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SUBCHAPTER I—GENERAL PROVISIONS

§ 1101. Definitions

(a) As used in this chapter—

(1) The term ''administrator'' means the official designated by the Secretary of State pursuant to section 1104(b) of this title.

(2) The term ''advocates'' includes, but is not limited to, advises, recommends, furthers by overt act, and admits belief in.

(3) The term ''alien'' means any person not a citizen or national of the United States.

(4) The term ''application for admission'' has reference to the application for admission into the United States and not to the application for the issuance of an immigrant or nonimmigrant visa.

(5) The term ''Attorney General'' means the Attorney General of the United States.

(6) The term ''border crossing identification card'' means a document of identity bearing that designation issued to an alien who is lawfully admitted for permanent residence, or to an alien who is a resident in foreign contiguous territory, by a consular officer or an immigration officer for the purpose of crossing over the borders between the United States and foreign contiguous territory in accordance with such conditions for its issuance and use as may be prescribed by regulations. Such regulations shall provide that (A) each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and (B) an alien presenting a border crossing identification card is not permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.

(7) The term ''clerk of court'' means a clerk of a naturalization court.

(8) The terms ''Commissioner'' and ''Deputy Commissioner'' mean the Commissioner of Immigration and Naturalization and a Deputy Commissioner of Immigration and Naturalization, respectively.

(9) The term ''consular officer'' means any consular, diplomatic, or other officer or employee of the United States designated under regulations prescribed under authority contained in this chapter, for the purpose of issuing immigrant or nonimmigrant visas or, when used in subchapter III of this chapter, for the purpose of adjudicating nationality.

(10) The term ''crewman'' means a person serving in any capacity on board a vessel or aircraft.

(11) The term ''diplomatic visa'' means a nonimmigrant visa bearing that title and issued to a nonimmigrant in accordance with such regulations as the Secretary of State may prescribe.

(12) The term ''doctrine'' includes, but is not limited to, policies, practices, purposes, aims, or procedures.

(13)(A) The terms ''admission'' and ''admitted'' mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under section 1182(d)(5) of this title or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien—

(i) has abandoned or relinquished that status,

(ii) has been absent from the United States for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after having departed the United States,

(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this chapter and extradition proceedings,

(v) has committed an offense identified in section 1182(a)(2) of this title, unless since such offense the alien has been granted relief under section 1182(h) or 1229b(a) of this title, or

(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

(14) The term ''foreign state'' includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states.

(15) The term ''immigrant'' means every alien except an alien who is within one of the following classes of nonimmigrant aliens—

(A)(i) an ambassador, public minister, or career diplomatic or consular officer who has been accredited by a foreign government, recognized de jure by the United States and who is accepted by the President or by the Secretary of State, and the members of the alien's immediate family;

(ii) upon a basis of reciprocity, other officials and employees who have been accredited by a foreign government recognized de jure by the United States, who are accepted by the Secretary of State, and the members of their immediate families; and

(iii) upon a basis of reciprocity, attendants, servants, personal employees, and members of their immediate families, of the officials and employees who have a nonimmigrant status under (i) and (ii) above;

(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure;

(C) an alien in immediate and continuous transit through the United States, or an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District and foreign countries, under the provisions of paragraphs (3), (4), and (5) of section 11 of the Headquarters Agreement with the United Nations (61 Stat. 758);

(D)(i) an alien crewman serving in good faith as such in a capacity required for normal operation and service on board a vessel, as defined in section 1288(a) of this title (other than a fishing vessel having its home port or an operating base in the United States), or aircraft, who intends to land temporarily and solely in pursuit of his calling as a crewman and to depart from the United States with the vessel or aircraft on which he arrived or some other vessel or aircraft;

(ii) an alien crewman serving in good faith as such in any capacity required for normal operations and service aboard a fishing vessel having its home port or an operating base in the United States who intends to land temporarily in Guam and solely in pursuit of his calling as a crewman and to depart from Guam with the vessel on which he arrived;

(E) an alien entitled to enter the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he is a national, and the spouse and children of any such alien if accompanying or following to join him; (i) solely to carry on substantial trade, including trade in services or trade in technology, principally between the United States and the foreign state of which he is a national; (ii) solely to develop and direct the operations of an enterprise in which he has invested, or of an enterprise in which he is actively in the process of investing, a substantial amount of capital; or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 1182(t)(1) of this title;

(F)(i) an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 1184(*l*)[1] of this title at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by him

[1] See References in Text note below.

and approved by the Attorney General after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, (ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;

(G)(i) a designated principal resident representative of a foreign government recognized de jure by the United States, which foreign government is a member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669) [22 U.S.C. 288 et seq.], accredited resident members of the staff of such representatives, and members of his or their immediate family;

(ii) other accredited representatives of such a foreign government to such international organizations, and the members of their immediate families;

(iii) an alien able to qualify under (i) or (ii) above except for the fact that the government of which such alien is an accredited representative is not recognized de jure by the United States, or that the government of which he is an accredited representative is not a member of such international organization; and the members of his immediate family;

(iv) officers, or employees of such international organizations, and the members of their immediate families;

(v) attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees;

(H) an alien (i) [(a) Repealed. Pub. L. 106–95, §2(c), Nov. 12, 1999, 113 Stat. 1316] (b) subject to section 1182(j)(2) of this title, who is coming temporarily to the United States to perform services (other than services described in subclause (a) during the period in which such subclause applies and other than services described in subclause (ii)(a) or in subparagraph (O) or (P)) in a specialty occupation described in section 1184(i)(1) of this title or as a fashion model, who meets the requirements for the occupation specified in section 1184(i)(2) of this title or, in the case of a fashion model, is of distinguished merit and ability, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application under section 1182(n)(1) of this title, or (b1) who is entitled to enter the United States under and in pursuance of the provisions of an agreement listed in section 1184(g)(8)(A) of this title, who is engaged in a specialty occupation described in section 1184(i)(3) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 1182(t)(1) of this title, or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 1182(m)(1) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 1182(m)(2) of this title for the facility (as defined in section 1182(m)(6) of this title) for which the alien will perform the services; or (ii)(a) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121(g) of title 26, agriculture as defined in section 203(f) of title 29, and the pressing of apples for cider on a farm, of a temporary or seasonal nature, or (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession; or (iii) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States as a trainee, other than to receive graduate medical education or training, in a training program that is not designed primarily to provide productive employment; and the alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join him;

(I) upon a basis of reciprocity, an alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation, and the spouse and children of such a representative, if accompanying or following to join him;

(J) an alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if he is coming to the United States to participate in a program under which he will receive graduate medical edu-

cation or training, also meets the requirements of section 1182(j) of this title, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(K) subject to subsections (d) and (p)[2] of section 1184 of this title, an alien who—

(i) is the fiancée or fiancé of a citizen of the United States (other than a citizen described in section 1154(a)(1)(A)(viii)(I) of this title) and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after admission;

(ii) has concluded a valid marriage with a citizen of the United States (other than a citizen described in section 1154(a)(1)(A)(viii)(I) of this title) who is the petitioner, is the beneficiary of a petition to accord a status under section 1151(b)(2)(A)(i) of this title that was filed under section 1154 of this title by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or

(iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;

(L) subject to section 1184(c)(2) of this title, an alien who, within 3 years preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(M)(i) an alien having a residence in a foreign country which he has no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution (other than in a language training program) in the United States particularly designated by him and approved by the Attorney General, after consultation with the Secretary of Education, which institution shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant nonacademic student and if any such institution fails to make reports promptly the approval shall be withdrawn, (ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;

(N)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i) (or under analogous authority under paragraph (27)(L)), but only if and while the alien is a child, or

(ii) a child of such parent or of an alien accorded the status of a special immigrant under clause (ii), (iii), or (iv) of paragraph (27)(I) (or under analogous authority under paragraph (27)(L));

(O) an alien who—

(i) has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim or, with regard to motion picture and television productions a demonstrated record of extraordinary achievement, and whose achievements have been recognized in the field through extensive documentation, and seeks to enter the United States to continue work in the area of extraordinary ability; or

(ii)(I) seeks to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performance by an alien who is admitted under clause (i) for a specific event or events,

(II) is an integral part of such actual performance,

(III)(a) has critical skills and experience with such alien which are not of a general nature and which cannot be performed by other individuals, or (b) in the case of a motion picture or television production, has skills and experience with such alien which are not of a general nature and which are critical either based on a pre-existing longstanding working relationship or, with respect to the specific production, because significant production (including pre- and postproduction work) will take place both inside and outside the United States and the continuing participation of the alien is essential to the successful completion of the production, and

(IV) has a foreign residence which the alien has no intention of abandoning; or

(iii) is the alien spouse or child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;

(P) an alien having a foreign residence which the alien has no intention of abandoning who—

(i)(a) is described in section 1184(c)(4)(A) of this title (relating to athletes), or (b) is described in section 1184(c)(4)(B) of this title (relating to entertainment groups);

(ii)(I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely for the purpose of performing as such an artist or entertainer or with such a group under a reciprocal exchange program which is between an organization or organizations in the United States and an organization or organizations in one or more foreign states and which provides for the temporary exchange of artists and

[2] See References in Text note below.

entertainers, or groups of artists and entertainers;

(iii)(I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely to perform, teach, or coach as such an artist or entertainer or with such a group under a commercial or noncommercial program that is culturally unique; or

(iv) is the spouse or child of an alien described in clause (i), (ii), or (iii) and is accompanying, or following to join, the alien;

(Q)(i) an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Secretary of Homeland Security for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers; or (ii)(I) an alien citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months in Northern Ireland, or the counties of Louth, Monaghan, Cavan, Leitrim, Sligo, and Donegal within the Republic of Ireland, which the alien has no intention of abandoning who is coming temporarily (for a period not to exceed 24 months) to the United States as a participant in a cultural and training program approved by the Secretary of State and the Secretary of Homeland Security under section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 for the purpose of providing practical training, employment, and the experience of coexistence and conflict resolution in a diverse society, and (II) the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien;

(R) an alien, and the spouse and children of the alien if accompanying or following to join the alien, who—

(i) for the 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States; and

(ii) seeks to enter the United States for a period not to exceed 5 years to perform the work described in subclause (I), (II), or (III) of paragraph (27)(C)(ii);

(S) subject to section 1184(k) of this title, an alien—

(i) who the Attorney General determines—

(I) is in possession of critical reliable information concerning a criminal organization or enterprise;

(II) is willing to supply or has supplied such information to Federal or State law enforcement authorities or a Federal or State court; and

(III) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise; or

(ii) who the Secretary of State and the Attorney General jointly determine—

(I) is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation;

(II) is willing to supply or has supplied such information to Federal law enforcement authorities or a Federal court;

(III) will be or has been placed in danger as a result of providing such information; and

(IV) is eligible to receive a reward under section 2708(a) of title 22,

and, if the Attorney General (or with respect to clause (ii), the Secretary of State and the Attorney General jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i) or (ii) if accompanying, or following to join, the alien;

(T)(i) subject to section 1184(*o*) of this title, an alien who the Secretary of Homeland Security, or in the case of subclause (III)(aa) the Secretary of Homeland Security and the Attorney General jointly; determines—[3]

(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 7102 of title 22,

(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking,

(III)(aa) has complied with any reasonable request for assistance in the Federal, State, or local investigation or prosecution of acts of trafficking or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime; or

(bb) has not attained 18 years of age, and

(IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal;

(ii) if accompanying, or following to join, the alien described in clause (i)—

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and

(iii) if the Secretary of Homeland Security, in his or her discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is unreasonable.

[3] So in original. Probably should be ''jointly, determine—''.

(U)(i) subject to section 1184(p) of this title, an alien who files a petition for status under this subparagraph, if the Secretary of Homeland Security determines that—

(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);

(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);

(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); and

(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States;

(ii) if accompanying, or following to join, the alien described in clause (i)—

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and

(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes; or

(V) subject to section 1184(q) of this title, an alien who is the beneficiary (including a child of the principal alien, if eligible to receive a visa under section 1153(d) of this title) of a petition to accord a status under section 1153(a)(2)(A) of this title that was filed with the Attorney General under section 1154 of this title on or before December 21, 2000, if—

(i) such petition has been pending for 3 years or more; or

(ii) such petition has been approved, 3 years or more have elapsed since such filing date, and—

(I) an immigrant visa is not immediately available to the alien because of a waiting list of applicants for visas under section 1153(a)(2)(A) of this title; or

(II) the alien's application for an immigrant visa, or the alien's application for adjustment of status under section 1255 of this title, pursuant to the approval of such petition, remains pending.

(16) The term ''immigrant visa'' means an immigrant visa required by this chapter and properly issued by a consular officer at his office outside of the United States to an eligible immigrant under the provisions of this chapter.

(17) The term ''immigration laws'' includes this chapter and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, expulsion, or removal of aliens.

(18) The term ''immigration officer'' means any employee or class of employees of the Service or of the United States designated by the Attorney General, individually or by regulation, to perform the functions of an immigration officer specified by this chapter or any section of this title.

(19) The term ''ineligible to citizenship,'' when used in reference to any individual, means, notwithstanding the provisions of any treaty relating to military service, an individual who is, or was at any time permanently debarred from becoming a citizen of the United States under section 3(a) of the Selective Training and Service Act of 1940, as amended (54 Stat. 885; 55 Stat. 844), or under section 4(a) of the Selective Service Act of 1948, as amended (62 Stat. 605; 65 Stat. 76) [50 U.S.C. App. 454(a)], or under any section of this chapter, or any other Act, or under any law amendatory of, supplementary to, or in substitution for, any of such sections or Acts.

(20) The term ''lawfully admitted for permanent residence'' means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

(21) The term ''national'' means a person owing permanent allegiance to a state.

(22) The term ''national of the United States'' means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(23) The term ''naturalization'' means the conferring of nationality of a state upon a person after birth, by any means whatsoever.

(24) Repealed. Pub. L. 102–232, title III, § 305(m)(1), Dec. 12, 1991, 105 Stat. 1750.

(25) The term ''noncombatant service'' shall not include service in which the individual is not subject to military discipline, court martial, or does not wear the uniform of any branch of the armed forces.

(26) The term ''nonimmigrant visa'' means a visa properly issued to an alien as an eligible nonimmigrant by a competent officer as provided in this chapter.

(27) The term ''special immigrant'' means—

(A) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

(B) an immigrant who was a citizen of the United States and may, under section 1435(a)

or 1438 of this title, apply for reacquisition of citizenship;

(C) an immigrant, and the immigrant's spouse and children if accompanying or following to join the immigrant, who—

(i) for at least 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States;

(ii) seeks to enter the United States—

(I) solely for the purpose of carrying on the vocation of a minister of that religious denomination,

(II) before October 1, 2008, in order to work for the organization at the request of the organization in a professional capacity in a religious vocation or occupation, or

(III) before October 1, 2008, in order to work for the organization (or for a bona fide organization which is affiliated with the religious denomination and is exempt from taxation as an organization described in section 501(c)(3) of title 26) at the request of the organization in a religious vocation or occupation; and

(iii) has been carrying on such vocation, professional work, or other work continuously for at least the 2-year period described in clause (i);

(D) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, or of the American Institute in Taiwan, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided*, That the principal officer of a Foreign Service establishment (or, in the case of the American Institute in Taiwan, the Director thereof), in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status;

(E) an immigrant, and his accompanying spouse and children, who is or has been an employee of the Panama Canal Company or Canal Zone Government before the date on which the Panama Canal Treaty of 1977 (as described in section 3602(a)(1) of title 22) enters into force [October 1, 1979], who was resident in the Canal Zone on the effective date of the exchange of instruments of ratification of such Treaty [April 1, 1979], and who has performed faithful service as such an employee for one year or more;

(F) an immigrant, and his accompanying spouse and children, who is a Panamanian national and (i) who, before the date on which such Panama Canal Treaty of 1977 enters into force [October 1, 1979], has been honorably retired from United States Government employment in the Canal Zone with a total of 15 years or more of faithful service, or (ii) who, on the date on which such Treaty enters into force, has been employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service and who subsequently is honorably retired from such employment or continues to be employed by the United States Government in an area of the former Canal Zone;

(G) an immigrant, and his accompanying spouse and children, who was an employee of the Panama Canal Company or Canal Zone Government on the effective date of the exchange of instruments of ratification of such Panama Canal Treaty of 1977 [April 1, 1979], who has performed faithful service for five years or more as such an employee, and whose personal safety, or the personal safety of whose spouse or children, as a direct result of such Treaty, is reasonably placed in danger because of the special nature of any of that employment;

(H) an immigrant, and his accompanying spouse and children, who—

(i) has graduated from a medical school or has qualified to practice medicine in a foreign state,

(ii) was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date,

(iii) entered the United States as a nonimmigrant under subsection (a)(15)(H) or (a)(15)(J) of this section before January 10, 1978, and

(iv) has been continuously present in the United States in the practice or study of medicine since the date of such entry;

(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for a visa or adjustment of status under this subparagraph no later than his twenty-fifth birthday or six months after October 24, 1988, whichever is later;

(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and (II) files a petition for status under this subparagraph no later than six months after the date of such death or six months after October 24, 1988, whichever is later;

(iii) an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status

of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and (II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after October 25, 1994, whichever is later; or

(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family;

(J) an immigrant who is present in the United States—

(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;

(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

(iii) in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status; except that—

(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction; and

(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter;

(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on October 1, 1991) for a period or periods aggregating—

(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years,

and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant;

(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—

(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference to the North Atlantic Treaty Organization (NATO);

(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO–6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the ''Protocol on the Status of International Military Headquarters'' set up pursuant to the North Atlantic Treaty, or as a dependent); and

(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the American Competitiveness and Workforce Improvement Act of 1998[4]

(M) subject to the numerical limitations of section 1153(b)(4) of this title, an immigrant who seeks to enter the United States to work as a broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors, or for a grantee of the Broadcasting Board of Governors, and the immigrant's accompanying spouse and children.

(28) The term ''organization'' means, but is not limited to, an organization, corporation, company, partnership, association, trust, foundation or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together with joint action on any subject or subjects.

(29) The term ''outlying possessions of the United States'' means American Samoa and Swains Island.

(30) The term ''passport'' means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country.

(31) The term ''permanent'' means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.

(32) The term ''profession'' shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.

(33) The term ''residence'' means the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent.

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[4] So in original. Probably should be followed by ''; or''.

(34) The term ''Service'' means the Immigration and Naturalization Service of the Department of Justice.

(35) The term ''spouse'', ''wife'', or ''husband'' do not include a spouse, wife, or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.

(36) The term ''State'' includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States.

(37) The term ''totalitarian party'' means an organization which advocates the establishment in the United States of a totalitarian dictatorship or totalitarianism. The terms ''totalitarian dictatorship'' and ''totalitarianism'' mean and refer to systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party.

(38) The term ''United States'', except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

(39) The term ''unmarried'', when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.

(40) The term ''world communism'' means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist political movement.

(41) The term ''graduates of a medical school'' means aliens who have graduated from a medical school or who have qualified to practice medicine in a foreign state, other than such aliens who are of national or international renown in the field of medicine.

(42) The term ''refugee'' means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 1157(e) of this title) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term ''refugee'' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this chapter, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.

(43) The term ''aggravated felony'' means—

(A) murder, rape, or sexual abuse of a minor;

(B) illicit trafficking in a controlled substance (as defined in section 802 of title 21), including a drug trafficking crime (as defined in section 924(c) of title 18);

(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18) or in explosive materials (as defined in section 841(c) of that title);

(D) an offense described in section 1956 of title 18 (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded $10,000;

(E) an offense described in—

(i) section 842(h) or (i) of title 18, or section 844(d), (e), (f), (g), (h), or (i) of that title (relating to explosive materials offenses);

(ii) section 922(g)(1), (2), (3), (4), or (5), (j), (n), (*o*), (p), or (r) or 924(b) or (h) of title 18 (relating to firearms offenses); or

(iii) section 5861 of title 26 (relating to firearms offenses);

(F) a crime of violence (as defined in section 16 of title 18, but not including a purely political offense) for which the term of imprisonment at[5] least one year;

(G) a theft offense (including receipt of stolen property) or burglary offense for which the term of imprisonment at[5] least one year;

(H) an offense described in section 875, 876, 877, or 1202 of title 18 (relating to the demand for or receipt of ransom);

(I) an offense described in section 2251, 2251A, or 2252 of title 18 (relating to child pornography);

(J) an offense described in section 1962 of title 18 (relating to racketeer influenced corrupt organizations), or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses), for which a sentence of one year imprisonment or more may be imposed;

(K) an offense that—

(i) relates to the owning, controlling, managing, or supervising of a prostitution business;

[5] So in original. Probably should be preceded by ''is''.

(ii) is described in section 2421, 2422, or 2423 of title 18 (relating to transportation for the purpose of prostitution) if committed for commercial advantage; or

(iii) is described in any of sections 1581–1585 or 1588–1591 of title 18 (relating to peonage, slavery, involuntary servitude, and trafficking in persons);

(L) an offense described in—

(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18;

(ii) section 421 of title 50 (relating to protecting the identity of undercover intelligence agents); or

(iii) section 421 of title 50 (relating to protecting the identity of undercover agents);

(M) an offense that—

(i) involves fraud or deceit in which the loss to the victim or victims exceeds $10,000; or

(ii) is described in section 7201 of title 26 (relating to tax evasion) in which the revenue loss to the Government exceeds $10,000;

(N) an offense described in paragraph (1)(A) or (2) of section 1324(a) of this title (relating to alien smuggling), except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this chapter[6]

(O) an offense described in section 1325(a) or 1326 of this title committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;

(P) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18 or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment is at least 12 months, except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this chapter;

(Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 5 years or more;

(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which the term of imprisonment is at least one year;

(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year;

(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and

(U) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years. Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conviction was entered before, on, or after September 30, 1996.

(44)(A) The term ''managerial capacity'' means an assignment within an organization in which the employee primarily—

(i) manages the organization, or a department, subdivision, function, or component of the organization;

(ii) supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;

(iii) if another employee or other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization) or, if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and

(iv) exercises discretion over the day-to-day operations of the activity or function for which the employee has authority.

A first-line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor's supervisory duties unless the employees supervised are professional.

(B) The term ''executive capacity'' means an assignment within an organization in which the employee primarily—

(i) directs the management of the organization or a major component or function of the organization;

(ii) establishes the goals and policies of the organization, component, or function;

(iii) exercises wide latitude in discretionary decision-making; and

(iv) receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.

(C) If staffing levels are used as a factor in determining whether an individual is acting in a managerial or executive capacity, the Attorney General shall take into account the reasonable needs of the organization, component, or function in light of the overall purpose and stage of development of the organization, component, or function. An individual shall not be considered to be acting in a managerial or executive capacity (as previously defined) merely on the basis of the number of employees that the individual supervises or has supervised or directs or has directed.

(45) The term ''substantial'' means, for purposes of paragraph (15)(E) with reference to

[6] So in original. Probably should be followed by a semicolon.

trade or capital, such an amount of trade or capital as is established by the Secretary of State, after consultation with appropriate agencies of Government.

(46) The term ''extraordinary ability'' means, for purposes of subsection (a)(15)(O)(i) of this section, in the case of the arts, distinction.

(47)(A) The term ''order of deportation'' means the order of the special inquiry officer, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable or ordering deportation.

(B) The order described under subparagraph (A) shall become final upon the earlier of—

(i) a determination by the Board of Immigration Appeals affirming such order; or

(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.

(48)(A) The term ''conviction'' means, with respect to an alien, a formal judgment of guilt of the alien entered by a court or, if adjudication of guilt has been withheld, where—

(i) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, and

(ii) the judge has ordered some form of punishment, penalty, or restraint on the alien's liberty to be imposed.

(B) Any reference to a term of imprisonment or a sentence with respect to an offense is deemed to include the period of incarceration or confinement ordered by a court of law regardless of any suspension of the imposition or execution of that imprisonment or sentence in whole or in part.

(49) The term ''stowaway'' means any alien who obtains transportation without the consent of the owner, charterer, master or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.

(50) The term ''intended spouse'' means any alien who meets the criteria set forth in section 1154(a)(1)(A)(iii)(II)(aa)(BB), 1154(a)(1)(B)(ii)(II)(aa)(BB), or 1229b(b)(2)(A)(i)(III) of this title.

(51) The term ''VAWA self-petitioner'' means an alien, or a child of the alien, who qualifies for relief under—

(A) clause (iii), (iv), or (vii) of section 1154(a)(1)(A) of this title;

(B) clause (ii) or (iii) of section 1154(a)(1)(B) of this title;

(C) section 1186a(c)(4)(C) of this title;

(D) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

(E) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

(F) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

(G) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).

(b) As used in subchapters I and II of this chapter—

(1) The term ''child'' means an unmarried person under twenty-one years of age who is—

(A) a child born in wedlock;

(B) a stepchild, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred;

(C) a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation;

(D) a child born out of wedlock, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother or to its natural father if the father has or had a bona fide parent-child relationship with the person;

(E)(i) a child adopted while under the age of sixteen years if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household: *Provided*, That no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

(ii) subject to the same proviso as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i); (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child was adopted while under the age of 18 years; or

(F)(i) a child, under the age of sixteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 1151(b) of this title, who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who have or has complied with the preadoption requirements, if any, of the child's proposed residence; *Provided*, That the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States: *Provided further*, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such par-

entage, be accorded any right, privilege, or status under this chapter; or

(ii) subject to the same provisos as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (E)(i); (II) has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child is under the age of 18 at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 1151(b) of this title.

(2) The terms ''parent'', ''father'', or ''mother'' mean a parent, father, or mother only where the relationship exists by reason of any of the circumstances set forth in subdivision (1) of this subsection, except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of a child born out of wedlock described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term ''parent'' does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.

(3) The term ''person'' means an individual or an organization.

(4) The term ''immigration judge'' means an attorney whom the Attorney General appoints as an administrative judge within the Executive Office for Immigration Review, qualified to conduct specified classes of proceedings, including a hearing under section 1229a of this title. An immigration judge shall be subject to such supervision and shall perform such duties as the Attorney General shall prescribe, but shall not be employed by the Immigration and Naturalization Service.

(5) The term ''adjacent islands'' includes Saint Pierre, Miquelon, Cuba, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique, and other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea.

(c) As used in subchapter III of this chapter—

(1) The term ''child'' means an unmarried person under twenty-one years of age and includes a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in the United States or elsewhere, and, except as otherwise provided in sections 1431 and 1432[7] of this title, a child adopted in the United States, if such legitimation or adoption takes place before the child reaches the age of 16 years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1) of this section), and the child is in the legal custody of the legitimating or adopting parent or parents at the time of such legitimation or adoption.

(2) The terms ''parent'', ''father'', and ''mother'' include in the case of a posthumous child a deceased parent, father, and mother.

(d) Repealed. Pub. L. 100–525, § 9(a)(3), Oct. 24, 1988, 102 Stat. 2619.

(e) For the purposes of this chapter—

(1) The giving, loaning, or promising of support or of money or any other thing of value to be used for advocating any doctrine shall constitute the advocating of such doctrine; but nothing in this paragraph shall be construed as an exclusive definition of advocating.

(2) The giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization shall be presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation.

(3) Advocating the economic, international, and governmental doctrines of world communism means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement.

(f) For the purposes of this chapter—

No person shall be regarded as, or found to be, a person of good moral character who, during the period for which good moral character is required to be established is, or was—

(1) a habitual drunkard;

(2) Repealed. Pub. L. 97–116, § 2(c)(1), Dec. 29, 1981, 95 Stat. 1611.

(3) a member of one or more of the classes of persons, whether inadmissible or not, described in paragraphs (2)(D), (6)(E), and (10)(A) of section 1182(a) of this title; or subparagraphs (A) and (B) of section 1182(a)(2) of this title and subparagraph (C) thereof of such section[8] (except as such paragraph relates to a single offense of simple possession of 30 grams or less of marihuana), if the offense described therein, for which such person was convicted or of which he admits the commission, was committed during such period;

(4) one whose income is derived principally from illegal gambling activities;

(5) one who has been convicted of two or more gambling offenses committed during such period;

(6) one who has given false testimony for the purpose of obtaining any benefits under this chapter;

(7) one who during such period has been confined, as a result of conviction, to a penal institution for an aggregate period of one hundred and eighty days or more, regardless of whether the offense, or offenses, for which he has been confined were committed within or without such period;

(8) one who at any time has been convicted of an aggravated felony (as defined in subsection (a)(43) of this section); or

(9) one who at any time has engaged in conduct described in section 1182(a)(3)(E) of this title (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 1182(a)(2)(G) of this title (relating to severe violations of religious freedom).

The fact that any person is not within any of the foregoing classes shall not preclude a finding

[7] See References in Text note below.

[8] So in original. The phrase ''of such section'' probably should not appear.

that for other reasons such person is or was not of good moral character. In the case of an alien who makes a false statement or claim of citizenship, or who registers to vote or votes in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of such registration or voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such statement, claim, or violation that he or she was a citizen, no finding that the alien is, or was, not of good moral character may be made based on it.

(g) For the purposes of this chapter any alien ordered deported or removed (whether before or after the enactment of this chapter) who has left the United States, shall be considered to have been deported or removed in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which he departed.

(h) For purposes of section 1182(a)(2)(E) of this title, the term ''serious criminal offense'' means—

(1) any felony;

(2) any crime of violence, as defined in section 16 of title 18; or

(3) any crime of reckless driving or of driving while intoxicated or under the influence of alcohol or of prohibited substances if such crime involves personal injury to another.

(i) With respect to each nonimmigrant alien described in subsection (a)(15)(T)(i) of this section—

(1) the Secretary of Homeland Security, the Attorney General, and other Government officials, where appropriate, shall provide the alien with a referral to a nongovernmental organization that would advise the alien regarding the alien's options while in the United States and the resources available to the alien; and

(2) the Secretary of Homeland Security shall, during the period the alien is in lawful temporary resident status under that subsection, grant the alien authorization to engage in employment in the United States and provide the alien with an ''employment authorized'' endorsement or other appropriate work permit.

(June 27, 1952, ch. 477, title I, § 101, 66 Stat. 166; Pub. L. 85–316, §§ 1, 2, Sept. 11, 1957, 71 Stat. 639; Pub. L. 85–508, § 22, July 7, 1958, 72 Stat. 351; Pub. L. 86–3, § 20(a), Mar. 18, 1959, 73 Stat. 13; Pub. L. 87–256, § 109(a), (b), Sept. 21, 1961, 75 Stat. 534; Pub. L. 87–301, §§ 1, 2, 7, Sept. 26, 1961, 75 Stat. 650, 653; Pub. L. 89–236, §§ 8, 24, Oct. 3, 1965, 79 Stat. 916, 922; Pub. L. 89–710, Nov. 2, 1966, 80 Stat. 1104; Pub. L. 91–225, § 1, Apr. 7, 1970, 84 Stat. 116; Pub. L. 94–155, Dec. 16, 1975, 89 Stat. 824; Pub. L. 94–484, title VI, § 601(b), (e), Oct. 12, 1976, 90 Stat. 2301, 2302; Pub. L. 94–571, § 7(a), Oct. 20, 1976, 90 Stat. 2706; Pub. L. 94–484, title VI, § 602(c), Oct. 12, 1976, as added Pub. L. 95–83, title III, § 307(q)(3), Aug. 1, 1977, 91 Stat. 395; Pub. L. 95–105, title I, § 109(b)(3), Aug. 17, 1977, 91 Stat. 847; Pub. L. 96–70, title III, § 3201(a), Sept. 27, 1979, 93 Stat. 496; Pub. L. 96–212, title II, § 201(a), Mar. 17, 1980, 94 Stat. 102; Pub. L. 97–116, §§ 2, 5(d)(1), 18(a), Dec. 29, 1981, 95 Stat. 1611, 1614, 1619; Priv. L. 98–47, § 3, Oct. 30, 1984, 98 Stat. 3435; Pub. L. 99–505, § 1, Oct. 21, 1986, 100 Stat. 1806; Pub. L. 99–603, title III, §§ 301(a), 312, 315(a), Nov. 6, 1986, 100 Stat. 3411, 3434, 3439; Pub. L. 99–653, §§ 2, 3, Nov. 14, 1986, 100 Stat. 3655; Pub. L. 100–459, title II, § 210(a), Oct. 1, 1988, 102 Stat. 2203; Pub. L. 100–525, §§ 2(*o*)(1), 8(b), 9(a), Oct. 24, 1988, 102 Stat. 2613, 2617, 2619; Pub. L. 100–690, title VII, § 7342, Nov. 18, 1988, 102 Stat. 4469; Pub. L. 101–162, title VI, § 611(a), Nov. 21, 1989, 103 Stat. 1038; Pub. L. 101–238, § 3(a), Dec. 18, 1989, 103 Stat. 2100; Pub. L. 101–246, title I, § 131(b), Feb. 16, 1990, 104 Stat. 31; Pub. L. 101–649, title I, §§ 123, 151(a), 153(a), 162(f)(2)(A), title II, §§ 203(c), 204(a), (c), 205(c)(1), (d), (e), 206(c), 207(a), 208, 209(a), title IV, § 407(a)(2), title V, §§ 501(a), 509(a), title VI, § 603(a)(1), Nov. 29, 1990, 104 Stat. 4995, 5004, 5005, 5012, 5018–5020, 5022, 5023, 5026, 5027, 5040, 5048, 5051, 5082; Pub. L. 102–110, § 2(a), Oct. 1, 1991, 105 Stat. 555; Pub. L. 102–232, title II, §§ 203(a), 205(a)–(c), 206(b), (c)(1), (d), 207(b), title III, §§ 302(e)(8)(A), 303(a)(5)(A), (7)(A), (14), 305(m)(1), 306(a)(1), 309(b)(1), (4), Dec. 12, 1991, 105 Stat. 1737, 1740, 1741, 1746–1748, 1750, 1751, 1758; Pub. L. 103–236, title I, § 162(h)(1), Apr. 30, 1994, 108 Stat. 407; Pub. L. 103–322, title XIII, § 130003(a), Sept. 13, 1994, 108 Stat. 2024; Pub. L. 103–337, div. C, title XXXVI, § 3605, Oct. 5, 1994, 108 Stat. 3113; Pub. L. 103–416, title II, §§ 201, 202, 214, 219(a), 222(a), Oct. 25, 1994, 108 Stat. 4310, 4311, 4314, 4316, 4320; Pub. L. 104–51, § 1, Nov. 15, 1995, 109 Stat. 467; Pub. L. 104–132, title IV, § 440(b), (e), Apr. 24, 1996, 110 Stat. 1277; Pub. L. 104–208, div. C, title I, § 104(a), title III, §§ 301(a), 308(d)(3)(A), (4)(A), (e)(3), (f)(1)(A), (B), 321(a), (b), 322(a)(1), (2)(A), 361(a), 371(a), title VI, §§ 601(a)(1), 625(a)(2), 671(a)(3)(B), (b)(5), (e)(2), Sept. 30, 1996, 110 Stat. 3009–555, 3009–575, 3009–617, 3009–620, 3009–621, 3009–627 to 3009–629, 3009–644, 3009–645, 3009–689, 3009–700, 3009–721 to 3009–723; Pub. L. 105–54, § 1(a), Oct. 6, 1997, 111 Stat. 1175; Pub. L. 105–119, title I, § 113, Nov. 26, 1997, 111 Stat. 2460; Pub. L. 105–277, div. C, title IV, § 421, div. G, title XXII, § 2222(e), Oct. 21, 1998, 112 Stat. 2681–657, 2681–819; Pub. L. 105–319, § 2(b)(1), (e)(2), formerly (d)(2), Oct. 30, 1998, 112 Stat. 3014, 3015, renumbered § 2(e)(2), Pub. L. 108–449, § 1(a)(3)(A), Dec. 10, 2004, 118 Stat. 3470; Pub. L. 106–95, § 2(a), (c), Nov. 12, 1999, 113 Stat. 1312, 1316; Pub. L. 106–139, § 1(a), (b)(1), Dec. 7, 1999, 113 Stat. 1696; Pub. L. 106–279, title III, § 302(a), (c), Oct. 6, 2000, 114 Stat. 838, 839; Pub. L. 106–386, div. A, § 107(e)(1), (4), div. B, title V, §§ 1503(a), § 1513(b), Oct. 28, 2000, 114 Stat. 1477, 1479, 1518, 1534; Pub. L. 106–395, title II, § 201(a)(1), Oct. 30, 2000, 114 Stat. 1633; Pub. L. 106–409, § 2(a), Nov. 1, 2000, 114 Stat. 1787; Pub. L. 106–536, § 1(a), Nov. 22, 2000, 114 Stat. 2560; Pub. L. 106–553, § 1(a)(2) [title XI, §§ 1102(a), 1103(a)], Dec. 21, 2000, 114 Stat. 2762, 2762A–142, 2762A–144; Pub. L. 107–125, § 2(b), Jan. 16, 2002, 115 Stat. 2403; Pub. L. 107–274, § 2(a), (b), Nov. 2, 2002, 116 Stat. 1923; Pub. L. 108–77, title IV, § 402(a)(1), Sept. 3, 2003, 117 Stat. 939; Pub. L. 108–99, § 1, Oct. 15, 2003, 117 Stat. 1176; Pub. L. 108–193, §§ 4(b)(1), (5), 8(a)(1), Dec. 19, 2003, 117 Stat. 2878, 2879, 2886; Pub. L. 108–449, § 1(a)(2)(B), (b)(1), Dec. 10, 2004, 118 Stat. 3469, 3470; Pub. L. 108–458, title V, § 5504, Dec. 17,

2004, 118 Stat. 3741; Pub. L. 109–13, div. B, title V, § 501(a), May 11, 2005, 119 Stat. 321; Pub. L. 109–90, title V, § 536, Oct. 18, 2005, 119 Stat. 2087; Pub. L. 109–162, title VIII, §§ 801, 805(d), 811, 822(c)(1), Jan. 5, 2006, 119 Stat. 3053, 3056, 3057, 3063; Pub. L. 109–248, title IV, § 402(b), July 27, 2006, 120 Stat. 623.)

AMENDMENT OF SUBSECTION (a)(15)(H)(i)

For termination of amendment by section 107(c) of Pub. L. 108–77, see Effective and Termination Dates of 2003 Amendment note below.

AMENDMENT OF SUBSECTION (a)(15)(Q)

Pub. L. 105–319, § 2(e)(2), formerly § 2(d)(2), Oct. 30, 1998, 112 Stat. 3015, as amended by Pub. L. 107–234, § 1(4), Oct. 4, 2002, 116 Stat. 1481; renumbered § 2(e)(2) and amended Pub. L. 108–449, § 1(a)(2)(B), (3)(A), Dec. 10, 2004, 118 Stat. 3469, 3470, provided that, effective Oct. 1, 2008, subsection (a)(15)(Q) is amended by striking ''or'' at the end of clause (i), by striking ''(i)'' after ''(Q)'', and by striking clause (ii).

AMENDMENT OF SUBSECTION (b)

Pub. L. 106–279, title III, §§ 302(a), (c), 505(a)(2), (b), Oct. 6, 2000, 114 Stat. 838, 839, 844, provided that, effective upon entry into force for the United States of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, pursuant to Article 46(2)(a) of the Convention, with transition rule, subsection (b) is amended as follows:

In paragraph (1), by striking ''or'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; or'', and by adding after subparagraph (F) the following new subparagraph:

(G) a child, under the age of sixteen at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 1151(b) of this title, who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States, by a United States citizen and spouse jointly, or by an unmarried United States citizen at least 25 years of age—

(i) if—

(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

(IV) the Attorney General is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Attorney General may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

(V) in the case of a child who has not been adopted—

(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter.

In paragraph (2), by inserting ''and paragraph (1)(G)(i)'' after ''second proviso therein)''.

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b)(1)(E), (F), (4), and (e)–(g), was in the original, ''this Act'', meaning act June 27, 1952, ch. 477, 66 Stat. 163, as amended, known as the Immigration and Nationality Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

The Headquarters Agreement with the United Nations (61 Stat. 758), referred to in subsec. (a)(15)(C), is set out as a note under section 287 of Title 22, Foreign Relations and Intercourse.

Section 1184(*l*) of this title, referred to in subsec. (a)(15)(F)(i), probably means the subsec. (*l*) of section 1184 which relates to nonimmigrant elementary and secondary school students and was added by Pub. L. 104–208, div. C, title VI, § 625(a)(1), Sept. 30, 1996, 110 Stat. 3009–699, and redesignated subsec.(m) of section 1184 by Pub. L. 106–386, div. A, § 107(e)(2)(A), Oct. 28, 2000, 114 Stat. 1478.

The International Organizations Immunities Act (59 Stat. 669), referred to in subsec. (a)(15)(G)(i), is act Dec. 29, 1945, ch. 652, title I, 59 Stat. 669, as amended, which is classified principally to subchapter XVIII (§ 288 et seq.) of chapter 7 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 288 of Title 22 and Tables.

Subsection (p) of section 1184 of this title, referred to in subsec. (a)(15)(K), was redesignated as subsec. (r) of section 1184 by Pub. L. 108–193, § 8(a)(3), Dec. 19, 2003, 117 Stat. 2886.

Section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998, referred to in subsec. (a)(15)(Q)(ii)(I), is section 2(a) of Pub. L. 105–319, which is set out in a note below.

Section 3(a) of the Selective Training and Service Act of 1940, as amended (54 Stat. 885; 55 Stat. 844), referred to in subsec. (a)(19), was classified to section 303 of Title 50, Appendix, War and National Defense, and was omitted from the Code as obsolete.

The Selective Service Act of 1948, referred to in subsec. (a)(19), was redesignated the Universal Military Training and Service Act by act June 19, 1951, 65 Stat. 75, and then redesignated the Military Selective Service Act of 1967 by act June 30, 1967, Pub. L. 90–40, 81 Stat. 100, and subsequently redesignated the Military Selective Service Act by Pub. L. 92–129, title I, § 101(a)(1), Sept. 28, 1971, 85 Stat. 348.

The Immigration Technical Corrections Act of 1988, referred to in subsec. (a)(27)(L)(iii), is Pub. L. 100–525, Oct. 24, 1988, 102 Stat. 2609, as amended. For complete classification of this Act to the Code, see Short Title of 1988 Amendments note set out below and Tables.

The Immigration and Nationality Technical Corrections Act of 1994, referred to in subsec. (a)(27)(L)(iii), is Pub. L. 103–416, Oct. 25, 1994, 108 Stat. 4305, as amended. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out below and Tables.

The American Competitiveness and Workforce Improvement Act of 1998, referred to in subsec. (a)(27)(L)(iii), is Pub. L. 105–277, div. C, title IV, Oct. 21, 1998, 112 Stat. 2681–641. For complete classification of this Act to the Code, see Short Title of 1998 Amendment note set out below and Tables.

Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998, referred to in subsec. (a)(51)(E), is Pub. L. 105–277, div. A, §101(h) [title IX, §902(d)(1)(B)], which is set out as a note under section 1255 of this title.

Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act, referred to in subsec. (a)(51)(F), is section 202(d)(1) of Pub. L. 105–100, which is set out as a note under section 1255 of this title.

Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, referred to in subsec. (a)(51)(G), is section 309 of div. C of Pub. L. 104–208, which is set out as a note under this section.

Section 1432 of this title, referred to in subsec. (c)(1), was repealed by Pub. L. 106–395, title I, §103(a), Oct. 30, 2000, 114 Stat. 1632.

CODIFICATION

September 30, 1996, referred to in the concluding provisions of subsec. (a)(43), was in the original ''the date of enactment of this paragraph'', which was translated as meaning the date of enactment of section 321(b) of Pub. L. 104–208, which inserted that language, to reflect the probable intent of Congress.

AMENDMENTS

2006—Subsec. (a)(15)(K)(i), (ii). Pub. L. 109–248, which directed insertion of ''(other than a citizen described in section 1154(a)(1)(A)(viii)(I) of this title)'' after ''citizen of the United States'' each place appearing in section 101(a)(15)(K), without specifying the Act to be amended, was executed to subsec. (a)(15)(K) of this section, which is section 101 of the Immigration and Nationality Act, to reflect the probable intent of Congress.

Subsec. (a)(15)(T)(i). Pub. L. 109–162, §801(a)(1)(A), substituted ''Secretary of Homeland Security, or in the case of subclause (III)(aa) the Secretary of Homeland Security and the Attorney General jointly;'' for ''Attorney General''.

Subsec. (a)(15)(T)(i)(III)(aa). Pub. L. 109–162, §801(a)(1)(B)(i), inserted ''Federal, State, or local'' before ''investigation''.

Pub. L. 109–162, §801(a)(1)(B)(ii), which directed substitution of ''or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime; or'' for '', or'', was executed by making the substitution for '', or'' the second time appearing to reflect the probable intent of Congress.

Subsec. (a)(15)(T)(i)(IV). Pub. L. 109–162, §801(a)(1)(C), struck out ''and'' at end.

Subsec. (a)(15)(T)(ii). Pub. L. 109–162, §801(a)(2), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: ''if the Attorney General considers it necessary to avoid extreme hardship—

''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; and

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien,

if accompanying, or following to join, the alien described in clause (i);''.

Subsec. (a)(15)(T)(iii). Pub. L. 109–162, §801(a)(3), added cl. (iii).

Subsec. (a)(15)(U)(i). Pub. L. 109–162, §801(b)(1), substituted ''Secretary of Homeland Security'' for ''Attorney General''.

Subsec. (a)(15)(U)(ii). Pub. L. 109–162, §801(b)(2), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: ''if the Attorney General considers it necessary to avoid extreme hardship to the spouse, the child, or, in the case of an alien child, the parent of the alien described in clause (i), the Attorney General may also grant status under this paragraph based upon certification of a government official listed in clause (i)(III) that an investigation or prosecution would be harmed without the assistance of the spouse, the child, or, in the case of an alien child, the parent of the alien; and''.

Subsec. (a)(51). Pub. L. 109–162, §811, added par. (51).

Subsec. (b)(1)(E)(i). Pub. L. 109–162, §805(d), inserted before colon ''or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household''.

Subsec. (f)(3). Pub. L. 109–162, §822(c)(1), substituted ''(10)(A)'' for ''(9)(A)''.

Subsec. (i)(1). Pub. L. 109–162, §801(c)(1), substituted ''Secretary of Homeland Security, the Attorney General,'' for ''Attorney General''.

Subsec. (i)(2). Pub. L. 109–162, §801(c)(2), substituted ''Secretary of Homeland Security'' for ''Attorney General''.

2005—Subsec. (a)(15)(E)(iii). Pub. L. 109–13 added cl. (iii).

Subsec. (a)(15)(H)(ii)(a). Pub. L. 109–90 substituted '', agriculture as defined in section 203(f) of title 29, and the pressing of apples for cider on a farm,'' for ''and agriculture as defined in section 203(f) of title 29,'' and made technical amendment to reference in original act which appears in text as reference to section 3121(g) of title 26.

2004—Subsec. (a)(15)(Q). Pub. L. 108–449, §1(b)(1), substituted ''Secretary of Homeland Security'' for ''Attorney General'' in two places, ''citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months'' for ''35 years of age or younger having a residence'', and ''24 months)'' for ''36 months)''.

Subsec. (f)(9). Pub. L. 108–458 added par. (9).

2003—Subsec. (a)(15)(H)(i). Pub. L. 108–77, §§107(c), 402(a)(1), temporarily substituted ''1182(n)(1) of this title, or (b1) who is entitled to enter the United States under and in pursuance of the provisions of an agreement listed in section 1184(g)(8)(A) of this title, who is engaged in a specialty occupation described in section 1184(i)(3) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 1182(t)(1) of this title, or (c)'' for ''1182(n)(1) of this title, or (c)''. See Effective and Termination Dates of 2003 Amendment note below.

Subsec. (a)(15)(T). Pub. L. 108–193, §8(a)(1)(A), (B), substituted ''1184(*o*) of this title,'' for ''1184(n) of this title,'' and realigned margins.

Subsec. (a)(15)(T)(i)(III)(bb). Pub. L. 108–193, §4(b)(1)(A), substituted ''18 years of age,'' for ''15 years of age,''.

Subsec. (a)(15)(T)(ii)(I). Pub. L. 108–193, §4(b)(1)(B), inserted ''unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause,'' before ''and parents''.

Subsec. (a)(15)(U). Pub. L. 108–193, §8(a)(1)(A), (C), substituted ''1184(p) of this title,'' for ''1184(*o*) of this title,'' in cl. (i) and realigned margins.

Subsec. (a)(15)(V). Pub. L. 108–193, §8(a)(1)(D), substituted ''1184(q) of this title,'' for ''1184(*o*) of this title,'' in introductory provisions.

Subsec. (a)(27)(C)(ii)(II), (III). Pub. L. 108–99 substituted ''2008,'' for ''2003,''.

Subsec. (a)(43)(K)(iii). Pub. L. 108–193, § 4(b)(5), amended cl. (iii) generally. Prior to amendment, cl. (iii) read as follows: ''is described in section 1581, 1582, 1583, 1584, 1585, or 1588 of title 18 (relating to peonage, slavery, and involuntary servitude);''.

2002—Subsec. (a)(15)(F)(ii), (iii). Pub. L. 107–274, § 2(a), added cls. (ii) and (iii) and struck out former cl. (ii) which read as follows: ''and (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;''.

Subsec. (a)(15)(L). Pub. L. 107–125 inserted ''subject to section 1184(c)(2) of this title,'' before ''an alien who''.

Subsec. (a)(15)(M)(ii), (iii). Pub. L. 107–274, § 2(b), added cls. (ii) and (iii) and struck out former cl. (ii) which read as follows: ''and (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;''.

2000—Subsec. (a)(15)(K). Pub. L. 106–553, § 1(a)(2) [title XI, § 1103(a)], amended subpar. (K) generally. Prior to amendment, subpar. (K) read as follows: ''an alien who is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after admission, and the minor children of such fiancée or fiancé accompanying him or following to join him;''.

Subsec. (a)(15)(T). Pub. L. 106–386, § 107(e)(1), added subpar. (T).

Subsec. (a)(15)(U). Pub. L. 106–386, § 1513(b), added subpar. (U).

Subsec. (a)(15)(V). Pub. L. 106–553, § 1(a)(2) [title XI, § 1102(a)], added subpar. (V).

Subsec. (a)(27)(C)(ii)(II), (III). Pub. L. 106–409 substituted ''2003,'' for ''2000,''.

Subsec. (a)(27)(M). Pub. L. 106–536 added subpar. (M).

Subsec. (a)(50). Pub. L. 106–386, § 1503(a), added par. (50).

Subsec. (f). Pub. L. 106–395 inserted at end: ''In the case of an alien who makes a false statement or claim of citizenship, or who registers to vote or votes in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of such registration or voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such statement, claim, or violation that he or she was a citizen, no finding that the alien is, or was, not of good moral character may be made based on it.''

Subsec. (i). Pub. L. 106–386, § 107(e)(4), added subsec. (i).

1999—Subsec. (a)(15)(H)(i)(a). Pub. L. 106–95, § 2(c), struck out subcl. (a) which read as follows: ''who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 1182(m)(1) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 1182(m)(2) of this title for each facility (which facility shall include the petitioner and each worksite, other than a private household worksite, if the worksite is not the alien's employer or controlled by the employer) for which the alien will perform the services, or''.

Subsec. (a)(15)(H)(i)(c). Pub. L. 106–95, § 2(a), added subcl. (c).

Subsec. (b)(1)(E). Pub. L. 106–139, § 1(a)(1), designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (b)(1)(F). Pub. L. 106–139, § 1(a)(2), designated existing provisions as cl. (i), substituted ''; or'' for period at end, and added cl. (ii).

Subsec. (c)(1). Pub. L. 106–139, § 1(b)(1), substituted ''16 years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1) of this section),'' for ''sixteen years,''.

1998—Subsec. (a)(9). Pub. L. 105–277, § 2222(e), inserted ''or employee'' after ''other officer'' and ''or, when used in subchapter III of this chapter, for the purpose of adjudicating nationality'' before period at end.

Subsec. (a)(15)(N). Pub. L. 105–277, § 421(b), inserted ''(or under analogous authority under paragraph (27)(L))'' after ''(27)(I)(i)'' in cl. (i) and after ''(27)(I)'' in cl. (ii).

Subsec. (a)(15)(Q). Pub. L. 105–319, § 2(b)(1), designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (a)(27)(L). Pub. L. 105–277, § 421(a), added subpar. (L).

1997—Subsec. (a)(27)(C)(ii)(II), (III). Pub. L. 105–54 substituted ''2000'' for ''1997''.

Subsec. (a)(27)(J). Pub. L. 105–119 amended subpar. (J) generally. Prior to amendment, subpar. (J) read as follows: ''an immigrant (i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care, and (ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; except that no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or''.

1996—Subsec. (a)(6). Pub. L. 104–208, § 104(a), inserted at end ''Such regulations shall provide that (A) each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and (B) an alien presenting a border crossing identification card is not permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.''

Subsec. (a)(13). Pub. L. 104–208, § 301(a), amended par. (13) generally. Prior to amendment, par. (13) read as follows: ''The term 'entry' means any coming of an alien into the United States, from a foreign port or place or from an outlying possession, whether voluntarily or otherwise, except that an alien having a lawful permanent residence in the United States shall not be regarded as making an entry into the United States for the purposes of the immigration laws if the alien proves to the satisfaction of the Attorney General that his departure to a foreign port or place or to an outlying possession was not intended or reasonably to be expected by him or his presence in a foreign port or place or in an outlying possession was not voluntary: *Provided*, That no person whose departure from the United States was occasioned by deportation proceedings, extradition, or other legal process shall be held to be entitled to such exception.''

Subsec. (a)(15)(F)(i). Pub. L. 104–208, § 625(a)(2), inserted ''consistent with section 1184(*l*) of this title'' after ''such a course of study''.

Subsec. (a)(15)(K). Pub. L. 104–208, § 308(f)(1)(A), substituted ''admission'' for ''entry''.

Subsec. (a)(15)(S). Pub. L. 104–208, § 671(a)(3)(B), substituted ''section 1184(k)'' for ''section 1184(j)'' in introductory provisions.

Subsec. (a)(17). Pub. L. 104–208, § 308(d)(4)(A), substituted ''expulsion, or removal'' for ''or expulsion''.

Subsec. (a)(30). Pub. L. 104–208, § 308(f)(1)(B), substituted ''admission'' for ''entry''.

Subsec. (a)(42). Pub. L. 104–208, § 601(a)(1), inserted at end ''For purposes of determinations under this chapter, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to perse-

cution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.''

Subsec. (a)(43). Pub. L. 104–208, § 321(b), inserted at end of concluding provisions ''Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conviction was entered before, on, or after September 30, 1996.''

Subsec. (a)(43)(A). Pub. L. 104–208, § 321(a)(1), inserted '', rape, or sexual abuse of a minor'' after ''murder''.

Subsec. (a)(43)(D). Pub. L. 104–208, § 321(a)(2), substituted ''$10,000'' for ''$100,000''.

Subsec. (a)(43)(F). Pub. L. 104–208, § 322(a)(2)(A), struck out ''imposed (regardless of any suspension of imprisonment)'' after ''term of imprisonment''.

Pub. L. 104–208, § 321(a)(3), substituted ''at least one year'' for ''is at least 5 years''.

Subsec. (a)(43)(G). Pub. L. 104–208, § 322(a)(2)(A), which directed amendment of subpar. (G) by striking out ''imposed (regardless of any suspension of imprisonment)'', was executed by striking out ''imposed (regardless of any suspension of such imprisonment)'' after ''term of imprisonment'' to reflect the probable intent of Congress.

Pub. L. 104–208, § 321(a)(3), substituted ''at least one year'' for ''is at least 5 years''.

Subsec. (a)(43)(J). Pub. L. 104–208, § 321(a)(4), substituted ''sentence of one year imprisonment'' for ''sentence of 5 years' imprisonment''.

Pub. L. 104–132, § 440(e)(1), inserted '', or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses),'' after ''corrupt organizations)''.

Subsec. (a)(43)(K)(i). Pub. L. 104–132, § 440(e)(2)(A), struck out ''or'' at end.

Subsec. (a)(43)(K)(ii). Pub. L. 104–208, § 671(b)(5), struck out comma after ''1588''.

Pub. L. 104–208, § 321(a)(5), inserted ''if committed'' before ''for commercial advantage''.

Pub. L. 104–132, § 440(e)(2)(C), added cl. (ii). Former cl. (ii) redesignated (iii).

Subsec. (a)(43)(K)(iii). Pub. L. 104–132, § 440(e)(2)(B), redesignated cl. (ii) as (iii).

Subsec. (a)(43)(L)(iii). Pub. L. 104–208, § 321(a)(6), added cl. (iii).

Subsec. (a)(43)(M). Pub. L. 104–208, § 321(a)(7), substituted ''$10,000'' for ''$200,000'' in cls. (i) and (ii).

Subsec. (a)(43)(N). Pub. L. 104–208, § 322(a)(2)(A), which directed amendment of subpar. (N) by striking ''imposed (regardless of any suspension of imprisonment)'', could not be executed because that phrase did not appear subsequent to amendment by Pub. L. 104–208, § 321(a)(8). See below.

Pub. L. 104–208, § 321(a)(8), substituted '', except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this chapter'' for ''for which the term of imprisonment imposed (regardless of any suspension of imprisonment) at least one year;''.

Pub. L. 104–208, § 321(a)(3), substituted ''at least one year'' for ''is at least 5 years''.

Pub. L. 104–132, § 440(e)(3), amended subpar. (N) generally. Prior to amendment, subpar. (N) read as follows: ''an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;''.

Subsec. (a)(43)(O). Pub. L. 104–132, § 440(e)(7), added subpar. (O).

Pub. L. 104–132, § 440(e)(6), redesignated subpar. (O) as (P).

Pub. L. 104–132, § 440(e)(4), amended subpar. (O) generally. Prior to amendment subpar. (O) read as follows: ''an offense described in section 1546(a) of title 18 (relating to document fraud) which constitutes trafficking in the documents described in such section for which the term of imprisonment imposed (regardless of any suspicion of such imprisonment) is at least 5 years;''.

Subsec. (a)(43)(P). Pub. L. 104–208, § 322(a)(2)(A), which directed amendment of subpar. (P) by striking out ''imposed (regardless of any suspension of imprisonment)'', was executed by striking out ''imposed (regardless of any suspension of such imprisonment)'' after ''term of imprisonment'' to reflect the probable intent of Congress.

Pub. L. 104–208, § 321(a)(9), substituted ''12 months, except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this chapter'' for ''18 months''.

Pub. L. 104–208, § 321(a)(3), which directed amendment of subpar. (P) by substituting ''at least one year'' for ''is at least 5 years'', could not be executed because ''is at least 5 years'' did not appear subsequent to amendments by Pub. L. 104–132, § 440(e)(4), (6). See above.

Pub. L. 104–132, § 440(e)(6), redesignated subpar. (O) as (P). Former subpar. (P) redesignated (Q).

Pub. L. 104–132, § 440(e)(5), substituted ''5 years or more;'' for ''15 years or more; and''.

Subsec. (a)(43)(Q). Pub. L. 104–132, § 440(e)(6), redesignated subpar. (P) as (Q). Former subpar. (Q) redesignated (U).

Subsec. (a)(43)(R). Pub. L. 104–208, § 321(a)(10), substituted ''for which the term of imprisonment is at least one year'' for ''for which a sentence of 5 years' imprisonment or more may be imposed''.

Pub. L. 104–132, § 440(e)(8), added subpar. (R).

Subsec. (a)(43)(S). Pub. L. 104–208, § 321(a)(11), substituted ''for which the term of imprisonment is at least one year'' for ''for which a sentence of 5 years' imprisonment or more may be imposed''.

Pub. L. 104–132, § 440(e)(8), added subpar. (S).

Subsec. (a)(43)(T). Pub. L. 104–132, § 440(e)(8), added subpar. (T).

Subsec. (a)(43)(U). Pub. L. 104–132, § 440(e)(6), redesignated subpar. (Q) as (U).

Subsec. (a)(47). Pub. L. 104–132, § 440(b), added par. (47).

Subsec. (a)(48). Pub. L. 104–208, § 322(a)(1), added par. (48).

Subsec. (a)(49). Pub. L. 104–208, § 361(a), added par. (49).

Subsec. (b)(4). Pub. L. 104–208, § 371(a), amended par. (4) generally. Prior to amendment, par. (4) read as follows: ''The term 'special inquiry officer' means any immigration officer who the Attorney General deems specially qualified to conduct specified classes of proceedings, in whole or in part, required by this chapter to be conducted by or before a special inquiry officer and who is designated and selected by the Attorney General, individually or by regulation, to conduct such proceedings. Such special inquiry officer shall be subject to such supervision and shall perform such duties, not inconsistent with this chapter, as the Attorney General shall prescribe.''

Subsec. (c)(1). Pub. L. 104–208, § 671(e)(2), substituted ''and 1432'' for '', 1432, and 1433''.

Subsec. (f)(3). Pub. L. 104–208, § 308(d)(3)(A), substituted ''inadmissible'' for ''excludable''.

Subsec. (g). Pub. L. 104–208, § 308(e)(3), substituted ''deported or removed'' for ''deported'' in two places.

1995—Subsec. (b)(1)(A). Pub. L. 104–51, § 1(1)(A), substituted ''child born in wedlock'' for ''legitimate child''.

Subsec. (b)(1)(D). Pub. L. 104–51, § 1(1)(B), substituted ''a child born out of wedlock'' for ''an illegitimate child''.

Subsec. (b)(2). Pub. L. 104–51, § 1(2) substituted ''a child born out of wedlock'' for ''an illegitimate child''.

1994—Subsec. (a)(1). Pub. L. 103–236 substituted ''official designated by the Secretary of State pursuant to section 1104(b) of this title'' for ''Assistant Secretary of State for Consular Affairs''.

Subsec. (a)(15)(S). Pub. L. 103–322 added subpar. (S).

Subsec. (a)(27)(C)(ii)(II), (III). Pub. L. 103–416, § 214, substituted ''1997,'' for ''1994,''.

Subsec. (a)(27)(D). Pub. L. 103–416, § 201, inserted ''or of the American Institute in Taiwan,'' after ''Government abroad,'' and ''(or, in the case of the American Institute in Taiwan, the Director thereof)'' after ''Service establishment''.

Subsec. (a)(27)(F)(ii). Pub. L. 103–337 inserted ''or continues to be employed by the United States Government in an area of the former Canal Zone'' after ''employment''.

Subsec. (a)(27)(I)(iii)(II). Pub. L. 103–416, § 202, added subcl. (II) and struck out former subcl. (II) which read as follows: ''files a petition for status under this subparagraph before January 1, 1993, and no later than six months after the date of such retirement or six months after October 24, 1988, whichever is later; or''.

Subsec. (a)(27)(J)(i). Pub. L. 103–416, § 219(a), substituted ''or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has'' for ''and has'' before ''been deemed''.

Subsec. (a)(43). Pub. L. 103–416, § 222(a), amended par. (43) generally. Prior to amendment, par. (43) read as follows: ''The term 'aggravated felony' means murder, any illicit trafficking in any controlled substance (as defined in section 802 of title 21), including any drug trafficking crime as defined in section 924(c)(2) of title 18, or any illicit trafficking in any firearms or destructive devices as defined in section 921 of such title, any offense described in section 1956 of title 18 (relating to laundering of monetary instruments), or any crime of violence (as defined in section 16 of title 18, not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years, or any attempt or conspiracy to commit any such act. Such term applies to offenses described in the previous sentence whether in violation of Federal or State law and also applies to offenses described in the previous sentence in violation of foreign law for which the term of imprisonment was completed within the previous 15 years.''

1991—Subsec. (a)(15)(D)(i). Pub. L. 102–232, § 309(b)(1), inserted a comma after ''States)''.

Subsec. (a)(15)(H)(i)(b). Pub. L. 102–232, § 303(a)(7)(A), struck out '', and had approved by,'' after ''has filed with''.

Pub. L. 102–232, § 303(a)(5)(A), inserted ''subject to section 1182(j)(2) of this title,'' after ''or (b)''.

Pub. L. 102–232, § 207(b), inserted ''or as a fashion model'' after ''section 1184(i)(1) of this title'' and ''or, in the case of a fashion model, is of distinguished merit and ability'' after ''section 1184(i)(2) of this title''.

Subsec. (a)(15)(O)(i). Pub. L. 102–232, § 205(b), struck out before semicolon at end '', but only if the Attorney General determines that the alien's entry into the United States will substantially benefit prospectively the United States''.

Subsec. (a)(15)(O)(ii)(III)(b). Pub. L. 102–232, § 205(c), substituted ''significant production (including pre- and post-production work)'' for ''significant principal photography''.

Subsec. (a)(15)(P)(i). Pub. L. 102–232, § 203(a), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows:

''(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance, or performs as part of an entertainment group that has been recognized internationally as being outstanding in the discipline for a sustained and substantial period of time and has had a sustained and substantial relationship with that group over a period of at least 1 year and provides functions integral to the performance of the group, and

''(II) seeks to enter the United States temporarily and solely for the purpose of performing as such an athlete or entertainer with respect to a specific athletic competition or performance;''.

Subsec. (a)(15)(P)(ii)(II). Pub. L. 102–232, § 206(b), (c)(1), inserted ''or organizations'' after ''and an organization'' and struck out before semicolon at end '', between the United States and the foreign states involved''.

Subsec. (a)(15)(P)(iii)(II). Pub. L. 102–232, § 206(d), substituted ''to perform, teach, or coach'' for ''for the purpose of performing'' and inserted ''commercial or noncommercial'' before ''program''.

Subsec. (a)(15)(Q). Pub. L. 102–232, § 303(a)(14), substituted ''approved'' for ''designated''.

Subsec. (a)(24). Pub. L. 102–232, § 305(m)(1), struck out par. (24) which defined ''naturalization court''.

Subsec. (a)(27)(I)(ii)(II), (iii)(II). Pub. L. 102–232, § 302(e)(8)(A), substituted ''files a petition for status'' for ''applies for a visa or adjustment of status''.

Subsec. (a)(27)(K). Pub. L. 102–110 added subpar. (K).

Subsec. (a)(43). Pub. L. 102–232, § 306(a)(1), struck out comma before period at end of first sentence.

Subsec. (a)(46). Pub. L. 102–232, § 205(a), added par. (46).

Subsec. (c)(1). Pub. L. 102–232, § 309(b)(4), struck out reference to section 1434.

1990—Subsec. (a)(15)(D)(i). Pub. L. 101–649, § 203(c), substituted ''a capacity'' for ''any capacity'' and inserted '', as defined in section 1288(a) of this title'' after ''on board a vessel''.

Subsec. (a)(15)(E)(i). Pub. L. 101–649, § 204(a), inserted '', including trade in services or trade in technology'' after ''substantial trade''.

Subsec. (a)(15)(H). Pub. L. 101–649, § 205(e)(1), struck out ''having a residence in a foreign country which he has no intention of abandoning'' after ''an alien''.

Subsec. (a)(15)(H)(i)(a). Pub. L. 101–649, § 162(f)(2)(A), substituted ''for each facility (which facility shall include the petitioner and each worksite, other than a private household worksite, if the worksite is not the alien's employer or controlled by the employer) for which the alien will perform the services, or'' for ''for the facility for which the alien will perform the services, or''.

Subsec. (a)(15)(H)(i)(b). Pub. L. 101–649, § 205(c)(1), substituted ''who is coming temporarily to the United States to perform services (other than services described in subclause (a) during the period in which such subclause applies and other than services described in subclause (ii)(a) or in subparagraph (O) or (P)) in a specialty occupation described in section 1184(i)(1) of this title, who meets the requirements for the occupation specified in section 1184(i)(2) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with, and had approved by, the Secretary an application under section 1182(n)(1) of this title'' for ''who is of distinguished merit and ability and who is coming temporarily to the United States to perform services (other than services as a registered nurse) of an exceptional nature requiring such merit and ability, and who, in the case of a graduate of a medical school coming to the United States to perform services as a member of the medical profession, is coming pursuant to an invitation from a public or nonprofit private educational or research institution or agency in the United States to teach or conduct research, or both, at or for such institution or agency''.

Subsec. (a)(15)(H)(ii). Pub. L. 101–649, § 205(e)(2), (3), substituted ''(a) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States'' for ''who is coming temporarily to the United States (a)'', and in subcl. (b) inserted ''having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States'' after ''(b)''.

Subsec. (a)(15)(H)(iii). Pub. L. 101–649, § 205(e)(4), inserted ''having a residence in a foreign country which he has no intention of abandoning'' after ''(iii)''.

Pub. L. 101–649, § 205(d), inserted '', in a training program that is not designed primarily to provide productive employment'' before semicolon at end.

Subsec. (a)(15)(L). Pub. L. 101–649, § 206(c), substituted ''within 3 years preceding'' for ''immediately preceding''.

Subsec. (a)(15)(O), (P). Pub. L. 101–649, § 207(a), added subpars. (O) and (P).

Subsec. (a)(15)(Q). Pub. L. 101–649, § 208, added subpar. (Q).

Subsec. (a)(15)(R). Pub. L. 101–649, § 209(a), added subpar. (R).

Subsec. (a)(27)(C). Pub. L. 101–649, § 151(a), amended subpar. (C) generally. Prior to amendment, subpar. (C)

read as follows: ''(i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States; and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him;''.

Subsec. (a)(27)(J). Pub. L. 101–649, §153(a), added subpar. (J).

Subsec. (a)(36). Pub. L. 101–649, §407(a)(2), struck out ''(except as used in section 1421(a) of this title)'' after ''includes''.

Subsec. (a)(43). Pub. L. 101–649, §501(a)(6), inserted ''and also applies to offenses described in the previous sentence in violation of foreign law for which the term of imprisonment was completed within the previous 15 years'' after ''Federal or State law''.

Pub. L. 101–649, §501(a)(5), inserted at end ''Such term applies to offenses described in the previous sentence whether in violation of Federal or State law.''

Pub. L. 101–649, §501(a)(4), struck out ''committed within the United States'' after ''to commit any such act,''.

Pub. L. 101–649, §501(a)(3), inserted ''any offense described in section 1956 of title 18 (relating to laundering of monetary instruments), or any crime of violence (as defined in section 16 of title 18, not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years,'' after ''section 921 of such title,''.

Pub. L. 101–649, §501(a)(2), inserted ''any illicit trafficking in any controlled substance (as defined in section 802 of title 21), including'' after ''murder,''.

Pub. L. 101–649, §501(a)(1), aligned margin of par. (43).

Subsec. (a)(44). Pub. L. 101–649, §123, added par. (44).

Subsec. (a)(45). Pub. L. 101–649, §204(c), added par. (45).

Subsec. (f)(3). Pub. L. 101–649, §603(a)(1)(A), substituted ''paragraphs (2)(D), (6)(E), and (9)(A)'' for ''paragraphs (11), (12), and (31)''.

Pub. L. 101–649, §603(a)(1)(B), substituted ''subparagraphs (A) and (B) of section 1182(a)(2) of this title and subparagraph (C) thereof'' for ''paragraphs (9) and (10) of section 1182(a) of this title and paragraph (23)''.

Subsec. (f)(8). Pub. L. 101–649, §509(a), substituted ''an aggravated felony (as defined in subsection (a)(43) of this section)'' for ''the crime of murder''.

Subsec. (h). Pub. L. 101–649, §603(a)(1)(C), substituted ''1182(a)(2)(E) of this title'' for ''1182(a)(34) of this title''.

Pub. L. 101–246 added subsec. (h).

1989—Subsec. (a)(15)(H)(i). Pub. L. 101–238 added subcl. (a), designated existing provisions as subcl. (b), and inserted ''(other than services as a registered nurse)'' after ''to perform services''.

Subsec. (b)(2). Pub. L. 101–162 inserted before period at end '', except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption''.

1988—Subsec. (a)(15)(J). Pub. L. 100–525, §9(a)(1), substituted ''Director of the United States Information Agency'' for ''Secretary of State''.

Subsec. (a)(27)(I)(i)(II), (ii)(II), (iii)(II). Pub. L. 100–525, §2(*o*)(1), substituted ''October 24, 1988'' for ''November 6, 1986'' and ''applies for a visa or adjustment of status'' for ''applies for admission''.

Subsec. (a)(38). Pub. L. 100–525, §9(a)(2), struck out ''For the purpose of issuing certificates of citizenship to persons who are citizens of the United States, the term 'United States' as used in section 1452 of this title includes the Canal Zone.''

Subsec. (a)(43). Pub. L. 100–690 added par. (43).

Subsec. (b)(2). Pub. L. 100–459, temporarily inserted before period at end '', except that, for purposes of paragraph (1)(F) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption''. See Effective and Termination Dates of 1988 Amendments note below.

Subsec. (c)(1). Pub. L. 100–525, §8(b), repealed Pub. L. 99–653, §3. See 1986 Amendment note below.

Subsec. (d). Pub. L. 100–525, §9(a)(3), struck out subsec. (d) defining ''veteran'', ''Spanish-American War'', ''World War I'', ''World War II'', and ''Korean hostilities'' as those terms were used in part III of subchapter III of this chapter.

1986—Subsec. (a)(15)(D). Pub. L. 99–505 designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (a)(15)(H). Pub. L. 99–603, §301(a), designated existing provisions of cl. (ii) as subcl. (b) and added subcl. (a) relating to persons performing agricultural labor or services as defined by the Secretary of Labor in regulations and including agricultural labor as defined in section 3121(g) of title 26 and agriculture as defined in section 203(f) of title 29 of a temporary or seasonal nature.

Subsec. (a)(15)(N). Pub. L. 99–603, §312(b), added subpar. (N).

Subsec. (a)(27)(I). Pub. L. 99–603, §312(a), added subpar. (I).

Subsec. (b)(1)(D). Pub. L. 99–603, §315(a), inserted ''or to its natural father if the father has or had a bona fide parent-child relationship with the person''.

Subsec. (b)(1)(E). Pub. L. 99–653, §2, struck out ''thereafter'' after ''the child has''.

Subsec. (c)(1). Pub. L. 99–653, §3, which struck out par. (1) defining ''child'', was repealed by Pub. L. 100–525, §8(b), and such par. (1) was revived as of Nov. 14, 1986, see Repeal and Revival note below.

1984—Subsec. (a)(9). Priv. L. 98–47 struck out provisions which directed that in Canal Zone and outlying possessions of the United States ''consular officer'' meant an officer designated by the Governor of the Canal Zone, or the governors of the outlying possessions for purposes of issuing immigrant or nonimmigrant visas under this chapter.

1981—Subsec. (a)(15)(F). Pub. L. 97–116, §§2(a)(1), 18(a)(1), substituted in cl. (i) ''college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program'' for ''institution of learning or other recognized place of study'', and ''Secretary of Education'' for ''Office of Education of the United States''.

Subsec. (a)(15)(H), (J), (K), (L). Pub. L. 97–116, §18(a)(2), substituted a semicolon for a period at end of subpars. (H), (J), (K), and (L) and inserted ''or'' at end of subpar. (L).

Subsec. (a)(15)(M). Pub. L. 97–116, §2(a)(2), added subpar. (M).

Subsec. (a)(27)(H). Pub. L. 97–116, §5(d)(1), added subpar. (H).

Subsec. (a)(33). Pub. L. 97–116, §18(a)(3), struck out provision that residence be considered continuous for the purposes of sections 1482 and 1484 of this title where there is a continuity of stay but not necessarily an uninterrupted physical presence in a foreign state or states or outside the United States.

Subsec. (b)(1)(A), (B). Pub. L. 97–116, §18(a)(5)(A), struck out ''or'' at the end.

Subsec. (b)(1)(C). Pub. L. 97–116, §18(a)(5)(B), substituted a semicolon for the period at end.

Subsec. (b)(1)(E). Pub. L. 97–116, §§2(b), 18(a)(5)(C), substituted ''sixteen'' for ''fourteen'', and ''; or'' for the period at the end.

Subsec. (b)(1)(F). Pub. L. 97–116, §2(b), substituted ''sixteen'' for ''fourteen''.

Subsec. (f). Pub. L. 97–116, §2(c), struck out par. (2) which provided that a person not be considered a person of good moral character if within the period for which good moral character is required to be established the person commits adultery, and substituted in

par. (3) ''paragraphs (9) and (10) of section 1182(a) of this title and paragraph (23) of such section (except as such paragraph relates to a single offense of simple possession of 30 grams or less of marihuana)'' for ''paragraphs (9), (10), and (23) of section 1182(a) of this title''.

1980—Subsec. (a)(42). Pub. L. 96–212 added par. (42).

1979—Subsec. (a)(27)(E) to (G). Pub. L. 96–70 added subpars. (E) to (G).

1977—Subsec. (a)(1). Pub. L. 95–105 substituted ''Assistant Secretary of State for Consular Affairs'' for ''administrator of the Bureau of Security and Consular Affairs of the Department of State''.

Subsec. (a)(41). Pub. L. 95–83 inserted ''a'' after ''graduates of'' and '', other than such aliens who are of national or international renown in the field of medicine'' after ''in a foreign state''.

1976—Subsec. (a)(15)(H)(i). Pub. L. 94–484, § 601(b)(1), inserted '', and who, in the case of a graduate of a medical school coming to the United States to perform services as a member of the medical profession, is coming pursuant to an invitation from a public or nonprofit private educational or research institution or agency in the United States to teach or conduct research, or both, at or for such institution or agency''.

Subsec. (a)(15)(H)(ii). Pub. L. 94–484, § 601(b)(2), inserted '', but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession''.

Subsec. (a)(15)(H)(iii). Pub. L. 94–484, § 601(b)(3), inserted '', other than to receive graduate medical education or training''.

Subsec. (a)(15)(J). Pub. L. 94–484, § 601(b)(4), inserted ''and who, if he is coming to the United States to participate in a program under which he will receive graduate medical education or training, also meets the requirements of section 1182(j) of this title''.

Subsec. (a)(27). Pub. L. 94–571 struck out subpar. (A) provision defining term ''special immigrant'' to include an immigrant born in any independent foreign country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying, or following to join him and restricting issuance of an immigrant visa until consular officer was in receipt of a determination made by the Secretary of Labor pursuant to former provisions of section 1182(a)(14) of this title; and redesignated as subpars. (A) to (D) former subpars. (B) to (E).

Subsec. (a)(41). Pub. L. 94–484, § 601(e), added par. (41).

1975—Subsec. (b)(1)(F). Pub. L. 94–155 provided for adoption of alien children under the age of fourteen by unmarried United States citizens who are at least twenty-five years of age and inserted requirement that before adoption the Attorney General be satisfied that proper care will be provided the child after admission.

1970—Subsec. (a)(15)(H). Pub. L. 91–225, § 1(a), provided for nonimmigrant alien status for alien spouse and minor children of any alien specified in par. (H) if accompanying him or following to join him and struck out ''temporary'', ''other'', and ''industrial'' before ''services'', ''temporary services'', and ''trainee'' in cls. (i) to (iii), respectively.

Subsec. (a)(15)(K), (L). Pub. L. 91–225, § 1(b), added subpars. (K) and (L).

1966—Subsec. (a)(38). Pub. L. 89–710 inserted sentence providing that term ''United States'' as used in section 1452 of this title, for the purpose of issuing certificates of citizenship to persons who are citizens of the United States, shall include the Canal Zone.

1965—Subsec. (a)(27). Pub. L. 89–236, § 8(a), substituted ''special immigrant'' for ''nonquota immigrant'' as term being defined.

Subsec. (a)(32). Pub. L. 89–236, § 8(b), substituted term ''profession'' and its definition for term ''quota immigrant'' and its definition.

Subsec. (b)(1)(F). Pub. L. 89–236, § 8(c), expanded definition to include a child, under the age of 14 at the time a petition is filed in his behalf to accord a classification as an immediate relative or who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care which will be provided the child if admitted to the United States and who has in writing irrevocably released the child for emigration and adoption, and made minor amendments in the existing definition.

Subsec. (b)(6). Pub. L. 89–236, § 24, struck out par. (6) which defined term ''eligible orphan''.

1961—Subsec. (a)(15). Pub. L. 87–256 included the alien spouse and minor children of any such alien if accompanying him or following to join him in subpar. (F), and added subpar. (J).

Subsec. (b)(1)(F). Pub. L. 87–301, § 2, added subpar. (F).

Subsec. (b)(6). Pub. L. 87–301, § 1, added par. (6).

Subsec. (d)(1). Pub. L. 87–301, § 7(a), inserted ''or from June 25, 1950, to July 1, 1955,''.

Subsec. (d)(2). Pub. L. 87–301, § 7(b), inserted definition of ''Korean hostilities''.

1959—Subsec. (a)(36). Pub. L. 86–3 struck out reference to Hawaii.

1958—Subsec. (a)(36). Pub. L. 85–508 struck out reference to Alaska.

1957—Subsec. (b)(1). Pub. L. 85–316 inserted ''whether or not born out of wedlock'' in subpar. (B), and added subpars. (D) and (E).

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–162, title VIII, § 822(c)(2), Jan. 5, 2006, 119 Stat. 3063, provided that: ''The amendment made by paragraph (1) [amending this section] shall be effective as if included in section 603(a)(1) of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5082).''

EFFECTIVE AND TERMINATION DATES OF 2003 AMENDMENTS

Pub. L. 108–99, § 2, Oct. 15, 2003, 117 Stat. 1176, provided that: ''The amendment made by section 1 [amending this section] shall take effect on October 1, 2003.''

Amendment by Pub. L. 108–77 effective on the date the United States-Chile Free Trade Agreement enters into force (Jan. 1, 2004), and ceases to be effective on the date the Agreement ceases to be in force, see section 107 of Pub. L. 108–77, set out in a note under section 3805 of Title 19, Customs Duties.

EFFECTIVE DATE OF 2000 AMENDMENTS

Pub. L. 106–553, § 1(a)(2) [title XI, § 1102(e)], Dec. 21, 2000, 114 Stat. 2762, 2762A–144, provided that: ''The amendments made by this section [amending this section and sections 1184 and 1255 of this title] shall take effect on the date of the enactment of this Act [Dec. 21, 2000] and shall apply to an alien who is the beneficiary of a classification petition filed under section 204 of the Immigration and Nationality Act [8 U.S.C. 1154] on or before the date of the enactment of this Act.''

Pub. L. 106–553, § 1(a)(2) [title XI, § 1103(d)], Dec. 21, 2000, 114 Stat. 2762, 2762A–146, provided that: ''The amendments made by this section [amending this section and sections 1184, 1186a, and 1255 of this title] shall take effect on the date of the enactment of this Act [Dec. 21, 2000] and shall apply to an alien who is the beneficiary of a classification petition filed under section 204 of the Immigration and Nationality Act [8 U.S.C. 1154] before, on, or after the date of the enactment of this Act.''

Pub. L. 106–409, § 2(b), Nov. 1, 2000, 114 Stat. 1787, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2000.''

Pub. L. 106–395, title II, § 201(a)(2), Oct. 30, 2000, 114 Stat. 1633, provided that: ''The amendment made by paragraph (1) [amending this section] shall be effective as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–546) and shall apply to individuals having an application for a benefit under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] pending on or after September 30, 1996.''

Amendment by Pub. L. 106–279 effective upon entry into force for the United States of the Convention on

Protection of Children and Co-operation in Respect of Intercountry Adoption, pursuant to Article 46(2)(a) of the Convention, with transition rule, see section 505(a)(2), (b) of Pub. L. 106–279, set out as an Effective Dates; Transition Rule note under section 14901 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106–95 applicable to classification petitions filed for nonimmigrant status only beginning on the date that interim or final regulations are first promulgated and ending on the date 3 years after Dec. 20, 2006, see section 2(e) of Pub. L. 106–95, as amended, set out as a note under section 1182 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 2(e)(2) of Pub. L. 105–319 effective Oct. 1, 2008, see section 2(e)(2) of Pub. L. 105–319, set out in an Irish Peace Process Cultural and Training Program note below.

EFFECTIVE DATE OF 1997 AMENDMENTS

Pub. L. 105–139, §1(f), Dec. 2, 1997, 111 Stat. 2645, provided that: ''The amendments made by this section [amending provisions set out as notes under this section and sections 1151, 1153, and 1255 of this title]—

''(1) shall take effect upon the enactment of the Nicaraguan Adjustment and Central American Relief Act [title II of Pub. L. 105–100, approved Nov. 19, 1997] (as contained in the District of Columbia Appropriations Act, 1998); and

''(2) shall be effective as if included in the enactment of such Act.''

Section 1(b) of Pub. L. 105–54 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 6, 1997].''

EFFECTIVE DATE OF 1996 AMENDMENTS

Pub. L. 104–208, div. C, title I, §104(b), Sept. 30, 1996, 110 Stat. 3009–556, as amended by Pub. L. 105–277, div. A, §101(b) [title IV, §410(c)], Oct. 21, 1998, 112 Stat. 2681–50, 2681–104; Pub. L. 107–173, title VI, §601, May 14, 2002, 116 Stat. 564, provided that:

''(1) CLAUSE A.—Clause (A) of the sentence added by the amendment made by subsection (a) [amending this section] shall apply to documents issued on or after 18 months after the date of the enactment of this Act [Sept. 30, 1996].

''(2) CLAUSE B.—Clause (B) of such sentence shall apply to cards presented on or after 6 years after the date of the enactment of this Act.''

Section 309 of title III of div. C of Pub. L. 104–208, as amended by Pub. L. 104–302, §2(2), (3), Oct. 11, 1996, 110 Stat. 3657; Pub. L. 105–100, title II, §§203(a)–(c), 204(d), Nov. 19, 1997, 111 Stat. 2196–2199, 2201; Pub. L. 105–139, §1(c), Dec. 2, 1997, 111 Stat. 2644; Pub. L. 106–386, div. B, title V, §§1506(b)(3), 1510(b), Oct. 28, 2000, 114 Stat. 1527, 1531; Pub. L. 106–554, §1(a)(4) [div. B, title XV, §1505(c)], Dec. 21, 2000, 114 Stat. 2763, 2763A–327, provided that:

''(a) IN GENERAL.—Except as provided in this section and sections 303(b)(2), 306(c), 308(d)(2)(D), or 308(d)(5) of this division [amending sections 1225, 1227, and 1251 of this title, enacting provisions set out as notes under sections 1225, 1226, 1227, and 1252 of this title, and repealing provisions set out as a note under section 1225 of this title], this subtitle [subtitle A (§§301–309) of title III of div. C of Pub. L. 104–208, see Tables for classification] and the amendments made by this subtitle shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act [Sept. 30, 1996] (in this title [see Tables for classification] referred to as the 'title III–A effective date').

''(b) PROMULGATION OF REGULATIONS.—The Attorney General shall first promulgate regulations to carry out this subtitle by not later than 30 days before the title III–A effective date.

''(c) TRANSITION FOR CERTAIN ALIENS.—

''(1) GENERAL RULE THAT NEW RULES DO NOT APPLY.—Subject to the succeeding provisions of this subsection, in the case of an alien who is in exclusion or deportation proceedings before the title III–A effective date—

''(A) the amendments made by this subtitle shall not apply, and

''(B) the proceedings (including judicial review thereof) shall continue to be conducted without regard to such amendments.

''(2) ATTORNEY GENERAL OPTION TO ELECT TO APPLY NEW PROCEDURES.—In a case described in paragraph (1) in which an evidentiary hearing under section 236 or 242 and 242B of the Immigration and Nationality Act [8 U.S.C. 1226, 1252, former 1252b] has not commenced as of the title III–A effective date, the Attorney General may elect to proceed under chapter 4 of title II of such Act [8 U.S.C. 1221 et seq.] (as amended by this subtitle). The Attorney General shall provide notice of such election to the alien involved not later than 30 days before the date any evidentiary hearing is commenced. If the Attorney General makes such election, the notice of hearing provided to the alien under section 235 or 242(a) of such Act [8 U.S.C. 1225, 1252(a)] shall be valid as if provided under section 239 of such Act [8 U.S.C. 1229] (as amended by this subtitle) to confer jurisdiction on the immigration judge.

''(3) ATTORNEY GENERAL OPTION TO TERMINATE AND REINITIATE PROCEEDINGS.—In the case described in paragraph (1), the Attorney General may elect to terminate proceedings in which there has not been a final administrative decision and to reinitiate proceedings under chapter 4 of title II [of] the Immigration and Nationality Act [8 U.S.C. 1221 et seq.] (as amended by this subtitle). Any determination in the terminated proceeding shall not be binding in the reinitiated proceeding.

''(4) TRANSITIONAL CHANGES IN JUDICIAL REVIEW.—In the case in which a final order of exclusion or deportation is entered more than 30 days after the date of the enactment of this Act [Sept. 30, 1996], notwithstanding any provision of section 106 of the Immigration and Nationality Act [former 8 U.S.C. 1105a] (as in effect as of the date of the enactment of this Act) to the contrary—

''(A) in the case of judicial review of a final order of exclusion, subsection (b) of such section shall not apply and the action for judicial review shall be governed by the provisions of subsections (a) and (c) of such [section] in the same manner as they apply to judicial review of orders of deportation;

''(B) a court may not order the taking of additional evidence under section 2347(c) of title 28, United States Code;

''(C) the petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation;

''(D) the petition for review shall be filed with the court of appeals for the judicial circuit in which the administrative proceedings before the special inquiry officer or immigration judge were completed;

''(E) there shall be no appeal of any discretionary decision under section 212(c), 212(h), 212(i), 244, or 245 of the Immigration and Nationality Act [8 U.S.C. former 1182(c), 1182(h), (i), former 1254, 1255] (as in effect as of the date of the enactment of this Act [Sept. 30, 1996]);

''(F) service of the petition for review shall not stay the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise; and

''(G) there shall be no appeal permitted in the case of an alien who is inadmissible or deportable by reason of having committed a criminal offense covered in section 212(a)(2) or section 241(a)(2)(A)(iii), (B), (C), or (D) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(2), former 1251(a)(2)(A)(iii), (B), (C), (D)] (as in effect as of the

date of the enactment of this Act), or any offense covered by section 241(a)(2)(A)(ii) of such Act (as in effect on such date) for which both predicate offenses are, without regard to their date of commission, otherwise covered by section 241(a)(2)(A)(i) of such Act (as so in effect).

''(5) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act [8 U.S.C. 1229b(d)(1), (2)] (relating to continuous residence or physical presence) shall apply to orders to show cause (including those referred to in section 242B(a)(1) of the Immigration and Nationality Act [former 8 U.S.C. 1252b(a)(1)], as in effect before the title III–A effective date), issued before, on, or after the date of the enactment of this Act [Sept. 30, 1996].

''(B) EXCEPTION FOR CERTAIN ORDERS.—In any case in which the Attorney General elects to terminate and reinitiate proceedings in accordance with paragraph (3) of this subsection, paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act [8 U.S.C. 1229b(d)(1), (2)] shall not apply to an order to show cause issued before April 1, 1997.

''(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.—

''(i) IN GENERAL.—For purposes of calculating the period of continuous physical presence under section 244(a) of the Immigration and Nationality Act [former 8 U.S.C. 1254(a)] (as in effect before the title III–A effective date) or section 240A of such Act [8 U.S.C. 1229b] (as in effect after the title III–A effective date), subparagraph (A) of this paragraph and paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply in the case of an alien, regardless of whether the alien is in exclusion or deportation proceedings before the title III–A effective date, who has not been convicted at any time of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act [8 U.S.C. 1101(a)]) and—

''(I) was not apprehended after December 19, 1990, at the time of entry, and is—

''(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the settlement agreement in American Baptist Churches, et al. v. Thornburgh (ABC), 760 F. Supp. 796 (N.D. Cal. 1991) on or before October 31, 1991, or applied for temporary protected status on or before October 31, 1991; or

''(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to such settlement agreement on or before December 31, 1991;

''(II) is a Guatemalan or Salvadoran national who filed an application for asylum with the Immigration and Naturalization Service on or before April 1, 1990;

''(III) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act [8 U.S.C. 1101(b)(1)]) of an individual, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such individual, if the individual has been determined to be described in this clause (excluding this subclause and subclause (IV));

''(IV) is the unmarried son or daughter of an alien parent, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such alien parent, if—

''(aa) the alien parent has been determined to be described in this clause (excluding this subclause and subclause (III)); and

''(bb) in the case of a son or daughter who is 21 years of age or older at the time such decision is rendered, the son or daughter entered the United States on or before October 1, 1990;

''(V) is an alien who entered the United States on or before December 31, 1990, who filed an application for asylum on or before December 31, 1991, and who, at the time of filing such application, was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia; or

''(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act [former 8 U.S.C. 1254(a)(3)] (as in effect before the date of the enactment of this Act [Sept. 30, 1996]); or

''(VII)(aa) was the spouse or child of an alien described in subclause (I), (II), or (V)—

''(AA) at the time at which a decision is rendered to suspend the deportation or cancel the removal of the alien;

''(BB) at the time at which the alien filed an application for suspension of deportation or cancellation of removal; or

''(CC) at the time at which the alien registered for benefits under the settlement agreement in American Baptist Churches, et. al. v. Thornburgh (ABC), applied for temporary protected status, or applied for asylum; and

''(bb) the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien described in subclause (I), (II), or (V).

''(ii) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether an alien satisfies the requirements of clause (i) is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of section 242(a)(2)(B) of the Immigration and Nationality Act [8 U.S.C. 1252(a)(2)(B)] (as in effect after the title III–A effective date) to other eligibility determinations pertaining to discretionary relief under this Act [probably should be ''division'', see Short Title of 1996 Amendment note below].

''(iii) CONSIDERATION OF PETITIONS.—In acting on a petition filed under subclause (VII) of clause (i) the provisions set forth in section 204(a)(1)(H) [probably means section 204(a)(1)(H) of the Immigration and Nationality Act, which is classified to section 1154(a)(1)(H) of this title] shall apply.

''(iv) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—For purposes of the application of clause (i)(VII), a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States.

''(6) TRANSITION FOR CERTAIN FAMILY UNITY ALIENS.—The Attorney General may waive the application of section 212(a)(9) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(9)], as inserted by section 301(b)(1) of this division, in the case of an alien who is provided benefits under the provisions of section 301 of the Immigration Act of 1990 [Pub. L. 101–649, set out as a note under section 1255a of this title] (relating to family unity).

''(7) LIMITATION ON SUSPENSION OF DEPORTATION.—After April 1, 1997, the Attorney General may not suspend the deportation and adjust the status under section 244 of the Immigration and Nationality Act [former 8 U.S.C. 1254] (as in effect before the title III–A effective date) of any alien in any fiscal year, except in accordance with section 240A(e) of such Act [8 U.S.C. 1229b(e)]. The previous sentence shall apply regardless of when an alien applied for such suspension and adjustment.

''(d) TRANSITIONAL REFERENCES.—For purposes of carrying out the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], as amended by this subtitle—

''(1) any reference in section 212(a)(1)(A) of such Act [8 U.S.C. 1182(a)(1)(A)] to the term 'inadmissible' is deemed to include a reference to the term 'excludable', and

''(2) any reference in law to an order of removal shall be deemed to include a reference to an order of exclusion and deportation or an order of deportation.

''(e) TRANSITION.—No period of time before the date of the enactment of this Act [Sept. 30, 1996] shall be included in the period of 1 year described in section 212(a)(6)(B)(i) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(6)(B)(i)] (as amended by section 301(c) of this division).

''(f) SPECIAL RULE FOR CANCELLATION OF REMOVAL.—

''(1) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] (as in effect after the title III–A effective date), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act [8 U.S.C. 1229b(b)(1), (d)(1), (e)] (but including section 242(a)(2)(B) of such Act [8 U.S.C. 1252(a)(2)(B)]), the Attorney General may, under section 240A of such Act, cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States, if the alien applies for such relief, the alien is described in subsection (c)(5)(C)(i) of this section, and—

''(A) the alien—

''(i) is not inadmissible or deportable under paragraph (2) or (3) of section 212(a) or paragraph (2), (3), or (4) of section 237(a) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(2), (3), 1227(a)(3), (4)] and is not an alien described in section 241(b)(3)(B)(i) of such Act [8 U.S.C. 1231(b)(3)(B)(i)];

''(ii) has been physically present in the United States for a continuous period of not less than 7 years immediately preceding the date of such application;

''(iii) has been a person of good moral character during such period; and

''(iv) establishes that removal would result in extreme hardship to the alien or to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

''(B) the alien—

''(i) is inadmissible or deportable under section 212(a)(2), 237(a)(2) (other than 237(a)(2)(A)(iii)), or 237(a)(3) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(2), 1227(a)(2), (3)];

''(ii) is not an alien described in section 241(b)(3)(B)(i) or 101(a)(43) of such Act [8 U.S.C. 1231(b)(3)(B)(i), 1101(a)(43)];

''(iii) has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for removal;

''(iv) has been a person of good moral character during such period; and

''(v) establishes that removal would result in exceptional and extremely unusual hardship to the alien or to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—Section 240A(d)(2) [8 U.S.C. 1229b(d)(2)] shall apply for purposes of calculating any period of continuous physical presence under this subsection, except that the reference to subsection (b)(1) in such section shall be considered to be a reference to paragraph (1) of this section.

''(g) MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act [8 U.S.C. 1101(a)])), any alien who has become eligible for cancellation of removal or suspension of deportation as a result of the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act [Pub. L. 105–100, amending this note] may file one motion to reopen removal or deportation proceedings to apply for cancellation of removal or suspension of deportation. The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of the Nicaraguan Adjustment and Central American Relief Act [Nov. 19, 1997] and shall extend for a period not to exceed 240 days.

''(h) RELIEF AND MOTIONS TO REOPEN.—

''(1) RELIEF.—An alien described in subsection (c)(5)(C)(i) who is otherwise eligible for—

''(A) suspension of deportation pursuant to section 244(a) of the Immigration and Nationality Act [8 U.S.C. 1254a(a)], as in effect before the title III–A effective date; or

''(B) cancellation of removal, pursuant to section 240A(b) of the Immigration and Nationality Act [8 U.S.C. 1229b(b)] and subsection (f) of this section;

shall not be barred from applying for such relief by operation of section 241(a)(5) of the Immigration and Nationality Act [8 U.S.C. 1231(a)(5)], as in effect after the title III–A effective date.

''(2) ADDITIONAL MOTION TO REOPEN PERMITTED.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined by section 101(a) of the Immigration and Nationality Act [8 U.S.C. 1101(a)])), any alien who is described in subsection (c)(5)(C)(i) and who has become eligible for cancellation of removal or suspension of deportation as a result of the enactment of paragraph (1) may file one motion to reopen removal or deportation proceedings in order to apply for cancellation of removal or suspension of deportation. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for cancellation of removal or suspension of deportation. The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of this subsection [Dec. 21, 2000] and shall extend for a period not to exceed 240 days.

''(3) CONSTRUCTION.—Nothing in this subsection shall preclude an alien from filing a motion to reopen pursuant to section 240(b)(5)(C)(ii) of the Immigration and Nationality Act [8 U.S.C. 1229a(b)(5)(C)(ii)], or section 242B(c)(3)(B) of such Act [8 U.S.C. 1252b(c)(3)(B)] (as in effect before the title III–A effective date).''

[Pub. L. 106–386, div. B, title V, §1506(b)(4), Oct. 28, 2000, 114 Stat. 1528, provided that: ''The amendments made by paragraph (3) [amending section 309 of Pub. L. 104–208, div. C, set out above] shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [Pub. L. 104–208] (8 U.S.C. 1101 note).'']

[Pub. L. 106–386, div. B, §1510(c), Oct. 28, 2000, 114 Stat. 1532, provided that: ''The amendments made by subsections (a) [amending section 202 of Pub. L. 105–100, set out as a note under section 1255 of this title] and (b) [amending section 309 of Pub. L. 104–208, div. C, set out above] shall be effective as if included in the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100, as amended).'']

[Section 203(f) of Pub. L. 105–100 provided that: ''The amendments made by this section to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [amending section 309 of Pub. L. 104–208, div. C, set out above] shall take effect as if included in the enactment of such Act.'']

[Section 2 of Pub. L. 104–302 provided that the amendment made by that section to section 309 of Pub. L. 104–208, set out above, is effective Sept. 30, 1996.]

Section 321(c) of div. C of Pub. L. 104–208 provided that: ''The amendments made by this section [amending this section] shall apply to actions taken on or after the date of the enactment of this Act [Sept. 30, 1996], regardless of when the conviction occurred, and shall apply under section 276(b) of the Immigration and Nationality Act [8 U.S.C. 1326(b)] only to violations of section 276(a) of such Act occurring on or after such date.''

Section 322(c) of div. C of Pub. L. 104–208 provided that: ''The amendments made by subsection (a) [amending this section and section 1182 of this title] shall apply to convictions and sentences entered before, on, or after the date of the enactment of this Act [Sept. 30, 1996]. Subparagraphs (B) and (C) of section 240(c)(3) of the Immigration and Nationality Act [8 U.S.C. 1229a(c)(3)(B), (C)], as inserted by section 304(a)(3) of this division, shall apply to proving such convictions.''

Section 361(b) of div. C of Pub. L. 104–208 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Sept. 30, 1996].''

Section 371(d)(1) of div. C of Pub. L. 104–208 provided that: ''Subsections (a) and (b) [amending this section and sections 1105a, 1159, 1224, 1225, 1226, 1252, 1252b, 1323, and 1362 of this title] shall take effect on the date of the enactment of this Act [Sept. 30, 1996].''

Section 591 of title V of div. C of Pub. L. 104–208 provided that: ''Except as provided in this title [enacting sections 1369 to 1371 and 1623 and 1624 of this title, amending sections 1182, 1183, 1183a, 1612, 1631, 1632, 1641, and 1642 of this title, section 506 of Title 18, Crimes and Criminal Procedure, section 1091 of Title 20, Education, and sections 402, 1320b–7, and 1436a of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section, sections 1182, 1183a, 1611, 1612, and 1621 of this title, and sections 402 and 1436a of Title 42, and repealing provisions set out as a note under section 1183a of this title], this title and the amendments made by this title shall take effect on the date of the enactment of this Act [Sept. 30, 1996].''

Section 625(c) of div. C of Pub. L. 104–208 provided that: ''The amendments made by subsection (a) [amending this section and section 1184 of this title] shall apply to individuals who obtain the status of a nonimmigrant under section 101(a)(15)(F) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(F)] after the end of the 60-day period beginning on the date of the enactment of this Act [Sept. 30, 1996], including aliens whose status as such a nonimmigrant is extended after the end of such period.''

Section 671(a)(7) of div. C of Pub. L. 104–208 provided that: ''The amendments made by this subsection [amending this section, sections 1184, 1251, 1255, 1258, and 1324 of this title, and provisions set out as a note under section 1252 of this title] shall be effective as if included in the enactment of the VCCLEA [Pub. L. 103–322].''

Section 671(b)(14) of div. C of Pub. L. 104–208 provided that: ''Except as otherwise provided in this subsection [amending this section and sections 1252a, 1255b, 1323, 1356, and 1483 of this title, enacting provisions set out as notes under sections 1161 and 1433 of this title, and amending provisions set out as notes under this section and sections 1255a, 1323, and 1401 of this title], the amendments made by this subsection shall take effect as if included in the enactment of INTCA [Pub. L. 103–416].''

Section 440(f) of Pub. L. 104–132 provided that: ''The amendments made by subsection (e) [amending this section] shall apply to convictions entered on or after the date of the enactment of this Act [Apr. 24, 1996], except that the amendment made by subsection (e)(3) [amending this section] shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994 [Pub. L. 103–416].''

EFFECTIVE DATE OF 1994 AMENDMENTS

Section 219(dd) of Pub. L. 103–416 provided that: ''Except as otherwise specifically provided in this section, the amendments made by this section [amending this section and sections 1151, 1153, 1154, 1160, 1182, 1188, 1251, 1252, 1252b, 1254a, 1255, 1255a, 1256, 1288, 1302, 1322, 1323, 1324a, 1324b, 1324c, 1330, 1356, 1421, 1424, 1444, 1449, and 1522 of this title, repealing section 1161 of this title, amending provisions set out as notes under this section and sections 1182, 1254a, 1255, 1255a, and 1356 of this title, and repealing provisions set out as a note under section 1288 of this title] shall be effective as if included in the enactment of the Immigration Act of 1990 [Pub. L. 101–649].''

Section 222(b) of Pub. L. 103–416 provided that: ''The amendments made by this section [amending this section] shall apply to convictions entered on or after the date of enactment of this Act [Oct. 25, 1994].''

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1991 AMENDMENTS

Section 208 of title II of Pub. L. 102–232 provided that: ''The provisions of, and amendments made by, this title [amending this section and section 1184 of this title and enacting provisions set out as notes under this section and section 1184 of this title] shall take effect on April 1, 1992.''

Section 302(e)(8) of Pub. L. 102–232 provided that the amendments made by that section [amending this section and sections 1186a and 1201 of this title] are effective as if included in section 162(e) of the Immigration Act of 1990, Pub. L. 101–649.

Section 305(m) of Pub. L. 102–232 provided that the amendments made by that section [amending this section and sections 1423, 1433, 1441, 1443, 1445, and 1452 of this title] are effective as if included in section 407(d) of the Immigration Act of 1990, Pub. L. 101–649.

Section 310 of Pub. L. 102–232, as amended by Pub. L. 103–416, title II, § 219(z)(9), Oct. 25, 1994, 108 Stat. 4318, provided that: ''Except as otherwise specifically provided, the amendments made by (and provisions of)—

''(1) sections 302 through 308 [amending this section, sections 1102, 1105a, 1151 to 1154, 1157, 1159 to 1161, 1182, 1184, 1186a to 1188, 1201, 1221, 1226, 1227, 1229, 1251, 1252, 1252b, 1254 to 1255a, 1281, 1282, 1284, 1288, 1322, 1323, 1324a to 1324c, 1325, 1357, 1421, 1423, 1433, 1439 to 1441, 1443, 1445 to 1449, 1451, 1452, and 1455 of this title, and section 3753 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1151, 1157, 1160, 1182, 1251, 1252, 1254a, and 1255 of this title, and amending provisions set out as notes under this section and sections 1105a, 1153, 1158, 1160, 1184, 1201, 1251, 1254a, 1255, and 1421 of this title] shall take effect as if included in the enactment of the Immigration Act of 1990 [Pub. L. 101–649], and

''(2) section 309(b) [amending this section and sections 1154, 1160, 1182, 1188, 1252, 1252a, 1324a, 1356, 1424, and 1455 of this title and enacting provisions set out as a note under this section] shall take effect on the date of the enactment of this Act [Dec. 12, 1991].''

Section 2(d) of Pub. L. 102–110 provided that: ''This section [amending this section and sections 1153 and 1255 of this title] shall take effect 60 days after the date of the enactment of this Act [Oct. 1, 1991].''

EFFECTIVE DATE OF 1990 AMENDMENT

Section 161 of title I of Pub. L. 101–649, as amended by Pub. L. 102–110, § 4, Oct. 1, 1991, 105 Stat. 557; Pub. L. 102–232, title III, § 302(e)(1), (2), Dec. 12, 1991, 105 Stat. 1745; Pub. L. 103–416, title II, §§ 218, 219(aa), Oct. 25, 1994,

108 Stat. 4316, 4319; Pub. L. 104–208, div. C, title VI, § 671(f), Sept. 30, 1996, 110 Stat. 3009–724, provided that:

''(a) IN GENERAL.—Except as otherwise provided in this title, this title and the amendments made by this title [enacting section 1186b of this title, amending this section, sections 1103, 1151 to 1154, 1157, 1159, 1182, 1251, 1254, 1255, and 1325 of this title, section 3304 of Title 26, Internal Revenue Code, and section 1382c of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1152, 1153, 1159, 1182, 1201, and 1251 of this title, and amending provisions set out as notes under section 1255 of this title] shall take effect on October 1, 1991, and apply beginning with fiscal year 1992.

''(b) PROVISIONS TAKING EFFECT UPON ENACTMENT.—The following sections (and amendments made by such sections) shall take effect on the date of the enactment of this Act [Nov. 29, 1990] and (unless otherwise provided) apply to fiscal year 1991:

''(1) Section 103 [enacting provisions set out as a note under section 1152 of this title] (relating to per country limitation for Hong Kong).

''(2) Section 104 [amending sections 1157 and 1159 of this title and enacting provisions set out as notes under section 1159 of this title] (relating to asylee adjustments).

''(3) Section 124 [enacting provisions set out as a note under section 1153 of this title] (relating to transition for employees of certain U.S. businesses in Hong Kong).

''(4) Section 133 [enacting provisions set out as a note under section 1153 of this title] (relating to one-year diversity transition for aliens who have been notified of availability of NP–5 visas).

''(5) Section 134 [enacting provisions set out as a note under section 1153 of this title] (relating to transition for displaced Tibetans).

''(6) Section 153 [amending this section and section 1251 of this title and enacting provisions set out as a note under section 1251 of this title] (relating to special immigrants who are dependent on a juvenile court).

''(7) Section 154 [enacting provisions set out as a note under section 1201 of this title] (permitting extension of validity of visas for certain residents of Hong Kong).

''(8) Section 155 [enacting provisions set out as a note under section 1153 of this title] (relating to expedited issuance of Lebanese second and fifth preference visas).

''(9) Section 162(b) [amending section 1154 of this title] (relating to immigrant visa petitioning process), but only insofar as such section relates to visas for fiscal years beginning with fiscal year 1992.

''(c) GENERAL TRANSITIONS.—

''(1) In the case of a petition filed under section 204(a) of the Immigration and Nationality Act [8 U.S.C. 1154(a)] before October 1, 1991, for preference status under section 203(a)(3) or section 203(a)(6) of such Act [8 U.S.C. 1153(a)(3), (6)] (as in effect before such date)—

''(A) in order to maintain the priority date with respect to such a petition, the petitioner must file (by not later than October 1, 1993) a new petition for classification of the employment under paragraph (1), (2), or (3) of section 203(b) of such Act (as amended by this title), and

''(B) any labor certification under section 212(a)(5)(A) of such Act required with respect to the new petition shall be deemed approved if the labor certification with respect to the previous petition was previously approved under section 212(a)(14) of such Act.

In the case of a petition filed under section 204(a) of such Act before October 1, 1991, but which is not described in paragraph (4), and for which a filing fee was paid, any additional filing fee shall not exceed one-half of the fee for the filing of the new petition referred to in subparagraph (A).

''(2) Any petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1991, for preference status under section 203(a)(4) or section 203(a)(5) of such Act (as in effect before such date) shall be deemed, as of such date, to be a petition filed under such section for preference status under section 203(a)(3) or section 203(a)(4), respectively, of such Act (as amended by this title).

''(3) In the case of an alien who is described in section 203(a)(8) of the Immigration and Nationality Act (as in effect before October 1, 1991) as the spouse or child of an alien admitted for permanent residence as a preference immigrant under section 203(a)(3) or 203(a)(6) of such Act (as in effect before such date) and who would be entitled to enter the United States under such section 203(a)(8) but for the amendments made by this title [see subsec. (a) above], such an alien shall be deemed to be described in section 203(d) of such Act as the spouse or child of an alien described in section 203(b)(2) or 203(b)(3)(A)(i), respectively, of such Act with the same priority date as that of the principal alien.

''(4)(A) Subject to subparagraph (B), any petition filed before October 1, 1991, and approved on any date, to accord status under section 203(a)(3) or 203(a)(6) of the Immigration and Nationality Act (as in effect before such date) shall be deemed, on and after October 1, 1991 (or, if later, the date of such approval), to be a petition approved to accord status under section 203(b)(2) or under the appropriate classification under section 203(b)(3), respectively, of such Act (as in effect on and after such date). Nothing in this subparagraph shall be construed as exempting the beneficiaries of such petitions from the numerical limitations under section 203(b)(2) or 203(b)(3) of such Act.

''(B) Subparagraph (A) shall not apply more than two years after the date the priority date for issuance of a visa on the basis of such a petition has been reached.

''(d) ADMISSIBILITY STANDARDS.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1991, makes application for admission, the immigrant's admissibility under paragraph (7)(A) of section 212(a) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(7)(A)] shall be determined under the provisions of law in effect on the date of the issuance of such visa.

''(e) CONSTRUCTION.—Nothing in this title [see subsec. (a) above] shall be construed as affecting the provisions of section 19 of Public Law 97–116 [8 U.S.C. 1151 note], section 2(c)(1) of Public Law 97–271 [8 U.S.C. 1255 note], or section 202(e) of Public Law 99–603 [8 U.S.C. 1255a note].''

[Section 219(aa) of Pub. L. 103–416 provided that the amendment made by that section to section 161(c)(3) of Pub. L. 101–649, set out above, is effective as if included in section 4 of Pub. L. 102–110, see below.]

[Section 4 of Pub. L. 102–110 provided that the amendment made by that section, adding pars. (3) and (4) to section 161(c) of Pub. L. 101–649, set out above, is effective as if included in the Immigration Act of 1990, Pub. L. 101–649.]

Section 162(f)(3) of Pub. L. 101–649 provided that: ''The amendments made by this subsection [amending this section, section 1182 of this title, and provisions set out as a note under section 1255 of this title] shall apply as though included in the enactment of the Immigration Nursing Relief Act of 1989 [Pub. L. 101–238].''

Section 203(d) of Pub. L. 101–649 provided that: ''The amendments made by this section [enacting section 1288 of this title and amending this section and section 1281 of this title] shall apply to services performed on or after 180 days after the date of the enactment of this Act [Nov. 29, 1990].''

Section 231 of title II of Pub. L. 101–649 provided that: ''Except as otherwise provided in this title, this title, and the amendments made by this title [enacting section 1288 of this title, amending this section and sections 1182, 1184, 1187, 1281, and 1323 of this title, and enacting provisions set out as notes under this section and sections 1182, 1184, 1187, and 1288 of this title], shall take effect on October 1, 1991, except that sections 222

and 223 [enacting provisions set out as notes under this section] shall take effect on the date of the enactment of this Act [Nov. 29, 1990].''

Amendment by section 407(a)(2) of Pub. L. 101–649 effective Nov. 29, 1990, with general savings provisions, see section 408(a)(3), (d) of Pub. L. 101–649, set out as an Effective Date of 1990 Amendment; Savings Provisions note under section 1421 of this title.

Section 501(b) of Pub. L. 101–649 provided that: ''The amendments made by subsection (a) [amending this section] shall apply to offenses committed on or after the date of the enactment of this Act [Nov. 29, 1990], except that the amendments made by paragraphs (2) and (5) of subsection (a) shall be effective as if included in the enactment of section 7342 of the Anti-Drug Abuse Act of 1988 [Pub. L. 100–690].''

Section 509(b) of Pub. L. 101–649, as amended by Pub. L. 102–232, title III, § 306(a)(7), Dec. 12, 1991, 105 Stat. 1751, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 29, 1990] and shall apply to convictions occurring on or after such date, except with respect to conviction for murder which shall be considered a bar to good moral character regardless of the date of the conviction.''

Section 601(e) of Pub. L. 101–649 provided that:

''(1) Except as provided in paragraph (2), the amendments made by this section [amending section 1182 of this title] and by section 603(a) of this Act [amending this section and sections 1102, 1153, 1157, 1159, 1160, 1161, 1181, 1183, 1201, 1224, 1225, 1226, 1254a, 1255a, 1259, 1322, and 1327 of this title, repealing section 2691 of Title 22, Foreign Relations and Intercourse, amending provisions set out as notes under this section and sections 1255 and 1255a of this title, and repealing provisions set out as notes under section 1182 of this title] shall apply to individuals entering the United States on or after June 1, 1991.

''(2) The amendments made by paragraphs (5) and (13) of section 603(a) [amending sections 1160 and 1255a of this title] shall apply to applications for adjustment of status made on or after June 1, 1991.''

EFFECTIVE DATE OF 1989 AMENDMENTS

Amendment by Pub. L. 101–238 applicable to classification petitions filed for nonimmigrant status only during the 5-year period beginning on the first day of the 9th month beginning after Dec. 18, 1989, see section 3(d) of Pub. L. 101–238, set out as a note under section 1182 of this title.

Section 611(b) of Pub. L. 101–162 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1989, upon the expiration of the similar amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100–459, 102 Stat. 2203).''

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENTS

Section 2(s) of Pub. L. 100–525 provided that: ''The amendments made by this section [amending this section, sections 1160, 1161, 1184, 1186, 1187, 1188, 1251, 1254, 1255, 1255a, 1259, 1324, 1324a, 1324b, and 1357 of this title, section 1546 of Title 18, Crimes and Criminal Procedure, and section 1091 of Title 20, Education, amending provisions set out as notes under this section and sections 1188 and 1255a of this title and section 1802 of Title 29, Labor, and repealing provisions set out as a note under section 1255a of this title] shall be effective as if they were included in the enactment of the Immigration Reform and Control Act of 1986 [Pub. L. 99–603].''

Section 309(b)(15) of Pub. L. 102–232 provided that: ''The amendments made by section 8 of the Immigration Technical Corrections Act of 1988 [Pub. L. 100–525, amending this section, sections 1152, 1182, 1201 to 1202, 1301, 1302, 1304, 1356, 1409, 1431 to 1433, 1452, 1481, and 1483 of this title, and section 4195 of Title 22, Foreign Relations and Intercourse, enacting provisions set out as notes under this section, sections 1153, 1201, 1401, 1409, 1451, and 1481 of this title, and section 4195 of Title 22, and amending provisions set out as notes under this section and section 1153 of this title] shall be effective as if included in the enactment of the Immigration and Nationality Act Amendments of 1986 (Public Law 99–653).''

Section 210(b) of Pub. L. 100–459 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect as if included in the enactment of section 315 of the Immigration Reform and Control Act of 1986 [Pub. L. 99–603] and shall expire on October 1, 1989.''

EFFECTIVE DATE OF 1986 AMENDMENTS

Section 23(a) of Pub. L. 99–653, as added by Pub. L. 100–525, § 8(r), Oct. 24, 1988, 102 Stat. 2618, provided that: ''The amendments made by sections 2, 4, and 7 [amending this section and sections 1152, 1182, 1228, 1251, and 1356 of this title] apply to visas issued, and admissions occurring, on or after November 14, 1986.''

Amendment by section 301(a) of Pub. L. 99–603 applicable to petitions and applications filed under sections 1184(c) and 1188 of this title on or after the first day of the seventh month beginning after Nov. 6, 1986, see section 301(d) of Pub. L. 99–603, as amended, set out as an Effective Date note under section 1188 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 21 of Pub. L. 97–116 provided that:

''(a) Except as provided in subsection (b) and in section 5(c) [set out as a note under section 1182 of this title], the amendments made by this Act [see Short Title of 1981 Amendment note below] shall take effect on the date of the enactment of this Act [Dec. 29, 1981].

''(b)(1) The amendments made by section 2(a) [amending this section] shall apply on and after the first day of the sixth month beginning after the date of the enactment of this Act [Dec. 29, 1981].

''(2) The amendment made by section 16 [amending section 1455 of this title] shall apply to fiscal years beginning on or after October 1, 1981.''

EFFECTIVE DATE OF 1980 AMENDMENT

Section 204(a)–(c) of title II of Pub. L. 96–212 provided that:

''(a) Except as provided in subsections (b) and (c), this title and the amendments made by this title [enacting sections 1157, 1158, and 1159 of this title, amending this section and sections 1151 to 1153, 1181, 1182, 1253, and 1254 of this title, enacting provisions set out as notes under sections 1153, 1157, 1158, 1182, and 1521 of this title, and amending provisions set out as a note under sections 1182 and 1255 of this title] shall take effect on the date of the enactment of this Act [Mar. 17, 1980], and shall apply to fiscal years beginning with the fiscal year beginning October 1, 1979.

''(b)(1)(A) Section 207(c) of the Immigration and Nationality Act (as added by section 201(b) of this Act) [section 1157(c) of this title] and the amendments made by subsections (b), (c), and (d) of section 203 of this Act [amending sections 1152, 1153, 1182, and 1254 of this title] shall take effect on April 1, 1980.

''(B) The amendments made by section 203(f) [amending section 1182 of this title] shall apply to aliens paroled into the United States on or after the sixtieth day after the date of the enactment of this Act [Mar. 17, 1980].

''(C) The amendments made by section 203(i) [amending section 1153 of this title and provisions set out as notes under section 1255 of this title] shall take effect immediately before April 1, 1980.

''(2) Notwithstanding sections 207(a) and 209(b) of the Immigration and Nationality Act (as added by section 201(b) of this Act) [sections 1157(a) and 1159(b) of this title], the fifty thousand and five thousand numerical limitations specified in such respective sections shall, for fiscal year 1980, be equal to 25,000 and 2,500, respectively.

''(3) Notwithstanding any other provision of law, for fiscal year 1980—

''(A) the fiscal year numerical limitation specified in section 201(a) of the Immigration and Nationality Act [section 1151(a) of this title] shall be equal to 280,000, and

''(B) for the purpose of determining the number of immigrant visa and adjustments of status which may be made available under sections 203(a)(2) and 202(e)(2) of such Act [sections 1153(a)(2) and 1152(e)(2) of this title], the granting of a conditional entry or adjustment of status under section 203(a)(7) or 202(e)(7) of such Act after September 30, 1979, and before April 1, 1980, shall be considered to be the granting of an immigrant visa under section 203(a)(2) or 202(e)(2), respectively, of such Act during such period.

''(c)(1) The repeal of subsections (g) and (h) of section 203 of the Immigration and Nationality Act, made by section 203(c)(8) of this title [section 1153(g) and (h) of this title], shall not apply with respect to any individual who before April 1, 1980, was granted a conditional entry under section 203(a)(7) of the Immigration and Nationality Act (and under section 202(e)(7) of such Act [section 1152(e)(7) of this title], if applicable), as in effect immediately before such date, and it shall not apply to any alien paroled into the United States before April 1, 1980, who is eligible for the benefits of section 5 of Public Law 95–412 [set out as a note under section 1182 of this title].

''(2) An alien who, before April 1, 1980, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under section 203(a)(7) of the Immigration and Nationality Act (as in effect before such date) [section 1153(a)(7) of this title], shall be deemed to be entitled to refugee status under section 207 of such Act (as added by section 201(b) of this title) [section 1157 of this title] and shall be accorded the date of registration previously established by that alien. Nothing in this paragraph shall be construed to preclude the acquisition by such an alien of a preference status under section 203(a) of such Act.

''(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) if section 212(a) of the Immigration and Nationality Act [former section 1182(a)(14), (15), (20), (21), (25), and (32) of this title] shall not be applicable to any alien who has entered the United States before April 1, 1980, pursuant to section 203(a)(7) of such Act [section 1153(a)(7) of this title] or who has been paroled as a refugee into the United States under section 212(d)(5) of such Act, and who is seeking adjustment of status, and the Attorney General may waive any other provision of section 212(a) of such Act (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.''

EFFECTIVE DATE OF 1979 AMENDMENT

Section 3201(d)(1) of Pub. L. 96–70 provided that: ''The amendments made by this section [amending this section and section 1182 of this title] shall take effect on the date of the enactment of this Act [Sept. 27, 1979].''

EFFECTIVE DATE OF 1977 AMENDMENT

Section 602(d) of Pub. L. 94–484, as added by Pub. L. 95–83, title III, §307(q)(3), Aug. 1, 1977, 91 Stat. 395, provided that: ''This section [amending this section and enacting provisions set out as a note under section 1182 of this title] and the amendment made by subsection (c) [amending this section] are effective January 10, 1977, and the amendments made by subsections (b)(4) and (d) of section 601 [amending this section and section 1182 of this title] shall apply only on and after January 10, 1978, notwithstanding subsection (f) of such section [set out as an Effective Date of 1976 Amendments note under section 1182 of this title].''

EFFECTIVE DATE OF 1976 AMENDMENTS

Section 10 of Pub. L. 94–571 provided that: ''The foregoing provisions of this Act, including the amendments made by such provisions [see Short Title of 1976 Amendment note below], shall become effective on the first day of the first month which begins more than sixty days after the date of enactment of this Act [Oct. 20, 1976].''

Amendment by section 601(b)(4) of Pub. L. 94–484 applicable only on and after Jan. 10, 1978, notwithstanding section 601(f) of Pub. L. 94–484, see section 602(d) of Pub. L. 94–484, as added by section 307(q)(3) of Pub. L. 95–83, set out as an Effective Date of 1977 Amendment note above.

Amendment by Pub. L. 94–484 effective ninety days after Oct. 12, 1976, see section 601(f) of Pub. L. 94–484, set out as a note under section 1182 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

For effective date of amendment by Pub. L. 89–236, see section 20 of Pub. L. 89–236, set out as a note under section 1151 of this title.

EFFECTIVE DATE

Section 407 of act June 27, 1952, provided that: ''Except as provided in subsection (k) of section 401 [former section 1106(k) of this title], this Act [this chapter] shall take effect at 12:01 ante meridian United States Eastern Standard Time on the one hundred eightieth day immediately following the date of its enactment [June 27, 1952].''

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110–53, title VII, §711(a), Aug. 3, 2007, 121 Stat. 338, provided that: ''This section [amending section 1187 of this title and enacting provisions set out as notes under section 1187 of this title] may be cited as the 'Secure Travel and Counterterrorism Partnership Act of 2007'.''

Pub. L. 109–477, §1, Jan. 12, 2007, 120 Stat. 3572, provided that: ''This Act [enacting and amending provisions set out as notes under section 1182 of this title] may be cited as the 'Physicians for Underserved Areas Act'.''

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109–463, §1, Dec. 22, 2006, 120 Stat. 3477, provided that: ''This Act [amending section 1184 of this title] may be cited as either the 'Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006' or the 'COMPETE Act of 2006'.''

Pub. L. 109–423, §1, Dec. 20, 2006, 120 Stat. 2900, provided that: ''This Act [enacting and amending provisions set out as notes under section 1182 of this title] may be cited as the 'Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005'.''

Pub. L. 109–367, §1, Oct. 26, 2006, 120 Stat. 2638, provided that: ''This Act [enacting provisions set out as a note under section 1701 of this title and amending provisions set out as a note under section 1103 of this title] may be cited as the 'Secure Fence Act of 2006'.''

Pub. L. 109–162, title VIII, §831, Jan. 5, 2006, 119 Stat. 3066, provided that: ''This subtitle [subtitle D (§§831–834) of title VIII of Pub. L. 109–162, enacting section 1375a of this title, amending section 1184 of this title, repealing section 1375 of this title, and enacting provisions set out as notes under sections 1184 and 1202 of this title] may be cited as the 'International Marriage Broker Regulation Act of 2005'.''

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109–13, div. B, §1, May 11, 2005, 119 Stat. 302, provided that: ''This division [enacting section 1778 of this title, amending this section, sections 1157 to 1159, 1182, 1184, 1227, 1229a, 1231, 1252, and 1356 of this title, and section 1028 of Title 18, Crimes and Criminal Procedure, enacting provisions set out as notes under this section, sections 1157, 1158, 1182, 1184, 1227, 1252, 1712, and 1721 of this title, and section 30301 of Title 49, Transportation, amending provisions set out as notes under sections 1103, 1153, and 1184 of this title, and re-

pealing provisions set out as a note under section 30301 of Title 49] may be cited as the 'REAL ID Act of 2005'.''

Pub. L. 109–13, div. B, title IV, § 401, May 11, 2005, 119 Stat. 318, provided that: ''This title [amending sections 1184 and 1356 of this title and enacting and amending provisions set out as notes under section 1184 of this title] may be cited as the 'Save Our Small and Seasonal Businesses Act of 2005'.''

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–447, div. J, title IV, § 401, Dec. 8, 2004, 118 Stat. 3351, provided that: ''This title [enacting sections 1380 and 1381 of this title, amending sections 1182, 1184, and 1356 of this title, section 2916a of Title 29, Labor, and section 1869c of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section and sections 1182 and 1184 of this title] may be cited as the 'L–1 Visa and H–1B Visa Reform Act'.''

Pub. L. 108–447, div. J, title IV, § 411, Dec. 8, 2004, 118 Stat. 3351, provided that: ''This subtitle [subtitle A (§§ 411–417) of title IV of div. J of Pub. L. 108–447, enacting section 1380 of this title, amending section 1184 of this title, and enacting provisions set out as notes under section 1184 of this title] may be cited as the 'L–1 Visa (Intracompany Transferee) Reform Act of 2004'.''

Pub. L. 108–447, div. J, title IV, § 421, Dec. 8, 2004, 118 Stat. 3353, provided that: ''This subtitle [subtitle B (§§ 421–430) of title IV of div. J of Pub. L. 108–447, enacting section 1381 of this title, amending sections 1182, 1184, and 1356 of this title, section 2916a of Title 29, Labor, and section 1869c of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 1182 and 1184 of this title] may be cited as the 'H–1B Visa Reform Act of 2004'.''

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108–156, § 1, Dec. 3, 2003, 117 Stat. 1944, provided that: ''This Act [enacting provisions set out as a note under section 1153 of this title and amending provisions set out as notes under sections 1153, 1324a, and 1360 of this title] may be cited as the 'Basic Pilot Program Extension and Expansion Act of 2003'.''

SHORT TITLE OF 2002 AMENDMENTS

Pub. L. 107–274, § 1, Nov. 2, 2002, 116 Stat. 1923, provided that: ''This Act [amending this section and section 1184 of this title] may be cited as the 'Border Commuter Student Act of 2002'.''

Pub. L. 107–273, div. C, title I, § 11030(a), Nov. 2, 2002, 116 Stat. 1836, provided that: ''This section [amending section 1440–1 of this title] may be cited as the 'Posthumous Citizenship Restoration Act of 2002'.''

Pub. L. 107–258, § 1, Oct. 29, 2002, 116 Stat. 1738, provided that: ''This Act [amending provisions set out as a note under section 1157 of this title] may be cited as the 'Persian Gulf War POW/MIA Accountability Act of 2002'.''

Pub. L. 107–208, § 1, Aug. 6, 2002, 116 Stat. 927, provided that: ''This Act [amending sections 1151, 1153, 1154, 1157, and 1158 of this title and enacting provisions set out as a note under section 1151 of this title] may be cited as the 'Child Status Protection Act'.''

Pub. L. 107–150, § 1, Mar. 13, 2002, 116 Stat. 74, provided that: ''This Act [amending sections 1182 and 1183a of this title and enacting provisions set out as a note under section 1182 of this title] may be cited as the 'Family Sponsor Immigration Act of 2002'.''

Pub. L. 107–128, § 1, Jan. 16, 2002, 115 Stat. 2407, provided that: ''This Act [enacting and amending provisions set out as notes under section 1324a of this title] may be cited as the 'Basic Pilot Extension Act of 2001'.''

SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106–554, § 1(a)(4) [div. B, title XV, § 1501], Dec. 21, 2000, 114 Stat. 2763, 2763A–324, provided that: ''This title [amending section 1255 of this title, enacting provisions set out as notes under section 1255 of this title, and amending provisions set out as notes under this section and section 1255 of this title] may be cited as the 'LIFE Act Amendments of 2000'.''

Pub. L. 106–553, § 1(a)(2) [title XI, § 1101], Dec. 21, 2000, 114 Stat. 2762, 2762A–142, provided that: ''This title [amending this section and sections 1184, 1186a, and 1255 of this title, and enacting provisions set out as notes under this section] may be cited as—

''(1) the 'Legal Immigration Family Equity Act'; or

''(2) the 'LIFE Act'.''

Pub. L. 106–409, § 1, Nov. 1, 2000, 114 Stat. 1787, provided that: ''This Act [amending this section and enacting provisions set out as a note under this section] may be cited as the 'Religious Workers Act of 2000'.''

Pub. L. 106–406, § 1, Nov. 1, 2000, 114 Stat. 1755, provided that: ''This Act [amending section 1229c of this title] may be cited as the 'International Patient Act of 2000'.''

Pub. L. 106–396, § 1, Oct. 30, 2000, 114 Stat. 1637, provided that: ''This Act [amending sections 1182, 1184, 1187, and 1372 of this title, enacting provisions set out as a note under section 1187 of this title and classified as a note under section 763 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, and amending provisions set out as a note under section 1153 of this title] may be cited as the 'Visa Waiver Permanent Program Act'.''

Pub. L. 106–395, § 1, Oct. 30, 2000, 114 Stat. 1631, provided that: ''This Act [amending this section, sections 1182, 1227, 1431, and 1433 of this title, and sections 611 and 1015 of Title 18, Crimes and Criminal Procedure, repealing section 1432 of this title, and enacting provisions set out as notes under this section, sections 1182, 1227, and 1431 of this title, and section 611 of Title 18] may be cited as the 'Child Citizenship Act of 2000'.''

Pub. L. 106–386, div. B, title V, § 1501, Oct. 28, 2000, 114 Stat. 1518, provided that: ''This title [amending this section, sections 1151, 1154, 1182, 1184, 1227, 1229a, 1229b, 1255, 1367, 1430, and 1641 of this title, section 1152 of Title 20, Education, and sections 3796gg, 3796hh, and 1397*l* of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1229a, 1229b, and 1255 of this title, and amending provisions set out as notes under this section and section 1255 of this title] may be cited as the 'Battered Immigrant Women Protection Act of 2000'.''

Pub. L. 106–313, title I, § 101, Oct. 17, 2000, 114 Stat. 1251, provided that: ''This title [amending sections 1152, 1154, 1182, 1184, and 1356 of this title, section 2916a of Title 29, Labor, and section 1869c of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section, sections 1153, 1184, and 1356 of this title, section 2701 of Title 29, and sections 1862 and 13751 of Title 42, and amending provisions set out as a note under section 1182 of this title] may be cited as the 'American Competitiveness in the Twenty-first Century Act of 2000'.''

Pub. L. 106–215, § 1, June 15, 2000, 114 Stat. 337, provided that: ''This Act [amending section 1365a of this title and enacting provisions set out as a note under section 1365a of this title] may be cited as the 'Immigration and Naturalization Service Data Management Improvement Act of 2000'.''

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106–95, § 1, Nov. 12, 1999, 113 Stat. 1312, provided that: ''This Act [amending this section and sections 1153 and 1182 of this title, enacting provisions set out as a note under section 1182 of this title, and amending provisions set out as a note under this section] may be cited as the 'Nursing Relief for Disadvantaged Areas Act of 1999'.''

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–277, div. A, § 101(h) [title IX, § 901], Oct. 21, 1998, 112 Stat. 2681–480, 2681–538, provided that: ''This title [enacting sections 1377 and 1378 of this title and provisions set out as a note under section 1255 of this title] may be cited as the 'Haitian Refugee Immigration Fairness Act of 1998'.''

Pub. L. 105–277, div. C, title IV, § 401(a), Oct. 21, 1998, 112 Stat. 2681–641, provided that: ''This title [enacting

section 1869c of Title 42, The Public Health and Welfare, amending this section and sections 1182, 1184, and 1356 of this title, and enacting provisions set out as notes under sections 1182 and 1184 of this title and sections 2701 and 2916 of Title 29, Labor] may be cited as the 'American Competitiveness and Workforce Improvement Act of 1998'.''

SHORT TITLE OF 1997 AMENDMENTS

Section 112(a) of Pub. L. 105–119 provided that: ''This section [enacting, amending, and repealing provisions set out as notes under section 1440 of this title] may be cited as the 'Philippine Army, Scouts, and Guerilla Veterans of World War II Naturalization Act of 1997'.''

Pub. L. 105–100, title II, §201, Nov. 19, 1997, 111 Stat. 2193, provided that: ''This title [amending section 1229b of this title, enacting provisions set out as notes under this section and sections 1151, 1153, 1229b, and 1255 of this title, and amending provisions set out as a note under this section] may be cited as the 'Nicaraguan Adjustment and Central American Relief Act'.''

SHORT TITLE OF 1996 AMENDMENT

Section 1(a) of div. C of Pub. L. 104–208 provided that: ''This division [see Tables for classification] may be cited as the 'Illegal Immigration Reform and Immigrant Responsibility Act of 1996'.''

SHORT TITLE OF 1994 AMENDMENT

Section 1 of Pub. L. 103–416 provided that: ''This Act [see Tables for classification] may be cited as the 'Immigration and Nationality Technical Corrections Act of 1994'.''

SHORT TITLE OF 1991 AMENDMENTS

Section 1(a) of Pub. L. 102–232 provided that: ''This Act [amending this section, sections 1102, 1105a, 1151 to 1154, 1157, 1159 to 1161, 1182, 1184, 1186a to 1188, 1201, 1221, 1226, 1227, 1229, 1251, 1252, 1252a, 1252b, 1254 to 1255a, 1281, 1282, 1284, 1288, 1322, 1323, 1324a to 1324c, 1325, 1356, 1357, 1421, 1423, 1424, 1433, 1439 to 1441, 1443, 1445 to 1452, and 1455 of this title, and section 3753 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1151, 1157, 1160, 1182, 1184, 1251, 1252, 1254a, 1255, 1356, and 1421 of this title, and amending provisions set out as notes under this section and sections 1105a, 1153, 1158, 1160, 1184, 1201, 1251, 1254a, 1255, and 1421 of this title] may be cited as the 'Miscellaneous and Technical Immigration and Naturalization Amendments of 1991'.''

Section 101 of title I of Pub. L. 102–232 provided that: ''This title [amending sections 1421, 1448, 1450, and 1455 of this title and enacting provisions set out as a note under section 1421 of this title] may be cited as the 'Judicial Naturalization Ceremonies Amendments of 1991'.''

Section 201 of title II of Pub. L. 102–232 provided that: ''This title [amending this section and section 1184 of this title and enacting provisions set out as notes under this section and section 1184 of this title] may be cited as the 'O and P Nonimmigrant Amendments of 1991'.''

Section 301(a) of title III of Pub. L. 102–232 provided that: ''This title [amending this section, sections 1102, 1105a, 1151 to 1154, 1157, 1159 to 1161, 1182, 1184, 1186a to 1188, 1201, 1221, 1226, 1227, 1229, 1251, 1252, 1252a, 1252b, 1254 to 1255a, 1281, 1282, 1284, 1288, 1322, 1323, 1324a to 1324c, 1325, 1356, 1357, 1421, 1423, 1424, 1433, 1439 to 1441, 1443, 1445 to 1449, 1451, 1452, and 1455 of this title, and section 3753 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1151, 1157, 1160, 1182, 1251, 1252, 1254a, 1255, and 1356 of this title, and amending provisions set out as notes under this section and sections 1105a, 1153, 1158, 1160, 1184, 1201, 1251, 1254a, 1255, and 1421 of this title] may be cited as the 'Immigration Technical Corrections Act of 1991'.''

Section 1 of Pub. L. 102–110 provided that: ''This Act [amending this section and sections 1153, 1255, and 1524 of this title and enacting and amending provisions set out as notes under this section] may be cited as the 'Armed Forces Immigration Adjustment Act of 1991'.''

SHORT TITLE OF 1990 AMENDMENTS

Section 1(a) of Pub. L. 101–649 provided that: ''This Act [see Tables for classification] may be cited as the 'Immigration Act of 1990'.''

Pub. L. 101–249, §1, Mar. 6, 1990, 104 Stat. 94, provided that: ''This Act [enacting section 1440–1 of this title] may be cited as the 'Posthumous Citizenship for Active Duty Service Act of 1989'.''

SHORT TITLE OF 1989 AMENDMENT

Section 1 of Pub. L. 101–238 provided that: ''This Act [amending this section and sections 1160 and 1182 of this title, enacting provisions set out as notes under sections 1182, 1255, 1255a, and 1324a of this title, and amending provisions set out as a note under section 1255a of this title] may be cited as the 'Immigration Nursing Relief Act of 1989'.''

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100–658, §1, Nov. 15, 1988, 102 Stat. 3908, provided that: ''This Act [enacting provisions set out as notes under this section and section 1153 of this title and amending provisions set out as a note under section 1153 of this title] may be cited as the 'Immigration Amendments of 1988'.''

Section 1(a) of Pub. L. 100–525 provided that: ''This Act [amending this section, sections 1102, 1103, 1104, 1105a, 1152, 1154, 1157, 1160, 1161, 1182, 1184, 1186, 1186a, 1187, 1188, 1201, 1201a, 1202, 1222, 1223, 1224, 1227, 1251, 1252, 1254, 1255, 1255a, 1255b, 1259, 1301, 1302, 1304, 1305, 1324, 1324a, 1324b, 1353, 1356, 1357, 1360, 1408, 1409, 1421, 1422, 1424, 1426, 1431, 1432, 1433, 1435, 1440, 1441, 1446, 1447, 1451, 1452, 1454, 1455, 1459, 1481, 1483, 1489, 1522, 1523, and 1524 of this title, section 1546 of Title 18, Crimes and Criminal Procedure, section 1091 of Title 20, Education, and section 4195 of Title 22, Foreign Relations and Intercourse, enacting provisions set out as notes under this section and sections 1153, 1182, 1201, 1227, 1254, 1255, 1356, 1401, 1409, 1451, 1481, and 1522 of this title and section 4195 of Title 22, amending provisions set out as notes under this section and sections 1153, 1182, 1188, and 1255a of this title and section 1802 of Title 29, Labor, and repealing provisions set out as a note under section 1255a of this title] may be cited as the 'Immigration Technical Corrections Act of 1988'.''

SHORT TITLE OF 1986 AMENDMENTS

Section 1(a) of Pub. L. 99–653, as amended by Pub. L. 100–525, §8(a)(1), Oct. 24, 1988, 102 Stat. 2617, provided that: ''this Act [amending this section, sections 1152, 1182, 1201, 1202, 1228, 1251, 1301, 1302, 1304, 1401, 1409, 1431 to 1433, 1451, 1452, 1481, and 1483 of this title, and section 4195 of Title 22, Foreign Relations and Intercourse, and repealing section 1201a of this title and provisions set out as notes under section 1153 of this title] may be cited as the 'Immigration and Nationality Act Amendments of 1986'.''

Pub. L. 99–639, §1, Nov. 10, 1986, 100 Stat. 3537, provided that: ''This Act [enacting section 1186a of this title, amending sections 1154, 1182, 1184, 1251, 1255, and 1325 of this title, and enacting provisions set out as notes under sections 1154, 1182, 1184, and 1255 of this title] may be cited as the 'Immigration Marriage Fraud Amendments of 1986'.''

Pub. L. 99–605, §1(a), Nov. 6, 1986, 100 Stat. 3449, provided that: ''This Act [amending sections 1522 to 1524 of this title and enacting provisions set out as notes under section 1522 of this title] may be cited as the 'Refugee Assistance Extension Act of 1986'.''

Section 1(a) of Pub. L. 99–603 provided that: ''This Act [enacting sections 1160, 1161, 1186, 1187, 1255a, 1324a, 1324b, 1364, and 1365 of this title and section 1437r of Title 42, The Public Health and Welfare, amending this section, sections 1152, 1184, 1251, 1252, 1254, 1255, 1258, 1259, 1321, 1324, and 1357 of this title, section 2025 of

Title 7, Agriculture, section 1546 of Title 18, Crimes and Criminal Procedure, sections 1091 and 1096 of Title 20, Education, sections 1802, 1813, and 1851 of Title 29, Labor, and sections 303, 502, 602, 603, 672, 673, 1203, 1320b–7, 1353, 1396b, and 1436a of Title 42, repealing section 1816 of Title 29, enacting provisions set out as notes under this section and sections 1152, 1153, 1160, 1186, 1187, 1253, 1255a, 1259, 1324a, and 1324b of this title, section 1802 of Title 29, and sections 405, 502, and 1320b–7 of Title 42, and amending provisions set out as notes under this section and section 1383 of Title 42] may be cited as the 'Immigration Reform and Control Act of 1986'.''

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97–363, §1, Oct. 25, 1982, 96 Stat. 1734, provided that: ''This Act [amending sections 1522, 1523, and 1524 of this title and enacting provisions set out as a note under section 1522 of this title] may be cited as the 'Refugee Assistance Amendments of 1982'.''

SHORT TITLE OF 1981 AMENDMENT

Section 1(a) of Pub. L. 97–116 provided that: ''this Act [amending this section, sections 1105a, 1151, 1152, 1154, 1182, 1201, 1203, 1221, 1227, 1251, 1252, 1253, 1254, 1255, 1255b, 1258, 1305, 1324, 1356, 1361, 1401a, 1409, 1427, 1431, 1432, 1433, 1439, 1440, 1445, 1446, 1447, 1448, 1452, 1455, 1481, and 1483 of this title, and section 1429 of Title 18, Crimes and Criminal Procedure, enacting provisions set out as notes under this section and sections 1151 and 1182 of this title, amending a provision set out as a note under this section, and repealing a provision set out as a note under section 1182 of this title] may be cited as the 'Immigration and Nationality Act Amendments of 1981'.''

SHORT TITLE OF 1980 AMENDMENT

Section 1 of Pub. L. 96–212 provided: ''That this Act [enacting sections 1157 to 1159 and 1521 to 1525 of this title, amending this section, sections 1151 to 1153, 1181, 1182, 1253, and 1254 of this title, and section 2601 of Title 22, Foreign Relations and Intercourse, enacting provision set out as notes under this section and sections 1153, 1157, 1158, 1521, and 1522 of this title, amending provisions set out as notes under sections 1182 and 1255 of this title, and repealing provisions set out as a note under section 2601 of Title 22] may be cited as the 'Refugee Act of 1980'.''

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94–571 provided: ''That this Act [amending this section and sections 1151, 1152 to 1154, 1181, 1182, 1251, 1254, and 1255 of this title and enacting provisions set out as notes under this section and sections 1153 and 1255 of this title] may be cited as the 'Immigration and Nationality Act Amendments of 1976'.''

SHORT TITLE

Section 1 of act June 27, 1952, provided that such act, enacting this chapter, section 1429 of Title 18, Crimes and Criminal Procedure, amending sections 1353a, 1353d, 1552 of this title, sections 342b, 342c, 342e of former Title 5, Executive Departments and Government Officers and Employees, sections 1114, 1546 of Title 18, sections 618, 1446 of Title 22, Foreign Relations and Intercourse, sections 1, 177 of former Title 49, Transportation, sections 1952 to 1955 and 1961 of Title 50 App., War and National Defense, repealing section 530 of former Title 31, Money and Finance, enacting provisions set out as notes under this section and amending provisions set out as notes under sections 1435 and 1440 of this title, may be cited as the ''Immigration and Nationality Act''.

REPEAL AND REVIVAL

Section 8(b) of Pub. L. 100–525 provided that: ''Section 3 of INAA [Pub. L. 99–653, repealing subsec. (c)(1) of this section] is repealed and the language stricken by such section is revived as of November 14, 1986.''

REPEALS

Section 403(b) of act June 27, 1952, provided that: ''Except as otherwise provided in section 405 [set out below], all other laws, or parts of laws, in conflict or inconsistent with this Act [this chapter] are, to the extent of such conflict or inconsistency, repealed.''

REGULATIONS

Pub. L. 109–162, title VIII, §828, Jan. 5, 2006, 119 Stat. 3066, provided that: ''Not later than 180 days after the date of enactment of this Act [Jan. 5, 2006], the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of Public Law 106–386) [see section 1501 of Pub. L. 106–386, set out as a Short Title of 2000 Amendments note under this section], this Act [see Tables for classification], and the amendments made by this Act.''

Section 303(a)(8) of Pub. L. 102–232 provided that: ''The Secretary of Labor shall issue final or interim final regulations to implement the changes made by this section to section 101(a)(15)(H)(i)(b) and section 212(n) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(H)(i)(b), 1182(n)] no later than January 2, 1992.''

Pub. L. 102–140, title VI, §610, Oct. 28, 1991, 105 Stat. 832, as amended by Pub. L. 103–416, title II, §219(*l*)(2), Oct. 25, 1994, 108 Stat. 4317, provided that:

''(a) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(1) of the Immigration and Nationality Act [act June 27, 1952, as amended, set out as a note above], including a delineation of (1) scenarios that constitute an immigration emergency, (2) the process by which the President declares an immigration emergency, (3) the role of the Governor and local officials in requesting a declaration of emergency, (4) a definition of 'assistance as required by the Attorney General', and (5) the process by which States and localities are to be reimbursed.

''(b) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(2) of such Act, including providing a definition of the terms in section 404(b)(2)(A)(ii) and a delineation of 'in any other circumstances' in section 404(b)(2)(A)(iii) of such Act.

''(c) The regulations under this section shall be published for comment not later than 30 days after the date of enactment of this Act [Oct. 28, 1991] and issued in final form not later than 15 days after the end of the comment period.''

SAVINGS CLAUSE

Section 405 of act June 27, 1952, provided in part that:

''(a) Nothing contained in this Act [this chapter], unless otherwise specifically provided therein, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certificate of citizenship, warrant of arrest, order or warrant of deportation, order of exclusion, or other document or proceeding which shall be valid at the time this Act [this chapter] shall take effect; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any status, condition, right in process of acquisition, act, thing, liability, obligation, or matter, civil or criminal done or existing, at the time this Act [this chapter] shall take effect; but as to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters the statutes or parts of statutes repealed by this Act [this chapter] are, unless otherwise specifically provided therein, hereby continued in force and effect. When an immigrant, in possession of an unexpired immigrant visa issued prior to the effective date of this Act [this chapter], makes application for admission, his admissibility shall be determined under the provisions of law in effect on the date of the issuance of such visa. An application for suspension of deportation under section 19 of the Immi-

gration Act of 1917, as amended [former section 155 of this title], or for adjustment of status under section 4 of the Displaced Persons Act of 1948, as amended [former section 1953 of Appendix to Title 50], which is pending on the date of enactment of this Act [June 27, 1952], shall be regarded as a proceeding within the meaning of this subsection.

''(b) Except as otherwise specifically provided in title III [subchapter III of this chapter], any petition for naturalization heretofore filed which may be pending at the time this Act [this chapter] shall take effect shall be heard and determined in accordance with the requirements of law in effect when such petition was filed.

''(c) Except as otherwise specifically provided in this Act [this chapter], the repeal of any statute by this Act [this chapter] shall not terminate nationality heretofore lawfully acquired nor restore nationality heretofore lost under any law of the United States or any treaty to which the United States may have been a party.

''(d) Except as otherwise specifically provided in this Act [this chapter], or any amendment thereto, fees, charges and prices for purposes specified in title V of the Independent Offices Appropriation Act, 1952 (Public Law 137, Eighty-second Congress, approved August 31, 1951), may be fixed and established in the manner and by the head of any Federal Agency as specified in that Act.

''(e) This Act [this chapter] shall not be construed to repeal, alter, or amend section 231(a) of the Act of April 30, 1946 (60 Stat. 148; [section 1281(a) of title 22]), the Act of June 20, 1949 (Public Law 110, section 8, Eighty-first Congress, first session; 63 Stat. 208 [section 403h of title 50]), the Act of June 5, 1950 (Public Law 535, Eighty-first Congress, second session [former section 1501 et seq. of title 22]), nor title V of the Agricultural Act of 1949, as amended (Public Law 78, Eighty-second Congress, first session [former sections 1461 to 1468 of title 7]).''

SEPARABILITY

Pub. L. 106–313, title I, §116, Oct. 17, 2000, 114 Stat. 1262, provided that: ''If any provision of this title [see Short Title of 2000 Amendments note above] (or any amendment made by this title) or the application thereof to any person or circumstance is held invalid, the remainder of the title (and the amendments made by this title) and the application of such provision to any other person or circumstance shall not be affected thereby. This section be enacted [sic] 2 days after effective date.''

Section 1(e) of div. C of Pub. L. 104–208 provided that: ''If any provision of this division [see Tables for classification] or the application of such provision to any person or circumstances is held to be unconstitutional, the remainder of this division and the application of the provisions of this division to any person or circumstance shall not be affected thereby.''

Section 406 of act June 27, 1952, provided that: ''If any particular provision of this Act [this chapter], or the application thereof to any person or circumstance, is held invalid, the remainder of the Act [this chapter] and the application of such provision to other persons or circumstances shall not be affected thereby.''

TRANSFER OF FUNCTIONS

United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of Title 22, Foreign Relations and Intercourse.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

ADMISSION OF ALASKA AS STATE

Effectiveness of amendment of this section by Pub. L. 85–508 as dependent on admission of State of Alaska into the Union, see section 8(b) of Pub. L. 85–508, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 25, 1959, 25 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding former section 491 of Title 48, Territories and Insular Possessions.

APPROPRIATIONS

Section 404 of act June 27, 1952, as amended by acts Dec. 29, 1981, Pub. L. 97–116, §18(s), 95 Stat. 1621; Nov. 6, 1986, Pub. L. 99–603, title I, §113, 100 Stat. 3383; Nov. 29, 1990, Pub. L. 101–649, title VII, §705(a), 104 Stat. 5087; Dec. 12, 1991, Pub. L. 102–232, title III, §308(d), 105 Stat. 1757, provided that:

''(a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [this chapter] (other than chapter 2 of title IV) [subchapter IV of this chapter].

''(b)(1) There are authorized to be appropriated (for fiscal year 1991 and any subsequent fiscal year) to an immigration emergency fund, to be established in the Treasury, an amount sufficient to provide for a balance of $35,000,000 in such fund, to be used to carry out paragraph (2) and to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency, except that no amounts may be withdrawn from such fund with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate.

''(2)(A) Funds which are authorized to be appropriated by paragraph (1), subject to the dollar limitation contained in subparagraph (B), shall be available, by application for the reimbursement of States and localities providing assistance as required by the Attorney General, to States and localities whenever—

''(i) a district director of the Service certifies to the Commissioner that the number of asylum applications filed in the respective district during a calendar quarter exceeds by at least 1,000 the number of such applications filed in that district during the preceding calendar quarter,

''(ii) the lives, property, safety, or welfare of the residents of a State or locality are endangered, or

''(iii) in any other circumstances as determined by the Attorney General.

In applying clause (i), the providing of parole at a point of entry in a district shall be deemed to constitute an application for asylum in the district.

''(B) Not more than $20,000,000 shall be made available for all localities under this paragraph.

''(C) For purposes of subparagraph (A), the requirement of paragraph (1) that an immigration emergency be determined shall not apply.

''(D) A decision with respect to an application for reimbursement under subparagraph (A) shall be made by the Attorney General within 15 days after the date of receipt of the application.''

[Section 705(b) of Pub. L. 101–649 provided that: ''Section 404(b)(2)(A)(i) of the Immigration and Nationality Act [act June 27, 1952, set out above], as added by the amendment made by subsection (a)(5), shall apply with respect to increases in the number of asylum applications filed in a calendar quarter beginning on or after January 1, 1989. The Attorney General may not spend any amounts from the immigration emergency fund pursuant to the amendments made by subsection (a) [amending section 404 of act June 27, 1952, set out above] before October 1, 1991.'']

[Determination of President of the United States, No. 97–16, Feb. 12, 1997, 62 F.R. 13981, provided that immigration emergency determined by President in 1995 to exist with respect to smuggling into United States of illegal aliens persisted and directed use of Immigration Emergency Fund established by section 404(b)(1) of act June 27, 1952, set out above.

[Prior determination was contained in the following:

[Determination of President of the United States, No. 95–49, Sept. 28, 1995, 60 F.R. 53677.]

SPECIAL IMMIGRANT STATUS FOR PERSONS SERVING AS TRANSLATORS WITH UNITED STATES ARMED FORCES

Pub. L. 109–163, div. A, title X, § 1059, Jan. 6, 2006, 119 Stat. 3443, as amended by Pub. L. 110–28, title III, § 3812, May 25, 2007, 121 Stat. 151; Pub. L. 110–36, § 1, June 15, 2007, 121 Stat. 227; Pub. L. 110–161, div. J, title VI, § 699J, Dec. 26, 2007, 121 Stat. 2373, provided that:

''(a) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

''(1) files with the Secretary of Homeland Security a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

''(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

''(b) ALIENS DESCRIBED.—

''(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

''(A) is a national of Iraq or Afghanistan;

''(B) worked directly with United States Armed Forces, or under Chief of Mission authority, as a translator or interpreter for a period of at least 12 months;

''(C) obtained a favorable written recommendation from the Chief of Mission or a general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien; and

''(D) before filing the petition described in subsection (a)(1), cleared a background check and screening, as determined by the Chief of Mission or a general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien.

''(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is the spouse or child of a principal alien described in paragraph (1), and is following or accompanying to join the principal alien.

''(c) NUMERICAL LIMITATIONS.—

''(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section—

''(A) during each of the fiscal years 2007 and 2008, shall not exceed 500; and

''(B) during any other fiscal year shall not exceed 50.

''(2) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section and shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

''(3) CARRY FORWARD.—If the numerical limitation described in paragraph (1) is not reached during a given fiscal year, the numerical limitation for the following fiscal year shall be increased by a number equal to the difference between the number of visas authorized for the given fiscal year and the number of aliens provided special immigrant status during the given fiscal year.

''(d) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

''(1) was paroled or admitted as a nonimmigrant into the United States; and

''(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.].

''(e) NATURALIZATION.—

''(1) IN GENERAL.—An absence from the United States described in paragraph (2) shall not be considered to break any period for which continuous residence in the United States is required for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.).

''(2) ABSENCE DESCRIBED.—An absence described in this paragraph is an absence from the United States due to a person's employment by the Chief of Mission or United States Armed Forces, under contract with the Chief of Mission or United States Armed Forces, or by a firm or corporation under contract with the Chief of Mission or United States Armed Forces, if—

''(A) such employment involved working with the Chief of Mission or United States Armed Forces as a translator or interpreter; and

''(B) the person spent at least a portion of the time outside of the United States working directly with the Chief of Mission or United States Armed Forces as a translator or interpreter in Iraq or Afghanistan.

''(f) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—The definitions in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) shall apply in the administration of this section.''

[Pub. L. 110–28 and Pub. L. 110–36 made identical amendments to section 1059 of Pub. L. 109–163, set out above, except for the redesignation of subsec. (d) and addition of subsec. (e). Amendments by Pub. L. 110–36 were executed in lieu of the amendments by Pub. L. 110–28, to reflect the probable intent of Congress.]

BATTERED IMMIGRANT WOMEN; FINDINGS AND PURPOSES

Pub. L. 106–386, div. B, title V, § 1502, Oct. 28, 2000, 114 Stat. 1518, provided that:

''(a) FINDINGS.—Congress finds that—

''(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 [Pub. L. 103–322, title IV, see Tables for classification] was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

''(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser's control; and

''(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

''(b) PURPOSES.—The purposes of this title [see Short Title of 2000 Amendments note above] are—

''(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

''(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.''

PROTECTION FOR CERTAIN CRIME VICTIMS INCLUDING VICTIMS OF CRIMES AGAINST WOMEN

Pub. L. 106–386, div. B, title V, §1513(a), Oct. 28, 2000, 114 Stat. 1533, provided that:

''(a) FINDINGS AND PURPOSE.—

''(1) FINDINGS.—Congress makes the following findings:

''(A) Immigrant women and children are often targeted to be victims of crimes committed against them in the United States, including rape, torture, kidnaping, trafficking, incest, domestic violence, sexual assault, female genital mutilation, forced prostitution, involuntary servitude, being held hostage or being criminally restrained.

''(B) All women and children who are victims of these crimes committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation of the crimes committed against them and the prosecution of the perpetrators of such crimes.

''(2) PURPOSE.—

''(A) The purpose of this section [amending this section and sections 1182, 1184, 1255, and 1367 of this title] is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(U)(iii)] committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States. This visa will encourage law enforcement officials to better serve immigrant crime victims and to prosecute crimes committed against aliens.

''(B) Creating a new nonimmigrant visa classification will facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused aliens who are not in lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations or prosecutions. Providing temporary legal status to aliens who have been severely victimized by criminal activity also comports with the humanitarian interests of the United States.

''(C) Finally, this section gives the Attorney General discretion to convert the status of such nonimmigrants to that of permanent residents when doing so is justified on humanitarian grounds, for family unity, or is otherwise in the public interest.''

PHILIPPINE TRADERS AS NONIMMIGRANTS

Philippine traders classifiable as nonimmigrants under subsec. (a)(15)(E) of this section, see section 1184a of this title.

IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM

Pub. L. 105–319, Oct. 30, 1998, 112 Stat. 3013, as amended by Pub. L. 107–234, §1, Oct. 4, 2002, 116 Stat. 1481; Pub. L. 108–449, §1(a), Dec. 10, 2004, 118 Stat. 3469, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Irish Peace Process Cultural and Training Program Act of 1998'.

''SEC. 2. IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.

''(a) PURPOSE.—

''(1) IN GENERAL.—The Secretary of State and the Secretary of Homeland Security shall establish a program to allow young people from disadvantaged areas of designated counties suffering from sectarian violence and high structural unemployment to enter the United States for the purpose of developing job skills and conflict resolution abilities in a diverse, cooperative, peaceful, and prosperous environment, so that those young people can return to their homes better able to contribute toward economic regeneration and the Irish peace process. The program shall promote cross-community and cross-border initiatives to build grassroots support for long-term peaceful coexistence. The Secretary of State and the Secretary of Homeland Security shall cooperate with nongovernmental organizations to assist those admitted to participate fully in the economic, social, and cultural life of the United States.

''(2) SCOPE AND DURATION OF PROGRAM.—

''(A) IN GENERAL.—The program under paragraph (1) shall provide for the admission of not more than 4,000 aliens under section 101(a)(15)(Q)(ii) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(Q)(ii)] (including spouses and minor children) in each of 4 consecutive program years.

''(B) OFFSET IN NUMBER OF H–2B NONIMMIGRANT ADMISSIONS ALLOWED.—Notwithstanding any other provision of law, for each alien so admitted in a fiscal year, the numerical limitation specified under section 214(g)(1)(B) of the Immigration and Nationality Act [8 U.S.C. 1184(g)(1)(B)] shall be reduced by 1 for that fiscal year or the subsequent fiscal year.

''(3) RECORDS AND REPORT.—The Department of Homeland Security shall maintain records of the nonimmigrant status and place of residence of each alien admitted under the program. Not later than 120 days after the end of each program year, the Department of Homeland Security shall compile and submit to the Congress a report on the number of aliens admitted with nonimmigrant status under section 101(a)(15)(Q)(ii) [8 U.S.C. 1101(a)(15)(Q)(ii)] who have overstayed their visas.

''(4) DESIGNATED COUNTIES DEFINED.—For the purposes of this Act, the term 'designated counties' means the six counties of Northern Ireland and the counties of Louth, Monaghan, Cavan, Leitrim, Sligo, and Donegal within the Republic of Ireland.

''(5) PROGRAM PARTICIPANT REQUIREMENTS.—An alien entering the United States as a participant in the program shall satisfy the following requirements:

''(A) The alien shall be a citizen of the United Kingdom or the Republic of Ireland.

''(B) The alien shall be between 21 and 35 years of age on the date of departure for the United States.

''(C) The alien shall have resided continuously in a designated county for not less than 18 months before such date.

''(D) The alien shall have been continuously unemployed for not less than 12 months before such date.

''(E) The alien may not have a degree from an institution of higher education.

''(b) TEMPORARY NONIMMIGRANT VISA.—[Amended this section.]

''(c) COST-SHARING.—The Secretary of State shall verify that the United Kingdom and the Republic of Ireland continue to pay a reasonable share of the costs of the administration of the cultural and training programs carried out pursuant to this Act.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the purposes of this section. Amounts appropriated pursuant to this subsection are authorized to be available until expended.

''(e) SUNSET.—

''(1) Effective October 1, 2008, the Irish Peace Process Cultural and Training Program Act of 1998 is repealed.

''(2) Effective October 1, 2008, section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

''(A) by striking 'or' at the end of clause (i);

''(B) by striking '(i)' after '(Q)'; and

''(C) by striking clause (ii).''

COORDINATION OF AMENDMENTS BY PUB. L. 104–208

Section 1(b) of div. C of Pub. L. 104–208 provided that: ''Except as otherwise specifically provided—

''(1) whenever in this division [see Tables for classification] an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act [8 U.S.C. 1101 et seq.]; and

''(2) amendments to a section or other provision are to such section or other provision before any amendment made to such section or other provision elsewhere in this division.''

APPLICABILITY OF TITLE V OF DIVISION C OF PUB. L. 104–208 TO FOREIGN ASSISTANCE

Section 592 of title V of div. C of Pub. L. 104–208 provided that: ''This title [see Effective Date of 1996 Amendment note above] does not apply to any Federal, State, or local governmental program, assistance, or benefits provided to an alien under any program of foreign assistance as determined by the Secretary of State in consultation with the Attorney General.''

NOTIFICATION TO PUBLIC AND PROGRAM RECIPIENTS OF CHANGES REGARDING ELIGIBILITY FOR PROGRAMS

Section 593 of title V of div. C of Pub. L. 104–208 provided that:

''(a) IN GENERAL.—Each agency of the Federal Government or a State or political subdivision that administers a program affected by the provisions of this title [see Effective Date of 1996 Amendment note above], shall, directly or through the States, provide general notification to the public and to program recipients of the changes regarding eligibility for any such program pursuant to this title.

''(b) FAILURE TO GIVE NOTICE.—Nothing in this section shall be construed to require or authorize continuation of eligibility if the notice under this section is not provided.''

REPORT ON ALIENS GRANTED REFUGEE STATUS OR ASYLUM DUE TO PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS

Section 601(a)(2) of div. C of Pub. L. 104–208 provided that: ''Not later than 90 days after the end of each fiscal year, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate describing the number and countries of origin of aliens granted refugee status or asylum under determinations pursuant to the amendment made by paragraph (1) [amending this section]. Each such report shall also contain projections regarding the number and countries of origin of aliens that are likely to be granted refugee status or asylum for the subsequent 2 fiscal years.''

SENSE OF CONGRESS REGARDING AMERICAN-MADE PRODUCTS; REQUIREMENTS FOR NOTICE

Section 648 of div. C of Pub. L. 104–208 provided that:

''(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this division [see Tables for classification] should be American-made.

''(b) NOTICE TO RECIPIENTS OF GRANTS.—In providing grants under this division, the Attorney General, to the greatest extent practicable, shall provide to each recipient of a grant a notice describing the statement made in subsection (a) by the Congress.''

IMPROVING BORDER CONTROLS

Section 130006 of Pub. L. 103–322 provided that:

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Immigration and Naturalization Service to increase the resources for the Border Patrol, the Inspections Program, and the Deportation Branch to apprehend illegal aliens who attempt clandestine entry into the United States or entry into the United States with fraudulent documents or who remain in the country after their nonimmigrant visas expire—

''(1) $228,000,000 for fiscal year 1995;

''(2) $185,000,000 for fiscal year 1996;

''(3) $204,000,000 for fiscal year 1997; and

''(4) $58,000,000 for fiscal year 1998.

''Of the sums authorized in this section, all necessary funds shall, subject to the availability of appropriations, be allocated to increase the number of agent positions (and necessary support personnel positions) in the Border Patrol by not less than 1,000 full-time equivalent positions in each of fiscal years 1995, 1996, 1997, and 1998 beyond the number funded as of October 1, 1994.

''(b) REPORT.—By September 30, 1996 and September 30, 1998, the Attorney General shall report to the Congress on the programs described in this section. The report shall include an evaluation of the programs, an outcome-based measurement of performance, and an analysis of the cost effectiveness of the additional resources provided under this Act [see Tables for classification].''

VISAS FOR OFFICIALS OF TAIWAN

Section 221 of Pub. L. 103–416, as amended by Pub. L. 104–208, div. C, title III, § 308(d)(3)(E), title VI, § 671(b)(12), Sept. 30, 1996, 110 Stat. 3009–617, 3009–722, provided that: ''Whenever the President of Taiwan or any other high-level official of Taiwan shall apply to visit the United States for the purposes of discussions with United States Federal or State government officials concerning—

''(1) trade or business with Taiwan that will reduce the United States-Taiwan trade deficit,

''(2) prevention of nuclear proliferation,

''(3) threats to the national security of the United States,

''(4) the protection of the global environment,

''(5) the protection of endangered species, or

''(6) regional humanitarian disasters,

the official shall be admitted to the United States, unless the official is otherwise inadmissible under the immigration laws of the United States.''

CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS

Section 225 of Pub. L. 103–416, as amended by Pub. L. 104–132, title IV, § 436(b)(2), Apr. 24, 1996, 110 Stat. 1275; Pub. L. 104–208, div. C, title III, § 308(c)(4)(B), Sept. 30, 1996, 110 Stat. 3009–616, provided that: ''No amendment made by this Act [see Tables for classification] shall be construed 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.''

[Amendment by Pub. L. 104–132 effective as if included in enactment of Pub. L. 103–416, see section 436(b)(3) of Pub. L. 104–132 set out as an Effective Date of 1996 Amendment note under section 1252 of this title.]

REPORT ON ADMISSION OF CERTAIN NONIMMIGRANTS

Section 202(b) of Pub. L. 102–232 directed Comptroller General, by not later than Oct. 1, 1994, to submit to Committees on the Judiciary of Senate and of House of Representatives a report containing information relating to the admission of artists, entertainers, athletes, and related support personnel as nonimmigrants under 8 U.S.C. 1101(a)(15)(O), (P), and information on the laws, regulations, and practices in effect in other countries

that affect United States citizens and permanent resident aliens in the arts, entertainment, and athletics, in order to evaluate the impact of such admissions, laws, regulations, and practices on such citizens and aliens, directed Chairman of the Committee on the Judiciary of Senate to make the report available to interested parties and to hold a hearing respecting the report and directed such Committee to report to Senate its findings and any legislation it deems appropriate.

DELAY UNTIL APRIL 1, 1992, IN IMPLEMENTATION OF PROVISIONS RELATING TO NONIMMIGRANT ARTISTS, ATHLETES, ENTERTAINERS, AND FASHION MODELS

Section 3 of Pub. L. 102–110 provided that: ''Section 214(g)(1)(C) of the Immigration and Nationality Act [8 U.S.C. 1184(g)(1)(C)] shall not apply to the issuance of visas or provision of status before April 1, 1992. Aliens seeking nonimmigrant admission as artists, athletes, entertainers, or fashion models (or for the purpose of accompanying or assisting in an artistic or athletic performance) before April 1, 1992, shall not be admitted under subparagraph (O)(i), (O)(ii), (P)(i), or (P)(iii) of section 101(a)(15) of such Act [8 U.S.C. 1101(a)(15)], but may be admitted under the terms of subparagraph (H)(i)(b) of such section (as in effect on September 30, 1991).''

COMMISSION ON IMMIGRATION REFORM

Section 141 of Pub. L. 101–649, as amended by Pub. L. 102–232, title III, §302(c)(1), Dec. 12, 1991, 105 Stat. 1744, provided that:

''(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) Effective October 1, 1991, there is established a Commission on Immigration Reform (in this section referred to as the 'Commission') which shall be composed of 9 members to be appointed as follows:

''(A) One member who shall serve as Chairman, to be appointed by the President.

''(B) Two members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the Chairman of the Committee on the Judiciary of the House of Representatives.

''(C) Two members to be appointed by the Minority Leader of the House of Representatives who shall select such members from a list of nominees provided by the ranking minority member of the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary of the House of Representatives.

''(D) Two members to be appointed by the Majority Leader of the Senate who shall select such members from a list of nominees provided by the Chairman of the Subcommittee on Immigration and Refugee Affairs of the Committee on the Judiciary of the Senate.

''(E) Two members to be appointed by the Minority Leader of the Senate who shall select such members from a list of nominees provided by the ranking minority member of the Subcommittee on Immigration and Refugee Affairs of the Committee on the Judiciary of the Senate.

''(2) Initial appointments to the Commission shall be made during the 45-day period beginning on October 1, 1991. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

''(3) Members shall be appointed to serve for the life of the Commission, except that the term of the member described in paragraph (1)(A) shall expire at noon on January 20, 1993, and the President shall appoint an individual to serve for the remaining life of the Commission.

''(b) FUNCTIONS OF COMMISSION.—The Commission shall—

''(1) review and evaluate the impact of this Act and the amendments made by this Act [see Tables for classification], in accordance with subsection (c); and

''(2) transmit to the Congress—

''(A) not later than September 30, 1994, a first report describing the progress made in carrying out paragraph (1), and

''(B) not later than September 30, 1997, a final report setting forth the Commission's findings and recommendations, including such recommendations for additional changes that should be made with respect to legal immigration into the United States as the Commission deems appropriate.

''(c) CONSIDERATIONS.—

''(1) PARTICULAR CONSIDERATIONS.—In particular, the Commission shall consider the following:

''(A) The requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members and the impact which the establishment of a national level of immigration has upon the availability and priority of family preference visas.

''(B) The impact of immigration and the implementation of the employment-based and diversity programs on labor needs, employment, and other economic and domestic conditions in the United States.

''(C) The social, demographic, and natural resources impact of immigration.

''(D) The impact of immigration on the foreign policy and national security interests of the United States.

''(E) The impact of per country immigration levels on family-sponsored immigration.

''(F) The impact of the numerical limitation on the adjustment of status of aliens granted asylum.

''(G) The impact of the numerical limitations on the admission of nonimmigrants under section 214(g) of the Immigration and Nationality Act [8 U.S.C. 1184(g)].

''(2) DIVERSITY PROGRAM.—The Commission shall analyze the information maintained under section 203(c)(3) of the Immigration and Nationality Act [8 U.S.C. 1153(c)(3)] and shall report to Congress in its report under subsection (b)(2) on—

''(A) the characteristics of individuals admitted under section 203(c) of the Immigration and Nationality Act, and

''(B) how such characteristics compare to the characteristics of family-sponsored immigrants and employment-based immigrants.

The Commission shall include in the report an assessment of the effect of the requirement of paragraph (2) of section 203(c) of the Immigration and Nationality Act on the diversity, educational, and skill level of aliens admitted.

''(d) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, pay at the daily equivalent of the minimum annual rate of basic pay in effect for grade GS–18 of the General Schedule. Each member of the Commission who is such an officer or employee shall serve without additional pay.

''(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

''(e) MEETINGS, STAFF, AND AUTHORITY OF COMMISSION.—The provisions of subsections (e) through (g) of section 304 of the Immigration Reform and Control Act of 1986 [Pub. L. 99–603, set out as a note under section 1160 of this title] shall apply to the Commission in the same manner as they apply to the Commission established under such section, except that paragraph (2) of subsection (e) thereof shall not apply.

''(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

''(2) Notwithstanding any other provision of this section, the authority to make payments, or to enter into

contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

''(g) TERMINATION DATE.—The Commission shall terminate on the date on which a final report is required to be transmitted under subsection (b)(2)(B), except that the Commission may continue to function until January 1, 1998, for the purpose of concluding its activities, including providing testimony to standing committees of Congress concerning its final report under this section and disseminating that report.

''(h) CONGRESSIONAL RESPONSE.—(1) No later than 90 days after the date of receipt of each report transmitted under subsection (b)(2), the Committees on the Judiciary of the House of Representatives and of the Senate shall initiate hearings to consider the findings and recommendations of the report.

''(2) No later than 180 days after the date of receipt of such a report, each such Committee shall report to its respective House its oversight findings and any legislation it deems appropriate.

''(i) PRESIDENTIAL REPORT.—The President shall conduct a review and evaluation and provide for the transmittal of reports to the Congress in the same manner as the Commission is required to conduct a review and evaluation and to transmit reports under subsection (b).''

[References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.]

SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS EMPLOYED AT UNITED STATES MISSION IN HONG KONG (D SPECIAL IMMIGRANTS)

Section 152 of Pub. L. 101–649, as amended by Pub. L. 102–232, title III, § 302(d)(1), Dec. 12, 1991, 105 Stat. 1744, provided that:

''(a) IN GENERAL.—Subject to subsection (c), an alien described in subsection (b) shall be treated as a special immigrant described in section 101(a)(27)(D) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(27)(D)].

''(b) ALIENS COVERED.—An alien is described in this subsection if—

''(1) the alien is—

''(A) an employee at the United States consulate in Hong Kong under the authority of the Chief of Mission (including employment pursuant to section 5913 of title 5, United States Code) and has performed faithful service as such an employee for a total of three years or more, or

''(B) a member of the immediate family (as defined in 6 Foreign Affairs Manual 117k as of the date of the enactment of this Act [Nov. 29, 1990]) of an employee described in subparagraph (A) who has been living with the employee in the same household;

''(2) the welfare of the employee or such an immediate family member is subject to a clear threat due directly to the employee's employment with the United States Government or under a United States Government official; and

''(3) the principal officer in Hong Kong, in the officer's discretion, has recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status.

''(c) EXPIRATION.—Subsection (a) shall only apply to aliens who file an application for special immigrant status under this section by not later than January 1, 2002.

''(d) LIMITED WAIVER OF NUMERICAL LIMITATIONS.—The first 500 visas made available to aliens as special immigrants under this section shall not be counted against any numerical limitation established under section 201 or 202 of the Immigration and Nationality Act [8 U.S.C. 1151 or 1152].''

INAPPLICABILITY OF AMENDMENT BY PUB. L. 101–649

Amendment by section 203(c) of Pub. L. 101–649 not to affect performance of longshore work in United States by citizens or nationals of United States, see section 203(a)(2) of Pub. L. 101–649, set out as a note under section 1288 of this title.

APPLICATION OF TREATY TRADER FOR CERTAIN FOREIGN STATES

Section 204(b) of Pub. L. 101–649 provided that: ''Each of the following foreign states shall be considered, for purposes of section 101(a)(15)(E) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(E)], to be a foreign state described in such section if the foreign state extends reciprocal nonimmigrant treatment to nationals of the United States:

''(1) The largest foreign state in each region (as defined in section 203(c)(1) of the Immigration and Nationality Act [8 U.S.C. 1153(c)(1)]) which (A) has 1 or more dependent areas (as determined for purposes of section 202 of such Act [8 U.S.C. 1152]) and (B) does not have a treaty of commerce and navigation with the United States.

''(2) The foreign state which (A) was identified as an adversely affected foreign state for purposes of section 314 of the Immigration Reform and Control Act of 1986 [Pub. L. 99–603, set out as a note under section 1153 of this title] and (B) does not have a treaty of commerce and navigation with the United States, but (C) had such a treaty with the United States before 1925.''

CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING AND MANAGEMENT CONSULTING FIRMS

Section 206(a) of Pub. L. 101–649, as amended by Pub. L. 102–232, title III, § 303(a)(9), Dec. 12, 1991, 105 Stat. 1748; Pub. L. 106–95, § 6, Nov. 12, 1999, 113 Stat. 1319, provided that: ''In applying sections 101(a)(15)(L) and 203(b)(1)(C) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(L), 1153(b)(1)(C)], and for no other purpose, in the case of a partnership that is organized in the United States to provide accounting or management consulting services and that markets its accounting or management consulting services under an internationally recognized name under an agreement with a worldwide coordinating organization that is collectively owned and controlled by the member accounting and management consulting firms or by the elected members (partners, shareholders, members, employees) thereof, an entity that is organized outside the United States to provide accounting or management consulting services shall be considered to be an affiliate of the United States accounting or management consulting partnership if it markets its accounting or management consulting services under the same internationally recognized name directly or indirectly under an agreement with the same worldwide coordinating organization of which the United States partnership is also a member. Those partnerships organized within the United States and entities organized outside the United States which are considered affiliates under this subsection shall continue to be considered affiliates to the extent such firms enter into a plan of association with a successor worldwide coordinating organization, which need not be collectively owned and controlled.''

ADMISSION OF NONIMMIGRANTS FOR COOPERATIVE RESEARCH, DEVELOPMENT, AND COPRODUCTION PROJECTS

Section 222 of Pub. L. 101–649, as amended by Pub. L. 102–232, title III, § 303(b)(3), Dec. 12, 1991, 105 Stat. 1748, provided that:

''(a) IN GENERAL.—Subject to subsection (b), the Attorney General shall provide for nonimmigrant status in the case of an alien who—

''(1) has a residence in a foreign country which the alien has no intention of abandoning, and

''(2) is coming to the United States, upon a basis of reciprocity, to perform services of an exceptional na-

ture requiring such merit and ability relating to a cooperative research and development project or a coproduction project provided under a government-to-government agreement administered by the Secretary of Defense, but not to exceed a period of more than 10 years,

or who is the spouse or minor child of such an alien if accompanying or following to join the alien.

''(b) NUMERICAL LIMITATION.—The number of aliens who may be admitted as (or otherwise be provided the status of) a nonimmigrant under this section at any time may not exceed 100.''

ESTABLISHMENT OF SPECIAL EDUCATION EXCHANGE VISITOR PROGRAM

Section 223 of Pub. L. 101–649, as amended by Pub. L. 102–232, title III, §303(b)(4), Dec. 12, 1991, 105 Stat. 1748, provided that:

''(a) IN GENERAL.—Subject to subsection (b), the Attorney General shall provide for nonimmigrant status in the case of an alien who—

''(1) has a residence in a foreign country which the alien has no intention of abandoning, and

''(2) is coming temporarily to the United States (for a period not to exceed 18 months) as a participant in a special education training program which provides for practical training and experience in the education of children with physical, mental, or emotional disabilities,

or who is the spouse or minor child of such an alien if accompanying or following to join the alien.

''(b) NUMERICAL LIMITATION.—The number of aliens who may be admitted as (or otherwise be provided the status of) a nonimmigrant under this section in any fiscal year may not exceed 50.''

EXTENSION OF H–1 IMMIGRATION STATUS FOR CERTAIN NONIMMIGRANTS EMPLOYED IN COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS AND COPRODUCTION PROJECTS

Pub. L. 101–189, div. A, title IX, §937, Nov. 29, 1989, 103 Stat. 1538, provided that: ''The Attorney General shall provide for the extension through December 31, 1991, of nonimmigrant status under section 101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) for an alien to perform temporarily services relating to a cooperative research and development project or a coproduction project provided under a government-to-government agreement administered by the Secretary of Defense in the case of an alien who has had such status for a period of at least five years if such status has not expired as of the date of the enactment of this Act [Nov. 29, 1989] but would otherwise expire during 1989, 1990, or 1991, due only to the time limitations with respect to such status.''

EXTENSION OF H–1 STATUS FOR CERTAIN REGISTERED NURSES THROUGH DECEMBER 31, 1989

Pub. L. 100–658, §4, Nov. 15, 1988, 102 Stat. 3909, provided that: ''The Attorney General shall provide for the extension through December 31, 1989, of nonimmigrant status under section 101(a)(15)(H)(i) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(H)(i)] for an alien to perform temporarily services as a registered nurse in the case of an alien who has had such status for a period of at least 5 years if—

''(1) such status has not expired as of the date of the enactment of this Act [Nov. 15, 1988] but would otherwise expire during 1988 or 1989, due only to the time limitation with respect to such status; or

''(2)(A) the alien's status as such a nonimmigrant expired during the period beginning on January 1, 1987, and ending on the date of the enactment of this Act, due only to the time limitation with respect to such status,

''(B) the alien is present in the United States as of the date of the enactment of this Act,

''(C) the alien has been employed as a registered nurse in the United States since the date of expiration of such status, and

''(D) in the case of an alien whose status expired during 1987, the alien's employer has filed with the Immigration and Naturalization Service, before the date of the enactment of this Act, an appeal of a petition filed in connection with the alien's application for extension of such status.''

RESIDENCE WITHIN UNITED STATES CONTINUED DURING PERIOD OF ABSENCE

Section 2(*o*)(2) of Pub. L. 100–525 provided that: ''Only for purposes of section 101(a)(27)(I) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(27)(I)], an alien who is or was an officer or employee of an international organization (or is the unmarried son or daughter or surviving spouse of such an officer or employee or former officer or employee) is considered to be residing and physically present in the United States during a period in which the alien is residing in the United States but is absent from the United States because of the officer's or employee's need to conduct official business on behalf of the organization or because of customary leave, but only if during the period of the absence the officer or employee continues to have a duty station in the United States and, in the case of such an unmarried son or daughter, the son or daughter is not enrolled in a school outside the United States.''

NONIMMIGRANT TRADERS AND INVESTORS UNDER UNITED STATES-CANADA FREE-TRADE AGREEMENT

For provisions allowing Canadian citizens to be classifiable as nonimmigrants under subsec. (a)(15)(E) of this section upon a basis of reciprocity secured by the United States-Canada Free-Trade Agreement, see section 307(a) of Pub. L. 100–449, set out in a note under section 2112 of Title 19, Customs Duties.

AMERASIAN IMMIGRATION

Pub. L. 100–461, title II, Oct. 1, 1988, 102 Stat. 2268–15, as amended by Pub. L. 101–167, title II, Nov. 21, 1989, 103 Stat. 1211; Pub. L. 101–302, title II, May 25, 1990, 104 Stat. 228; Pub. L. 101–513, title II, Nov. 5, 1990, 104 Stat. 1996, provided: ''That the provisions of subsection (c) of section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as contained in section 101(e) of Public Law 100–202 [set out below], shall apply to an individual who (1) departs from Vietnam after the date of the enactment of this Act [Oct. 1, 1988], and (2) is described in subsection (b) of such section, but who is issued an immigrant visa under section 201(b) or 203(a) of the Immigration and Nationality Act [8 U.S.C. 1151(b), 1153(a)] (rather than under subsection (a) of such section), or would be described in subsection (b) of such section if such section also applied to principal aliens who were citizens of the United States (rather than merely to aliens)''.

Pub. L. 100–202, §101(e) [title V, §584], Dec. 22, 1987, 101 Stat. 1329–183, as amended by Pub. L. 101–167, title II, Nov. 21, 1989, 103 Stat. 1211; Pub. L. 101–513, title II, Nov. 5, 1990, 104 Stat. 1996; Pub. L. 101–649, title VI, §603(a)(20), Nov. 29, 1990, 104 Stat. 5084; Pub. L. 102–232, title III, §307(*l*)(8), Dec. 12, 1991, 105 Stat. 1757, provided that:

''(a)(1) Notwithstanding any numerical limitations specified in the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], the Attorney General may admit aliens described in subsection (b) to the United States as immigrants if—

''(A) they are admissible (except as otherwise provided in paragraph (2)) as immigrants, and

''(B) they are issued an immigrant visa and depart from Vietnam on or after March 22, 1988.

''(2) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(4), (5), and (7)(A)] shall not be applicable to any alien seeking admission to the United States under this section, and the Attorney General on the recommendation of a consular officer may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph

(3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation by a consular officer.

''(3) Notwithstanding section 221(c) of the Immigration and Nationality Act [8 U.S.C. 1201(c)], immigrant visas issued to aliens under this section shall be valid for a period of one year.

''(b)(1) An alien described in this section is an alien who, as of the date of the enactment of this Act [Dec. 22, 1987], is residing in Vietnam and who establishes to the satisfaction of a consular officer or an officer of the Immigration and Naturalization Service after a face-to-face interview, that the alien—

''(A)(i) was born in Vietnam after January 1, 1962, and before January 1, 1976, and (ii) was fathered by a citizen of the United States (such an alien in this section referred to as a 'principal alien');

''(B) is the spouse or child of a principal alien and is accompanying, or following to join, the principal alien; or

''(C) subject to paragraph (2), either (i) is the principal alien's natural mother (or is the spouse or child of such mother), or (ii) has acted in effect as the principal alien's mother, father, or next-of-kin (or is the spouse or child of such an alien), and is accompanying, or following to join, the principal alien.

''(2) An immigrant visa may not be issued to an alien under paragraph (1)(C) unless the officer referred to in paragraph (1) has determined, in the officer's discretion, that (A) such an alien has a bona fide relationship with the principal alien similar to that which exists between close family members and (B) the admission of such an alien is necessary for humanitarian purposes or to assure family unity. If an alien described in paragraph (1)(C)(ii) is admitted to the United States, the natural mother of the principal alien involved shall not, thereafter, be accorded any right, privilege, or status under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] by virtue of such parentage.

''(3) For purposes of this section, the term 'child' has the meaning given such term in section 101(b)(1)(A), (B), (C), (D), and (E) of the Immigration and Nationality Act [8 U.S.C. 1101(b)(1)(A)–(E)].

''(c) Any alien admitted (or awaiting admission) to the United States under this section shall be eligible for benefits under chapter 2 of title IV of the Immigration and Nationality Act [8 U.S.C. 1521 et seq.] to the same extent as individuals admitted (or awaiting admission) to the United States under section 207 of such Act [8 U.S.C. 1157] are eligible for benefits under such chapter.

''(d) The Attorney General, in cooperation with the Secretary of State, shall report to Congress 1 year, 2 years, and 3 years, after the date of the enactment of this Act [Dec. 22, 1987] on the implementation of this section. Each such report shall include the number of aliens who are issued immigrant visas and who are admitted to the United States under this section and number of waivers granted under subsection (a)(2) and the reasons for granting such waivers.

''(e) Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] shall apply in the administration of this section and nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.''

[Section 307(*l*)(8) of Pub. L. 102–232 provided that the amendment made by that section to section 101(e) [title V, § 584(a)(2)] of Pub. L. 100–202, set out above, is effective as if included in section 603(a) of the Immigration Act of 1990, Pub. L. 101–649.]

[Pub. L. 101–513, title II, Nov. 5, 1990, 104 Stat. 1996, provided that the amendment made by Pub. L. 101–513 to Pub. L. 100–202, § 101(e) [title V, § 584(b)(2)], set out above, is effective Dec. 22, 1987.]

AUTHORIZATION OF APPROPRIATIONS FOR ENFORCEMENT AND SERVICE ACTIVITIES OF IMMIGRATION AND NATURALIZATION SERVICE

Section 111 of Pub. L. 99–603 provided that:

''(a) TWO ESSENTIAL ELEMENTS.—It is the sense of Congress that two essential elements of the program of immigration control established by this Act [see Short Title of 1986 Amendments note above] are—

''(1) an increase in the border patrol and other inspection and enforcement activities of the Immigration and Naturalization Service and of other appropriate Federal agencies in order to prevent and deter the illegal entry of aliens into the United States and the violation of the terms of their entry, and

''(2) an increase in examinations and other service activities of the Immigration and Naturalization Service and other appropriate Federal agencies in order to ensure prompt and efficient adjudication of petitions and applications provided for under the Immigration and Nationality Act [this chapter].

''(b) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR INS AND EOIR.—In addition to any other amounts authorized to be appropriated, in order to carry out this Act there are authorized to be appropriated to the Department of Justice—

''(1) for the Immigration and Naturalization Service, for fiscal year 1987, $422,000,000, and for fiscal year 1988, $419,000,000; and

''(2) for the Executive Office of Immigration Review, for fiscal year 1987, $12,000,000, and for fiscal year 1988, $15,000,000.

Of the amounts authorized to be appropriated under paragraph (1) sufficient funds shall be available to provide for an increase in the border patrol personnel of the Immigration and Naturalization Service so that the average level of such personnel in each of fiscal years 1987 and 1988 is at least 50 percent higher than such level for fiscal year 1986.

''(c) USE OF FUNDS FOR IMPROVED SERVICES.—Of the funds appropriated to the Department of Justice for the Immigration and Naturalization Service, the Attorney General shall provide for improved immigration and naturalization services and for enhanced community outreach and in-service training of personnel of the Service. Such enhanced community outreach may include the establishment of appropriate local community taskforces to improve the working relationship between the Service and local community groups and organizations (including employers and organizations representing minorities).

''(d) SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR WAGE AND HOUR ENFORCEMENT.—There are authorized to be appropriated, in addition to such sums as may be available for such purposes, such sums as may be necessary to the Department of Labor for enforcement activities of the Wage and Hour Division and the Office of Federal Contract Compliance Programs within the Employment Standards Administration of the Department in order to deter the employment of unauthorized aliens and remove the economic incentive for employers to exploit and use such aliens.''

ELIGIBILITY OF H–2 AGRICULTURAL WORKERS FOR CERTAIN LEGAL ASSISTANCE

Section 305 of Pub. L. 99–603 provided that: ''A nonimmigrant worker admitted to or permitted to remain in the United States under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) for agricultural labor or service shall be considered to be an alien described in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20)) for purposes

of establishing eligibility for legal assistance under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), but only with respect to legal assistance on matters relating to wages, housing, transportation, and other employment rights as provided in the worker's specific contract under which the nonimmigrant was admitted.''

DENIAL OF CREW MEMBER NONIMMIGRANT VISA IN CASE OF STRIKES

Section 315(d) of Pub. L. 99–603 provided that:

''(1) Except as provided in paragraph (2), during the one-year period beginning on the date of the enactment of this Act [Nov. 6, 1986], an alien may not be admitted to the United States as an alien crewman (under section 101(a)(15)(D) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(D)) for the purpose of performing service on board a vessel or aircraft at a time when there is a strike in the bargaining unit of the employer in which the alien intends to perform such service.

''(2) Paragraph (1) shall not apply to an alien employee who was employed before the date of the strike concerned and who is seeking admission to enter the United States to continue to perform services as a crewman to the same extent and on the same routes as the alien performed such services before the date of the strike.''

SENSE OF CONGRESS RESPECTING CONSULTATION WITH MEXICO

Section 407 of Pub. L. 99–603 provided that: ''It is the sense of the Congress that the President of the United States should consult with the President of the Republic of Mexico within 90 days after enactment of this Act [Nov. 6, 1986] regarding the implementation of this Act [see Short Title of 1986 Amendments note above] and its possible effect on the United States or Mexico. After the consultation, it is the sense of the Congress that the President should report to the Congress any legislative or administrative changes that may be necessary as a result of the consultation and the enactment of this legislation.''

COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

Section 601 of Pub. L. 99–603, as amended by Pub. L. 100–525, §2(r), Oct. 24, 1988, 102 Stat. 2614, provided for establishment, membership, etc., of a Commission for the Study of International Migration and Cooperative Economic Development to examine, in consultation with governments of Mexico and other sending countries in Western Hemisphere, the conditions which contribute to unauthorized migration to United States and mutually beneficial reciprocal trade and investment programs to alleviate conditions leading to such unauthorized migration and to report to President and Congress, not later than 3 years after appointment of members of Commission, on results of Commission's examination with recommendations on providing mutually beneficial reciprocal trade and investment programs to alleviate such unauthorized migration.

TREATMENT OF DEPARTURES FROM GUAM

Section 2 of Pub. L. 99–505 provided that: ''In the administration of section 101(a)(15)(D)(ii) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(D)(ii)] (added by the amendment made by section 1 of this Act), an alien crewman shall be considered to have departed from Guam after leaving the territorial waters of Guam, without regard to whether the alien arrives in a foreign state before returning to Guam.''

ALIEN EMPLOYEES OF AMERICAN UNIVERSITY OF BEIRUT

Priv. L. 98–53, Oct. 30, 1984, 98 Stat. 3437, provided: ''That an alien lawfully admitted to the United States for permanent residence shall be considered, for purposes of section 101(a)(27)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(A)), to be temporarily visiting abroad during any period (before or after the date of the enactment of this Act [Oct. 30, 1984]) in which the alien is employed by the American University of Beirut.''

STUDY AND EVALUATION OF EXCHANGE PROGRAMS FOR GRADUATE MEDICAL EDUCATION OF ALIEN GRADUATES OF FOREIGN MEDICAL SCHOOLS; REPORT TO CONGRESS NOT LATER THAN JANUARY 15, 1983

Section 5(e) of Pub. L. 97–116 directed Secretary of Health and Human Services, after consultation with Attorney General, Secretary of State, and Director of the International Communication Agency, to evaluate effectiveness and value to foreign nations and United States of exchange programs for graduate medical education or training of aliens who were graduates of foreign medical schools, and to report to Congress, not later than Jan. 15, 1983, on such evaluation, and include such recommendations for changes in legislation and regulations as appropriate.

ADJUSTMENT OF STATUS OF NONIMMIGRANT ALIENS RESIDING IN THE VIRGIN ISLANDS TO PERMANENT RESIDENT ALIEN STATUS

Upon application during the one-year period beginning Sept. 30, 1982, by an alien who was inspected and admitted to the Virgin Islands of the United States either as a nonimmigrant alien worker under subsec. (a)(15)(H)(ii) of this section or as a spouse or minor child of such worker, and has resided continuously in the Virgin Islands since June 30, 1975, the Attorney General may adjust the status of such nonimmigrant alien to that of an alien lawfully admitted for permanent residence, provided certain conditions are met, and such alien is not to be deported for failure to maintain nonimmigrant status until final action is taken on the alien's application for adjustment, see section 2(a), (b) of Pub. L. 97–271, set out as a note under section 1255 of this title.

LIMITATION ON ADMISSION OF ALIENS SEEKING EMPLOYMENT IN THE VIRGIN ISLANDS

Notwithstanding any other provision of law, the Attorney General not to be authorized, on or after Sept. 30, 1982, to approve any petition filed under section 1184(c) of this title in the case of importing any alien as a nonimmigrant under subsec. (a)(15)(H)(ii) of this section for employment in the Virgin Islands of the United States other than as an entertainer or as an athlete and for a period not exceeding 45 days, see section 3 of Pub. L. 97–271, set out as a note under section 1255 of this title.

LIMITATION ON ADMISSION OF SPECIAL IMMIGRANTS

Section 3201(c) of Pub. L. 96–70 provided that notwithstanding any other provision of law, not more than 15,000 individuals could be admitted to the United States as special immigrants under subparagraphs (E), (F), and (G) of subsec. (a)(27) of this section, of which not more than 5,000 could be admitted in any fiscal year, prior to repeal by Pub. L. 103–416, title II, §212(a), Oct. 25, 1994, 108 Stat. 4314.

EX. ORD. NO. 12711. POLICY IMPLEMENTATION WITH RESPECT TO NATIONALS OF PEOPLE'S REPUBLIC OF CHINA

Ex. Ord. No. 12711, Apr. 11, 1990, 55 F.R. 13897, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, the Attorney General and the Secretary of State are hereby ordered to exercise their authority, including that under the Immigration and Nationality Act (8 U.S.C. 1101–1557), as follows:

SECTION 1. The Attorney General is directed to take any steps necessary to defer until January 1, 1994, the enforced departure of all nationals of the People's Republic of China (PRC) and their dependents who were in the United States on or after June 5, 1989, up to and including the date of this order (hereinafter ''such PRC nationals'').

SEC. 2. The Secretary of State and the Attorney General are directed to take all steps necessary with respect to such PRC nationals (a) to waive through January 1, 1994, the requirement of a valid passport and (b) to process and provide necessary documents, both within the United States and at U.S. consulates overseas, to facilitate travel across the borders of other nations and reentry into the United States in the same status such PRC nationals had upon departure.

SEC. 3. The Secretary of State and the Attorney General are directed to provide the following protections:

(a) irrevocable waiver of the 2-year home country residence requirement that may be exercised until January 1, 1994, for such PRC nationals;

(b) maintenance of lawful status for purposes of adjustment of status or change of nonimmigrant status for such PRC nationals who were in lawful status at any time on or after June 5, 1989, up to and including the date of this order;

(c) authorization for employment of such PRC nationals through January 1, 1994; and

(d) notice of expiration of nonimmigrant status (if applicable) rather than the institution of deportation proceedings, and explanation of options available for such PRC nationals eligible for deferral of enforced departure whose nonimmigrant status has expired.

SEC. 4. The Secretary of State and the Attorney General are directed to provide for enhanced consideration under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or coerced sterilization, as implemented by the Attorney General's regulation effective January 29, 1990.

SEC. 5. The Attorney General is directed to ensure that the Immigration and Naturalization Service finalizes and makes public its position on the issue of training for individuals in F–1 visa status and on the issue of reinstatement into lawful nonimmigrant status of such PRC nationals who have withdrawn their applications for asylum.

SEC. 6. The Departments of Justice and State are directed to consider other steps to assist such PRC nationals in their efforts to utilize the protections that I have extended pursuant to this order.

SEC. 7. This order shall be effective immediately.

GEORGE BUSH.

DETERRING ILLEGAL IMMIGRATION

Memorandum of President of the United States, Feb. 7, 1995, 60 F.R. 7885, provided:

Memorandum for the Heads of Executive Departments and Agencies

It is a fundamental right and duty for a nation to protect the integrity of its borders and its laws. This Administration shall stand firm against illegal immigration and the continued abuse of our immigration laws. By closing the back door to illegal immigration, we will continue to open the front door to legal immigrants.

My Administration has moved swiftly to reverse the course of a decade of failed immigration policies. Our initiatives have included increasing overall Border personnel by over 50 percent since 1993. We also are strengthening worksite enforcement and work authorization verification to deter employment of illegal aliens. Asylum rules have been reformed to end abuse by those falsely claiming asylum, while offering protection to those in genuine fear of persecution. We are cracking down on smugglers of illegal aliens and reforming criminal alien deportation for quicker removal. And we are the first Administration to obtain funding to reimburse States for a share of the costs of incarcerating criminal illegal aliens.

While we already are doing more to stem the flow of illegal immigration than has any previous Administration, more remains to be done. In conjunction with the Administration's unprecedented budget proposal to support immigration initiatives, this directive provides a blueprint of policies and priorities for this Administration's continuing work to curtail illegal immigration. With its focus on strong border deterrence backed up by effective worksite enforcement, removal of criminal and other deportable aliens and assistance to states, this program protects the security of our borders, our jobs and our communities for all Americans—citizens and legal immigrants alike.

COMPREHENSIVE BORDER CONTROL STRATEGY

A. *Deterring Illegal Immigration At Our Borders*

I have directed the Attorney General to move expeditiously toward full implementation of our comprehensive border control strategy, including efforts at the southwest border. To support sustained long-term strengthening of our deterrence capacity, the Administration shall seek funding to add new Border Patrol agents to reach the goal of at least 7,000 agents protecting our borders by the year 2000.

Flexible Border Response Capacity

To further this strategy, the Department of Justice shall implement the capacity to respond to emerging situations anywhere along our national borders to deter buildups of illegal border crossers, smuggling operations, or other developing problems.

Strategic Use of High Technology

Through the strategic use of sensors, night scopes, helicopters, light planes, all-terrain vehicles, fingerprinting and automated recordkeeping, we have freed many Border Patrol agents from long hours of bureaucratic tasks and increased the effectiveness of these highly-trained personnel. Because these tools are essential for the Immigration and Naturalization Service (INS) to do its job, I direct the Attorney General to accelerate to the greatest extent possible their utilization and enhancement to support implementation of our deterrence strategy.

Strong Enforcement Against Repeat Illegal Crossers

The Department of Justice shall assess the effectiveness of efforts underway to deter repeat illegal crossers, such as fingerprinting and dedicating prosecution resources to enforce the new prosecution authority provided by the Violent Crime Control and Law Enforcement Act of 1994 [Pub. L. 103–322, see Tables for classification].

The Department of Justice shall determine whether accelerated expansion of these techniques to additional border sectors is warranted.

B. *Deterring Alien Smuggling*

This Administration has had success deterring large ship-based smuggling directly to United States shores. In response, smugglers are testing new routes and tactics. Our goal: similar success in choking off these attempts by adjusting our anti-smuggling initiatives to anticipate shifting smuggling patterns.

To meet new and continuing challenges posed along transport routes and in foreign locations by smuggling organizations, we will augment diplomatic and enforcement resources at overseas locations to work with host governments, and increase related intelligence gathering efforts.

The Departments of State and Justice, in cooperation with other relevant agencies, will report to the National Security Council within 30 days on the structure of interagency coordination to achieve these objectives.

Congressional action will be important to provide U.S. law enforcement agencies with needed authority to deal with international smuggling operations. I will propose that the Congress pass legislation providing wiretap authority for investigation of alien smuggling cases and providing authorization to seize the assets of groups engaged in trafficking in human cargo.

In addition, I will propose legislation to give the Attorney General authority to implement procedures for expedited exclusion to deal with large flows of undocumented migrants, smuggling operations, and other extraordinary migration situations.

C. *Visa Overstay Deterrence*

Nearly half of this country's illegal immigrants come into the country legally and then stay after they are required by law to depart, often using fraudulent documentation. No Administration has ever made a serious effort to identify and deport these individuals. This Administration is committed to curtailing this form of illegal immigration.

Therefore, relevant departments and agencies are directed to review their policies and practices to identify necessary reforms to curtail visa overstayers and to enhance investigations and prosecution of those who fraudulently produce or misuse passports, visas, and other travel related documents. Recommendations for administrative initiatives and legislative reform shall be presented to the White House Interagency Working Group on Immigration by June 30, 1995.

REDUCING THE MAGNET OF WORK OPPORTUNITIES, WORKSITE ENFORCEMENT, AND DETERRENCE

Border deterrence cannot succeed if the lure of jobs in the United States remains. Therefore, a second major component of the Administration's deterrence strategy is to toughen worksite enforcement and employer sanctions. Employers who hire illegal immigrants not only obtain unfair competitive advantage over law-abiding employers, their unlawful use of illegal immigrants suppresses wages and working conditions for our country's legal workers. Our strategy, which targets enforcement efforts at employers and industries that historically have relied upon employment of illegal immigrants, will not only strengthen deterrence of illegal immigration, but better protect American workers and businesses that do not hire illegal immigrants.

Central to this effort is an effective, nondiscriminatory means of verifying the employment authorization of all new employees. The Administration fully supports the recommendation of the Commission on Legal Immigration Reform to create pilot projects to test various techniques for improving workplace verification, including a computer database test to validate a new worker's social security number for work authorization purposes. The Immigration and Naturalization Service (INS) and Social Security Administration are directed to establish, implement, monitor, and review the pilots and provide me with an interim report on the progress of this program by March 1, 1996.

In addition, the INS is directed to finalize the Administration's reduction of the number of authorized documents to support work verification for noncitizens. Concurrently, the Administration will seek further reduction legislatively in the number of documents that are acceptable for proving identity and work authorization. The Administration will improve the security of existing documents to be used for work authorization and seek increased penalties for immigration fraud, including fraudulent production and use of documents.

The Department of Labor shall intensify its investigations in industries with patterns of labor law violations that promote illegal immigration.

I also direct the Department of Labor, INS, and other relevant Federal agencies to expand their collaboration in cracking down on those who subvert fair competition by hiring illegal aliens. This may include increased Federal authority to confiscate assets that are the fruits of that unfair competition.

The White House Interagency Working Group on Immigration shall further examine the link between immigration and employment, including illegal immigration, and recommend to me other appropriate measures.

DETENTION AND REMOVAL OF DEPORTABLE ILLEGAL ALIENS

The Administration's deterrence strategy includes strengthening the country's detention and deportation capability. No longer will criminals and other high risk deportable aliens be released back into communities because of a shortage of detention space and ineffective deportation procedures.

A. *Comprehensive Deportation Process Reform*

The Department of Justice, in consultation with other relevant agencies, shall develop a streamlined, fair, and effective procedure to expedite removal of deportable aliens. As necessary, additional legislative authority will be sought in this area. In addition, the Department of Justice shall increase its capacity to staff deportation and exclusion hearings to support these objectives.

B. *National Detention and Removal Plan*

To address the shortage of local detention space for illegal aliens, the Administration shall devise a National Detention, Transportation, and Removal Policy that will permit use of detention space across the United States and improve the ability to remove individuals with orders of deportation. The Department of Justice, in consultation with other agencies as appropriate and working under the auspices of the White House Interagency Working Group on Immigration, shall finalize this plan by April 30, 1995.

The Administration will seek support and funding from the Congress for this plan and for our efforts to double the removal of illegal aliens with final orders of deportation.

C. *Identification and Removal of Criminal Aliens*

The Institutional Hearing Program is successfully expediting deportation of incarcerated criminal aliens after they serve their sentences.

To further expedite removal of criminal aliens from this country and reduce costs to Federal and State governments, the Department of Justice is directed to develop an expanded program of verification of the immigration status of criminal aliens within our country's prisons. In developing this program, the viability of expanding the work of the Law Enforcement Support Center should be assessed and all necessary steps taken to increase coordination and cooperative efforts with State, and local law enforcement officers in identification of criminal aliens.

TARGETED DETERRENCE AREAS

Many of the Administration's illegal immigration enforcement initiatives are mutually reinforcing. For example, strong interior enforcement supports border control. While there have been efforts over the years at piecemeal cooperation, this Administration will examine, develop, and test a more comprehensive coordinated package of deterrence strategies in selected metropolitan areas by multiple Federal, State, and local agencies.

The White House Interagency Working Group on Immigration shall coordinate the development of this interagency and intergovernmental operation.

VERIFICATION OF ELIGIBILITY FOR BENEFITS

The law denies most government benefits to illegal aliens. The government has a duty to assure that taxpayer-supported public assistance programs are not abused. As with work authorization, enforcement of eligibility requirements relies upon a credible system of verification. The INS, working with the White House Interagency Working Group on Immigration as appropriate, shall review means of improving the existing benefits verification program. In addition, we will seek new mechanisms—including increased penalties for false information used to qualify for benefits—to protect the integrity of public programs.

ANTI-DISCRIMINATION

Our efforts to combat illegal immigration must not violate the privacy and civil rights of legal immigrants and U.S. citizens. Therefore, I direct the Attorney General, the Secretary of Health and Human Services, the Chair of the Equal Employment Opportunity Commis-

sion, and other relevant Administration officials to vigorously protect our citizens and legal immigrants from immigration-related instances of discrimination and harassment. All illegal immigration enforcement measures shall be taken with due regard for the basic human rights of individuals and in accordance with our obligations under applicable international agreements.

ASSISTANCE TO STATES

States today face significant costs for services provided to illegal immigrants as a result of failed policies of the past. Deterring illegal immigration is the best long-term solution to protect States from growing costs for illegal immigration. This is the first Administration to address this primary responsibility squarely. We are targeting most of our Federal dollars to those initiatives that address the root causes that lead to increased burdens on States.

The Federal Government provides States with billions of dollars to provide for health care, education, and other services and benefits for immigrants. This Administration is proposing increases for immigration and immigration-related spending of 25 percent in 1996 compared to 1993 levels. In addition, this Administration is the first to obtain funding from the Congress to reimburse States for a share of the costs of incarcerated illegal aliens.

This Administration will continue to work with States to obtain more Federal help for certain State costs and will oppose inappropriate cost-shifting to the States.

INTERNATIONAL COOPERATION

This Administration will continue to emphasize international cooperative efforts to address illegal immigration.

Pursuant to a Presidential Review Directive (PRD), the Department of State is now coordinating a study on United States policy toward international refugee and migration affairs. I hereby direct that, as part of that PRD process, this report to the National Security Council include the relationship of economic development and migration in the Western Hemisphere and, in particular, provide recommendations for further foreign economic policy measures to address causes of illegal immigration.

The Department of State shall coordinate an interagency effort to consider expanded arrangements with foreign governments for return of criminal and deportable aliens.

The Department of State also shall seek to negotiate readmission agreements for persons who could have sought asylum in the last country from which they arrived. Such agreements will take due regard of U.S. obligations under the Protocol Relating to the Status of Refugees.

The Department of State further shall implement cooperative efforts with other nations receiving smuggled aliens or those used as transhipment points by smugglers. In particular, we will look to countries in our hemisphere to join us by denying their territory as bases for smuggling operations.

The Department of State shall initiate negotiations with foreign countries to secure authority for the United States Coast Guard to board source country vessels suspected of transporting smuggled aliens.

This directive shall be published in the Federal Register.

WILLIAM J. CLINTON.

DEFINITIONS

Section 1(c) of div. C of Pub. L. 104–208 provided that: ''Except as otherwise specifically provided in this division [see Tables for classification], for purposes of titles I [enacting section 1225a of this title and section 758 of Title 18, Crimes and Criminal Procedure, amending this section and sections 1103, 1182, 1251, 1325, 1356, and 1357 of this title, and enacting provisions set out as notes under this section, sections 1103, 1182, 1221, 1325, and 1356 of this title, and section 758 of Title 18] and VI [enacting sections 1363b and 1372 to 1375 of this title and section 116 of Title 18, amending this section, sections 1105a, 1151, 1152, 1154, 1157, 1158, 1160, 1182, 1184, 1187, 1189, 1201, 1202, 1251, 1252a, 1255 to 1255b, 1258, 1288, 1483, 1323, 1324, 1324b, 1356, and 1522 of this title, section 112 of Title 32, National Guard, and section 191 of Title 50, War and National Defense, enacting provisions set out as notes under this section, sections 1153, 1158, 1161, 1182, 1187, 1189, 1202, 1255, 1433, and 1448 of this title, section 301 of Title 5, Government Organization and Employees, section 116 of Title 18, and section 405 of Title 42, The Public Health and Welfare, and amending provisions set out as notes under sections 1159, 1182, 1252, 1255a, 1323, 1401, and 1430 of this title] of this division, the terms 'alien', 'Attorney General', 'border crossing identification card', 'entry', 'immigrant', 'immigrant visa', 'lawfully admitted for permanent residence', 'national', 'naturalization', 'refugee', 'State', and 'United States' shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act [8 U.S.C. 1101(a)].''

Section 594 of title V of div. C of Pub. L. 104–208 provided that: ''Except as otherwise provided in this title [see Effective Date of 1996 Amendment note above], for purposes of this title—

''(1) the terms 'alien', 'Attorney General', 'national', 'naturalization', 'State', and 'United States' shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act [8 U.S.C. 1101(a)]; and

''(2) the term 'child' shall have the meaning given such term in section 101(c) of the Immigration and Nationality Act.''

Section 14 of Pub. L. 85–316 provided that: ''Except as otherwise specifically provided in this Act, the definitions contained in subsections (a) and (b) of section 101 of the Immigration and Nationality Act [8 U.S.C. 1101(a), (b)] shall apply to sections 4, 5, 6, 7, 8, 9, 12, 13, and 15 of this Act [enacting sections 1182b, 1182c, 1201a, 1205, 1251a, 1255a, and 1255b of this title and provisions set out as notes under section 1153 of this title and section 1971a of the Appendix to Title 50, War and National Defense.]''

Many of the terms listed in this section are similarly defined in section 782 of Title 50, War and National Defense.

§ 1102. Diplomatic and semidiplomatic immunities

Except as otherwise provided in this chapter, for so long as they continue in the nonimmigrant classes enumerated in this section, the provisions of this chapter relating to ineligibility to receive visas and the removal of aliens shall not be construed to apply to nonimmigrants—

(1) within the class described in paragraph (15)(A)(i) of section 1101(a) of this title, except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish their qualifications under such paragraph (15)(A)(i), and, under such rules and regulations as the President may deem to be necessary, the provisions of subparagraphs (A) through (C) of section 1182(a)(3) of this title;

(2) within the class described in paragraph (15)(G)(i) of section 1101(a) of this title, except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish their qualifications under such paragraph (15)(G)(i), and the provisions of subparagraphs (A) through (C) of section 1182(a)(3) of this title; and

(3) within the classes described in paragraphs (15)(A)(ii), (15)(G)(ii), (15)(G)(iii), or (15)(G)(iv) of section 1101(a) of this title, except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish their qualifications under such paragraphs, and the provisions of subparagraphs (A) through (C) of section 1182(a)(3) of this title.

(June 27, 1952, ch. 477, title I, §102, 66 Stat. 173; Pub. L. 100–525, §9(b), Oct. 24, 1988, 102 Stat. 2619; Pub. L. 101–649, title VI, §603(a)(2), Nov. 29, 1990, 104 Stat. 5082; Pub. L. 102–232, title III, §307(i), Dec. 12, 1991, 105 Stat. 1756; Pub. L. 104–208, div. C, title III, §308(d)(4)(B), Sept. 30, 1996, 110 Stat. 3009–617.)

AMENDMENTS

1996—Pub. L. 104–208 substituted ''removal'' for ''exclusion or deportation'' in introductory provisions.

1991—Pars. (1) to (3). Pub. L. 102–232 substituted ''subparagraphs (A) through (C) of section 1182(a)(3) of this title'' for ''paragraph (3) (other than subparagraph (E)) of section 1182(a) of this title''.

1990—Pars. (1) to (3). Pub. L. 101–649 substituted ''(3) (other than subparagraph (E))'' for ''(27)'' in pars. (1) and (2), and ''paragraph (3) (other than subparagraph (E))'' for ''paragraphs (27) and (29)'' in par. (3).

1988—Par. (2). Pub. L. 100–525 substituted ''documentation'' for ''documentaion''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–208 effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, see section 309 of Pub. L. 104–208, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–232 effective as if included in the enactment of the Immigration Act of 1990, Pub. L. 101–649, see section 310(1) of Pub. L. 102–232, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–649 applicable to individuals entering United States on or after June 1, 1991, see section 601(e)(1) of Pub. L. 101–649, set out as a note under section 1101 of this title.

DENIAL OF VISAS TO CERTAIN REPRESENTATIVES TO UNITED NATIONS

Pub. L. 101–246, title IV, §407, Feb. 16, 1990, 104 Stat. 67, provided that:

''(a) IN GENERAL.—The President shall use his authority, including the authorities contained in section 6 of the United Nations Headquarters Agreement Act (Public Law 80–357) [Aug. 4, 1947, ch. 482, set out as a note under 22 U.S.C. 287], to deny any individual's admission to the United States as a representative to the United Nations if the President determines that such individual has been found to have been engaged in espionage activities directed against the United States or its allies and may pose a threat to United States national security interests.

''(b) WAIVER.—The President may waive the provisions of subsection (a) if the President determines, and so notifies the Congress, that such a waiver is in the national security interests of the United States.''

§1103. Powers and duties of the Secretary, the Under Secretary, and the Attorney General

(a) Secretary of Homeland Security

(1) The Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens, except insofar as this chapter or such laws relate to the powers, functions, and duties conferred upon the President, Attorney General, the Secretary of State, the officers of the Department of State, or diplomatic or consular officers: *Provided, however*, That determination and ruling by the Attorney General with respect to all questions of law shall be controlling.

(2) He shall have control, direction, and supervision of all employees and of all the files and records of the Service.

(3) He shall establish such regulations; prescribe such forms of bond, reports, entries, and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out his authority under the provisions of this chapter.

(4) He may require or authorize any employee of the Service or the Department of Justice to perform or exercise any of the powers, privileges, or duties conferred or imposed by this chapter or regulations issued thereunder upon any other employee of the Service.

(5) He shall have the power and duty to control and guard the boundaries and borders of the United States against the illegal entry of aliens and shall, in his discretion, appoint for that purpose such number of employees of the Service as to him shall appear necessary and proper.

(6) He is authorized to confer or impose upon any employee of the United States, with the consent of the head of the Department or other independent establishment under whose jurisdiction the employee is serving, any of the powers, privileges, or duties conferred or imposed by this chapter or regulations issued thereunder upon officers or employees of the Service.

(7) He may, with the concurrence of the Secretary of State, establish offices of the Service in foreign countries; and, after consultation with the Secretary of State, he may, whenever in his judgment such action may be necessary to accomplish the purposes of this chapter, detail employees of the Service for duty in foreign countries.

(8) After consultation with the Secretary of State, the Attorney General may authorize officers of a foreign country to be stationed at preclearance facilities in the United States for the purpose of ensuring that persons traveling from or through the United States to that foreign country comply with that country's immigration and related laws.

(9) Those officers may exercise such authority and perform such duties as United States immigration officers are authorized to exercise and perform in that foreign country under reciprocal agreement, and they shall enjoy such reasonable privileges and immunities necessary for the performance of their duties as the government of their country extends to United States immigration officers.

(10) In the event the Attorney General determines that an actual or imminent mass influx of aliens arriving off the coast of the United States, or near a land border, presents urgent circumstances requiring an immediate Federal response, the Attorney General may authorize any State or local law enforcement officer, with

the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise any of the powers, privileges, or duties conferred or imposed by this chapter or regulations issued thereunder upon officers or employees of the Service.

(11) The Attorney General, in support of persons in administrative detention in non-Federal institutions, is authorized—

(A) to make payments from funds appropriated for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration for necessary clothing, medical care, necessary guard hire, and the housing, care, and security of persons detained by the Service pursuant to Federal law under an agreement with a State or political subdivision of a State; and

(B) to enter into a cooperative agreement with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies or materials required to establish acceptable conditions of confinement and detention services in any State or unit of local government which agrees to provide guaranteed bed space for persons detained by the Service.

(b) Land acquisition authority

(1) The Attorney General may contract for or buy any interest in land, including temporary use rights, adjacent to or in the vicinity of an international land border when the Attorney General deems the land essential to control and guard the boundaries and borders of the United States against any violation of this chapter.

(2) The Attorney General may contract for or buy any interest in land identified pursuant to paragraph (1) as soon as the lawful owner of that interest fixes a price for it and the Attorney General considers that price to be reasonable.

(3) When the Attorney General and the lawful owner of an interest identified pursuant to paragraph (1) are unable to agree upon a reasonable price, the Attorney General may commence condemnation proceedings pursuant to section 3113 of title 40.

(4) The Attorney General may accept for the United States a gift of any interest in land identified pursuant to paragraph (1).

(c) Commissioner; appointment

The Commissioner shall be a citizen of the United States and shall be appointed by the President, by and with the advice and consent of the Senate. He shall be charged with any and all responsibilities and authority in the administration of the Service and of this chapter which are conferred upon the Attorney General as may be delegated to him by the Attorney General or which may be prescribed by the Attorney General. The Commissioner may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws.

(d) Statistical information system

(1) The Commissioner, in consultation with interested academicians, government agencies, and other parties, shall provide for a system for collection and dissemination, to Congress and the public, of information (not in individually identifiable form) useful in evaluating the social, economic, environmental, and demographic impact of immigration laws.

(2) Such information shall include information on the alien population in the United States, on the rates of naturalization and emigration of resident aliens, on aliens who have been admitted, paroled, or granted asylum, on nonimmigrants in the United States (by occupation, basis for admission, and duration of stay), on aliens who have not been admitted or have been removed from the United States, on the number of applications filed and granted for cancellation of removal, and on the number of aliens estimated to be present unlawfully in the United States in each fiscal year.

(3) Such system shall provide for the collection and dissemination of such information not less often than annually.

(e) Annual report

(1) The Commissioner shall submit to Congress annually a report which contains a summary of the information collected under subsection (d) of this section and an analysis of trends in immigration and naturalization.

(2) Each annual report shall include information on the number, and rate of denial administratively, of applications for naturalization, for each district office of the Service and by national origin group.

(f) Minimum number of agents in States

The Attorney General shall allocate to each State not fewer than 10 full-time active duty agents of the Immigration and Naturalization Service to carry out the functions of the Service, in order to ensure the effective enforcement of this chapter.

(g) Attorney General

(1) In general

The Attorney General shall have such authorities and functions under this chapter and all other laws relating to the immigration and naturalization of aliens as were exercised by the Executive Office for Immigration Review, or by the Attorney General with respect to the Executive Office for Immigration Review, on the day before the effective date of the Immigration Reform, Accountability and Security Enhancement Act of 2002.

(2) Powers

The Attorney General shall establish such regulations, prescribe such forms of bond, reports, entries, and other papers, issue such instructions, review such administrative determinations in immigration proceedings, delegate such authority, and perform such other acts as the Attorney General determines to be necessary for carrying out this section.

(h) Office of Special Investigations

(1) The Attorney General shall establish within the Criminal Division of the Department of Justice an Office of Special Investigations with the authority to detect and investigate, and, where appropriate, to take legal action to denaturalize any alien described in section 1182(a)(3)(E) of this title.

(2) The Attorney General shall consult with the Secretary of Homeland Security in making determinations concerning the criminal prosecution or extradition of aliens described in section 1182(a)(3)(E) of this title.

(3) In determining the appropriate legal action to take against an alien described in section 1182(a)(3)(E) of this title, consideration shall be given to—

(A) the availability of criminal prosecution under the laws of the United States for any conduct that may form the basis for removal and denaturalization; or

(B) the availability of extradition of the alien to a foreign jurisdiction that is prepared to undertake a prosecution for such conduct.

(June 27, 1952, ch. 477, title I, § 103, 66 Stat. 173; Pub. L. 100–525, § 9(c), Oct. 24, 1988, 102 Stat. 2619; Pub. L. 101–649, title I, § 142, Nov. 29, 1990, 104 Stat. 5004; Pub. L. 104–208, div. C, title I, §§ 102(d), 125, 134(a), title III, §§ 308(d)(4)(C), (e)(4), 372, 373, Sept. 30, 1996, 110 Stat. 3009–555, 3009–562, 3009–564, 3009–618, 3009–620, 3009–646, 3009–647; Pub. L. 107–296, title XI, § 1102, Nov. 25, 2002, 116 Stat. 2273; Pub. L. 108–7, div. L, § 105(a)(1), (2), Feb. 20, 2003, 117 Stat. 531; Pub. L. 108–458, title V, § 5505(a), Dec. 17, 2004, 118 Stat. 3741.)

REFERENCES IN TEXT

The Immigration Reform, Accountability and Security Enhancement Act of 2002, referred to in subsec. (g)(1), was S. 2444 of the 107th Congress, as introduced on May 2, 2002, which was not enacted into law. Provisions relating to the Executive Office for Immigration Review are contained in section 521 of Title 6, Domestic Security.

CODIFICATION

''Section 3113 of title 40'' substituted in subsec. (b)(3) for ''the Act of August 1, 1888 (Chapter 728; 25 Stat. 357)'' on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2004—Subsec. (h). Pub. L. 108–458 added subsec. (h).

2003—Subsec. (a). Pub. L. 108–7, § 105(a)(1), amended Pub. L. 107–296, § 1102(2). See 2002 Amendment notes below.

Pub. L. 108–7, § 105(a)(2), which directed the amendment of Pub. L. 107–296, was executed to section 1102(2) of Pub. L. 107–296, to reflect the probable intent of Congress. See 2002 Amendment notes below.

2002—Pub. L. 107–296, § 1102(1), amended section catchline generally.

Subsec. (a). Pub. L. 107–296, § 1102(2)(A), as added by Pub. L. 108–7, § 105(a)(1), which directed the substitution of ''Secretary of Homeland Security'' for ''Attorney General'' in heading, was executed by inserting ''Secretary of Homeland Security'' as heading, to reflect the probable intent of Congress.

Subsec. (a)(1). Pub. L. 107–296, § 1102(2)(B), as added by Pub. L. 108–7, § 105(a)(1), substituted ''The Secretary of Homeland Security'' for ''The Attorney General''.

Pub. L. 107–296, § 1102(2)(C), formerly § 1102(2)(A), as redesignated by Pub. L. 108–7, § 105(a)(2), inserted ''Attorney General,'' after ''President,''. See 2003 Amendment note above.

Subsec. (a)(8) to (11). Pub. L. 107–296, § 1102(2)(D), formerly § 1102(2)(B), as redesignated by Pub. L. 108–7, § 105(a)(2), redesignated par. (8), relating to Attorney General authorization of State and local law enforcement officers in event of mass influx of aliens arriving, and par. (9), relating to Attorney General authority to support administrative detention of persons in non-Federal institutions, as pars. (10) and (11), respectively. See 2003 Amendment note above.

Subsec. (g). Pub. L. 107–296, § 1102(3), added subsec. (g).

1996—Subsec. (a). Pub. L. 104–208, § 372(1), (2), inserted ''(1)'' before first sentence and designated each sentence after the first sentence, which included second through ninth sentences, as a separate par. with appropriate consecutive numbering and initial indentation.

Pub. L. 104–208, § 125, inserted at end ''After consultation with the Secretary of State, the Attorney General may authorize officers of a foreign country to be stationed at preclearance facilities in the United States for the purpose of ensuring that persons traveling from or through the United States to that foreign country comply with that country's immigration and related laws. Those officers may exercise such authority and perform such duties as United States immigration officers are authorized to exercise and perform in that foreign country under reciprocal agreement, and they shall enjoy such reasonable privileges and immunities necessary for the performance of their duties as the government of their country extends to United States immigration officers.''

Subsec. (a)(8). Pub. L. 104–208, § 372(3), added at end par. (8) relating to Attorney General authorization of State and local law enforcement officers in event of mass influx of aliens arriving.

Subsec. (a)(9). Pub. L. 104–208, § 373(1), added at end par. (9) relating to Attorney General authority to support administrative detention of persons in non-Federal institutions.

Subsec. (b). Pub. L. 104–208, § 102(d)(1)(B), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 104–208, § 373(2), inserted at end ''The Commissioner may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws.''

Pub. L. 104–208, § 102(d)(1)(A), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 104–208, § 102(d)(1)(A), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(2). Pub. L. 104–208, § 308(e)(4), which directed amendment of subsec. (c)(2) by substituting ''cancellation of removal'' for ''suspension of deportation'', was executed by making the substitution in subsec. (d)(2) to reflect the probable intent of Congress and the redesignation of subsec. (c) as (d) by Pub. L. 104–208, § 102(d)(1)(A). See above.

Pub. L. 104–208, § 308(d)(4)(C), which directed amendment of subsec. (c)(2) by substituting ''not been admitted or have been removed'' for ''been excluded or deported'', was executed by making the substitution in subsec. (d)(2) to reflect the probable intent of Congress and the redesignation of subsec. (c) as (d) by Pub. L. 104–208, § 102(d)(1)(A). See above.

Subsec. (e). Pub. L. 104–208, § 102(d)(2), substituted ''subsection (d)'' for ''subsection (c)'' in par. (1).

Pub. L. 104–208, § 102(d)(1)(A), redesignated subsec. (d) as (e).

Subsec. (f). Pub. L. 104–208, § 134(a), added subsec. (f).

1990—Subsecs. (c), (d). Pub. L. 101–649 added subsecs. (c) and (d).

1988—Subsec. (a). Pub. L. 100–525, § 9(c)(1), substituted ''instructions'' for ''intructions'' and amended fourth sentence generally. Prior to amendment, fourth sentence read as follows: ''He is authorized, in accordance with the civil-service laws and regulations and the Classification Act of 1949, to appoint such employees of the Service as he deems necessary, and to delegate to them or to any officer or employee of the Department of Justice in his discretion any of the duties and powers imposed upon him in this chapter; he may require or authorize any employee of the Service or the Department of Justice to perform or exercise any of the powers, privileges, or duties conferred or imposed by this chapter or regulations issued thereunder upon any other employee of the Service.''

Subsec. (b). Pub. L. 100–525, § 9(c)(2), struck out provision that Commissioner was to receive compensation at rate of $17,500 per annum.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of the transfer of functions from the Commissioner of Immigration and Naturalization to officials of the Department of Homeland Security (Mar. 1, 2003), see section 1104 of Pub. L. 107–296, as added by Pub. L. 108–7, set out as an Effective Date note under section 521 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 134(b) of div. C of Pub. L. 104–208 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect 90 days after the date of the enactment of this Act [Sept. 30, 1996].''

Amendment by section 308(d)(4)(C), (e)(4) of Pub. L. 104–208 effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, see section 309 of Pub. L. 104–208, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–649 effective Oct. 1, 1991, and applicable beginning with fiscal year 1992, see section 161(a) of Pub. L. 101–649, set out as a note under section 1101 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

FINGERPRINT CARDS

Pub. L. 105–119, title I, Nov. 26, 1997, 111 Stat. 2448, provided in part: ''That beginning seven calendar days after the enactment of this Act [Nov. 26, 1997] and for each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used by the Immigration and Naturalization Service to accept, for the purpose of conducting criminal background checks on applications for any benefit under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], any FD–258 fingerprint card which has been prepared by or received from any individual or entity other than an office of the Immigration and Naturalization Service with the following exceptions: (1) State and local law enforcement agencies; and (2) United States consular offices at United States embassies and consulates abroad under the jurisdiction of the Department of State or United States military offices under the jurisdiction of the Department of Defense authorized to perform fingerprinting services to prepare FD–258 fingerprint cards for applicants residing abroad applying for immigration benefits''.

IMPROVEMENT OF BARRIERS AT BORDER

Pub. L. 104–208, div. C, title I, §102(a)–(c), Sept. 30, 1996, 110 Stat. 3009–554, 3009–555, as amended by Pub. L. 109–13, div. B, title I, §102, May 11, 2005, 119 Stat. 306; Pub. L. 109–367, §3, Oct. 26, 2006, 120 Stat. 2638; Pub. L. 110–161, div. E, title V, §564(a), Dec. 26, 2007, 121 Stat. 2090, provided that:

''(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States.

''(b) CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS ALONG THE BORDER.—

''(1) ADDITIONAL FENCING ALONG SOUTHWEST BORDER.—

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section [amending this section], the Secretary of Homeland Security shall—

''(i) identify the 370 miles, or other mileage determined by the Secretary, whose authority to determine other mileage shall expire on December 31, 2008, along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create or negate any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.

''(2) PROMPT ACQUISITION OF NECESSARY EASEMENTS.—The Attorney General, acting under the authority conferred in section 103(b) of the Immigration and Nationality Act [8 U.S.C. 1103(b)] (as inserted by subsection (d)), shall promptly acquire such easements as may be necessary to carry out this subsection and shall commence construction of fences immediately following such acquisition (or conclusion of portions thereof).

''(3) SAFETY FEATURES.—The Attorney General, while constructing the additional fencing under this subsection, shall incorporate such safety features into the design of the fence system as are necessary to ensure the well-being of border patrol agents deployed within or in near proximity to the system.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection. Amounts appropriated under this paragraph are authorized to remain available until expended.

''(c) WAIVER.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all legal requirements such Secretary, in such Secretary's sole discretion, determines necessary to ensure expeditious construction of the barriers and roads under this section [amending this section]. Any such decision by the Secretary shall be effective upon being published in the Federal Register.

''(2) FEDERAL COURT REVIEW.—

''(A) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction to hear all causes or claims arising from any action

undertaken, or any decision made, by the Secretary of Homeland Security pursuant to paragraph (1). A cause of action or claim may only be brought alleging a violation of the Constitution of the United States. The court shall not have jurisdiction to hear any claim not specified in this subparagraph.

''(B) TIME FOR FILING OF COMPLAINT.—Any cause or claim brought pursuant to subparagraph (A) shall be filed not later than 60 days after the date of the action or decision made by the Secretary of Homeland Security. A claim shall be barred unless it is filed within the time specified.

''(C) ABILITY TO SEEK APPELLATE REVIEW.—An interlocutory or final judgment, decree, or order of the district court may be reviewed only upon petition for a writ of certiorari to the Supreme Court of the United States.''

IMPROVED BORDER EQUIPMENT AND TECHNOLOGY

Section 103 of div. C of Pub. L. 104–208 provided that: ''The Attorney General is authorized to acquire and use, for the purpose of detection, interdiction, and reduction of illegal immigration into the United States, any Federal equipment (including fixed wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer by any other agency of the Federal Government upon request of the Attorney General.''

HIRING AND TRAINING STANDARDS

Section 106(a), (b) of div. C of Pub. L. 104–208 provided that:

''(a) REVIEW OF HIRING STANDARDS.—Not later than 60 days after the date of the enactment of this Act [Sept. 30, 1996], the Attorney General shall complete a review of all prescreening and hiring standards used by the Commissioner of Immigration and Naturalization, and, where necessary, revise such standards to ensure that they are consistent with relevant standards of professionalism.

''(b) CERTIFICATION.—At the conclusion of each of fiscal years 1997, 1998, 1999, 2000, and 2001, the Attorney General shall certify in writing to the Committees on the Judiciary of the House of Representatives and of the Senate that all personnel hired by the Commissioner of Immigration and Naturalization for such fiscal year were hired pursuant to the appropriate standards, as revised under subsection (a).''

REPORT ON BORDER STRATEGY

Section 107 of div. C of Pub. L. 104–208 provided that:

''(a) EVALUATION OF STRATEGY.—The Comptroller General of the United States shall track, monitor, and evaluate the Attorney General's strategy to deter illegal entry in the United States to determine the efficacy of such strategy.

''(b) COOPERATION.—The Attorney General, the Secretary of State, and the Secretary of Defense shall cooperate with the Comptroller General of the United States in carrying out subsection (a).

''(c) REPORT.—Not later than one year after the date of the enactment of this Act [Sept. 30, 1996], and every year thereafter for the succeeding 5 years, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the results of the activities undertaken under subsection (a) during the previous year. Each such report shall include an analysis of the degree to which the Attorney General's strategy has been effective in reducing illegal entry. Each such report shall include a collection and systematic analysis of data, including workload indicators, related to activities to deter illegal entry and recommendations to improve and increase border security at the border and ports of entry.''

COMPENSATION FOR IMMIGRATION JUDGES

Section 371(c) of div. C of Pub. L. 104–208 provided that:

''(1) IN GENERAL.—There shall be four levels of pay for immigration judges, under the Immigration Judge Schedule (designated as IJ–1, 2, 3, and 4, respectively), and each such judge shall be paid at one of those levels, in accordance with the provisions of this subsection.

''(2) RATES OF PAY.—

''(A) The rates of basic pay for the levels established under paragraph (1) shall be as follows:

IJ–1	70% of the next to highest rate of basic pay for the Senior Executive Service
IJ–2	80% of the next to highest rate of basic pay for the Senior Executive Service
IJ–3	90% of the next to highest rate of basic pay for the Senior Executive Service
IJ–4	92% of the next to highest rate of basic pay for the Senior Executive Service.

''(B) Locality pay, where applicable, shall be calculated into the basic pay for immigration judges.

''(3) APPOINTMENT.—

''(A) Upon appointment, an immigration judge shall be paid at IJ–1, and shall be advanced to IJ–2 upon completion of 104 weeks of service, to IJ–3 upon completion of 104 weeks of service in the next lower rate, and to IJ–4 upon completion of 52 weeks of service in the next lower rate.

''(B) Notwithstanding subparagraph (A), the Attorney General may provide for appointment of an immigration judge at an advanced rate under such circumstances as the Attorney General may determine appropriate.

''(4) TRANSITION.—Immigration judges serving as of the effective date shall be paid at the rate that corresponds to the amount of time, as provided under paragraph (3)(A), that they have served as an immigration judge, and in no case shall be paid less after the effective date than the rate of pay prior to the effective date.''

[Section 371(d)(2) of div. C of Pub. L. 104–208 provided that: ''Subsection (c) [set out above] shall take effect 90 days after the date of the enactment of this Act [Sept. 30, 1996].'']

MACHINE-READABLE DOCUMENT BORDER SECURITY PROGRAM

Pub. L. 100–690, title IV, §4604, Nov. 18, 1988, 102 Stat. 4289, which required Department of State, United States Customs Service, and Immigration and Naturalization Service to develop a comprehensive machine-readable travel and identity document border security program that would improve border entry and departure control through automated data capture of machine-readable travel and identity documents, directed specified agencies and organizations to contribute law enforcement data for the system, authorized appropriations for the program, and required continuing full implementation in fiscal years 1990, 1991, and 1992, by all participating agencies, was repealed by Pub. L. 102–583, §6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

IMMIGRATION AND NATURALIZATION SERVICE PERSONNEL ENHANCEMENT

Pub. L. 100–690, title VII, §7350, Nov. 18, 1988, 102 Stat. 4473, provided that:

''(a) PILOT PROGRAM REGARDING THE IDENTIFICATION OF CERTAIN ALIENS.—

''(1) Within 6 months after the effective date of this subtitle [Nov. 18, 1988], the Attorney General shall establish, out of funds appropriated pursuant to subsection (c)(2), a pilot program in 4 cities to improve the capabilities of the Immigration and Naturalization Service (hereinafter in this section referred to as the 'Service') to respond to inquiries from Federal, State, and local law enforcement authorities concerning aliens who have been arrested for or convicted of, or who are the subject of any criminal investigation relating to, a violation of any law relating to controlled substances (other than an aggravated felony as defined in section 101(a)(43) of the Im-

migration and Nationality Act [8 U.S.C. 1101(a)(43)], as added by section 7342 of this subtitle).

''(2) At the end of the 12-month period after the establishment of such pilot program, the Attorney General shall provide for an evaluation of its effectiveness, including an assessment by Federal, State, and local prosecutors and law enforcement agencies. The Attorney General shall submit a report containing the conclusions of such evaluation to the Committees on the Judiciary of the House of Representatives and of the Senate within 60 days after the completion of such evaluation.

''(b) HIRING OF INVESTIGATIVE AGENTS.—

''(1) Any investigative agent hired by the Attorney General for purposes of this section shall be employed exclusively to assist Federal, State, and local law enforcement agencies in combating drug trafficking and crimes of violence by aliens.

''(2) Any investigative agent hired under this section who is older than 35 years of age shall not be eligible for Federal retirement benefits made available to individuals who perform hazardous law enforcement activities.''

PILOT PROGRAM TO ESTABLISH OR IMPROVE COMPUTER CAPABILITIES

Pub. L. 99–570, title I, § 1751(e), Oct. 27, 1986, 100 Stat. 3207–48, provided that:

''(1) From the sums appropriated to carry out this Act, the Attorney General, through the Investigative Division of the Immigration and Naturalization Service, shall provide a pilot program in 4 cities to establish or improve the computer capabilities of the local offices of the Service and of local law enforcement agencies to respond to inquiries concerning aliens who have been arrested or convicted for, or are the subject to criminal investigation relating to, a violation of any law relating to controlled substances. The Attorney General shall select cities in a manner that provides special consideration for cities located near the land borders of the United States and for large cities which have major concentrations of aliens. Some of the sums made available under the pilot program shall be used to increase the personnel level of the Investigative Division.

''(2) At the end of the first year of the pilot program, the Attorney General shall provide for an evaluation of the effectiveness of the program and shall report to Congress on such evaluation and on whether the pilot program should be extended or expanded.''

EMERGENCY PLANS FOR REGULATION OF NATIONALS OF ENEMY COUNTRIES

Attorney General to develop national security emergency plans for regulation of immigration, regulation of nationals of enemy countries, and plans to implement laws for control of persons entering or leaving the United States, see section 1101(4) of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

EX. ORD. NO. 13404. TASK FORCE ON NEW AMERICANS

Ex. Ord. No. 13404, June 7, 2006, 71 F.R. 33593, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen the efforts of the Department of Homeland Security and Federal, State, and local agencies to help legal immigrants embrace the common core of American civic culture, learn our common language, and fully become Americans, it is hereby ordered as follows:

SECTION 1. *Establishment*. The Secretary of Homeland Security (Secretary) shall immediately establish within the Department of Homeland Security (Department) a Task Force on New Americans (Task Force).

SEC. 2. *Membership and Operation*. (a) The Task Force shall be limited to the following members or employees designated by them at no lower than the Assistant Secretary level or its equivalent:

(i) the Secretary of Homeland Security, who shall serve as Chair;

(ii) the Secretary of State;

(iii) the Secretary of the Treasury;

(iv) the Secretary of Defense;

(v) the Attorney General;

(vi) the Secretary of Agriculture;

(vii) the Secretary of Commerce;

(viii) the Secretary of Labor;

(ix) the Secretary of Health and Human Services;

(x) the Secretary of Housing and Urban Development;

(xi) the Secretary of Education;

(xii) such other officers or employees of the Department of Homeland Security as the Secretary may from time to time designate; and

(xiii) such other officers of the United States as the Secretary may designate from time to time, with the concurrence of the respective heads of departments and agencies concerned.

(b) The Secretary shall convene and preside at meetings of the Task Force, direct its work, and as appropriate, establish and direct subgroups of the Task Force that shall consist exclusively of Task Force members. The Secretary shall designate an official of the Department to serve as the Executive Secretary of the Task Force, and the Executive Secretary shall head the staff assigned to the Task Force.

SEC. 3. *Functions*. Consistent with applicable law, the Task Force shall:

(a) provide direction to executive departments and agencies (agencies) concerning the integration into American society of America's legal immigrants, particularly through instruction in English, civics, and history;

(b) promote public-private partnerships that will encourage businesses to offer English and civics education to workers;

(c) identify ways to expand English and civics instruction for legal immigrants, including through faith-based, community, and other groups, and ways to promote volunteer community service; and

(d) make recommendations to the President, through the Secretary, from time to time regarding:

(i) actions to enhance cooperation among agencies on the integration of legal immigrants into American society;

(ii) actions to enhance cooperation among Federal, State, and local authorities responsible for the integration of legal immigrants;

(iii) changes in rules, regulations, or policy to improve the effective integration of legal immigrants into American society; and

(iv) proposed legislation relating to the integration of legal immigrants into American society.

SEC. 4. *Administration*. (a) To the extent permitted by law, the Department shall provide the funding and administrative support the Task Force needs to implement this order, as determined by the Secretary.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an agency or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is intended to improve the internal management of the Federal Government. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity against the United States, its departments, agencies, entities, instrumentalities, officers, employees, agents, or any other person.

GEORGE W. BUSH.

§ 1104. Powers and duties of Secretary of State

(a) Powers and duties

The Secretary of State shall be charged with the administration and the enforcement of the

provisions of this chapter and all other immigration and nationality laws relating to (1) the powers, duties, and functions of diplomatic and consular officers of the United States, except those powers, duties, and functions conferred upon the consular officers relating to the granting or refusal of visas; (2) the powers, duties, and functions of the Administrator; and (3) the determination of nationality of a person not in the United States. He shall establish such regulations; prescribe such forms of reports, entries and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out such provisions. He is authorized to confer or impose upon any employee of the United States, with the consent of the head of the department or independent establishment under whose jurisdiction the employee is serving, any of the powers, functions, or duties conferred or imposed by this chapter or regulations issued thereunder upon officers or employees of the Department of State or of the American Foreign Service.

(b) Designation and duties of Administrator

The Secretary of State shall designate an Administrator who shall be a citizen of the United States, qualified by experience. The Administrator shall maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the administration of this chapter by consular officers. The Administrator shall be charged with any and all responsibility and authority in the administration of this chapter which are conferred on the Secretary of State as may be delegated to the Administrator by the Secretary of State or which may be prescribed by the Secretary of State, and shall perform such other duties as the Secretary of State may prescribe.

(c) Passport Office, Visa Office, and other offices; directors

Within the Department of State there shall be a Passport Office, a Visa Office, and such other offices as the Secretary of State may deem to be appropriate, each office to be headed by a director. The Directors of the Passport Office and the Visa Office shall be experienced in the administration of the nationality and immigration laws.

(d) Transfer of duties

The functions heretofore performed by the Passport Division and the Visa Division of the Department of State shall hereafter be performed by the Passport Office and the Visa Office, respectively.

(e) General Counsel of Visa Office; appointment and duties

There shall be a General Counsel of the Visa Office, who shall be appointed by the Secretary of State and who shall serve under the general direction of the Legal Adviser of the Department of State. The General Counsel shall have authority to maintain liaison with the appropriate officers of the Service with a view to securing uniform interpretations of the provisions of this chapter.

(June 27, 1952, ch. 477, title I, §104, 66 Stat. 174; Pub. L. 87-510, §4(a)(2), June 28, 1962, 76 Stat. 123; Pub. L. 88–426, title III, §305(43), Aug. 14, 1964, 78 Stat. 428; Pub. L. 95–105, title I, §109(b)(1), Aug. 17, 1977, 91 Stat. 847; Pub. L. 100–525, §9(d), Oct. 24, 1988, 102 Stat. 2620; Pub. L. 103–236, title I, §162(h)(2), Apr. 30, 1994, 108 Stat. 407.)

AMENDMENTS

1994—Pub. L. 103–236, §162(h)(2)(A), struck out "; Bureau of Consular Affairs" after "Secretary of State" in section catchline.

Subsec. (a)(2). Pub. L. 103–236, §162(h)(2)(B), substituted "the Administrator" for "the Bureau of Consular Affairs".

Subsec. (b). Pub. L. 103–236, §162(h)(2)(C), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "There is established in the Department of State a Bureau of Consular Affairs, to be headed by an Assistant Secretary of State for Consular Affairs. The Assistant Secretary of State for Consular Affairs shall be a citizen of the United States, qualified by experience, and shall maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the administration of this chapter by consular officers. He shall be charged with any and all responsibility and authority in the administration of the Bureau and of this chapter which are conferred on the Secretary of State as may be delegated to him by the Secretary of State or which may be prescribed by the Secretary of State. He shall also perform such other duties as the Secretary of State may prescribe."

Subsec. (c). Pub. L. 103–236, §162(h)(2)(D), substituted "Department of State" for "Bureau".

Subsec. (d). Pub. L. 103–236, §162(h)(2)(E), struck out before period at end ", of the Bureau of Consular Affairs".

1988—Pub. L. 100–525 substituted "Bureau of Consular Affairs" for "Bureau of Security and Consular Affairs" in section catchline.

1977—Subsec. (a)(2). Pub. L. 95–105, §109(b)(1)(A), struck out "Security and" after "Bureau of".

Subsec. (b). Pub. L. 95–105, §109(b)(1)(B), substituted "Consular Affairs, to be headed by an Assistant Secretary of State for Consular Affairs" for "Security and Consular Affairs, to be headed by an administrator (with an appropriate title to be designated by the Secretary of State), with rank equal to that of an Assistant Secretary of State" and "Assistant Secretary of State for Consular Affairs" for "administrator" and struck out provision that the administrator shall be appointed by the President by and with the advice and consent of the Senate.

Subsec. (d). Pub. L. 95–105, §109(b)(1)(C), struck out "Security and" after "Bureau of".

Subsec. (f). Pub. L. 95–105, §109(b)(1)(D), struck out subsec. (f) which placed Bureau of Security and Consular Affairs under immediate jurisdiction of Deputy Under Secretary of State for Administration.

1964—Subsec. (b). Pub. L. 88–426 repealed provisions which related to compensation of Administrator. See section 5311 et seq. of Title 5, Government Organization and Employees.

1962—Subsec. (b). Pub. L. 87–510 provided for appointment of Administrator of Bureau of Security and Consular Affairs by President by and with advice and consent of Senate.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–426 effective on first day of first pay period which begins on or after July 1, 1964,

except to extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of Title 22, Foreign Relations and Intercourse, and section 161(d) of Pub. L. 103–236, set out as a note under section 2651a of Title 22.

ASSUMPTION OF DUTIES BY ADMINISTRATOR OF BUREAU OF SECURITY AND CONSULAR AFFAIRS

Section 109(b)(4) of Pub. L. 95–105 provided that: ''The individual holding the position of administrator of the Bureau of Security and Consular Affairs on the date of enactment of this section [Aug. 17, 1977] shall assume the duties of the Assistant Secretary of State for Consular Affairs and shall not be required to be reappointed by reason of the enactment of this section.''

REFERENCES TO BUREAU OF SECURITY AND CONSULAR AFFAIRS OR ADMINISTRATOR

Section 109(b)(5) of Pub. L. 95–105 provided that: ''Any reference in any law to the Bureau of Security and Consular Affairs or to the administrator of such Bureau shall be deemed to be a reference to the Bureau of Consular Affairs or to the Assistant Secretary of State for Consular Affairs, respectively.''

§ 1105. Liaison with internal security officers; data exchange

(a) In general

The Commissioner and the Administrator shall have authority to maintain direct and continuous liaison with the Directors of the Federal Bureau of Investigation and the Central Intelligence Agency and with other internal security officers of the Government for the purpose of obtaining and exchanging information for use in enforcing the provisions of this chapter in the interest of the internal and border security of the United States. The Commissioner and the Administrator shall maintain direct and continuous liaison with each other with a view to a coordinated, uniform, and efficient administration of this chapter, and all other immigration and nationality laws.

(b) Access to National Crime Information Center files

(1) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency receiving the access, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving the access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

(4) Access to an extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

(c) Reconsideration upon development of more cost effective means of sharing information

The provision of the extracts described in subsection (b) of this section may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

(d) Regulations

For purposes of administering this section, the Department of State shall, prior to receiving access to NCIC data but not later than 4 months after October 26, 2001, promulgate final regulations—

(1) to implement procedures for the taking of fingerprints; and

(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

(A) to limit the redissemination of such information;

(B) to ensure that such information is used solely to determine whether or not to issue a visa to an alien or to admit an alien to the United States;

(C) to ensure the security, confidentiality, and destruction of such information; and

(D) to protect any privacy rights of individuals who are subjects of such information.

(June 27, 1952, ch. 477, title I, § 105, 66 Stat. 175; Pub. L. 95–105, title I, § 109(b)(2), Aug. 17, 1977, 91 Stat. 847; Pub. L. 103–236, title I, § 162(h)(3), Apr. 30, 1994, 108 Stat. 408; Pub. L. 107–56, title IV, § 403(a), Oct. 26, 2001, 115 Stat. 343.)

AMENDMENTS

2001—Pub. L. 107–56 inserted ''; data exchange'' after ''security officers'' in section catchline, designated existing provisions as subsec. (a), inserted ''and border'' before ''security of the United States'', and added subsecs. (b) to (d).

1994—Pub. L. 103–236 substituted ''Administrator'' for ''Assistant Secretary of State for Consular Affairs'' in two places.

1977—Pub. L. 95–105 substituted ''Assistant Secretary of State for Consular Affairs'' for ''administrator'' in two places.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of Title 22, Foreign Relations and Intercourse.

STATUTORY CONSTRUCTION

Pub. L. 107–56, title IV, § 403(d), Oct. 26, 2001, 115 Stat. 345, provided that: ''Nothing in this section [enacting section 1379 of this title, amending this section, and enacting provisions set out as a note under this section], or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105–251; 42 U.S.C. 14611–16) and section 552a of title 5, United States Code.''

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

REPORTING REQUIREMENT

Pub. L. 107–56, title IV, § 403(b), Oct. 26, 2001, 115 Stat. 344, provided that: ''Not later than 2 years after the date of enactment of this Act [Oct. 26, 2001], the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section [amending this section].''

§ 1105a. Employment authorization for battered spouses of certain nonimmigrants

(a) In general

In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 1101(a)(15) of this title who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H) of such section, respectively, the Secretary of Homeland Security may authorize the alien spouse to engage in employment in the United States and provide the spouse with an ''employment authorized'' endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject of extreme cruelty perpetrated by the spouse of the alien spouse. Requests for relief under this section shall be handled under the procedures that apply to aliens seeking relief under section 1154(a)(1)(A)(iii) of this title.

(b) Construction

The grant of employment authorization pursuant to this section shall not confer upon the alien any other form of relief.

(June 27, 1952, ch. 477, title I, § 106, as added Pub. L. 109–162, title VIII, § 814(c), Jan. 5, 2006, 119 Stat. 3059.)

PRIOR PROVISIONS

A prior section 1105a, act June 27, 1952, ch. 477, title I, § 106, as added Sept. 26, 1961, Pub. L. 87–301, § 5(a), 75 Stat. 651; amended Dec. 29, 1981, Pub. L. 97–116, § 18(b), 95 Stat. 1620; Oct. 24, 1988, Pub. L. 100–525, § 9(e), 102 Stat. 2620; Nov. 18, 1988, Pub. L. 100–690, title VII, § 7347(b), 102 Stat. 4472; Nov. 29, 1990, Pub. L. 101–649, title V, §§ 502(a), 513(a), 545(b), 104 Stat. 5048, 5052, 5065; Dec. 12, 1991, Pub. L. 102–232, title III, § 306(a)(2), 105 Stat. 1751; Sept. 13, 1994, Pub. L. 103–322, title XIII, § 130004(b), 108 Stat. 2027; Oct. 25, 1994, Pub. L. 103–416, title II, § 223(b), 108 Stat. 4322; Apr. 24, 1996, Pub. L. 104–132, title IV, §§ 401(b), (e), 423(a), 440(a), 442(b), 110 Stat. 1267, 1268, 1272, 1276, 1280; Sept. 30, 1996, Pub. L. 104–208, div. C, title III, §§ 306(d), 308(g)(10)(H), 371(b)(1), title VI, § 671(c)(3), (4), 110 Stat. 3009–612, 3009–625, 3009–645, 3009–722, related to judicial review of orders of deportation and exclusion, prior to repeal by Pub. L. 104–208, div. C, title III, §§ 306(b), (c), 309, Sept. 30, 1996, 110 Stat. 3009–612, 3009–625, effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, but such repeal not to be considered to invalidate or to require the reconsideration of any judgment or order entered under this section. See section 1252 of this title.

§ 1106. Repealed. Pub. L. 91–510, title IV, § 422(a), Oct. 26, 1970, 84 Stat. 1189

Section, act June 27, 1952, ch. 477, title IV, § 401, 66 Stat. 274, provided for establishment of Joint Committee on Immigration and Nationality, including its composition, necessity of membership on House or Senate Committee on the Judiciary, vacancies and election of chairman, functions, reports, submission of regulations to Committee, hearings and subpena, travel expenses, employment of personnel, payment of Committee expenses, and effective date.

EFFECTIVE DATE OF REPEAL

Repeal effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

ABOLITION OF JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY

Pub. L. 91–510, title IV, § 421, Oct. 26, 1970, 84 Stat. 1189, abolished the Joint Committee on Immigration and Nationality established by former subsec. (a) of this section.

§ 1107. Additional report

At the beginning and midpoint of each fiscal year, the Secretary of Homeland Security shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, a written report providing a description of internal affairs operations at U.S. Citizenship and Immigration Services, including the general state of such operations and a detailed description of investigations that are being conducted (or that were conducted during the previous six months) and the resources devoted to such investigations. The first such report shall be submitted not later than April 1, 2006.

(Pub. L. 109–177, title I, § 109(c), Mar. 9, 2006, 120 Stat. 205.)

CODIFICATION

Section was enacted as part of the USA PATRIOT Improvment and Reauthorization Act of 2005, and not as part of the Immigration and Nationality Act which comprises this chapter.

SUBCHAPTER II—IMMIGRATION

PART I—SELECTION SYSTEM

§ 1151. Worldwide level of immigration

(a) In general

Exclusive of aliens described in subsection (b) of this section, aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence are limited to—

(1) family-sponsored immigrants described in section 1153(a) of this title (or who are admitted under section 1181(a) of this title on the basis of a prior issuance of a visa to their accompanying parent under section 1153(a) of this title) in a number not to exceed in any fiscal year the number specified in subsection (c) of this section for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year;

(2) employment-based immigrants described in section 1153(b) of this title (or who are admitted under section 1181(a) of this title on the basis of a prior issuance of a visa to their accompanying parent under section 1153(b) of this title), in a number not to exceed in any fiscal year the number specified in subsection (d) of this section for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year; and

(3) for fiscal years beginning with fiscal year 1995, diversity immigrants described in section 1153(c) of this title (or who are admitted under section 1181(a) of this title on the basis of a prior issuance of a visa to their accompanying parent under section 1153(c) of this title) in a number not to exceed in any fiscal year the number specified in subsection (e) of this section for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year.

(b) Aliens not subject to direct numerical limitations

Aliens described in this subsection, who are not subject to the worldwide levels or numerical limitations of subsection (a) of this section, are as follows:

(1)(A) Special immigrants described in subparagraph (A) or (B) of section 1101(a)(27) of this title.

(B) Aliens who are admitted under section 1157 of this title or whose status is adjusted under section 1159 of this title.

(C) Aliens whose status is adjusted to permanent residence under section 1160 or 1255a of this title.

(D) Aliens whose removal is canceled under section 1229b(a) of this title.

(E) Aliens provided permanent resident status under section 1259 of this title.

(2)(A)(i) IMMEDIATE RELATIVES.—For purposes of this subsection, the term ''immediate relatives'' means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age. In the case of an alien who was the spouse of a citizen of the United States for at least 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, the alien (and each child of the alien) shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death but only if the spouse files a petition under section 1154(a)(1)(A)(ii) of this title within 2 years after such date and only until the date the spouse remarries. For purposes of this clause, an alien who has filed a petition under clause (iii) or (iv) of section 1154(a)(1)(A) of this title remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.

(ii) Aliens admitted under section 1181(a) of this title on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative.

(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.

(c) Worldwide level of family-sponsored immigrants

(1)(A) The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is, subject to subparagraph (B), equal to—

(i) 480,000, minus

(ii) the sum of the number computed under paragraph (2) and the number computed under paragraph (4), plus

(iii) the number (if any) computed under paragraph (3).

(B)(i) For each of fiscal years 1992, 1993, and 1994, 465,000 shall be substituted for 480,000 in subparagraph (A)(i).

(ii) In no case shall the number computed under subparagraph (A) be less than 226,000.

(2) The number computed under this paragraph for a fiscal year is the sum of the number of aliens described in subparagraphs (A) and (B) of subsection (b)(2) of this section who were issued immigrant visas or who otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the previous fiscal year.

(3)(A) The number computed under this paragraph for fiscal year 1992 is zero.

(B) The number computed under this paragraph for fiscal year 1993 is the difference (if any) between the worldwide level established under paragraph (1) for the previous fiscal year and the number of visas issued under section 1153(a) of this title during that fiscal year.

(C) The number computed under this paragraph for a subsequent fiscal year is the difference (if any) between the maximum number of visas which may be issued under section 1153(b) of this title (relating to employment-based immigrants) during the previous fiscal year and the number of visas issued under that section during that year.

(4) The number computed under this paragraph for a fiscal year (beginning with fiscal year 1999) is the number of aliens who were paroled into the United States under section 1182(d)(5) of this title in the second preceding fiscal year—