

## **INS Call-In Registration Fails To Address Real Threat**

**By: Ayesha Ijaz Khan**

It wasn't that long ago that I was a foreign student from Pakistan in the U.S. Six years, to be precise. I spent three lovely years in Los Angeles and studied law at UCLA. It was an unusual field of study for a foreign student, American law, that is. It left me with very fond memories, nevertheless, of not just L.A.'s glorious sunshine but also of the egalitarian legal principles that were sophisticatedly woven into the complex web of U.S. law. Needless to say, I left the U.S. very impressed.

How much has changed in those six years. I am no longer in sunny Los Angeles but in rainy London. But more disturbingly, U.S. laws seem to be in a constant state of flux, especially with regard to foreigners, or should I say aliens? If I were in the U.S. today and if I were male (which luckily I am not), I would have to go and register myself with the authorities before the looming February deadline. Registration entails fingerprinting, voice recording, questioning, and general humiliation. I know this from speaking to several friends/compatriots who recently visited the U.S. Needless to say, they don't want to go again anytime soon. Is this warranted? On U.S. constitutional grounds alone, I can think of several objections to the INS regulations. Discriminatory on its face. Overbroad. Very loose nexus to the objective hoping to be achieved. But perhaps none of that matters because arguably the U.S. Constitution was framed for the benefit of U.S. citizens and not foreigners who happen to visit, work or study in the U.S. I disagree. The proponents of the civil rights movement and framers of Title VII, Civil Rights Act, 1964, in all likelihood, intended its principles to extend to everyone present in the U.S., and not just ring fence the citizens and/or green-card holders. At a minimum, the call-in regulations are clearly against the spirit, if not the letter, of Title VII.

Be that as it may, some would argue that strict measures vis a vis foreigners are the need of the hour since the security of America has been threatened post 9/11. The Bush administration and mainstream media issue constant reminders of our heightened state of alert, and often do not hesitate to gloss over differing global and local issues with the same brush. Americans are understandably shaken up by the colossal tragedy in New York and legitimately want to prevent against a future attack of similar consequences. But do the INS regulations accomplish that in any way? Does singling out the nationals of twenty-odd Muslim countries and a token North Korea help contain terrorism? Or does it simply breed more hatred?

Let's first take a look at who is hit hardest as a result of these new regulations. Naturally, it is the illegal aliens who are nationals of the countries named in the call-in registration lists. These individuals are doomed if they come forward and doomed if they don't. If they do, they face deportation, arrest, fines and brutal police encounters. If they don't, they face a life of a criminal on the run. We know from past experience, namely, the 9/11 incident, that all hijackers responsible for the atrocities were legally present in the U.S. They either had valid visas for the U.S. or were nationals of countries that did not require a visa to enter the U.S. An illegal alien, generally on the lamb anyway, would be hard pressed to engage in any activity that would draw attention to him. These people tend to remain low key, look for a quiet Seven Eleven style job,

and dream only of uniting their families with themselves in the land of opportunity. So we see that those hit the hardest by INS regulations are the ones least likely to be culpable. Isn't it then a waste of precious INS resources and taxpayer money to spend time and energy trying to apprehend those who are least likely to be culprits?

Let's look next at the legal aliens required to register under the new INS regulations. This provision mainly affects those who happen to be working or studying in the U.S. Surely, these people will come forth to register as they generally will not have anything to hide and because the risk of not doing so is tremendous. But if God Forbid there are ill-intentioned ones among this group, say a suicide bomber type who intends to blow himself up in the near future, he certainly will not come forth. He has nothing to lose by not showing up, as he is not going to be around in a few months anyway. In the case of tourists entering the U.S., this regulation may prove useful, however, as it would help collect data on foreigners present in the U.S. Nevertheless, if the policy is not implemented even-handedly and appropriate discretion is not used, the U.S. could stand to lose more than it gains. Already, tourism to the U.S. has dropped significantly, with Arabs and other Muslims choosing to vacation in Europe. Students from these countries increasingly prefer to apply to Canadian and European universities. Unfortunately, the new regulations are having the undesirable effect of weeding out the harmless. Those who are bent upon destruction may continue to exploit loopholes. And several do exist.

This brings us to the final point of this discussion. Let's look now at who does not fall within the ambit of the new INS regulations. A national of a country that does not require a visa to enter the U.S. will still be able to enter the U.S. freely and roam about without scrutiny or obligation to register. This includes of course citizens of Canada, Britain and the remaining West European countries. Ironic, but true, however is the fact that the would-be twentieth hijacker who could not board his flight on 9/11 was a French national, Zacarias Moussaoui, who did not need a visa to enter the U.S. Most of the other hijackers were either Saudi or UAE nationals, citizens of both these countries, at the time, did not require visas to enter Canada, and from there, easily made their way to the U.S. Who was the shoe bomber? Richard Reid, a British national. Who killed Daniel Pearl? Sheikh Omar, again, a British national. Who was caught at DeGaulle airport with a car full of explosives? Abderazak Besseghir, a French national. Is there a pattern emerging here? Potentially, the most dangerous terrorist wannabees still have unfettered access to enter and exit the U.S., INS call-in registration lists notwithstanding.

What is the answer then? Wouldn't it make more sense to ask the nationals of every single country to apply for a visa and scrutinize everyone at port of entry, irrespective of nationality? Asking close allies like Britons to apply for a visa—hmmm, that could be a foreign policy predicament. Not to mention, the huge administrative load that would fall upon U.S. embassies in Britain and France. If this is not possible, then can we really attempt to prevent terrorism? If certain measures are not do-able or even think-able, then what is the point of implementing half-hearted solutions that only increase a sense of disparity and powerlessness amongst the nationals of the poorer countries? The loopholes are still out there. Are the INS call-in registrations a mere excuse, using certain countries as scapegoats? Heaven forbid if another attack happened and if nationals of countries considered allies carried it out, where would the INS stand? Would it feel safe or sorry?