

## Handout # 4 (Lesson 3): Summary of Sections of the United States PATRIOT Act 2001

### Section 412. Mandatory Detention of Suspected Terrorists; Habeas Corpus; Judicial Review

- Provides that the Attorney General or the Deputy Attorney General (with no power of delegation) may certify an alien as a terrorist if they have reasonable grounds to believe that the alien is a terrorist or has committed a terrorist activity;
- Requires mandatory detention of a person so certified. Certified persons shall remain in custody irrespective of any relief from removal that they may be eligible for or granted. If the person is finally determined not to be removable, they may no longer be detained under this section;
- Allows the INS to detain a suspected terrorist alien for seven days before bringing immigration or criminal charges. Aliens not charged within seven days shall be released;
- Provides habeas review of the detention and the basis for the certification;
- Provides judicial review by habeas in any district court otherwise having jurisdiction to entertain it. Decisions in any district will be based on the rule of law in the U.S. District Court for the District of Columbia, and all appeals will be made to the Court of Appeals for the District of Columbia;
- For any person with a final order for removal who is detained under this section beyond the removal period, Attorney General must review such detention every 6 months. Continued detention is allowed only upon a showing that "*the release of the alien will person;*"
- The Attorney General shall review the certification of any person every 6 months. If, in the Attorney General's discretion, it is determined that the certification should be revoked the person may be released. Any certified person may request a reconsideration of their certification every six months and submit documents or evidence to support that request;
- Requires that the Attorney General must submit a report to Congress on the use of this section every six months.

Source: American Immigration Lawyers Association  
[<http://www.aila.org/content/default.aspx?docid=6251>]