(June 27, 1952, ch. 477, title V, § 507, as added Pub. L. 104–132, title IV, § 401(a), Apr. 24, 1996, 110 Stat. 1266; amended Pub. L. 104–208, div. C, title III, § 308(d)(4)(Q), Sept. 30, 1996, 110 Stat. 3009–619.)

AMENDMENTS

1996—Subsec. (b)(2)(D). Pub. L. 104–208 substituted ''removal because such alien is inadmissible'' for ''exclusion because such alien is excludable''.

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.

REFERENCES TO ORDER OF REMOVAL DEEMED TO INCLUDE ORDER OF EXCLUSION AND DEPORTATION

For purposes of carrying out this chapter, any reference in law to an order of removal is deemed to include a reference to an order of exclusion and deportation or an order of deportation, see section 309(d)(2) of Pub. L. 104–208, set out in an Effective Date of 1996 Amendments note under section 1101 of this title.

CHAPTER 13—IMMIGRATION AND NATURALIZATION SERVICE

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SUBCHAPTER I—ORGANIZATION

§ 1551. Immigration and Naturalization Service

There is created and established in the Department of Justice an Immigration and Naturalization Service.

(Feb. 14, 1903, ch. 552, § 4, 32 Stat. 826; June 29, 1906, ch. 3592, § 1, 34 Stat. 596; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737; Ex. Ord. No. 6166, § 14, June 10, 1933; 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F.R. 2223, 54 Stat. 1238.)

CODIFICATION

Section was formerly classified to section 342 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–313, title II, § 201, Oct. 17, 2000, 114 Stat. 1262, provided that: ''This title [enacting subchapter II of this chapter] may be cited as the 'Immigration Services and Infrastructure Improvements Act of 2000'.''

TRANSFER OF FUNCTIONS

Functions vested by law in Attorney General, Department of Justice, or any other officer or any agency of that Department, with respect to inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving United States, were to have been transferred to Secretary of the Treasury by 1973 Reorg. Plan No. 2, § 2, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees. The transfer was negated by section 1(a)(1), (b) of Pub. L. 93–253, Mar. 16, 1974, 88 Stat. 50, which repealed section 2 of 1973 Reorg. Plan No. 2, eff. July 1, 1973.

Functions of all other officers of Department of Justice and functions of all agencies and employees of such Department, with a few exceptions, transferred to Attorney General, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, set out in the Appendix to Title 5. See sections 509 and 510 of Title 28, Judiciary and Judicial Procedure.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

The Immigration and Naturalization Service was abolished by section 291(a) of Title 6, Domestic Security, upon completion of all transfers from the Immigration and Naturalization Service as provided for by chapter 1 of Title 6.

Functions of the Commissioner of Immigration and Naturalization performed under the Border Patrol program, the detention and removal program, the intelligence program, the investigations program, and the inspections program, and all personnel, assets, and liabilities pertaining to such programs, were transferred to the Under Secretary for Border and Transportation Security of the Department of Homeland Security by section 251 of Title 6 and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Functions of the Commissioner of Immigration and Naturalization relating to adjudications of immigrant visa petitions, adjudications of naturalization petitions, adjudications of asylum and refugee applications, adjudications performed at service centers, and all other adjudications performed by the Immigration and Naturalization Service, and all personnel, infrastructure, and funding provided to the Commissioner in support of such functions, were transferred to the Director of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security by section 271(b) of Title 6 and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified.

Functions performed by the Statistics Branch of the Office of Policy and Planning of the Immigration and Naturalization Service with respect to the functions of the Commissioner referred to in the two preceding paragraphs were transferred to the Under Secretary for Management of the Department of Homeland Security by section 341(b)(2) of Title 6 and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified.

Functions under the immigration laws of the United States with respect to the care of unaccompanied alien children that were vested by statute in, or performed by, the Commissioner of Immigration and Naturalization (or any officer, employee, or component of the Immigration and Naturalization Service) were transferred to the Director of the Office of Refugee Resettlement of the Department of Health and Human Services by sec-

tion 279(a) of Title 6 and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified.

Personnel of the Department of Justice employed in connection with the functions transferred by part E (§ 271 et seq.) of subchapter IV of chapter 1 of Title 6 (and functions that the Secretary of Homeland Security determines are properly related to the functions of the Bureau of Citizenship and Immigration Services), were transferred to the Director of the Bureau of Citizenship and Immigration Services by section 275(b)(2) of Title 6 and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified. Personnel of the Department of Justice employed in connection with the functions transferred by section 279 of Title 6 were transferred to the Director of the Office of Refugee Resettlement by section 279(f)(3) of Title 6 and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified.

For treatment of references to any agency, officer, or office, etc. the functions of which were transferred to the Department of Homeland Security, see sections 552(d) and 557 of Title 6.

INDEPENDENT COMPREHENSIVE MANAGEMENT ANALYSIS OF SERVICE OPERATIONS; ARRANGEMENTS RESPECTING, ETC.

Pub. L. 96–132, § 10, Nov. 30, 1979, 93 Stat. 1047, provided that: ''The Attorney General shall make arrangements with an appropriate entity for an independent comprehensive management analysis of the operations of the Immigration and Naturalization Service for the purpose of making such operations efficient and cost effective. After the completion of such analysis, the Attorney General shall promptly submit a report to the appropriate committees of Congress on the results of such analysis together with any administrative or legislative recommendations of the Attorney General to improve the operations of the Service.''

OFFICE OF SPECIAL INVESTIGATOR; FUNCTIONS, ESTABLISHMENT, POWERS, ETC.

Pub. L. 96–132, § 22, Nov. 30, 1979, 93 Stat. 1050, provided that:

''(a) In order to create an independent and objective unit—

''(1) to conduct and supervise audits and investigations relating to programs and operations of the Immigration and Naturalization Service,

''(2) to provide leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in, such programs and operations, and

''(3) to provide a means for keeping the Commissioner of the Immigration and Naturalization Service and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action,

there is hereby established in the Immigration and Naturalization Service of the Department of Justice an Office of Special Investigator (hereinafter in this section referred to as 'the Office').

''(b)(1) There shall be at the head of the Office a Special Investigator (hereinafter in this section referred to as 'the Special Investigator') who shall be appointed by the Attorney General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Special Investigator shall report to and be under the general supervision of the Commissioner, who shall not prevent or prohibit the Special Investigator from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena during the course of any audit or investigation.

''(2) The Special Investigator may be removed from office by the Attorney General. The Attorney General shall communicate the reasons for any such removal to both Houses of Congress.

''(3) For the purposes of section 7324 of title 5 of the United States Code, the Special Investigator shall not be considered to be an employee who determines policies to be pursued by the United States in the nationwide administration of Federal laws.

''(4) The Special Investigator shall, in accordance with applicable laws and regulations governing the civil service—

''(A) appoint an Assistant Special Investigator for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the Service, and

''(B) appoint an Assistant Special Investigator for Investigations who shall have the responsibility for the performance of investigative activities relating to such programs and operations.

''(c) The following provisions of the Inspector General Act of 1978 (Public Law 95–452) [set out in the Appendix to Title 5] shall apply to the Special Investigator, the Office, the Commissioner, and the Service under this section in the same manner as those provisions apply to an Inspector General, an Office, the head of the establishment, and an establishment under such Act:

''(1) Section 4 (relating to duties and responsibilities of an Inspector General and the manner in which they are carried out).

''(2) Section 5 (relating to reports required to be prepared and furnished by or to an Inspector General and their transmittal and availability).

''(3) Section 6 (relating to the authority of an Inspector General and related administrative provisions).

''(4) Section 7 (relating to the treatment of employee complaints by an Inspector General).

''(d) The Attorney General is authorized to appoint such staff as may be necessary to carry out this section.

''(e) For purposes of this section—

''(1) the term 'Service' means the Immigration and Naturalization Service;

''(2) the term 'Department' means the Department of Justice; and

''(3) the term 'Commissioner' means the Commissioner of Immigration and Naturalization.

''(f) The Special Investigator shall be compensated at the rate then payable under section 5316 of title 5 of the United States Code for level V of the Executive Schedule.

''(g) The provisions of this section shall take effect on the date of the enactment of this Act [Nov. 30, 1979] and shall cease to have effect the earlier of—

''(1) 3 years after the date of the enactment of this Act; and

''(2) the establishment of an office of inspector general for the Department of Justice.

''(h) In addition to any other sums authorized to be appropriated by this Act, there are authorized to be appropriated $376,000 for the fiscal year ending September 30, 1980 to carry out this section.''

HISTORY OF IMMIGRATION AND NATURALIZATION AGENCIES

By acts Aug. 3, 1882, ch. 376, §§ 2, 3, 22 Stat. 214; Feb. 23, 1887, ch. 220, 24 Stat. 415, the administration of the immigration laws then in force was reposed in the Secretary of the Treasury. Subsequently, by act Mar. 3, 1891, ch. 551, § 7, 26 Stat. 1087, the office of the Superintendent of Immigration was created as a permanent immigration agency and he in turn was designated Commissioner General of Immigration under the heading ''Bureau of Immigration'' by act Mar. 2, 1895, ch. 177, § 1, 28 Stat. 780. Upon the establishment of the Department of Commerce and Labor, the Commissioner General of Immigration and the Bureau of Immigration were transferred to that Department by act Feb. 14, 1903, ch. 552, § 4, 32 Stat. 825, and thereafter were redesignated the Bureau of Immigration and Naturalization by act June 29, 1906, ch. 3592, § 1, 34 Stat. 596. The Bu-

reau of Immigration and Naturalization was transferred to the Department of Labor upon its establishment by act Mar. 4, 1913, ch. 141, 37 Stat. 736, and divided into two bureaus to be known as the Bureau of Immigration and the Bureau of Naturalization, respectively. Ex. Ord. No. 6166, § 14, June 10, 1933, set out as note under section 901 of Title 5, Government Organization and Employees, again consolidated these bureaus to form the Immigration and Naturalization Service, under a ''Commissioner of Immigration and Naturalization'', which was then transferred from the Department of Labor to the Department of Justice by 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F.R. 2223, 54 Stat. 1238, set out in the Appendix to Title 5.

§ 1552. Commissioner of Immigration and Naturalization; office

The office of the Commissioner of Immigration and Naturalization is created and established, and the President, by and with the advice and consent of the Senate, is authorized and directed to appoint such officer. The Attorney General shall provide him with a suitable, furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary.

(Mar. 3, 1891, ch. 551, § 7, 26 Stat. 1085; Mar. 2, 1895, ch. 177, § 1, 28 Stat. 780; Apr. 28, 1904, Pub. R. 33, 33 Stat. 591; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737; Feb. 5, 1917, ch. 29, § 23, 39 Stat. 892; Mar. 3, 1917, ch. 163, § 1, 39 Stat. 1118; Mar. 28, 1922, ch. 117, title II, 42 Stat. 486; Jan. 5, 1923, ch. 24, title II, 42 Stat. 1127; Ex. Ord. No. 6166, § 14, June 10, 1933; 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F.R. 2223, 54 Stat. 1238; June 27, 1952, ch. 477, title IV, § 403(a)(4), 66 Stat. 279.)

CODIFICATION

Section was formerly classified to section 342b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1952—Act June 27, 1952, struck out second and fourth sentences relating to duties of commissioner and appointment of an assistant commissioner.

TRANSFER OF FUNCTIONS

Functions vested by law in Attorney General, Department of Justice, or any other officer or any agency of that Department, with respect to inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving United States, were to have been transferred to Secretary of the Treasury by 1973 Reorg. Plan No. 2, § 2, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and employees. The transfer was negated by section 1(a)(1), (b) of Pub. L. 93–253, Mar. 16, 1974, 88 Stat. 50, which repealed section 2 of 1973 Reorg. Plan No. 2, eff. July 1, 1973.

Functions of all other officers of Department of Justice and functions of all agencies and employees of such Department, with a few exceptions, transferred to Attorney General, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, set out in the Appendix to Title 5. See sections 509 and 510 of Title 28, Judiciary and Judicial Procedure.

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.

HISTORY OF IMMIGRATION AND NATURALIZATION AGENCIES

Ex. Ord. No. 6166, § 14, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees, consolidated the two formerly separate bureaus known as the Bureau of Immigration and the Bureau of Naturalization to form the Immigration and Naturalization Service under a Commissioner of Immigration and Naturalization, which was subsequently transferred from the Department of Labor to the Department of Justice by 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F.R. 2223, 54 Stat. 1238, set out in the Appendix to Title 5. See note set out under section 1551 of this title.

§ 1553. Assistant Commissioners and one District Director; compensation and salary grade

The compensation of the five assistant commissioners and one district director shall be at the rate of grade GS–16.

(June 20, 1956, ch. 414, title II, § 201, 70 Stat. 307.)

CODIFICATION

Section was formerly classified to section 342b–1 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act July 7, 1955, ch. 279, title II, § 201, 69 Stat. 272.

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.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

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.

§ 1554. Special immigrant inspectors at Washington

Special immigrant inspectors, not to exceed three, may be detailed for duty in the service at Washington.

(Mar. 2, 1895, ch. 177, § 1, 28 Stat. 780; Ex. Ord. No. 6166, § 14, June 10, 1933.)

CODIFICATION

Ex. Ord. No. 6166, is authority for the substitution of ''service'' for ''bureau.'' See note set out under section 1551 of this title.

Section was formerly classified to section 342g of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378. Thereafter, it was classified to section 111 of this title prior to its transfer to this section.

TRANSFER OF FUNCTIONS

Functions vested by law in Attorney General, Department of Justice, or any other officer or any agency of