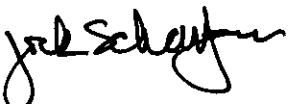




U.S. Citizenship
and Immigration
Services

Interoffice Memorandum

To: Associate Directors
Chief, Office of Administrative Appeals
Chief Counsel

From: Jonathan Scharfen 
Deputy Director

Date: MAY 24 2007

Re: Processing the Discretionary Exemption to the Inadmissibility Ground for Providing Material Support to Certain Terrorist Organizations

I. Introduction

A. Purpose

This memorandum outlines instructions for adjudicating those applications for immigration benefits filed with USCIS where an applicant¹ is found to be inadmissible or otherwise barred from an immigration benefit for having provided material support to a terrorist organization.

Further, this memorandum:

- discusses the threshold requirements that must be present in order to consider an exemption;
- the factors to consider when determining whether an applicant merits a favorable exercise of the discretionary exemption;
- provides guidance on identifying those applicants who may be subject to the material support inadmissibility ground;
- makes recommendations on how an adjudicator might elicit sufficient relevant testimony to adjudicate the exemption;
- sets out oversight and reporting requirements for the implementation of this authority.

¹ In this guidance, the term "applicant" is used to refer to all aliens, whether petitioner or beneficiary, for whom a determination of admissibility or a bar related to the material support ground of inadmissibility is made in the adjudication of an application for an immigration benefit. The process also may be used to determine whether the beneficiary of a petitioner who provided material support will be found inadmissible under INA section 212(a)(3)(B)(i)(IX) as the spouse or child of a person who has engaged in terrorist activity.

B. Statutory Framework for the Material Support Exemption

Under the Immigration and Nationality Act (INA), aliens who provide material support either for the commission of a terrorist activity, or to a terrorist organization or an individual who has committed, or plans to commit, a terrorist activity² are inadmissible or deportable for having engaged in terrorist activity and are ineligible for most immigration benefits.³

It is important to remember that an alien is not inadmissible for having provided material support to an undesignated terrorist organization if the alien “can demonstrate by clear and convincing evidence that the [alien] did not know, and should not reasonably have known that the organization was a terrorist organization.” INA section 212(a)(3)(B)(iv)(VI)(dd). If an applicant establishes by clear and convincing evidence that he or she should not reasonably have known that the undesignated organization to which he or she provided support was a terrorist organization, the adjudicator does not need to consider the exemptions discussed in this memo.

Pursuant to INA section 212(d)(3)(B)(i), the Secretary of Homeland Security or the Secretary of State, in consultation with each other and with the Attorney General, “may conclude in such Secretary’s sole unreviewable discretion that . . . subsection [212](a)(3)(B)(iv)(VI) shall not apply with respect to material support an alien has afforded to an organization or individual that has engaged in terrorist activity.”

C. Exercise of Authority

Secretary of State Rice exercised her authority to waive the material support provision three times in 2006 in the refugee program context for Burmese Karen individuals living in various camps in Thailand who provided material support to the Karen National Union (KNU) or Karen National Liberation Army (KNLA) and for Chin refugees from Burma living in Malaysia, India or Thailand who provided material support to the Chin National Front (CNF) or Chin National Army (CNA). In January 2007, Secretary Rice exercised her authority eight additional times in the refugee program context for refugee resettlement applicants who had provided material support to the following eight organizations, *regardless of whether the support was provided under duress*:

1. Karen National Union/Karen National Liberation Army (KNU/KNLA) (expanded an earlier waiver to allow non-Karen refugee applicants and applicants outside the Thai refugee camps to be considered),

² See INA section 212(a)(3)(B)(iii) for the definition of “terrorist activity,” and section 212(a)(3)(B)(vi) for the definition of “terrorist organization.”

³ See INA sections 212(a)(3)(B)(i)(I) (inadmissibility ground for engaging in terrorist activity), 212(a)(3)(B)(iv)(VI) (provision of material support as an act constituting “engaging in terrorist activity”), 237(a)(4)(B) (making any individual described in section 212(a)(3)(B) deportable). See also, INA sections 245(a)(2) (ineligibility for adjustment of status), 208(b)(2)(A)(v) (bar to asylum), 207(c)(3) (bar to refugee admission), section 244(c)(2)(A)(iii)(III) (ineligibility for temporary protective status), and Pub. L. 105-100, section 203(b) (NACARA suspension and cancellation).

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2. Chin National Front/Chin National Army (CNF/CNA) (expanded an earlier waiver to allow non-Chin refugee applicants and applicants outside Malaysia, India and Thailand to be considered),
3. Chin National League for Democracy (CNLD),
4. Kayan New Land Party (KNLP),
5. Arakan Liberation Party (ALP),
6. Tibetan Mustangs,
7. Cuban Alzados, or
8. Karenni National Progressive Party (KNPP).

On February 20, 2007, Secretary Chertoff exercised his authority not to apply the material support inadmissibility provision with respect to certain aliens applying for immigration benefits who had provided material support to the same above-listed eight undesignated terrorist organizations for whom Secretary Rice signed waivers in January (“group-based exemptions”), *regardless of whether the support was provided under duress.*

In addition, on February 26, 2007, Secretary Chertoff exercised his authority under INA section 212(d)(3)(B)(i) not to apply the material support inadmissibility provision with respect to certain aliens applying for immigration benefits if the material support was provided under duress to an *undesignated* terrorist organization and the totality of the circumstances justify the favorable exercise of discretion (“duress exemption”). This February 26, 2007 duress exemption may not be applied to individuals who provided material support to a terrorist organization designated under either INA section 212(a)(3)(B)(vi)(I) (Foreign Terrorist Organization List) or 212(a)(3)(B)(vi)(II) (Terrorist Exclusion List), often referred to as “Tier I” and “Tier II” groups, respectively.⁴

D. Delegation of Authority to USCIS

The Secretary delegated to USCIS the authority to determine whether a particular alien meets the criteria required for the exercise of this discretionary exemption. Implementation of this determination by USCIS is to be done in consultation with U.S. Immigration and Customs Enforcement (ICE). USCIS has the discretion to determine whether the exemption criteria are met.⁵ These exemptions may be applied to benefit and protection applications under the INA, including, but not limited to, asylum, refugee status, adjustment of status, and following to join petitions.⁶ An exemption will be applied only after certain threshold requirements (which are discussed below) are met.

II. Threshold Requirements

In order to be considered for an exemption from the applicability of the material support inadmissibility provision, an applicant must:

⁴ The Foreign Terrorist Organizations list and Terrorist Exclusion List can be found on the Department of State Office of Counterterrorism’s homepage at <http://www.state.gov/s/ct/list/>.

⁵ USCIS is working with ICE and the DOJ Executive Office for Immigration Review (EOIR) to establish a process for USCIS consideration of a material support exemption for affected cases in removal proceedings before EOIR.

⁶ In the case of a following to join petition, the exemption may be used with respect to material support provided by the petitioner, thus overcoming the inadmissibility of the spouse or child beneficiary under INA section 212(a)(3)(B)(i)(IX).

- establish that he or she is otherwise eligible for the immigration benefit or protection being sought;
- undergo and pass all required background and security checks;
- fully disclose, in all relevant applications and interviews with U.S. Government representatives and agents, the nature and circumstances of each provision of material support; and
- establish that he or she poses no danger to the safety and security of the United States.

III. Specific Factors for Consideration

For those applicants who have met the threshold requirements, adjudicators will consider whether the applicant is eligible for a group-based discretionary exemption or whether the applicant merits a favorable exercise of the discretionary exemption after consideration of the below factors when evidence indicates that the support was provided under duress to an undesignated terrorist organization (often referred to as a “Tier III” group). In those cases where material support is implicated, the adjudicator must analyze the relevant factors regarding the material support provided by the applicant and explain how those factors support the determination regarding the exemption, as discussed in this memo.

A. Group-Based Exemptions

As discussed above, Secretary Chertoff has delegated to USCIS his authority not to apply the material support provision to an applicant who provided material support to one of the eight groups included in the group-based exemptions.⁷

In order to be considered for an exemption under this provision, the applicant must meet all threshold requirements as set out in Section II above. Note this discretionary authority is applicable regardless of whether the material support was provided under duress.

B. Duress Exemption

The Secretary of Homeland Security has determined that in certain circumstances it may be appropriate to exercise his discretion to grant an exemption to applicants who gave material support to an undesignated terrorist organization when the support was provided under duress, and he has delegated this authority to USCIS. The adjudicator may consider the application of the discretionary duress exemption only if the material support was provided to an undesignated terrorist organization as described in INA section 212(a)(3)(B)(vi)(III) (a Tier III group).

The adjudicator must consider, as applicable, the following non-exhaustive list of factors pertaining to an applicant’s provision of material support and the circumstances under which he or she provided the support in determining whether the support was provided under duress, which at a minimum

⁷ In the future, the Secretary may choose to exercise his discretionary authority not to apply the material support provision with respect to material support provided to additional organizations. Such future designations will be communicated to field adjudicators, and additional procedures or guidance will be issued as necessary.

requires that the material support was provided in response to a reasonably-perceived threat of serious harm. Factors to be considered are:

- Whether the applicant reasonably could have avoided, or took steps to avoid, providing material support;
- The severity and type of harm inflicted or threatened;
- To whom the harm or threat of harm was directed (e.g., the applicant, the applicant's family, the applicant's community, etc.);
- The perceived imminence of the harm threatened;
- The perceived likelihood that the threatened harm would be inflicted (e.g., based on instances of past harm to the applicant, to the applicant's family, to the applicant's community, and the manner in which harm was threatened, etc.); and
- Any other relevant factor regarding the circumstances under which the applicant felt compelled to provide the material support.

Once it has been determined that the applicant provided material support under duress, the adjudicator must consider whether the totality of the circumstances justifies the exercise of authority as a matter of discretion. Factors to be considered must, as applicable, include:

- The amount and type of material support provided;
- The frequency of material support provided;
- The nature of the terrorist activities committed by the terrorist/terrorist organization;
- The applicant's awareness of the terrorist activities⁸;
- The length of time that has passed since the applicant provided the material support;
- The applicant's conduct since the time that he or she provided the material support; and
- Any other relevant factor.

IV. Identifying Individuals Subject to the Material Support Inadmissibility Ground

The following discussion provides basic guidance for the adjudication of cases in which the material support exemptions may apply. This memorandum is intended to provide basic guidance for the identification of those who are inadmissible because they have contributed material support to an undesignated terrorist organization and for the determination of whether the discretionary exemption to that inadmissibility is applicable. This guidance does not address all potential issues that may be presented in these cases. Each Directorate may build on this guidance by providing more detailed guidance specifically focused on that Directorate's caseload. It is recommended that each Directorate coordinate, through the oversight working group (see section V.C., below), its additional guidance with the other Directorates to ensure consistency in implementation.

⁸ Note that an alien is not inadmissible for having provided material support to an undesignated terrorist organization if the alien "can demonstrate by clear and convincing evidence that the [alien] did not know, and should not reasonably have known that the organization was a terrorist organization." INA section 212(a)(3)(B)(iv)(VI)(dd). There may be situations in which the applicant cannot meet this "clear and convincing" standard, yet it is appropriate to consider the degree of the applicant's familiarity with the organization and its activities when making a determination whether to favorably exercise discretion to apply the discretionary exemption.

Headquarters staff is developing a training program on the identification of these cases and implementation of these procedures. Field offices will receive further instruction in the near future regarding the deployment of this training.

A. Indicators for Review Prior to an Interview/Adjudication

A thorough knowledge of country condition information will aid in the identification of individuals who may be subject to the material support inadmissibility ground. Adjudicators should review country conditions information to determine whether a line of inquiry regarding terrorist activities is appropriate. For example, if the applicant lived in an area known for terrorist activity or civil unrest, it is generally appropriate to inquire into the applicant's level of contact with terrorists or terrorist organizations. Country conditions may also show that a group that has not been designated by the United States as a terrorist organization may have "engaged in terrorist activity," thus making it a Tier III, or undesignated, terrorist organization under INA section 212(a)(3)(B)(vi)(III).

An applicant for an immigration benefit may admit facts in his or her application that may indicate the applicant provided material support to a terrorist organization. Adjudicators should look in an application for key words or phrases, such as "fighter," "militant," "soldier," or "rebel," that may indicate that the applicant interacted with an individual engaged in terrorist activity or who was a member of a terrorist organization. The adjudicator should also look for testimony that an applicant provided food, housing, money, or some other kind of assistance to such an individual or group, which may indicate that the applicant provided material support.

There are several indicators that may signal the nature and circumstances under which support may have been provided to a terrorist or terrorist organization. For example, key words or phrases such as "ransom," "war tax," "slave," "force," "threat," "extortion" may indicate that support to an organization was provided under duress and that further inquiry or examination must be made into the circumstances under which the support was provided.

B. Issues to Develop in an Interview

For those adjudications in which an interview will be conducted, the adjudicator must ask sufficient follow-up questions regarding the interaction with the possible terrorist organization to determine the nature of support the applicant rendered. In order to evaluate whether the group is a terrorist organization under the INA or whether it is one of the groups eligible for a group-based exemption, the adjudicator should gather information about the group to which the support was provided – the group's official name or names that it was known as, any sub-groups or larger umbrella groups associated with it, the group's primary locale of activity, the nature of the group's activity, etc. In addition, the adjudicator should clarify whether the applicant was informed of how the support would be used, and whether the applicant had knowledge of how similar support from others was used in the past, whether from personal experience or knowledge of the conditions in the country. This information will be relevant to a determination as to whether the applicant knew or reasonably should have known that the group was an undesignated terrorist organization.

In addition, the adjudicator should explore the circumstance of the interaction between the applicant and members of the terrorist organization, focusing on what was said, whether there was physical

violence, if any threats were made, etc. The adjudicator should also gather information on the applicant's past interaction with the terrorist organization or its group members. This information will not only be relevant to a determination that the applicant may be eligible for a duress exemption, but will also assist in determining whether the applicant may be subject to any other terrorist-related inadmissibility grounds.

The adjudicator should explore what was actually given to the individual or organization and how the support was used. The adjudicator might also ask the applicant whether any terrorist attacks occurred immediately following the applicant's contribution to the possible terrorist organization. These issues may be relevant to determining whether the duress exemption is warranted under the totality of the circumstances.

C. Requests for Evidence and/or Referral to a Field Office for Interview

For cases that are not normally interviewed, it may be necessary to gather, through a Request for Evidence (RFE) or interview, additional information about the circumstances under which the support was provided. The applicant's file must contain sufficient information to enable the adjudicator to properly evaluate whether or not a material support exemption may apply; such information includes the type, nature, and frequency of material support provided, to whom the support was provided, whether the circumstances under which the material support was provided indicate that the support was provided under duress, and any other information relevant to the material support and whether the applicant poses a risk to the security of the United States. Where outstanding questions or issues may clearly be resolved or clarified in writing, an RFE may suffice; however, where there are several issues that require additional examination or the response to an RFE did not provide sufficient information for the consideration of a material support exemption, the case should be forwarded to a field office for interview.

V. Making the Determination on the Exemption

A. Vetting Cases for Possible Security Risk

To determine whether an applicant has established the threshold requirements of passing all required security checks and posing no danger to the security of the United States, adjudicating officers should follow standard operating procedures that are observed with any case where there is national security or terrorist-related information. These steps include completion and review of all required biographical and biometric security checks. If a security check results in a national security-related response, officers must refer the case to the Office of Fraud Detection and National Security (FDNS) for review of the national security-related information in accordance with existing procedures. In addition, if, based on information other than what was revealed through security checks, the adjudicator has reason to believe that the individual may be a risk to the security of the United States, the case must be referred to FDNS for review and vetting. Once FDNS has cleared the case for adjudication, the adjudicator can evaluate whether the applicant merits a favorable exercise of the discretionary exemption.

B. Analyzing the Applicability of the Exemption

Using the attached “Material Support Exemption Worksheet,” the adjudicator must complete and document an analysis in each case where he or she has determined that the applicant is eligible for the benefit sought, but for the provision of material support to a terrorist organization. The adjudicator will:

- Note whether the applicant has met each of the threshold requirements and provide comments, as necessary (Section II);
- Describe the material support provided and the circumstances under which it was provided (Section III);
- If an exemption is available, indicate whether it is group based or Tier III duress based (Section IV):
 - Group-based exemption: note to which of the eight groups the applicant provided material support
 - Duress exemption: write a brief description of the circumstances under which the material support was provided, discussing any of the factors listed in Section III.B., “Duress Exemption,” above that are applicable and relevant to a determination of eligibility for the exemption;
- Document the determination on the exemption (Section V):
 - If the material support was to one of the eight groups, or the material support was provided to another Tier III group under duress and a totality of the circumstances justifies favorable use of discretion, indicate that exemption is granted.
 - If exemption was previously granted and there is no new information justifying revocation of the exemption, check the box “Exemption Previously granted; No new information.”⁹
 - If the exemption is not granted, indicate the reason why, and provide a brief explanation:
 - Threshold eligibility grounds were not met;
 - The exemption is available, but a totality of the circumstances does not merit a favorable use of discretion (for duress exemption cases);
 - The exemption is not available because support was provided to a Tier I or Tier II organization (noting also whether the material support was provided under duress); or
 - The exemption is not available because support provided to a Tier III organization other than those included in the group exemptions was not provided under duress.

⁹ This situation may arise, for example, where an adjudicator is considering an I-485 filed by an asylee or refugee previously granted the exemption in the context of the underlying asylum or refugee adjudication.

Upon completion of the recommendation in the case, the adjudicator will sign the worksheet and include it in the file for two levels of supervisory review and concurrence. The application or petition cannot be approved until the case has completed the entire review process.

C. Headquarters Review and Oversight Procedures

USCIS Headquarters will maintain authority to review each application and will take appropriate steps to ensure agency-wide consistency in application of the discretionary exemptions. To achieve consistency, in addition to conforming with already existing local supervisory and/or quality assurance review procedures, all cases in which the applicant appears eligible for the benefit sought but for the provision of material support will be subject to two levels of review and concurrence with the adjudicating office's recommendation as to whether the applicant merits a favorable exercise of discretion to apply one of the above-described exemptions. The result of each level of review should be noted on the "Material Support Exemption Worksheet." Each Directorate will establish local procedures for a minimum of two levels of review.

In addition, for not less than 90 days after implementation, all cases for which the duress exemption is considered and a percentage of cases for which a group-based exemption is considered will be subject to Headquarters-level review, where a working group comprising representatives of each Division (Field Operations, Service Center Operations, Refugee Affairs, Asylum, and International Operations) and the Office of the Chief Counsel will review the recommendation in each case for consistency and conformity with procedures and policy. USCIS Headquarters may review any application to determine, at its discretion, whether the particular alien is indeed eligible for the exemption. This working group will meet regularly to discuss the implementation of the exemption, with the goal of ensuring consistent outcomes throughout USCIS. In addition, the working group will consult with ICE and DHS Headquarters Offices of Policy and General Counsel, as necessary. Each Division will establish procedures for the two layers of review and, where required, the submission of cases to Headquarters for review. At the end of the initial 90-day period, a percentage of cases will continue to be subject to the Headquarters review process. Additional instructions will be issued at that time.

After the required reviewers, including Headquarters where necessary, have all concurred with a recommendation to apply one of the delegated exemption authorities, the office with jurisdiction over the application can proceed with a grant of the benefit sought.

D. Documenting the Discretionary Exemption Determination in the A-file

A copy of the completed "Material Support Exemption Worksheet" must be included in the applicant's A-file to reflect that the material support exemptions were considered for the applicant. A copy of the worksheet will be included in the A-file even where the final determination was not to exercise discretion to use the exemption. Including the worksheet in the file in such circumstances will indicate to individuals who review the A-file in the future that the possible use of the exemption was considered at a particular point in time.

E. Record-Keeping Requirements

Each Division will be responsible for maintaining records related to the applicants to whom the exemption has been applied. This information will be reported regularly through Directorate chains of command so that USCIS can provide accurate and timely reports to DHS and Congress as to the use of this authority.¹⁰ The records kept by each Division must include, at a minimum, the name, A-number, and nationality of the applicant, and the name or description of the terrorist organization to which material support was provided, the organization's level of designation (i.e. Tier I, II, or III), and whether the material support was provided under duress for each case in which one of the exemptions is applied favorably.

Each Directorate will take steps to modify existing databases (e.g. CLAIMS, RAPS, etc.) so that the above information may be gathered and stored electronically in the course of the adjudication. Each Directorate will provide further instructions to its adjudicative Divisions regarding interim record-keeping requirements to be applied until such time as national systems are updated to create the ability to capture information relevant to the material support exemption determination.

VI. Effect of Exemption on Future Adjudications

Once a decision has been made whether to apply the exemption with respect to a particular applicant, that decision will continue to apply in other benefit adjudications involving that applicant, unless additional material information comes to light or circumstances change so that a reconsideration of the applicability of the exemption is warranted.¹¹ This applies both to decisions to apply and not to apply the exemption.

Likewise, decisions made in 2006 and early 2007 by Refugee Affairs to apply the exemptions allowed for in the previous exercise of Secretary of State Rice's discretion not to apply the material support provision to certain aliens will continue to apply in other benefit adjudications involving those aliens, unless there is additional material information or circumstances change so that a reconsideration of the applicability of the exemption is warranted. These determinations will be evident by the approval stamp on each refugee applicant's I-590 and the inclusion in the A-file of a copy of the Secretary of State's exemption determination.

Any questions regarding a past exercise of discretion to use one of the exemption authorities should be directed to the program that had jurisdiction over that determination.

VII. Processing or Continued Hold of Other Material-Support Related Cases

All cases where the applicant is found not to satisfy the threshold requirements for the consideration of an exemption should be referred to the immigration court or denied. In addition, in all cases where the threshold requirements are met and where the duress exemption was considered and the exemption was not granted (i.e., because the support was not provided under duress or the totality of

¹⁰ INA section 212(d)(3)(B)(ii) requires that a report on the aliens to whom this exercise of authority is applied shall be provided to specified congressional committees not later than 90 days after the end of the fiscal year.

¹¹ As noted by Secretary Chertoff in his February 20 and 26, 2007, exercises of authority, he may revoke any such exercise as a matter of discretion and without notice at any time with respect to any and all persons subject to it.

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the circumstances do not merit a favorable exercise of discretion) should be referred or denied after appropriate review in accordance with the above procedures.

Because the Secretary in the future may choose to exercise this discretionary authority for additional categories of cases involving material support provided under duress, USCIS will continue to hold cases in which the applicant is eligible for the benefit sought but for the provision of material support *under duress* to a Tier I or Tier II organization. Any case where material support was provided to a Tier I or II organization, and the support was not provided under duress, should be referred or denied.

Consistent with the discretionary nature of the exemption authorities, this memorandum is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

Cc: DHS Policy Directorate
DHS Office of the General Counsel
ICE Office of the Principal Legal Advisor

Attachments:

1. Material Support Exemption Worksheet, rev. May 11, 2007
2. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Alzados Group Exemption"), 72 FR 9954-01, March 6, 2007
3. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Kayen New Land Party Group Exemption"), 72 FR 9954-02, March 6, 2007
4. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Karenni National Progressive Party Group Exemption"), 72 FR 9955-01, March 6, 2007
5. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Karen National Union/Karen National Liberation Army Group Exemption"), 72 FR 9955-02, March 6, 2007
6. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Mustangs Group Exemption"), 72 FR 9956-01, March 6, 2007
7. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Arkan Liberation Party Group Exemption"), 72 FR 9956-02, March 6, 2007
8. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Chin National Front/Chin National Army Group Exemption"), 72 FR 9957-01, March 6, 2007
9. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 20, 2007 ("Chin National League for Democracy Group Exemption"), 72 FR 9957-02, March 6, 2007
10. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, February 26, 2007 ("Duress Exemption"), 72 FR 9958, March 6, 2007
11. Exercise of Authority Under Sec. 212(d)(3)(B)(i) of the Immigration and Nationality Act, April 27, 2007 ("Tier I/Tier II Duress Exemption"), 72 FR 26132, May 8, 2007.