enactment of this Act) or under section 203(a) or 203(b)(1) of such Act (as in effect on and after October 1, 1991), or (ii) is the spouse or child (as defined in subsection (d)) of an alien described in clause (i), if accompanying or following to join the alien in coming to the United States; or

''(2) is issued a visa under section 124 of this Act [enacting provisions set out as a note under section 1153 of this title].

''(c) TREATMENT OF CERTAIN EMPLOYEES IN HONG KONG.—

''(1) IN GENERAL.—In applying the proviso of section 7 of the Central Intelligence Agency Act of 1949 [50 U.S.C. 403h], in the case of an alien described in paragraph (2), the Director may charge the entry of the alien against the numerical limitation for any fiscal year (beginning with fiscal year 1991 and ending with fiscal year 1996) notwithstanding that the alien's entry is not made to the United States in that fiscal year so long as such entry is made before the end of fiscal year 1997.

''(2) ALIENS COVERED.—An alien is described in this paragraph if the alien—

''(A) is an employee of the Foreign Broadcast Information Service in Hong Kong, or

''(B) is the spouse or child (as defined in subsection (d)) of an alien described in subparagraph (A), if accompanying or following to join the alien in coming to the United States.

''[(3) Repealed. Pub. L. 102–232, title III, § 302(d)(4)(C), Dec. 12, 1991, 105 Stat. 1745.]

''(d) TREATMENT OF CHILDREN.—In this section, the term 'child' has the meaning given such term in section 101(b)(1) of the Immigration and Nationality Act [8 U.S.C. 1101(b)(1)] and also includes (for purposes of this section and the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] as it applies to this section) an alien who was the child (as so defined) of the alien as of the date of the issuance of an immigrant visa to the alien described in subsection (b)(1) or, in the case described in subsection (c), as of the date of charging of the entry of the alien under the proviso under section 7 of the Central Intelligence Agency Act of 1949 [50 U.S.C. 403h].''

[Section 154 of Pub. L. 101–649 effective Nov. 29, 1990, and (unless otherwise provided) applicable to fiscal year 1991, see section 161(b) of Pub. L. 101–649, set out as an Effective Date of 1990 Amendment note under section 1101 of this title.]

CUBAN POLITICAL PRISONERS AND IMMIGRANTS

Pub. L. 100–204, title IX, § 903, Dec. 22, 1987, 101 Stat. 1401, as amended by Pub. L. 104–208, div. C, title III, § 308(g)(7)(C)(iii), Sept. 30, 1996, 110 Stat. 3009–624, provided that:

''(a) PROCESSING OF CERTAIN CUBAN POLITICAL PRISONERS AS REFUGEES.—In light of the announcement of the Government of Cuba on November 20, 1987, that it would reimplement immediately the agreement of December 14, 1984, establishing normal migration procedures between the United States and Cuba, on and after the date of the enactment of this Act [Dec. 22, 1987], consular officers of the Department of State and appropriate officers of the Immigration and Naturalization Service shall, in accordance with the procedures applicable to such cases in other countries, process any application for admission to the United States as a refugee from any Cuban national who was imprisoned for political reasons by the Government of Cuba on or after January 1, 1959, without regard to the duration of such imprisonment, except as may be necessary to reassure the orderly process of available applicants.

''(b) PROCESSING OF IMMIGRANT VISA APPLICATIONS OF CUBAN NATIONALS IN THIRD COUNTRIES.—Notwithstanding section 212(f) and section 243(d) of the Immigration and Nationality Act [8 U.S.C. 1182(f), 1253(d)], on and after the date of the enactment of this Act [Dec. 22, 1987], consular officers of the Department of State shall process immigrant visa applications by nationals of Cuba located in third countries on the same basis as immigrant visa applications by nationals of other countries.

''(c) DEFINITIONS.—For purposes of this section:

''(1) The term 'process' means the acceptance and review of applications and the preparation of necessary documents and the making of appropriate determinations with respect to such applications.

''(2) The term 'refugee' has the meaning given such term in section 101(a)(42) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(42)].''

Pub. L. 100–202, § 101(a) [title VII], Dec. 22, 1987, 101 Stat. 1329, 1329–39, as amended by Pub. L. 104–208, div. C, title III, § 308(g)(7)(C)(ii), Sept. 30, 1996, 110 Stat. 3009–624, provided that:

''SEC. 701. This title may be cited as 'Cuban Political Prisoners and Immigrants'.

''SEC. 702. (a) PROCESSING OF CERTAIN CUBAN POLITICAL PRISONERS AS REFUGEES.—In light of the announcement of the Government of Cuba on November 20, 1987, that it would reimplement immediately the agreement of December 14, 1984, establishing normal migration procedures between the United States and Cuba, on and after the date of enactment of this Act [Dec. 22, 1987], consular officer[s] of the Department of State and appropriate officers of the Immigration and Naturalization Service shall, in accordance with the procedures applicable to such cases in other countries, process any application for admission to the United States as a refugee from any Cuban national who was imprisoned for political reasons by the Government of Cuba on or after January 1, 1959, without regard to the duration of such imprisonment, except as may be necessary to reassure the orderly process of available applicants.

''(b) PROCESSING OF IMMIGRANT VISA APPLICATIONS OF CUBAN NATIONALS IN THIRD COUNTRIES.—Notwithstanding section 212(f) and section 243(d) of the Immigration and Nationality Act [8 U.S.C. 1182(f), 1253(d)], on and after the date of the enactment of this Act [Dec. 22, 1987], consular officers of the Department of State shall process immigrant visa applications by nationals of Cuba located in third countries on the same basis as immigrant visa applications by nationals of other countries.

''(c) DEFINITIONS.—For purposes of this section:

''(1) The term 'process' means the acceptance and review of applications and the preparation of necessary documents and the making of appropriate determinations with respect to such applications.

''(2) The term 'refugee' has the meaning given such term in section 101(a)(42) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(42)].''

§ 1201a. Repealed. Pub. L. 99–653, § 5(b), formerly § 5(a)(d), Nov. 14, 1986, 100 Stat. 3656, renumbered § 5(b), Pub. L. 100–525, § 8(d)(2), Oct. 24, 1988, 102 Stat. 2617

Section, Pub. L. 85–316, § 8, Sept. 11, 1957, 71 Stat. 641, related to waiver of fingerprinting requirements for nonimmigrant aliens.

EFFECTIVE DATE OF REPEAL

Repeal applicable to applications for immigrant visas made, and visas issued, on or after Nov. 14, 1986, see section 23(b) of Pub. L. 99–653, set out as an Effective Date of 1986 Amendment note under section 1201 of this title.

§ 1202. Application for visas

(a) Immigrant visas

Every alien applying for an immigrant visa and for alien registration shall make application therefor in such form and manner and at such place as shall be by regulations prescribed. In the application the alien shall state his full and true name, and any other name which he has used or by which he has been known; age and sex; the date and place of his birth; and such ad-

ditional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed.

(b) Other documentary evidence for immigrant visa

Every alien applying for an immigrant visa shall present a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Secretary of State. The immigrant shall furnish to the consular officer with his application a copy of a certification by the appropriate police authorities stating what their records show concerning the immigrant; a certified copy of any existing prison record, military record, and record of his birth; and a certified copy of all other records or documents concerning him or his case which may be required by the consular officer. The copy of each document so furnished shall be permanently attached to the application and become a part thereof. In the event that the immigrant establishes to the satisfaction of the consular officer that any document or record required by this subsection is unobtainable, the consular officer may permit the immigrant to submit in lieu of such document or record other satisfactory evidence of the fact to which such document or record would, if obtainable, pertain. All immigrant visa applications shall be reviewed and adjudicated by a consular officer.

(c) Nonimmigrant visas; nonimmigrant registration; form, manner and contents of application

Every alien applying for a nonimmigrant visa and for alien registration shall make application therefor in such form and manner as shall be by regulations prescribed. In the application the alien shall state his full and true name, the date and place of birth, his nationality, the purpose and length of his intended stay in the United States; his marital status; and such additional information necessary to the identification of the applicant, the determination of his eligibility for a nonimmigrant visa, and the enforcement of the immigration and nationality laws as may be by regulations prescribed. The alien shall provide complete and accurate information in response to any request for information contained in the application. At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 1101(a)(15) of this title may vary according to the class of visa being requested.

(d) Other documentary evidence for nonimmigrant visa

Every alien applying for a nonimmigrant visa and alien registration shall furnish to the consular officer, with his application, a certified copy of such documents pertaining to him as may be by regulations required. All nonimmigrant visa applications shall be reviewed and adjudicated by a consular officer.

(e) Signing and verification of application

Except as may be otherwise prescribed by regulations, each application for an immigrant visa shall be signed by the applicant in the presence of the consular officer, and verified by the oath of the applicant administered by the consular officer. The application for an immigrant visa, when visaed by the consular officer, shall become the immigrant visa. The application for a nonimmigrant visa or other documentation as a nonimmigrant shall be disposed of as may be by regulations prescribed. The issuance of a nonimmigrant visa shall, except as may be otherwise by regulations prescribed, be evidenced by a stamp, or other[1] placed in the alien's passport.

(f) Confidential nature of records

The records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States, except that—

(1) in the discretion of the Secretary of State certified copies of such records may be made available to a court which certifies that the information contained in such records is needed by the court in the interest of the ends of justice in a case pending before the court.[2]

(2) the Secretary of State, in the Secretary's discretion and on the basis of reciprocity, may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database—

(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

(B) with regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.

(g) Nonimmigrant visa void at conclusion of authorized period of stay

(1) In the case of an alien who has been admitted on the basis of a nonimmigrant visa and remained in the United States beyond the period of stay authorized by the Attorney General, such visa shall be void beginning after the conclusion of such period of stay.

(2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant, except—

(A) on the basis of a visa (other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or

[1] So in original.

[2] So in original. The period probably should be "; and".

(B) where extraordinary circumstances are found by the Secretary of State to exist.

(h) In person interview with consular officer

Notwithstanding any other provision of this chapter, the Secretary of State shall require every alien applying for a nonimmigrant visa—

(1) who is at least 14 years of age and not more than 79 years of age to submit to an in person interview with a consular officer unless the requirement for such interview is waived—

(A) by a consular official and such alien is—

(i) within that class of nonimmigrants enumerated in subparagraph (A) or (G) of section 1101(a)(15) of this title;

(ii) within the NATO visa category;

(iii) within that class of nonimmigrants enumerated in section 1101(a)(15)(C)(iii)[3] of this title (referred to as the ''C–3 visa'' category); or

(iv) granted a diplomatic or official visa on a diplomatic or official passport or on the equivalent thereof;

(B) by a consular official and such alien is applying for a visa—

(i) not more than 12 months after the date on which such alien's prior visa expired;

(ii) for the visa classification for which such prior visa was issued;

(iii) from the consular post located in the country of such alien's usual residence, unless otherwise prescribed in regulations that require an applicant to apply for a visa in the country of which such applicant is a national; and

(iv) the consular officer has no indication that such alien has not complied with the immigration laws and regulations of the United States; or

(C) by the Secretary of State if the Secretary determines that such waiver is—

(i) in the national interest of the United States; or

(ii) necessary as a result of unusual or emergent circumstances; and

(2) notwithstanding paragraph (1), to submit to an in person interview with a consular officer if such alien—

(A) is not a national or resident of the country in which such alien is applying for a visa;

(B) was previously refused a visa, unless such refusal was overcome or a waiver of ineligibility has been obtained;

(C) is listed in the Consular Lookout and Support System (or successor system at the Department of State);

(D) is a national of a country officially designated by the Secretary of State as a state sponsor of terrorism, except such nationals who possess nationalities of countries that are not designated as state sponsors of terrorism;

(E) requires a security advisory opinion or other Department of State clearance, unless such alien is—

(i) within that class of nonimmigrants enumerated in subparagraph (A) or (G) of section 1101(a)(15) of this title;

(ii) within the NATO visa category;

(iii) within that class of nonimmigrants enumerated in section 1101(a)(15)(C)(iii)[3] of this title (referred to as the ''C–3 visa'' category); or

(iv) an alien who qualifies for a diplomatic or official visa, or its equivalent; or

(F) is identified as a member of a group or sector that the Secretary of State determines—

(i) poses a substantial risk of submitting inaccurate information in order to obtain a visa;

(ii) has historically had visa applications denied at a rate that is higher than the average rate of such denials; or

(iii) poses a security threat to the United States.

(June 27, 1952, ch. 477, title II, ch. 3, § 222, 66 Stat. 193; Pub. L. 87–301, § 6, Sept. 26, 1961, 75 Stat. 653; Pub. L. 89–236, § 11(c), Oct. 3, 1965, 79 Stat. 918; Pub. L. 99–653, § 6, Nov. 14, 1986, 100 Stat. 3656; Pub. L. 100–525, §§ 8(e), 9(j), Oct. 24, 1988, 102 Stat. 2617, 2620; Pub. L. 103–416, title II, § 205(a), Oct. 25, 1994, 108 Stat. 4311; Pub. L. 104–208, div. C, title VI, §§ 632(a), 634, Sept. 30, 1996, 110 Stat. 3009–701; Pub. L. 107–56, title IV, § 413, Oct. 26, 2001, 115 Stat. 353; Pub. L. 108–458, title V, §§ 5301(a), 5302, title VII, § 7203(b), Dec. 17, 2004, 118 Stat. 3735, 3736, 3814.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–458, § 7203(b)(1), inserted at end ''All immigrant visa applications shall be reviewed and adjudicated by a consular officer.''

Subsec. (c). Pub. L. 108–458, § 5302, inserted after second sentence ''The alien shall provide complete and accurate information in response to any request for information contained in the application.''

Subsec. (d). Pub. L. 108–458, § 7203(b)(2), inserted at end ''All nonimmigrant visa applications shall be reviewed and adjudicated by a consular officer.''

Subsec. (h). Pub. L. 108–458, § 5301(a), added subsec. (h).

2001—Subsec. (f). Pub. L. 107–56 inserted ''—'' after ''except that'' and ''(1)'' before ''in the discretion'', and added par. (2).

1996—Subsec. (c). Pub. L. 104–208, § 634(a), struck out ''personal description (including height, complexion, color of hair and eyes, and marks of identification);'' after ''United States;'', substituted ''applicant, the determination of his eligibility for a nonimmigrant visa,'' for ''applicant'', and inserted at end ''At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 1101(a)(15) of this title may vary according to the class of visa being requested.''

Subsec. (e). Pub. L. 104–208, § 634(b), in first sentence, substituted ''for an immigrant visa'' for ''required by this section'', and in fourth sentence, substituted ''stamp, or other'' for ''stamp'' and struck out ''by the consular officer'' before ''in the alien's passport''.

Subsec. (g). Pub. L. 104–208, § 632(a), added subsec. (g).

1994—Subsec. (a). Pub. L. 103–416, § 205(a), in second sentence substituted ''the alien'' for ''the immigrant'' after ''In the application'' and struck out ''present address and places of previous residence; whether married or single, and the names and places of residence of spouse and children, if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); lan-

[3] So in original. Subpar. (C) of section 1101(a)(15) does not contain clauses.

guages he can speak, read, or write; names and addresses of parents, and if neither parent living then the name and address of his next of kin in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, the name and complete address of such relative or friend; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to remain in the United States permanently; whether he was ever arrested, convicted or was ever in prison or almshouse; whether he has ever been the beneficiary of a pardon or an amnesty; whether he has ever been treated in an institution or hospital or other place for insanity or other mental disease; if he claims to be an immediate relative within the meaning of section 1151(b) of this title or a preference or special immigrant, the facts on which he bases such claim; whether or not he is a member of any class of individuals excluded from admission into the United States, or whether he claims to be exempt from exclusion under the immigration laws;'' before ''and such additional information''.

1988—Subsec. (a). Pub. L. 100–525, § 9(j), substituted ''whether or not he intends'' for ''whether or not be intends''.

Subsecs. (b), (e). Pub. L. 100–525, § 8(e), made technical correction to Pub. L. 99–653, § 6. See 1986 Amendment note below.

1986—Subsec. (b). Pub. L. 99–653, § 6(a), as amended by Pub. L. 100–525, § 8(e)(1), substituted ''a copy of'' for ''two copies of'', ''immigrant; a certified copy of'' for ''immigrant; two certified copies of'', ''and a certified copy of'' for ''and two certified copies of'', ''The copy of each'' for ''One copy of each'', and ''attached to the'' for ''attached to each copy of the''.

Subsec. (e). Pub. L. 99–653, § 6(b), as amended by Pub. L. 100–525, § 8(e)(2), substituted ''each application'' for ''each copy of an application'', ''The application for'' for ''One copy of the application for'', and ''the immigrant visa'' for ''the immigrant visa, and the other copy shall be disposed of as may be by regulations prescribed''.

1965—Subsec. (a). Pub L. 89–236 substituted ''an immediate relative within the meaning of section 1151 (b) of this title or a preference or special immigrant'', for ''preference quota or a nonquota immigrant''.

1961—Subsecs. (a), (c). Pub. L. 87–301 struck out requirement to state applicant's race and ethnic classification.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–458, title V, § 5303, Dec. 17, 2004, 118 Stat. 3736, provided that: ''Notwithstanding section 1086 [Pub. L. 108–458 does not contain a section 1086] or any other provision of this Act [see Tables for classification], sections 5301 and 5302 [amending this section] shall take effect 90 days after the date of enactment of this Act [Dec. 17, 2004].''

Pub. L. 108–458, title VII, § 7219, Dec. 17, 2004, 118 Stat. 3835, provided that: ''Notwithstanding any other provision of this Act [see Tables for classification], this subtitle [subtitle B (§§ 7201–7220) of title VII of Pub. L. 108–458, see Tables for classification] shall take effect on the date of enactment of this Act [Dec. 17, 2004].''

EFFECTIVE DATE OF 1996 AMENDMENT

Section 632(b) of div. C of Pub. L. 104–208 provided that:

''(1) VISAS.—Section 222(g)(1) of the Immigration and Nationality Act [8 U.S.C. 1202(g)(1)], as added by subsection (a), shall apply to a visa issued before, on, or after the date of the enactment of this Act [Sept. 30, 1996].

''(2) ALIENS SEEKING READMISSION.—Section 222(g)(2) of the Immigration and Nationality Act, as added by subsection (a), shall apply to any alien applying for readmission to the United States after the date of the enactment of this Act, except an alien applying for readmission on the basis on a visa that—

''(A) was issued before such date; and

''(B) is not void through the application of section 222(g)(1) of the Immigration and Nationality Act, as added by subsection (a).''

EFFECTIVE DATE OF 1994 AMENDMENT

Section 205(b) of Pub. L. 103–416 provided that: ''The amendments made by subsection (a) [amending this section] shall apply to applications made on or after the date of the enactment of this Act [Oct. 25, 1994].''

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 8(e) of 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 applications for immigrant visas made, and visas issued, on or after Nov. 14, 1986, see section 23(b) of Pub. L. 99–653, set out as a note under section 1201 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.

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.

SHARING OF CERTAIN INFORMATION

Pub. L. 109–162, title VIII, § 834, Jan. 5, 2006, 119 Stat. 3077, provided that: ''Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) shall not be construed to prevent the sharing of information regarding a United States petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)) for the limited purposes of fulfilling disclosure obligations imposed by the amendments made by section 832(a) [amending section 1184 of this title] or by section 833 [enacting section 1375a of this title], including reporting obligations of the Comptroller General of the United States under section 833(f).''

§ 1203. Reentry permit

(a) Application; contents

(1) Any alien lawfully admitted for permanent residence, or (2) any alien lawfully admitted to the United States pursuant to clause 6 of section 3 of the Immigration Act of 1924, between July 1, 1924, and July 5, 1932, both dates inclusive, who intends to depart temporarily from the United States may make application to the Attorney General for a permit to reenter the United States, stating the length of his intended absence or absences, and the reasons therefor. Such applications shall be made under oath, and shall be in such form, contain such information, and be accompanied by such photographs of the applicant as may be by regulations prescribed.

(b) Issuance of permit; nonrenewability

If the Attorney General finds (1) that the applicant under subsection (a)(1) of this section has been lawfully admitted to the United States for permanent residence, or that the applicant