sion, prior to his eighteenth birthday, of any of the acts specified in paragraphs (3) and (5) of section 1481(a) of this title.

(June 27, 1952, ch. 477, title III, ch. 3, § 351, 66 Stat. 269; Pub. L. 97–116, § 18(r), Dec. 29, 1981, 95 Stat. 1621; Pub. L. 99–653, § 20, Nov. 14, 1986, 100 Stat. 3658; Pub. L. 100–525, § 8(*o*), Oct. 24, 1988, 102 Stat. 2618; Pub. L. 103–416, title I, § 105(a), Oct. 25, 1994, 108 Stat. 4308; Pub. L. 104–208, div. C, title VI, § 671(b)(3), Sept. 30, 1996, 110 Stat. 3009–721.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–208 struck out comma after ''United States nationality''.

1994—Pub. L. 103–416 in section catchline substituted ''loss of nationality'' for ''expatriation'', in subsec. (a) substituted ''lose United States nationality'' for ''expatriate himself, or be expatriated'' and ''loss of nationality'' for ''expatriation'', and in subsec. (b) substituted ''lost United States nationality'' for ''expatriated himself''.

1988—Subsec. (b). Pub. L. 100–525 amended Pub. L. 99–653. See 1986 Amendment note below.

1986—Subsec. (b). Pub. L. 99–653, as amended by Pub. L. 100–525, substituted ''paragraphs (3)'' for ''paragraphs (2), (4),''.

1981—Subsec. (a). Pub. L. 97–116, § 18(r)(1), substituted ''paragraphs (6) and (7) of section 1481(a)'' for ''paragraphs (7), (8), and (9) of section 1481''.

Subsec. (b). Pub. L. 97–116, § 18(r)(2), substituted ''and (5)'' for ''(5), and (6)''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–208 effective as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994, Pub. L. 103–416, see section 671(b)(14) of Pub. L. 104–208, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–525 effective as if included in the enactment of the Immigration and Nationality Act Amendments of 1986, Pub. L. 99–653, see section 309(b)(15) of Pub. L. 102–232, set out as an Effective and Termination Dates of 1988 Amendments note under section 1101 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–653 applicable to actions taken before, on, or after Nov. 14, 1986, see section 23(g) of Pub. L. 99–653, set out as a note under section 1481 of this title.

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.

RIGHT OF EXPATRIATION

Provisions preserving the right and disavowal of foreign allegiance, see note under section 1481 of this title.

§§ 1484 to 1487. Repealed. Pub. L. 95–432, § 2, Oct. 10, 1978, 92 Stat. 1046

Section 1484, act June 27, 1952, ch. 477, title III, ch. 3, § 352, 66 Stat. 269, related to loss of nationality by naturalized national by continuous residence for 3 years in the territory or foreign state of which the individual was a former national or in which his place of birth was situated or continuous residence for 5 years in any other foreign state or states.

Section 1485, acts June 27, 1952, ch. 477, title III, ch. 3, § 353, 66 Stat. 270; Aug. 4, 1959, Pub. L. 86–129, § 1, 73 Stat. 274, provided exceptions for certain persons from loss of nationality pursuant to section 1484.

Section 1486, acts June 27, 1952, ch. 477, title III, ch. 3, § 354, 66 Stat. 271; Aug. 4, 1959, Pub. L. 86–129, §§ 2, 3, 73 Stat. 274; Sept. 26, 1961, Pub. L. 87–301, § 20, 75 Stat. 656, provided exceptions for certain persons from loss of nationality by continuous residence for five years in any foreign country of which the individual was not a national or in which his place of birth was situated.

Section 1487, act June 27, 1952, ch. 477, title III, ch. 3, § 355, 66 Stat. 272, related to loss of American nationality through expatriation of parents.

§ 1488. Nationality lost solely from performance of acts or fulfillment of conditions

The loss of nationality under this part shall result solely from the performance by a national of the acts or fulfillment of the conditions specified in this part.

(June 27, 1952, ch. 477, title III, ch. 3, § 356, 66 Stat. 272.)

§ 1489. Application of treaties; exceptions

Nothing in this subchapter shall be applied in contravention of the provisions of any treaty or convention to which the United States is a party and which has been ratified by the Senate before December 25, 1952: *Provided, however*, That no woman who was a national of the United States shall be deemed to have lost her nationality solely by reason of her marriage to an alien on or after September 22, 1922, or to an alien racially ineligible to citizenship on or after March 3, 1931, or, in the case of a woman who was a United States citizen at birth, through residence abroad following such marriage, notwithstanding the provisions of any existing treaty or convention.

(June 27, 1952, ch. 477, title III, ch. 3, § 357, 66 Stat. 272; Pub. L. 100–525, § 9(ii), Oct. 24, 1988, 102 Stat. 2622.)

AMENDMENTS

1988—Pub. L. 100–525 substituted ''before December 25, 1952'' for ''upon the effective date of this subchapter''.

PART IV—MISCELLANEOUS

§ 1501. Certificate of diplomatic or consular officer of United States as to loss of American nationality

Whenever a diplomatic or consular officer of the United States has reason to believe that a person while in a foreign state has lost his United States nationality under any provision of part III of this subchapter, or under any provision of chapter IV of the Nationality Act of 1940, as amended, he shall certify the facts upon which such belief is based to the Department of State, in writing, under regulations prescribed by the Secretary of State. If the report of the diplomatic or consular officer is approved by the Secretary of State, a copy of the certificate shall be forwarded to the Attorney General, for his information, and the diplomatic or consular office in which the report was made shall be directed to forward a copy of the certificate to the person to whom it relates. Approval by the Secretary of State of a certificate under this section shall constitute a final administrative determination of loss of United States nationality under this chapter, subject to such procedures for administrative appeal as the Secretary may prescribe by regulation, and also shall con-

stitute a denial of a right or privilege of United States nationality for purposes of section 1503 of this title.

(June 27, 1952, ch. 477, title III, ch. 4, § 358, 66 Stat. 272; Pub. L. 103–416, title I, § 106, Oct. 25, 1994, 108 Stat. 4309.)

REFERENCES IN TEXT

Chapter IV of the Nationality Act of 1940, as amended, referred to in text, which was classified to sections 800 to 810 of this title, was repealed by section 403(a)(42) of act June 27, 1952.

CODIFICATION

Section was formerly classified to section 100 of this title.

AMENDMENTS

1994—Pub. L. 103–416 inserted at end ''Approval by the Secretary of State of a certificate under this section shall constitute a final administrative determination of loss of United States nationality under this chapter, subject to such procedures for administrative appeal as the Secretary may prescribe by regulation, and also shall constitute a denial of a right or privilege of United States nationality for purposes of section 1503 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.

§ 1502. Certificate of nationality issued by Secretary of State for person not a naturalized citizen of United States for use in proceedings of a foreign state

The Secretary of State is authorized to issue, in his discretion and in accordance with rules and regulations prescribed by him, a certificate of nationality for any person not a naturalized citizen of the United States who presents satisfactory evidence that he is an American national and that such certificate is needed for use in judicial or administrative proceedings in a foreign state. Such certificate shall be solely for use in the case for which it was issued and shall be transmitted by the Secretary of State through appropriate official channels to the judicial or administrative officers of the foreign state in which it is to be used.

(June 27, 1952, ch. 477, title III, ch. 4, § 359, 66 Stat. 273.)

CODIFICATION

Section was formerly classified to section 101 of this title.

§ 1503. Denial of rights and privileges as national

(a) Proceedings for declaration of United States nationality

If any person who is within the United States claims a right or privilege as a national of the United States and is denied such right or privilege by any department or independent agency, or official thereof, upon the ground that he is not a national of the United States, such person may institute an action under the provisions of section 2201 of title 28 against the head of such department or independent agency for a judgment declaring him to be a national of the United States, except that no such action may be instituted in any case if the issue of such person's status as a national of the United States (1) arose by reason of, or in connection with any removal proceeding under the provisions of this chapter or any other act, or (2) is in issue in any such removal proceeding. An action under this subsection may be instituted only within five years after the final administrative denial of such right or privilege and shall be filed in the district court of the United States for the district in which such person resides or claims a residence, and jurisdiction over such officials in such cases is conferred upon those courts.

(b) Application for certificate of identity; appeal

If any person who is not within the United States claims a right or privilege as a national of the United States and is denied such right or privilege by any department or independent agency, or official thereof, upon the ground that he is not a national of the United States, such person may make application to a diplomatic or consular officer of the United States in the foreign country in which he is residing for a certificate of identity for the purpose of traveling to a port of entry in the United States and applying for admission. Upon proof to the satisfaction of such diplomatic or consular officer that such application is made in good faith and has a substantial basis, he shall issue to such person a certificate of identity. From any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing his reasons for his decision. The Secretary of State shall prescribe rules and regulations for the issuance of certificates of identity as above provided. The provisions of this subsection shall be applicable only to a person who at some time prior to his application for the certificate of identity has been physically present in the United States, or to a person under sixteen years of age who was born abroad of a United States citizen parent.

(c) Application for admission to United States under certificate of identity; revision of determination

A person who has been issued a certificate of identity under the provisions of subsection (b) of this section, and while in possession thereof, may apply for admission to the United States at any port of entry, and shall be subject to all the provisions of this chapter relating to the conduct of proceedings involving aliens seeking admission to the United States. A final determination by the Attorney General that any such person is not entitled to admission to the United States shall be subject to review by any court of competent jurisdiction in habeas corpus proceedings and not otherwise. Any person described in this section who is finally denied admission to the United States shall be subject to all the provisions of this chapter relating to aliens seeking admission to the United States.

(June 27, 1952, ch. 477, title III, ch. 4, § 360, 66 Stat. 273; Pub. L. 104–208, div. C, title III, § 308(d)(4)(P), Sept. 30, 1996, 110 Stat. 3009–619.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–208, § 308(d)(4)(P)(i), substituted ''removal'' for ''exclusion'' in two places.

Subsec. (c). Pub. L. 104–208, § 308(d)(4)(P)(ii), substituted ''denied admission'' for ''excluded from admission''.

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.

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.

§ 1504. Cancellation of United States passports and Consular Reports of Birth

(a) The Secretary of State is authorized to cancel any United States passport or Consular Report of Birth, or certified copy thereof, if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. The person for or to whom such document has been issued or made shall be given, at such person's last known address, written notice of the cancellation of such document, together with the procedures for seeking a prompt post-cancellation hearing. The cancellation under this section of any document purporting to show the citizenship status of the person to whom it was issued shall affect only the document and not the citizenship status of the person in whose name the document was issued.

(b) For purposes of this section, the term ''Consular Report of Birth'' refers to the report, designated as a ''Report of Birth Abroad of a Citizen of the United States'', issued by a consular officer to document a citizen born abroad.

(June 27, 1952, ch. 477, title III, ch. 4, § 361, as added Pub. L. 103–416, title I, § 107(a), Oct. 25, 1994, 108 Stat. 4309.)

SUBCHAPTER IV—REFUGEE ASSISTANCE

§ 1521. Office of Refugee Resettlement; establishment; appointment of Director; functions

(a) There is established, within the Department of Health and Human Services, an office to be known as the Office of Refugee Resettlement (hereinafter in this subchapter referred to as the ''Office''). The head of the Office shall be a Director (hereinafter in this subchapter referred to as the ''Director''), to be appointed by the Secretary of Health and Human Services (hereinafter in this subchapter referred to as the ''Secretary'').

(b) The function of the Office and its Director is to fund and administer (directly or through arrangements with other Federal agencies), in consultation with the Secretary of State, programs of the Federal Government under this subchapter.

(June 27, 1952, ch. 477, title IV, ch. 2, § 411, as added Pub. L. 96–212, title III, § 311(a)(2), Mar. 17, 1980, 94 Stat. 110; amended Pub. L. 103–236, title I, § 162(n)(1), Apr. 30, 1994, 108 Stat. 409.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–236 substituted ''the Secretary of State'' for ''and under the general policy guidance of the United States Coordinator for Refugee Affairs (hereinafter in this subchapter referred to as the 'Coordinator')''.

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

Subchapter applicable with respect to fiscal years beginning on or after Oct. 1, 1979, see section 313 of Pub. L. 96–212, set out as a note under section 1522 of this title.

SHORT TITLE OF REFUGEE ACT OF 1980

For short title of Refugee Act of 1980, see Short Title of 1980 Amendment note set out under section 1101 of this title.

REFERENCES TO SECRETARY OF EDUCATION OR SECRETARY OF DEPARTMENT OF HEALTH AND HUMAN SERVICES

Section 204(e) of Pub. L. 96–212 provided that: ''Any reference in this Act [see Short Title of 1980 Amendment note set out under section 1101 of this title] or in chapter 2 of title IV of the Immigration and Nationality Act [this subchapter] to the Secretary of Education or the Secretary of Health and Human Services or to the Department of Health and Human Services shall be deemed, before the effective date of the Department of Education Organization Act [see Effective Date note set out under section 3401 of Title 20, Education], to be a reference to the Secretary of Health, Education, and Welfare or to the Department of Health, Education, and Welfare, respectively.''

CONGRESSIONAL DECLARATION OF POLICIES AND OBJECTIVES

Section 101 of Pub. L. 96–212 provided that:

''(a) the Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands, including, where appropriate, humanitarian assistance for their care and maintenance in asylum areas, efforts to promote opportunities for resettlement or voluntary repatriation, aid for necessary transportation and processing, admission to this country of refugees of special humanitarian concern to the United States, and transitional assistance to refugees in the United States. The Congress further declares that it is the policy of the United States to encourage all nations to provide assistance and resettlement opportunities to refugees to the fullest extent possible.

''(b) The objectives of this Act [see Short Title of 1980 Amendment note set out under section 1101 of this title] are to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.''