

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/blog/2016/12/06/there-already-muslim-registry-and-we-must-dismantle-it-january-20>

Public Facing Advocacy Writing

The CCR blog

Thanks to Donald Trump, the concept of a Muslim registry has become part of the public political discourse. Well-meaning allies have promised that they will be among the first to sign up if such a registry is instituted. While this sentiment is important, it is crucial to understand that a Muslim registry will not be voluntary and those who are not Muslim will probably not have the opportunity to sign up.

In fact, we have had a Muslim registry in this country before, through the National Security Entry-Exit Registration System (NSEERS). This program still exists and is in danger of being resurrected under a Trump administration. The obvious dangers of leaving the NSEERS program intact have led [200 organizations](#), including CCR, to call on President Obama to completely dismantle the program before leaving office. Over [100,000 people](#) have signed a petition making the same call.

NSEERS was created in 2002 by Kris Kobach, a Trump transition team advisor and [immigration hardliner](#) responsible for drafting draconian anti-immigrant legislation in several states. Kobach has [indicated](#) that he wants to reactivate NSEERS.

The registry was implemented by the Department of Homeland Security (DHS) and applied exclusively to nonimmigrants (i.e., people visiting the U.S., for instance on a student visa, who were not planning to immigrate and stay permanently) from twenty-five designated countries twenty-four of which were Muslim- or Arab-majority, with North Korea thrown in for good measure.

NSEERS was rolled out in two stages. Initially, individuals entering the U.S. from the designated countries were fingerprinted, photographed, and interrogated upon arrival. Later DHS added a requirement that targeted people had to check in periodically with the government. They also extended this requirement to people who were in the U.S. prior to the implementation of NSEERS. As part of the domestic registration component, Muslim males over the age of 16 had to call in and prove compliance with their immigration status by providing proof of residence and proof of employment or matriculation. [For example](#), an individual on a student visa would be required to present a class schedule, yearbook picture, report card, student ID, and evidence of participation in extracurricular activities. Individuals subject to NSEERS were also obligated to report their departure from the U.S. and could only exit through designated ports.

NSEERS had a [lasting negative impact](#) on Muslim communities. More than 90,000 Muslims underwent registration and thousands were subject to interrogation and detention. Failure to comply with the special registration requirements often had devastating consequences. Midnight raids by armed immigration agents resulted in deportation and the subsequent tearing apart of families. Small businesses and community organizations in predominantly immigrant neighborhoods closed their doors. Many students and workers visiting on temporary visas were forced to forego their educational and professional aspirations.

Perhaps most devastatingly, NSEERS further institutionalized the government's practice of profiling communities based largely on national origin and religion. It normalized discrimination against Muslims, Arabs, and South Asians and laid the foundations upon which other programs of suspicionless surveillance were built. CCR has been challenging the unconstitutional results of this entrenchment [in a variety of ways](#), including our case with [Muslim Advocates](#) against the NYPD against the NYPD for its surveillance of Muslim communities in New Jersey ([Hassan v. City of New York](#)).

Like most expansions of state power in post-9/11 America, NSEERS was presented as a necessary national security measure. While it resulted in the deportation of over 14,000 Muslim boys and men, NSEERS produced *zero* terrorism prosecutions.

In 2011, DHS [delisted](#) the twenty-five countries on the NSEERS list, ending implementation of the program. However, the Obama administration left the underlying regulatory framework in place so that NSEERS could quickly be reinstituted in the event of a national security emergency.

As it currently stands, the NSEERS is ripe for swift activation and obvious abuse by a Trump administration. The Office of Inspector General recommended it be dismantled back in 2012. It has been long past time for President Obama to rescind the regulatory framework of NSEERS, but now it is an urgent imperative given the virulent Islamophobia of Trumpism.

[Add your voice to the call to dismantle NSEERS here.](#)

[View the discussion thread.](#)

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