1620; Pub. L. 101–649, title V, § 543(a)(1), Nov. 29, 1990, 104 Stat. 5057; Pub. L. 102–232, title III, § 306(c)(4)(A), Dec. 12, 1991, 105 Stat. 1752; Pub. L. 104–208, div. C, title III, § 308(g)(1), Sept. 30, 1996, 110 Stat. 3009–622; Pub. L. 107–77, title I, § 115, Nov. 28, 2001, 115 Stat. 768; Pub. L. 107–173, title IV, § 402(a), May 14, 2002, 116 Stat. 557.)

AMENDMENTS

2002—Pub. L. 107–173 added subsecs. (a) to (i), redesignated former subsec. (c) as (j), and struck out former subsecs. (a), (b), (d), and (e), which related to shipment or aircraft manifest, arrival, form and contents, exclusions in subsec. (a), departure, shipment or aircraft manifest, form and contents, and exclusions in subsec. (b), penalties against noncomplying shipments or aircraft in subsec. (d), and waiver of requirements in subsec. (e).

2001—Subsec. (a). Pub. L. 107–77, § 115(a), amended subsec. (a) generally. Prior to amendment subsec. (a) read as follows: ''Upon the arrival of any person by water or by air at any port within the United States from any place outside the United States, it shall be the duty of the master or commanding officer, or authorized agent, owner, or consignee of the vessel or aircraft, having any such person on board to deliver to the immigration officers at the port of arrival typewritten or printed lists or manifests of the persons on board such vessel or aircraft. Such lists or manifests shall be prepared at such time, be in such form and shall contain such information as the Attorney General shall prescribe by regulation as being necessary for the identification of the persons transported and for the enforcement of the immigration laws. This subsection shall not require the master or commanding officer, or authorized agent, owner, or consignee of a vessel or aircraft to furnish a list or manifest relating (1) to an alien crewman or (2) to any other person arriving by air on a trip originating in foreign contiguous territory, except (with respect to such arrivals by air) as may be required by regulations issued pursuant to section 1224 of this title.''

Subsec. (b). Pub. L. 107–77, § 115(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''It shall be the duty of the master or commanding officer or authorized agent of every vessel or aircraft taking passengers on board at any port of the United States, who are destined to any place outside the United States, to file with the immigration officers before departure from such port a list of all such persons taken on board. Such list shall be in such form, contain such information, and be accompanied by such documents, as the Attorney General shall prescribe by regulation as necessary for the identification of the persons so transported and for the enforcement of the immigration laws. No master or commanding officer of any such vessel or aircraft shall be granted clearance papers for his vessel or aircraft until he or the authorized agent has deposited such list or lists and accompanying documents with the immigration officer at such port and made oath that they are full and complete as to the information required to be contained therein, except that in the case of vessels or aircraft which the Attorney General determines are making regular trips to ports of the United States, the Attorney General may, when expedient, arrange for the delivery of lists of outgoing persons at a later date. This subsection shall not require the master or commanding officer, or authorized agent, owner, or consignee of a vessel or aircraft to furnish a list or manifest relating (1) to an alien crewman or (2) to any other person departing by air on a trip originating in the United States who is destined to foreign contiguous territory, except (with respect to such departure by air) as may be required by regulations issued pursuant to section 1224 of this title.''

Subsec. (d). Pub. L. 107–77, § 115(c), directed amendment of heading by substituting ''shipments, aircraft or carriers'' for ''shipments or aircraft'' and, in text inserted '', any public or private carrier,'' after ''or aircraft,'' in first sentence and substituted ''vessel, aircraft, train or bus'' for ''vessel or aircraft'' in second sentence.

1996—Subsecs. (a), (b). Pub. L. 104–208 substituted ''section 1224'' for ''section 1229''.

1991—Subsec. (d). Pub. L. 102–232 substituted ''Commissioner'' for ''collector of customs'' after ''deposit with the''.

1990—Subsec. (d). Pub. L. 101–649 substituted ''Commissioner the sum of $300'' for ''collector of customs at the port of arrival or departure the sum of $10''.

1981—Subsec. (d). Pub. L. 97–116 substituted ''subsection'' for ''subsections''.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–173, title IV, § 402(c), May 14, 2002, 116 Stat. 559, provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to persons arriving in, or departing from, the United States on or after the date of enactment of this Act [May 14, 2002].''

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

Section 543(c) of Pub. L. 101–649 provided that: ''The amendments made by subsections (a) and (b) [amending this section and sections 1227, 1229, 1282, 1284 to 1287, 1321 to 1323, and 1325 to 1328 of this title] shall apply to actions taken after the date of the enactment of this Act [Nov. 29, 1990].''

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–116 effective Dec. 29, 1981, see section 21(a) of Pub. L. 97–116, 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.

EXTENSION TO LAND CARRIERS

Pub. L. 107–173, title IV, § 402(b), May 14, 2002, 116 Stat. 559, provided that:

''(1) STUDY.—The President shall conduct a study regarding the feasibility of extending the requirements of subsections (a) and (b) of section 231 of the Immigration and Nationality Act (8 U.S.C. 1221), as amended by subsection (a), to any commercial carrier transporting persons by land to or from the United States. The study shall focus on the manner in which such requirement would be implemented to enhance the national security of the United States and the efficient cross-border flow of commerce and persons.

''(2) REPORT.—Not later than two years after the date of enactment of this Act [May 14, 2002], the President shall submit to Congress a report setting forth the findings of the study conducted under paragraph (1).''

## § 1222. Detention of aliens for physical and mental examination

### (a) Detention of aliens

For the purpose of determining whether aliens (including alien crewmen) arriving at ports of

the United States belong to any of the classes inadmissible under this chapter, by reason of being afflicted with any of the diseases or mental or physical defects or disabilities set forth in section 1182(a) of this title, or whenever the Attorney General has received information showing that any aliens are coming from a country or have embarked at a place where any of such diseases are prevalent or epidemic, such aliens shall be detained by the Attorney General for a sufficient time to enable the immigration officers and medical officers to subject such aliens to observation and an examination sufficient to determine whether or not they belong to inadmissible classes.

**(b) Physical and mental examination**

The physical and mental examination of arriving aliens (including alien crewmen) shall be made by medical officers of the United States Public Health Service, who shall conduct all medical examinations and shall certify, for the information of the immigration officers and the immigration judges, any physical and mental defect or disease observed by such medical officers in any such alien. If medical officers of the United States Public Health Service are not available, civil surgeons of not less than four years' professional experience may be employed for such service upon such terms as may be prescribed by the Attorney General. Aliens (including alien crewmen) arriving at ports of the United States shall be examined by at least one such medical officer or civil surgeon under such administrative regulations as the Attorney General may prescribe, and under medical regulations prepared by the Secretary of Health and Human Services. Medical officers of the United States Public Health Service who have had special training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Attorney General may designate, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens who it is suspected may be inadmissible under paragraph (1) of section 1182(a) of this title, and the services of interpreters shall be provided for such examination. Any alien certified under paragraph (1) of section 1182(a) of this title, may appeal to a board of medical officers of the United States Public Health Service, which shall be convened by the Secretary of Health and Human Services, and any such alien may introduce before such board one expert medical witness at his own cost and expense.

**(c) Certification of certain helpless aliens**

If an examining medical officer determines that an alien arriving in the United States is inadmissible, is helpless from sickness, mental or physical disability, or infancy, and is accompanied by another alien whose protection or guardianship may be required, the officer may certify such fact for purposes of applying section 1182(a)(10)(B) of this title with respect to the other alien.

(June 27, 1952, ch. 477, title II, ch. 4, § 232, 66 Stat. 196; Pub. L. 99–500, § 101(b) [title II, § 206(a), formerly § 206], Oct. 18, 1986, 100 Stat. 1783–39, 1783–56, renumbered § 206(a), Pub. L. 100–525, § 4(b)(1), Oct. 24, 1988, 102 Stat. 2615; Pub. L. 99–591, § 101(b) [title II, § 206], Oct. 30, 1986, 100 Stat. 3341–39, 3341–56; Pub. L. 100–525, § 4(b)(2), (d), Oct. 24, 1988, 102 Stat. 2615; Pub. L. 104–208, div. C, title III, §§ 308(b)(2), (3)(C), (c)(2)(A), (d)(4)(H), Sept. 30, 1996, 110 Stat. 3009–615, 3009–616, 3009–618.)

CODIFICATION

The text of section 1224 of this title, which was transferred to subsec. (b) of this section by Pub. L. 104–208, § 308(b)(3)(C), was based on acts June 27, 1952, ch. 477, title II, ch. 4, § 234, 66 Stat. 198; Oct. 24, 1988, Pub. L. 100–525, § 9(k), 102 Stat. 2620; Nov. 29, 1990, Pub. L. 101–649, title VI, § 603(a)(10), 104 Stat. 5083; Sept. 30, 1996, Pub. L. 104–208, div. C, title III, §§ 308(b)(3)(A), (B), (d)(3)(A), 371(b)(3), 110 Stat. 3009–615, 3009–617, 3009–645.

AMENDMENTS

1996—Pub. L. 104–208, § 308(b)(2)(B), amended section catchline generally.

Pub. L. 104–208, § 308(b)(2)(A), inserted "(a) Detention of aliens" before "For the purpose of".

Subsec. (a). Pub. L. 104–208, § 308(d)(4)(H), substituted "inadmissible under" for "excluded by" and "inadmissible classes" for "the excluded classes".

Subsec. (b). Pub. L. 104–208, § 308(b)(3)(C), transferred section 1224 of this title to subsec. (b) of this section. See Codification note above.

Subsec. (c). Pub. L. 104–208, § 308(c)(2)(A), added subsec. (c).

1988—Pub. L. 100–525, § 4(b)(1), (2), amended Pub. L. 99–500 and 99–591. See 1986 Amendment note below.

1986—Pub. L. 99–500, § 101(b) [title II, § 206(a), formerly § 206], as redesignated and amended by Pub. L. 100–525, § 4(b)(1), (2), substituted "by the Attorney General" for "on board the vessel or at the airport of arrival of the aircraft bringing them, unless the Attorney General directs their detention in a United States immigration station or other place specified by him at the expense of such vessel or aircraft except as otherwise provided in this chapter, as circumstances may require or justify,".

Pub. L. 99–591, § 101(b) [title II, § 206], a corrected version of Pub. L. 99–500, § 101(b) [title II, § 206(a)], was repealed by Pub. L. 100–525, § 4(d), effective as of Oct. 30, 1986.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 308(b)(2), (3)(C), (c)(2)(A), (d)(4)(H) 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 1988 AMENDMENT

Section 4(c) of Pub. L. 100–525 provided that: "The amendments made by subsections (a) and (b) [amending this section and sections 1223, 1227, and 1356 of this title and enacting provisions set out as a note under section 1356 of this title] shall be effective as if they were included in the enactment of the Department of Justice Appropriation Act, 1987 (as contained in section 101(b) of Public Law 99–500)."

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.

DESIGNATION OF UNITED STATES MILITARY PHYSICIANS AS CIVIL SURGEONS

Pub. L. 102–484, div. A, title X, § 1079, Oct. 23, 1992, 106 Stat. 2514, as amended by Pub. L. 104–208, div. C, title

III, § 308(g)(1), Sept. 30, 1996, 110 Stat. 3009–622, provided that: ''Notwithstanding any other provision of law, United States military physicians with not less than four years professional experience shall be considered to be civil surgeons for the purpose of the performance of physical examinations required under section 232(b) of the Immigration and Nationality Act (8 U.S.C. 1224 [8 U.S.C. 1222(b)]) of special immigrants described in section 101(a)(27)(K) of such Act (8 U.S.C. 1101(a)(27)(K)).''

## § 1223. Entry through or from foreign territory and adjacent islands

### (a) Necessity of transportation contract

The Attorney General shall have power to enter into contracts with transportation lines for the inspection and admission of aliens coming to the United States from foreign territory or from adjacent islands. No such transportation line shall be allowed to land any such alien in the United States until and unless it has entered into any such contracts which may be required by the Attorney General.

### (b) Landing stations

Every transportation line engaged in carrying alien passengers for hire to the United States from foreign territory or from adjacent islands shall provide and maintain at its expense suitable landing stations, approved by the Attorney General, conveniently located at the point or points of entry. No such transportation line shall be allowed to land any alien passengers in the United States until such landing stations are provided, and unless such stations are thereafter maintained to the satisfaction of the Attorney General.

### (c) Landing agreements

The Attorney General shall have power to enter into contracts including bonding agreements with transportation lines to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. Notwithstanding any other provision of this chapter, such aliens may not have their classification changed under section 1258 of this title.

### (d) Definitions

As used in this section the terms ''transportation line'' and ''transportation company'' include, but are not limited to, the owner, charterer, consignee, or authorized agent operating any vessel or aircraft or railroad train bringing aliens to the United States, to foreign territory, or to adjacent islands.

(June 27, 1952, ch. 477, title II, ch. 4, § 233, formerly § 238, 66 Stat. 202; Pub. L. 99–653, § 7(b), Nov. 14, 1986, 100 Stat. 3657; renumbered § 233 and amended Pub. L. 104–208, div. C, title III, §§ 308(b)(4), (f)(4), 362, Sept. 30, 1996, 110 Stat. 3009–615, 3009–622, 3009–645.)

CODIFICATION

Section was formerly classified to section 1228 of this title prior to renumbering by Pub. L. 104–208.

PRIOR PROVISIONS

A prior section 1223, act June 27, 1952, ch. 477, title II, ch. 4, § 233, 66 Stat. 197, related to examinations of aliens upon arrival in the United States, prior to repeal by Pub. L. 99–500, § 101(b) [title II, § 206(a), formerly § 206], Oct. 18, 1986, 100 Stat. 1783–39, 1783–56; renumbered § 206(a) and amended Pub. L. 100–525, § 4(b)(1), (3), Oct. 24, 1988, 102 Stat. 2615.

AMENDMENTS

1996—Pub. L. 104–208, § 362(a)(1), amended section catchline.

Subsec. (a). Pub. L. 104–208, § 362(a)(2), struck out ''contiguous'' after ''foreign''.

Pub. L. 104–208, § 308(f)(4), substituted ''inspection and admission'' for ''entry and inspection''.

Subsec. (b). Pub. L. 104–208, § 362(a)(2), struck out ''contiguous'' after ''foreign''.

Subsec. (d). Pub. L. 104–208, § 362(b), inserted ''or railroad train'' after ''aircraft''.

Pub. L. 104–208, § 362(a)(2), struck out ''contiguous'' after ''foreign''.

1986—Pub. L. 99–653 struck out subsec. (a) which authorized the Attorney General to enter into contracts with transportation lines for the entry and inspection of aliens and to prescribe regulations, and redesignated subsecs. (b) to (e) as (a) to (d), respectively.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 308(b)(4), (f)(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 1986 AMENDMENT

Amendment by Pub. L. 99–653 applicable to visas issued, and admissions occurring, on or after Nov. 14, 1986, see section 23(a) of Pub. L. 99–653, 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.

## § 1224. Designation of ports of entry for aliens arriving by aircraft

The Attorney General is authorized (1) by regulation to designate as ports of entry for aliens arriving by aircraft any of the ports of entry for civil aircraft designated as such in accordance with law; (2) by regulation to provide such reasonable requirements for aircraft in civil air navigation with respect to giving notice of intention to land in advance of landing, or notice of landing, as shall be deemed necessary for purposes of administration and enforcement of this chapter; and (3) by regulation to provide for the application to civil air navigation of the provisions of this chapter where not expressly so provided in this chapter to such extent and upon such conditions as he deems necessary. Any person who violates any regulation made under this section shall be subject to a civil penalty of $2,000 which may be remitted or mitigated by the Attorney General in accordance with such proceedings as the Attorney General shall by regulation prescribe. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien upon the aircraft, and such aircraft may be libeled therefore in the appropriate United States court. The determination by the Attorney General and remission or mitigation of the civil penalty shall be final. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a