraph to read as follows:

§ 248.2 Ineligible classes
* * * A nonimmigrant alien who is an Iranian national is ineligible for any change of nonimmigrant classification other than a change to classification under section 101(a) (15) (G) of the Act.

(Sees. 103, 214, 245, and 248 (8 U.S.C. 1103, 1184, 1255, and 1258)).

Effective date: These amendments become effective on April 11, 1980.

The foregoing actions are taken in accordance with the President’s proclamation of April 7, 1980, issued in the course of, and in response to, the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran.

Dated: April 15, 1980.

DAVID CROSLAND,
Acting Commissioner of Immigration and Naturalization.

[From the Federal Register, Thursday, April 10, 1980]

DEPARTMENT OF STATE, 22 CFR PART 41

[Dept. Reg. 108.788]

IRANIAN CITIZENS; NONIMMIGRANT DOCUMENTARY WAIVERS

Agency: State Department.
Action: Final rule.
Summary: Section 41.6 to 22 CFR is amended to withdraw the transit without visa privilege from Iranian citizens.
Effective date: April 7, 1980.
For further information contact: Cornelius D. Scully III, Acting Director, Office of Legislation, Regulations and Advisory Assistance, Visa Services, Bureau of Consular Affairs, Department of State, Telephone: (202) 632-1980.
Supplementary information: In light of the fact that the Government of Iran has failed to resolve the hostage crisis, it is in the national interest to further restrict the entry of Iranians into the United States.

The privilege of transiting without a visa is a means of facilitating the passage through the United States of aliens in transit to third countries. Aliens accepted for transit without a visa are not required to be in possession of a valid visa in order to effect passage through the United States en route to their ultimate destination.

Since it has been determined to be in the national interest to limit access to the United States by nationals of Iran, it is necessary to withdraw this privilege from nationals of Iran.

The provisions of the Administrative Procedure Act (5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States. In light of the foregoing, the second sentence in subparagraph (1) of paragraph (e) of § 41.6 is amended as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

(e) Aliens in immediate transit—(1) Aliens in bonded transit. * * * This waiver of visa and passport requirements is not available to aliens who are citizens of Iraq or Iran. * * *

Sec. 101 84 Stat. 116; (8 U.S.C. 1101)

Dated: April 8, 1980.

BARBARA M. WATSON,
Assistant Secretary for Consular Affairs.

Dated: April 8, 1980.

Concurrence:

DAVID CROSBLAND,
Acting Commissioner for Immigration and Naturalization Service.

[From the Federal Register, Thursday, April 10, 1980]

DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
8 CFR PART 212

RESTRICTION OF TRANSIT OF IRANIAN CITIZENS AND NATIONALS


Action: Final rule.

Summary: This is an amendment of the regulations of the Immigration and Naturalization Service intended to restrict citizens and nationals of Iran from transiting the United States without a visa. This amendment is issued in pursuant to the President's proclamation of April 7, 1980.

Effective date: April 7, 1980.


For specific information: Marvin J. Gibson, Assistant Commissioner, Inspections, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-3019.

Supplementary information: On April 7, 1980, the President of the United States announced a break in diplomatic relations with the Government of Iran.

In connection with the President's announcement, the regulations of the Immigration and Naturalization Service governing aliens transiting the United States without a visa will be amended by adding a new sentence that waiver of visa and passport requirement is not available to an alien who is a citizen of Iran.

These regulations are issued under the authority vested in the Attorney General by Section 212 of the Immigration and Nationality Act, 8 U.S.C. 1182.
In the light of the foregoing the following amendment to 8 CFR 212.1(e) is hereby prescribed.

In Part 212, in § 212.1(e), a new sentence is added between the existing first and second sentences. Accordingly, the new second sentence reads as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.1 Documentary requirements for nonimmigrants

(e) Direct transits—(1) Transits without visa. * * * This waiver of visa and passport requirements is not available to an alien who is a citizen of Iran. * * *

(See 103 and 212(a) ; (8 U.S.C. 1103 and 1182).

Effective date. This amendment became effective on April 7, 1980.

The foregoing actions are taken in accordance with the Presidential directive of April 7, 1980, issued in the course of, and in response to, the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran. Accordingly, the notice and comment and delayed effective date provisions of Section 553 of Title 5 of the United States Code are hereby waived as impracticable and contrary to the public interest.

Dated: April 8, 1980.

DAVID CROSLAND,
Acting Commissioner of Immigration and Naturalization.

Dated: April 8, 1980.

BARBARA M. WATSON,
Assistant Secretary for Consular Affairs, Department of State.

(From the Federal Register, Wednesday, April 9, 1980)

DEPARTMENT OF STATE, 22 CFR PART 46 [DEPT. REG. 108.787]

ADDITIONAL REQUIREMENTS IN THE CASE OF CERTAIN NONIMMIGRANT ALIENS

Agency: State Department.
Action: Final rule.
Summary: A new § 46.8 is added to Part 46 of Title 22 to impose certain additional requirements on nationals of Iran, other than Iranian Government officials travelling on Government business to the United Nations. These requirements shall apply to both the bearers of immigrant and nonimmigrant visas issued prior to April 7, 1980, and applicants for immigrant or nonimmigrant visas on and after that date. A previously-issued visa will not meet the requirements of section 212(a)(20) or (26)(B), as applicable, of the Immigration and Nationality Act as amended, unless it has been presented to a consular officer on or after April 7, 1980, and the consular officer has endorsed the visa.

Effective date: April 7, 1980.

For further information contact: Cornelius D. Scully III, Acting Director, Office of Legislation, Regulations and Advisory Assistance, Visa Services, Bureau of Consular Affairs, Department of State, (202) 632-1980.

Supplementary information: Section 215(a)(1) (92 Stat. 971, 8 U.S.C. 1185) of the Immigration and Nationality Act, as amended, authorizes the President to promulgate "reasonable rules, regulations, and orders" respecting the entry of aliens into the United States and to subject such entry to "such limitations and exceptions as he may prescribe." The President has delegated this power to the Secretary of State, subject to the concurrence of the Attorney General.

In light of the fact that the Government of Iran has failed to resolve the hostage crisis, it is in the national interest to review all outstanding visas and further to restrict the entry of Iranians into the United States. Many nationals of Iran outside the United States are bearers of valid visas. Action to prevent the use of these visas is therefore necessary. Similar action to limit the issuance of visas to Iranians is also necessary. For this reason a new § 48.8 is added to Part 46 of Title 22 requiring presentation of previously issued immigrant and nonimmigrant visas,
other than those issued pursuant to section 101(a)(15)(G), to a consular officer for indorsement.

A visa issued to a national of Iran prior to April 7, 1980, not appropriately endorsed will not be valid for travel to the United States. Adjudication of new applications for visas on or after April 7, 1980, will be subject to the same conditions as those affecting indorsement of previously-issued visas.

The provisions of the Administrative Procedure Act (5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States. Part 46 is amended by adding at the end thereof a new § 46.8 to read as follows:

§ 46.8 Documentation of certain Iranian nationals seeking entry into the United States.

(a) An immigrant or nonimmigrant visa, other than one issued pursuant to section 101(a)(15)(g), of the Act, issued prior to April 7, 1980, to a national of Iran shall not be valid within the meaning of section 212(a)(20) or (26)(B), as applicable, of the Immigration and Nationality Act unless such visa shall have been presented to a consular officer on or after April 7, 1980, and the consular officer shall have endorsed the visa in the manner prescribed by the Department of State.

(b) The issuance of immigrant and nonimmigrant visas to nationals of Iran on or after April 7, 1980, other than those issued pursuant to section 101(a)(15)(G), shall be subject to the same conditions as those affecting endorsement of previously-issued visas (Sec. 215(a)(1), Immigration and Nationality Act, 82 Stat. 971, 8 U.S.C. 1185) and delegation of authority of November 28, 1979, as amended April 7, 1980).

Dated: April 7, 1980.

Cyrus R. Vance,
Secretary of State.

Concurrence:
Benjamin R. Civiletti,
Attorney General.

[From the Federal Register, Wednesday, April 9, 1980]

DEPARTMENT OF STATE

BUREAU OF CONSULAR AFFAIRS

[Public Notice 710]

REVOCATION OF CERTAIN NONIMMIGRANT VISAS

Notice is hereby given that on this date the Secretary of State, acting in pursuance of the authority conferred on him by section 221(i) of the Immigration and Nationality Act, has revoked all nonimmigrant visas issued to nationals of Iran pursuant to section 101(a)(15)(A) of the Immigration and Nationality Act.

This action has been taken in connection with the termination of relations between the United States and Iran. The termination of relations is necessary because of the continuing failure by the Government of Iran to put an end to the unlawful detention of United States citizens in Tehran, Iran.

Dated: April 7, 1980.

Barbara M. Watson,
Assistant Secretary for Consular Affairs.

[From the Federal Register, Wednesday, March 19, 1980]

DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
8 CFR PART 214

PROPOSED REVISIONS OF REGULATIONS PERTAINING TO NONIMMIGRANT “F-1” STUDENTS IN THE UNITED STATES


Action: Proposed rule.

Summary: This notice of proposed rulemaking proposes elimination of the duration of status for nonimmigrant students; proposes to require all nonim-
migrant students in the United States attending a post-secondary school to report to the Service and provide information as to residence and maintenance of status; and proposes to add a new provision to establish uniform criteria for the reinstatement of nonimmigrant students to lawful status by district directors. These changes are being made in order to provide the Attorney General with the information he needs to fulfill his statutory responsibilities to enforce the Immigration and Nationality Act, and to provide a uniform manner by which students may apply for and be granted reinstatement of student status by Service district directors.

Dates: Representations must be received on or before May 19, 1980.
Addresses: Please submit written representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, N.W., Washington, DC 20536.


Supplementary information: Amendments are being proposed to 8 CFR Part 214 which will eliminate duration of status admission of nonimmigrant students. Additionally, it is proposed to require all nonimmigrant students in the United States attending a post-secondary school to report to the Immigration and Naturalization Service and provide information as to residence and maintenance of status. At the time of reporting, students previously granted “duration of status” will have their indefinite period of stay converted to a specific period of time not to exceed one year. Thereafter they may apply for extensions of stay in increments of one year to complete their studies. Applications for transfer of schools may only be made in the Service office having jurisdiction over the school which he/she was last authorized to attend.

Prior to January 1, 1979, the Service granted duration of status only to certain authorized representatives of foreign governments serving their countries in the United States in an official capacity. The status of such aliens was dependent upon their continued employment with the foreign government.

Because of the vast numbers of foreign students in the United States and the continual need to process applications for extension of stay, it was believed that the duration of status rule could be expanded to include foreign students studying in this country. Accordingly, the proposed rules were drafted and published in the Federal Register. Comments were received and reviewed.

On November 22, 1978 the final rules were published at 43 FR 54618 to be effective on January 1, 1979. Thereafter, students have been admitted for duration of status if their intended course of study exceeds one year. Students already in the United States were converted to duration of status upon application.

Events of the past year have focused attention upon nonimmigrant students and caused the Service to reevaluate its position. We believe that more effective controls on students are required in order for the INS to fulfill its statutory responsibilities. It has been shown that the present system has contributed to problems in record keeping.

These changes are being made in order to provide the Attorney General, through the Immigration and Naturalization Service, with necessary information and control to accomplish the duty of enforcement of the Immigration and Nationality Act.

Therefore, amendments, as set forth below, will be proposed to 8 CFR 214.2(f) (2), (3), (4), (5) and (6), and 8 CFR 214.5. The purpose of these proposed amendments is to enable the Service to ensure that foreign students are maintaining status and to provide the Service with adequate records concerning nonimmigrant students. The Service also proposes a further amendment to 8 CFR 214.2(f) to establish uniform criteria for the reinstatement of students to lawful nonimmigrant status by Service district directors. Under the current system, district directors exercise this authority on a case-by-case basis without any specific guidance in Service regulations or operations instructions.

Basically, reinstatement could be granted in situations where the student over-stayed or otherwise violated status through circumstances beyond his control or in hardship cases. Students who worked without authorization or who were de-
portable on grounds other than overstay or failure to maintain status would not be eligible for reinstatement. In addition, a student who changed schools without having applied for authorization would not be considered eligible for reinstatement unless he/she could show considerable hardship or that the failure to request permission was due to circumstances beyond his control. The latter represents a change from current operating policies which generally would allow a student who has changed schools without having applied for authorization to be reinstated in certain circumstances. In order to establish a system of student controls, it is absolutely essential that the Service have accurate information as to what school a nonimmigrant student is attending. Therefore, changing schools without having sought permission will be considered a substantive violation which will bar reinstatement. The regulation specifically provides that the student's eligibility for reinstatement shall not preclude him from receiving deferred action treatment or voluntary departure under the applicable Service procedures. Thus, an out of status student who is ineligible for reinstatement may still be allowed to remain in the United States for a period of time for humanitarian or other compelling reasons.

Therefore, it is proposed to amend 8 CFR 214.2(f) by adding a new subparagraph (8) to contain regulations providing uniform criteria for the reinstatement of nonimmigrant students to lawful status by district directors.

In the light of the foregoing, the following amendments are proposed to Chapter I of Title 8 of the Code of Federal Regulations:

PART 214—NONIMMIGRANT CLASSES

1. It is proposed to revise 8 CFR 214.2(f) (2) as set forth below:

§ 214.2 Special requirements for admission, extension, and maintenance of status

(f) Students.

(2) Admission.

A nonimmigrant who has a classification under section 101(a) (15) (F) (I) of the Act shall not be eligible for admission unless he/she establishes that he/she is destined to and intends to attend the school specified in his/her visa or the school specified on Form I-94 presented by a student returning from a temporary absence in accordance with subparagraph (3) of this paragraph. In all cases, the name of the school a student is authorized to attend shall be endorsed by the examining immigration officer on the student's Form 1-94. The period of admission for a nonimmigrant student shall be for the period of time necessary to complete the course of study indicated on Form I-20, unless such period exceeds one year, in which event the authorized period of admission shall be limited to one year. Extensions of stay may be applied for in conjunction with subparagraph (5) of this paragraph.

2. It is proposed to amend 8 CFR 214.2(f) (3) by revising the second sentence. As amended, 8 CFR 214.2(f) (3) is proposed to read as follows:

(f) Temporary absence. Form I-20 presented by a student returning from a temporary absence may be retained by him/her and used for any number of reentries within one year of the date of its issuance. However, a Canadian national or an alien landed immigrant of Canada who has a common nationality with Canadian nationals who has been temporarily absent in Canada, or any alien whose visa is considered to be automatically revalidated pursuant to 22 CFR 41.125(f) (2) or is within the purview of that regulation except that his/her nonimmigrant visa has not expired, returning to the United States as a nonimmigrant under section 101(a) (15) (F) (I) of the Act, shall, if otherwise admissible, be readmitted, without presentation of Form I-20, for the remainder of his/her initial admission or current extension of stay as shown on Form I-94, provided a specific expiration of status date is shown thereon.

3. It is proposed to amend 8 CFR 214.2(f) (4) by revising the second sentence by deleting the clause "at its end which begins with the word "however". As amended, 8 CFR 214.2(f) (4) is proposed to read as follows:
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(4) School transfer. A student shall not be eligible to transfer to another school unless he submits a valid Form I-20 completed by that school and the Service grants him permission to transfer. Application for transfer shall be made on Form I-538 and shall be filed in the Service office having jurisdiction over the school which he was last authorized by the Service to attend. Permission to transfer may be granted only if the applicant establishes that he/she is a bona fide nonimmigrant student, that he/she intends to take a full course of study at the school to which he/she wishes to transfer, and that he/she in fact was a full-time student at the school which he/she was last authorized by the Service to attend, unless failure to commence or continue full-time attendance was due to circumstances beyond his/her control or was otherwise justified. The name of the school to which transfer is authorized shall be endorsed on the student’s Form I-94.

4. It is proposed to revise 8 CFR 214.2(f) (5), by revising the title and text as set forth below:

(f) Extension and duration of status. A nonimmigrant student in the United States in accordance with section 101(a) (15) (F) (i) of the Act who has been granted permission to remain in the United States for his/her duration of status as a student is hereby notified that such indefinite status is revoked as of the last day of the calendar month in which he/she is required to report in accordance with 8 CFR 214.5 or, if not required to so report, as of the last day of the sixth full calendar month immediately following the effective date of this regulation. Extensions of stay may be granted in increments not to exceed one year if the student establishes that he/she is currently maintaining student status and is able and in good faith intends to continue to maintain such status for the period for which the extension is requested. Application for extension of stay shall be made on Form I-538. A student who desires an extension of stay for his spouse and children in a classification under section 101(a) (15) (F) (i) of the Act may include them in his/her application. A student’s spouse or child shall not be eligible for an extension of stay unless the student is eligible for an extension of stay. A student who has been compelled by illness to interrupt his/her schooling may be granted an extension of stay without being required to change his/her nonimmigrant classification if he/she establishes that he/she will resume a full course of study after treatment.

5. It is proposed to amend 8 CFR 214.2(f) (6) by revising the first three sentences, and by adding new sentences 8 and 9 at the end thereof. As amended, 8 CFR 214.2(f) (6) is proposed to read as follows:

(f) Employment. A nonimmigrant who has a classification under section 101(a) (15) (F) (i) of the Act is not permitted to engage in off-campus employment in the United States, either for an employer or independently, unless specifically authorized by the Service after the following conditions are met: (i) The student is carrying a full course of study as defined in subparagraph (1a) of this section; (ii) the student has demonstrated economic necessity due to unforeseen circumstances arising subsequent to entry or subsequent to change to student classification; (iii) the student has demonstrated that acceptance of employment will not interfere with his/her carrying a full course of study; (iv) the student has agreed that employment while school is in session will not exceed 20 hours per week; and (v) the student has submitted to an authorized official of a school approved by the Attorney General a Form I-538, and this form has been certified by that official that all the aforementioned requirements have been met. The authorized official of the school or the student will submit the certified Form I-538 containing his recommendation together with the student’s Form I-94 to the Service office which has jurisdiction over the place where the school is located. The student does not have permission to accept employment
until he/she receives the Form I-94 endorsed by the Service to that effect. Permission granted under this paragraph allows a student to work no more than 20 hours per week while school is in session and full time when the school is not in session, including the summer if the student is eligible and intends to register for the next following term. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study, if related thereto. A student who is offered this kind of on-campus employment, or any other on-campus employment which will not displace a United States resident, does not require Service permission to be engaged in such employment.

Permission which is granted to a student to engage in any employment shall not exceed the date of expiration of the authorized stay and is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place where the student is employed. Permission to continue employment previously authorized may be requested in conjunction with an application for extension of stay, and such employment may be continued pending an adjudication of the application. Requests for continued employment authorization must show that the economic necessity brought about by the unforeseen circumstances warranting the initial authorization has not changed and by verification from his/her employer that the student's employment has not exceeded 20 hours per week while school is in session.

6. It is proposed to amend 8 CFR 214.2(f) by adding a new subparagraph (8) pertaining to reinstatement of student status. New 8 CFR 214.2(f) (8) is proposed to read as follows:

(f) ***

(8) Reinstatement of student status. An alien who was admitted to the United States as, or whose status has been changed to, an F-1 nonimmigrant student, and who has overstayed the authorized period of stay granted by the Service or who has otherwise violated the conditions of such status may be reinstated by the district director to lawful nonimmigrant student only if the student:

(1) Is currently pursuing a full course of study at an approved school,
(2) Is pursuing the same general educational adjective for which he/she was originally granted student status.
(3) Has not been employed without authorization, and
(4) Is not deportable on any ground other than section 241(a) (2) or (9).

Additionally, the student must establish to the satisfaction of the district director that his/her violation of status resulted from circumstances beyond his/her control or that failure to receive reinstatement to lawful status would result in considerable hardship to the student.

No appeal shall lie from the decision of the district director. However, nothing contained in this section shall be construed to limit the eligibility of an alien to receive deferred action treatment, or voluntary departure pursuant to 8 CFR 242.5.

7. It is proposed to revise the title and text of 8 CFR 214.5 as set forth below:

§ 214.5 Requirements for maintenance of status for nonimmigrant students.

(a) An alien in the United States as an F-1 nonimmigrant student to attend a postsecondary school, including a vocational, technical, or language school, who was not previously required to report during the period between November 14 and December 31, 1979 in accordance with regulations then in effect, must report in person to the office of the Service having jurisdiction over his/her school or to a Service representative on campus and provide information as to residence and maintenance of status. Nonimmigrant students must report during one of the first six full calendar months immediately following the effective date of this regulation as follows: students whose surname begins with the letter A, B, or C must report during the first full calendar month; students whose surname begins with D, E, F, or G must report prior to the end of the second full calendar month; students whose surname begins with H, I, J, K, or L must report prior to the end of the third full calendar month; students whose surname begins with M, N, O, or P must report prior to the end of the fourth full calendar month; students whose
surname begins with Q, R, or S must report prior to the end of the fifth full calendar month; students whose surname begins with T, U, V, W, X, Y, or Z must report prior to the end of the sixth full calendar month. At the time of reporting, each student must present:

1. Passport and Form I-94 for self and accompanying spouse and children if any;
2. Evidence from the school of current enrollment or, if on semester or summer break, evidence of acceptance or continued enrollment for the next school term, plus evidence of payment of fees, waiver of fee payment, or, if on semester or summer break, proof of financial ability to pay school fees;
3. A letter from school authorities attesting to the course hours in which presently enrolled or to be enrolled; the fact that the student is in good standing; the expected completion date of the student's studies; and
4. Evidence of current address in the United States and such other information as may be requested in accordance with 8 CFR 214.1(f).

(b) At the time of reporting, nonimmigrant students previously granted "duration of status" will have their indefinite period of stay revoked and may be granted an extension of stay not to exceed one year. All other students may also be considered for an extension of stay at that time.

(c) Failure by a nonimmigrant student to comply with the reporting requirements of paragraph (b) of this section constitutes a failure to maintain status as required by section 241(a)(9) of the Act.

(Sec. 103 and 214; 8 U.S.C. 1103 and 1184)

PUBLIC COMMENT INVITED

Interested members of the public are invited to submit written data, views and arguments concerning this proposed rule to the Commissioner of Immigration and Naturalization, at the address indicated at the beginning of this document, pursuant to 5 U.S.C. 553. Materials should be submitted in writing, in duplicate on or before May 19, 1980. Any relevant written material received on or before that date will be fully considered before final action is taken on the proposed rule.


DAVID CROSLAND,
Acting Commissioner of Immigration and Naturalization.

[From the Federal Register, Wednesday, December 19, 1979]

DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, 8 CFR PART 214

EXTENSION OF REPORTING DATE FOR NONIMMIGRANT STUDENTS FROM IRAN

Agency: Immigration and Naturalization Service, Department of Justice.

Action: Final rule.

Summary: This document amends the regulations of the Immigration and Naturalization Service to extend through December 31, 1979 the reporting requirement for Iranian nonimmigrant students promulgated by the Attorney General on November 13, 1979. Under this requirement, they must provide information as to residence and maintenance of nonimmigrant status to the Immigration and Naturalization Service on or before December 31, 1979. This amendment is necessary because the Service suspended the program on December 11, 1979 pursuant to an order of the U.S. District Court for the District of Columbia. A stay of that order was obtained from the United States Court of Appeals for the District of Columbia on December 14, 1979. Accordingly, the program will be reinstated and the reporting date extended through December 31, 1979.

Effective date: December 17, 1979.

For further information contact: James G. Hoofnagle, Jr. (202) 333-3048.

Supplementary information: On November 14, 1979, the Attorney General issued an order amending Title 8 of the Code of Federal Regulations to add a new §214.5 which established requirements for maintenance of status for nonimmigrant students from Iran. 44 FR 65727, Nov. 14, 1979. That regulation required
a native or citizen of Iran, admitted as an F-1 or J-1 nonimmigrant student to attend a post-secondary school including a vocational school, to report to the INS District Office or suboffice having jurisdiction over his or her school or to an INS representative on campus before December 14, 1979, and to provide information as to residence and maintenance of nonimmigrant status.

On December 11, 1979, the Service was enjoined from enforcing this regulation and suspended the program pursuant to an order of the U.S. District Court for the District of Columbia, Narenji v. Civiletti, Civ. No. 79–3189 (D.D.C. December 11, 1979).

On December 14, 1979, the U.S. Court of Appeals for the District of Columbia, based on a representation of the Attorney General that he would extend the reporting period, stayed the order of the district court pending a decision on the Government's appeal, Narenji v. Civiletti, No. 79–2460 (D.C. Cir. December 14, 1979.)

Therefore, the Service will continue the program of interviewing Iranian nonimmigrant students to determine their location and current nonimmigrant status. Iranian nonimmigrant students who do not report on or before December 31, 1979 will be out of status and subject to deportation for failure to comply with the conditions of nonimmigrant status. However, as represented to the court of appeals in Narenji v. Civiletti, supra, no Iranian nonimmigrant student will be required to depart the United States on the basis of information provided under this program or for failure to report under the program pending decision of that court.

Accordingly, 8 CFR 214.5 will be amended to extend the date by which Iranian nonimmigrant students must report through December 31, 1979.

In the light of the foregoing, and by virtue of the authority vested in me by 8 U.S.C. 1103(a) and 1184(a) and 5 U.S.C. 301, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 214—NONIMMIGRANT CLASSES

In Part 214, §214.5(a) is amended by revising the first sentence to substitute for "before December 14, 1979," the following language: "on or before December 31, 1979". As amended, the first sentence reads as follows:

§ 214.5 Requirements for maintenance of status for nonimmigrant students from Iran

(a) An alien admitted as an F-1 or J-1 nonimmigrant student to attend post-secondary school, including a vocational school, who is a native or citizen of Iran must report to the INS District Office or suboffice having jurisdiction over his or her school or to an INS representative on campus on or before December 31, 1979, and provide information as to residence and maintenance of non-immigrant status.

The extension provided in this regulation is ordered pursuant to the Attorney General's representation to the U.S. Court of Appeals and in order to complete the program undertaken in accordance with the Presidential directive of November 10, 1979, issued in the course of, and in response to the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran. Accordingly, the notice and comment and delayed effective date provisions of Section 553 of Title 5 of the United States Code are hereby waived as impracticable and contrary to the public interest.

Effective date: The amendments contained in the order become effective on December 17, 1979.

Dated: December 17, 1979.

Benjamin R. Civiletti,
Attorney General of the United States.