

2

HOMELAND SECURITY PRESIDENTIAL DIRECTIVE-2

October 29, 2001

SUBJECT: Combating Terrorism Through Immigration Policies

A. National Policy

The United States has a long and valued tradition of welcoming immigrants and visitors. But the attacks of September 11, 2001, showed that some come to the United States to commit terrorist acts, to raise funds for illegal terrorist activities, or to provide other support for terrorist operations, here and abroad. It is the policy of the United States to work aggressively to prevent aliens who engage in or support terrorist activity from entering the United States and to detain, prosecute, or deport any such aliens who are within the United States.

1. Foreign Terrorist Tracking Task Force

By November 1, 2001, the Attorney General shall create the Foreign Terrorist Tracking Task Force (Task Force), with assistance from the Secretary of State, the Director of Central Intelligence and other officers of the government, as appropriate. The Task Force shall ensure that, to the maximum extent permitted by law, Federal agencies coordinate programs to accomplish the following: 1) deny entry into the United States of aliens associated with, suspected of being engaged in, or supporting terrorist activity; and 2) locate, detain, prosecute, or deport any such aliens already present in the United States.

The Attorney General shall appoint a senior official as the full-time Director of the Task Force. The Director shall report to the Deputy Attorney General, serve as a Senior Advisor to the Assistant to the President for Homeland Security, and maintain direct liaison with the Commissioner of the Immigration and Naturalization Service (INS) on issues related to immigration and the foreign terrorist presence in the United States. The Director shall also consult with the Assistant Secretary of State for Consular Affairs on issues related to visa matters.

The Task Force shall be staffed by expert personnel from the Department of State, the INS, the Federal Bureau of Investigation, the Secret Service, the Customs Service, the Intelligence Community, military support components, and other Federal agencies as appropriate to accomplish the Task Force's mission.

The Attorney General and the Director of Central Intelligence shall ensure, to the maximum extent permitted by law, that the Task Force has access to all available information necessary to perform its mission, and they shall request information from State and local governments, where appropriate.

With the concurrence of the Attorney General and the Director of Central Intelligence, foreign liaison officers from cooperating countries shall be invited to serve as liaisons to the Task Force, where appropriate, to expedite investigation and data sharing.

Other Federal entities, such as the Migrant Smuggling and Trafficking in Persons Coordination Center and the Foreign Leads Development Activity, shall provide the Task Force with any relevant information they possess concerning aliens suspected of engaging in or supporting terrorist activity.

2. Enhanced INS and Customs Enforcement Capability

The Attorney General and the Secretary of the Treasury, assisted by the Director of Central Intelligence, shall immediately develop and implement multi-year plans to enhance the investigative and intelligence analysis capabilities of the INS and the Customs Service. The goal of this enhancement is to increase significantly efforts to identify, locate, detain, prosecute or deport aliens associated with, suspected of being engaged in, or supporting terrorist activity within the United States.

The new multi-year plans should significantly increase the number of Customs and INS special agents assigned to Joint Terrorism Task Forces, as deemed appropriate by the Attorney General and the Secretary of the Treasury. These officers shall constitute new positions over and above the existing on-duty special agent forces of the two agencies.

3. Abuse of International Student Status

The United States benefits greatly from international students who study in our country. The United States Government shall continue to foster and support international students.

The Government shall implement measures to end the abuse of student visas and prohibit certain international students from receiving education and training in sensitive areas, including areas of study with direct application to the development and use of weapons of mass destruction. The Government shall also prohibit the education and training of foreign nationals who would use such training to harm the United States or its Allies.

The Secretary of State and the Attorney General, working in conjunction with the Secretary of Education, the Director of the Office of Science and Technology Policy, the Secretary of Defense, the Secretary of Energy, and any other departments or entities they deem necessary, shall develop a program to accomplish this goal. The program shall identify sensitive courses of study, and shall include measures whereby the Department of State, the Department of Justice, and United States academic institutions, working together, can identify problematic applicants for student visas and deny their applications. The program shall provide for tracking the status of a foreign student who receives a visa (to include the proposed major course of study, the status of the individual as a full-time student, the classes in which the student enrolls, and the source of the funds supporting the student's education).

The program shall develop guidelines that may include control mechanisms, such as limited duration student immigration status, and may implement strict criteria for renewing such student immigration status. The program shall include guidelines for exempting students from countries or groups of countries from this set of requirements.

In developing this new program of control, the Secretary of State, the Attorney General, and the Secretary of Education shall consult with the academic community and other interested parties. This new program shall be presented through the Homeland Security Council to the President within 60 days.

The INS, in consultation with the Department of Education, shall conduct periodic reviews of all institutions certified to receive nonimmigrant students and exchange visitor program students. These reviews shall include checks for compliance with record keeping and reporting requirements. Failure of institutions to comply may result in the termination of the institution's approval to receive such students.

4. North American Complementary Immigration Policies

The Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, shall promptly initiate negotiations with Canada and Mexico to assure maximum possible compatibility of immigration, customs, and visa policies. The goal of the negotiations shall be to provide all involved countries the highest possible level of assurance that only individuals seeking entry for legitimate purposes enter any of the countries, while at the same time minimizing border restrictions that hinder legitimate trans-border commerce.

As part of this effort, the Secretaries of State and the Treasury and the Attorney General shall seek to substantially increase sharing of immigration and customs information. They shall also seek to establish a shared immigration and customs control database with both countries. The Secretary of State, the Secretary of the Treasury, and the Attorney General shall explore existing mechanisms to accomplish this goal and, to the maximum extent possible, develop new methods to achieve optimal effectiveness and relative transparency. To the extent statutory provisions prevent such information sharing, the Attorney General and the Secretaries of State and the Treasury shall submit to the Director of the Office of Management and Budget proposed remedial legislation.

5. Use of Advanced Technologies for Data Sharing and Enforcement Efforts

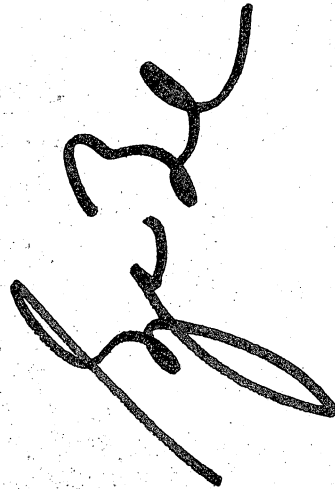
The Director of the OSTP, in conjunction with the Attorney General and the Director of Central Intelligence, shall make recommendations about the use of advanced technology to help enforce United States immigration laws, to implement United States immigration programs, to facilitate the rapid identification of aliens who are suspected of engaging in or supporting terrorist activity, to deny them access to the United States, and to recommend ways in which existing government databases can be best utilized to maximize the ability of the government to detect, identify, locate, and apprehend potential terrorists in the United States. Databases from all appropriate Federal agencies, state and local governments, and commercial databases should be included in this review. The utility of advanced data mining software should also be addressed. To the extent that there may be legal barriers to such data sharing, the Director of the OSTP shall submit to the Director of the Office of Management and Budget proposed legislative remedies. The study also should make recommendations, propose timelines, and project budgetary requirements.

The Director of the OSTP shall make these recommendations to the President through the Homeland Security Council within 60 days.

6. Budgetary Support

The Office of Management and Budget shall work closely with the Attorney General, the Secretaries of State and of the Treasury, the Assistant to the President for Homeland Security, and all other appropriate agencies to review the budgetary support and identify changes in legislation necessary for the implementation of this directive and recommend appropriate support for a multi-year program to provide the United States a robust capability to

prevent aliens who engage in or support terrorist activity from entering or remaining in the United States or the smuggling of implements of terrorism into the United States. The Director of the Office of Management and Budget shall make an interim report through the Homeland Security Council to the President on the recommended program within 30 days, and shall make a final report through the Homeland Security Council to the President on the recommended program within 60 days.

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