

**DEPARTMENT OF HOMELAND SECURITY**

**Office of the Secretary**

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

**AGENCY:** Office of the Secretary, DHS

**ACTION:** Notice of determination

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

Following consultations with the Secretary of State and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended, as well as the foreign policy and national security interests deemed relevant in these consultations, that paragraphs (iv)(IV), (iv)(V), (iv)(VI), and (i)(VIII) of section 212(a)(3)(B) of the INA, 8 U.S.C. 1182(a)(3)(B), shall not apply with respect to an alien who meets the requirements of paragraphs (a) through (c) of this Notice.

(a) The determination in this notice shall apply to any alien who:

(1) solicited funds or other things of value for;

(2) solicited any individual for membership in;

(3) provided material support to; or

(4) received military-type training from or on behalf of the Oromo Liberation Front (OLF).

(b) Additionally, the determination in this notice shall not apply to any such alien unless, on or before the date of this Exercise of Authority, the alien:

(i) was granted asylum, was admitted as a refugee, or had an asylum or refugee application pending; or

(ii) is the beneficiary of an I-730 Refugee/Asylee Relative Petition filed at any time by such an asylee or refugee.

(c) Finally, the determination in this notice shall not apply to any alien unless the alien satisfies the relevant agency authority that the alien:

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

(2) has undergone and passed all relevant background and security checks;

(3) has fully disclosed, to the best of his or her knowledge, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of each instance of solicitation, material support, and military-type training, and any other activity or association falling within the scope of section 212(a)(3)(B) of the INA, 8 U.S.C. 1182(a)(3)(B);

(4) has not participated in, or knowingly provided material support to, terrorist activities that targeted noncombatant persons or U.S. interests;

(5) has not engaged in terrorist activity with the OLF outside of the context of civil war activities directed against military, intelligence, or related forces of the Ethiopian Government;

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

(7) has not been placed in removal proceedings unless such proceedings were terminated prior to an entry of an order of removal for reasons unrelated to potential eligibility under this Exercise of Authority; and

(8) warrants an exemption from the relevant inadmissibility provision(s) in the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), which shall ascertain, to its satisfaction and in its discretion, that the particular applicant meets each of the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time, with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above can inform but shall not control a decision regarding any subsequent benefit or protection application, unless such exercise of authority has been revoked.

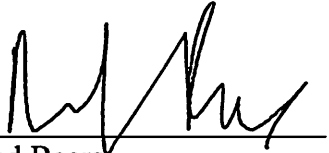
This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority creates no substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security, shall

be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

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

Dated: October 2, 2013

A handwritten signature in black ink, appearing to read "Rand Beers", written over a horizontal line.

Rand Beers,  
Acting Secretary of Homeland Security