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 L. 88–426 repealed provisions which related to compensation of Administrator.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.