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.

§ 1157. Annual admission of refugees and admission of emergency situation refugees

(a) Maximum number of admissions; increases for humanitarian concerns; allocations

(1) Except as provided in subsection (b) of this section, the number of refugees who may be admitted under this section in fiscal year 1980, 1981, or 1982, may not exceed fifty thousand unless the President determines, before the beginning of the fiscal year and after appropriate consultation (as defined in subsection (e) of this section), that admission of a specific number of refugees in excess of such number is justified by humanitarian concerns or is otherwise in the national interest.

(2) Except as provided in subsection (b) of this section, the number of refugees who may be admitted under this section in any fiscal year after fiscal year 1982 shall be such number as the President determines, before the beginning of the fiscal year and after appropriate consultation, is justified by humanitarian concerns or is otherwise in the national interest.

(3) Admissions under this subsection shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation.

(4) In the determination made under this subsection for each fiscal year (beginning with fiscal year 1992), the President shall enumerate, with the respective number of refugees so determined, the number of aliens who were granted asylum in the previous year.

(b) Determinations by President respecting number of admissions for humanitarian concerns

If the President determines, after appropriate consultation, that (1) an unforeseen emergency refugee situation exists, (2) the admission of certain refugees in response to the emergency refugee situation is justified by grave humanitarian concerns or is otherwise in the national interest, and (3) the admission to the United States of these refugees cannot be accomplished under subsection (a) of this section, the President may fix a number of refugees to be admitted to the United States during the succeeding period (not to exceed twelve months) in response to the emergency refugee situation and such admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after the appropriate consultation provided under this subsection.

(c) Admission by Attorney General of refugees; criteria; admission status of spouse or child; applicability of other statutory requirements; termination of refugee status of alien, spouse or child

(1) Subject to the numerical limitations established pursuant to subsections (a) and (b) of this section, the Attorney General may, in the Attorney General's discretion and pursuant to such regulations as the Attorney General may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this chapter.

(2)(A) A spouse or child (as defined in section 1101(b)(1)(A), (B), (C), (D), or (E) of this title) of any refugee who qualifies for admission under paragraph (1) shall, if not otherwise entitled to admission under paragraph (1) and if not a person described in the second sentence of section 1101(a)(42) of this title, be entitled to the same admission status as such refugee if accompanying, or following to join, such refugee and if the spouse or child is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this chapter. Upon the spouse's or child's admission to the United States, such admission shall be charged against the numerical limitation established in accordance with the appropriate subsection under which the refugee's admission is charged.

(B) An unmarried alien who seeks to accompany, or follow to join, a parent granted admission as a refugee under this subsection, and who was under 21 years of age on the date on which such parent applied for refugee status under this section, shall continue to be classified as a child for purposes of this paragraph, if the alien attained 21 years of age after such application was filed but while it was pending.

(3) The provisions of paragraphs (4), (5), and (7)(A) of section 1182(a) of this title shall not be applicable to any alien seeking admission to the United States under this subsection, and the Attorney General may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation. The Attorney General shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

(4) The refugee status of any alien (and of the spouse or child of the alien) may be terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe if the Attorney General determines that the alien was not in fact a refugee within the meaning of section 1101(a)(42) of this title at the time of the alien's admission.

(d) Oversight reporting and consultation requirements

(1) Before the start of each fiscal year the President shall report to the Committees on the Judiciary of the House of Representatives and of the Senate regarding the foreseeable number of refugees who will be in need of resettlement during the fiscal year and the anticipated allocation of refugee admissions during the fiscal year. The President shall provide for periodic discussions between designated representatives of the President and members of such commit-

tees regarding changes in the worldwide refugee situation, the progress of refugee admissions, and the possible need for adjustments in the allocation of admissions among refugees.

(2) As soon as possible after representatives of the President initiate appropriate consultation with respect to the number of refugee admissions under subsection (a) of this section or with respect to the admission of refugees in response to an emergency refugee situation under subsection (b) of this section, the Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of such consultation.

(3)(A) After the President initiates appropriate consultation prior to making a determination under subsection (a) of this section, a hearing to review the proposed determination shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

(B) After the President initiates appropriate consultation prior to making a determination, under subsection (b) of this section, that the number of refugee admissions should be increased because of an unforeseen emergency refugee situation, to the extent that time and the nature of the emergency refugee situation permit, a hearing to review the proposal to increase refugee admissions shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

(e) "Appropriate consultation" defined

For purposes of this section, the term ''appropriate consultation'' means, with respect to the admission of refugees and allocation of refugee admissions, discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns or grave humanitarian concerns or is otherwise in the national interest, and to provide such members with the following information:

(1) A description of the nature of the refugee situation.

(2) A description of the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came.

(3) A description of the proposed plans for their movement and resettlement and the estimated cost of their movement and resettlement.

(4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States.

(5) A description of the extent to which other countries will admit and assist in the resettlement of such refugees.

(6) An analysis of the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States.

(7) Such additional information as may be appropriate or requested by such members.

To the extent possible, information described in this subsection shall be provided at least two weeks in advance of discussions in person by designated representatives of the President with such members.

(f) Training

(1) The Attorney General, in consultation with the Secretary of State, shall provide all United States officials adjudicating refugee cases under this section with the same training as that provided to officers adjudicating asylum cases under section 1158 of this title.

(2) Such training shall include country-specific conditions, instruction on the internationally recognized right to freedom of religion, instruction on methods of religious persecution practiced in foreign countries, and applicable distinctions within a country between the nature of and treatment of various religious practices and believers.

(June 27, 1952, ch. 477, title II, ch. 1, § 207, as added Pub. L. 96–212, title II, § 201(b), Mar. 17, 1980, 94 Stat. 103; amended Pub. L. 100–525, § 9(h), Oct. 24, 1988, 102 Stat. 2620; Pub. L. 101–649, title I, § 104(b), title VI, § 603(a)(4), Nov. 29, 1990, 104 Stat. 4985, 5082; Pub. L. 102–232, title III, § 307(*l*)(1), Dec. 12, 1991, 105 Stat. 1756; Pub. L. 104–208, div. C, title VI, § 601(b), Sept. 30, 1996, 110 Stat. 3009–689; Pub. L. 105–292, title VI, § 602(a), Oct. 27, 1998, 112 Stat. 2812; Pub. L. 107–208, § 5, Aug. 6, 2002, 116 Stat. 929; Pub. L. 109–13, div. B, title I, § 101(g)(2), May 11, 2005, 119 Stat. 305.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(1), (2)(A), was in the original, ''this Act'', meaning act June 27, 1952, ch. 477, 66 Stat. 163, known as the Immigration and Nationality Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

PRIOR PROVISIONS

A prior section 1157, act June 27, 1952, ch. 477, title II, ch. 1, § 207, 66 Stat. 181, prohibited issuance of immigrant visas to other immigrants in lieu of immigrants excluded from admission, immigrants deported, immigrants failing to apply for admission to the United States, or immigrants found to be nonquota immigrants after having previously been found to be quota immigrants, prior to repeal by Pub. L. 89–236, § 7, Oct. 3, 1965, 79 Stat. 916.

AMENDMENTS

2005—Subsec. (a)(5). Pub. L. 109–13 struck out par. (5) which read as follows: ''For any fiscal year, not more than a total of 1,000 refugees may be admitted under this subsection or granted asylum under section 1158 of this title pursuant to a determination under the third sentence of section 1101(a)(42) of this title (relating to persecution for resistance to coercive population control methods).''

2002—Subsec. (c)(2). Pub. L. 107–208 designated existing provisions as subpar. (A) and added subpar. (B).

1998—Subsec. (f). Pub. L. 105–292 added subsec. (f).

1996—Subsec. (a)(5). Pub. L. 104–208 added par. (5).

1991—Subsec. (c)(3). Pub. L. 102–232 substituted ''subparagraph (A)'' for ''subparagraphs (A)''.

1990—Subsec. (a)(4). Pub. L. 101–649, § 104(b), added par. (4).

Subsec. (c)(3). Pub. L. 101–649, § 603(a)(4), substituted ''(4), (5), and (7)(A)'' for ''(14), (15), (20), (21), (25), and

(32)'' and ''(other than paragraph (2)(C) or subparagraphs (A), (B), (C), or (E) of paragraph (3))'' for ''(other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics)''.

1988—Subsec. (c)(1). Pub. L. 100–525 substituted ''otherwise'' for ''otherwide''.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–13, div. B, title I, §101(h)(5), May 11, 2005, 119 Stat. 306, provided that: ''The amendments made by subsection (g) [amending this section and section 1159 of this title] shall take effect on the date of the enactment of this division [May 11, 2005].''

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–208 effective Aug. 6, 2002, and applicable to certain beneficiary aliens, see section 8 of Pub. L. 107–208, set out as a note under section 1151 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 307(*l*) of Pub. L. 102–232 provided that the amendments made by that section [amending this section, sections 1159, 1161, 1187, 1188, 1254a, 1255a, and 1322 of this title, and provisions set out as notes under sections 1101 and 1255 of this title] are effective as if included in section 603(a) of the Immigration Act of 1990, Pub. L. 101–649.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 104(b) 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 a note under section 1101 of this title.

Amendment by section 603(a)(4) of Pub. L. 101–649 applicable to individuals entering United States on or after June 1, 1991, see section 601(e)(1) of Pub. L. 101–649, set out as a note under section 1101 of this title.

EFFECTIVE DATE

Section (with the exception of subsec. (c) which is effective Apr. 1, 1980) effective, except as otherwise provided, Mar. 17, 1980, and applicable to fiscal years beginning with the fiscal year beginning Oct. 1, 1979, see section 204 of Pub. L. 96–212, set out as an Effective Date of 1980 Amendment 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.

DELEGATION OF FUNCTIONS

For delegation of Congressional reporting functions of President under subsec. (d) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

IRAQ REFUGEE CRISIS

Pub. L. 110–181, div. A, title XII, subtitle C, Jan. 28, 2008, 122 Stat. 395, as amended by Pub. L. 110–242, §1, June 3, 2008, 122 Stat. 1567; Pub. L. 111–84, div. A, title VIII, §813(d), Oct. 28, 2009, 123 Stat. 2407; Pub. L. 111–118, div. A, title VIII, §8120(a), Dec. 19, 2009, 123 Stat. 3457; Pub. L. 111–383, div. A, title X, §1075(f)(9), (10), Jan. 7, 2011, 124 Stat. 4376, provided that:

''SEC. 1241. SHORT TITLE.

''This subtitle may be cited as the 'Refugee Crisis in Iraq Act of 2007'.

''SEC. 1242. PROCESSING MECHANISMS.

''(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall establish or use existing refugee processing mechanisms in Iraq and in countries, where appropriate, in the region in which—

''(1) aliens described in section 1243 may apply and interview for admission to the United States as refugees; and

''(2) aliens described in section 1244(b) may apply and interview for admission to United States as special immigrants.

''(b) SUSPENSION.—If such is determined necessary, the Secretary of State, in consultation with the Secretary of Homeland Security, may suspend in-country processing under subsection (a) for a period not to exceed 90 days. Such suspension may be extended by the Secretary of State upon notification to the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Foreign Relations of the Senate. The Secretary of State shall submit to such committees a report outlining the basis of any such suspension and any extensions thereof.

''(c) REPORT.—Not later than 90 days after the date of the enactment of this Act [Jan. 28, 2008], the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit to the committees specified in subsection (b) a report that—

''(1) describes the Secretary of State's plans to establish the processing mechanisms required under subsection (a);

''(2) contains an assessment of in-country processing that makes use of videoconferencing; and

''(3) describes the Secretary of State's diplomatic efforts to improve issuance of exit permits to Iraqis who have been provided special immigrant status under section 1244 and Iraqi refugees under section 1243.

''SEC. 1243. UNITED STATES REFUGEE PROGRAM PROCESSING PRIORITIES.

''(a) IN GENERAL.—Refugees of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system who may apply directly to the United States Admission Program shall include—

''(1) Iraqis who were or are employed by the United States Government, in Iraq;

''(2) Iraqis who establish to the satisfaction of the Secretary of State that they are or were employed in Iraq by—

''(A) a media or nongovernmental organization headquartered in the United States; or

''(B) an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement; and

''(3) spouses, children, and parents whether or not accompanying or following to join, and sons, daughters, and siblings of aliens described in paragraph (1), paragraph (2), or section 1244(b)(1); and

''(4) Iraqis who are members of a religious or minority community, have been identified by the Secretary of State, or the designee of the Secretary, as a persecuted group, and have close family members (as described in section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.

''(b) IDENTIFICATION OF OTHER PERSECUTED GROUPS.—The Secretary of State, or the designee of the Secretary, is authorized to identify other Priority 2 groups of Iraqis, including vulnerable populations.

''(c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—Organizations and entities described in subsection (a)(2) shall not include any that appear on the Department of the Treasury's list of Specially Designated Nationals or any entity specifically excluded by the Secretary of Homeland Security, after consultation with the Secretary of State and the heads of relevant elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

''(d) APPLICABILITY OF OTHER REQUIREMENTS.—Aliens under this section who qualify for Priority 2 processing under the refugee resettlement priority system shall satisfy the requirements of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) for admission to the United States.

''(e) NUMERICAL LIMITATIONS.—In determining the number of Iraqi refugees who should be resettled in the United States under paragraphs (2), (3), and (4) of subsection (a) and subsection (b) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the President shall consult with the heads of nongovernmental organizations that have a presence in Iraq or experience in assessing the problems faced by Iraqi refugees.

''(f) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

''SEC. 1244. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

''(a) IN GENERAL.—Subject to subsection (c), the Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary of State in consultation with the Secretary of Homeland Security, may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

''(1) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

''(2) is otherwise eligible to receive an immigrant visa;

''(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4))); and

''(4) cleared a background check and appropriate screening, as determined by the Secretary of Homeland Security.

''(b) ALIENS DESCRIBED.—

''(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

''(A) is a citizen or national of Iraq;

''(B) was or is employed by or on behalf of the United States Government in Iraq, on or after March 20, 2003, for not less than one year;

''(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation, subject to paragraph (4), from the employee's senior supervisor or the person currently occupying that position, or a more senior person, if the employee's senior supervisor has left the employer or has left Iraq; and

''(D) has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government.

''(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien—

''(A) is the spouse or child of a principal alien described in paragraph (1); and

''(B) is accompanying or following to join the principal alien in the United States.

''(3) TREATMENT OF SURVIVING SPOUSE OR CHILD.—An alien is described in subsection (b) if the alien—

''(A) was the spouse or child of a principal alien described in paragraph (1) who had a petition for classification approved pursuant to this section or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note), which included the alien as an accompanying spouse or child; and

''(B) due to the death of the principal alien—

''(i) such petition was revoked or terminated (or otherwise rendered null); and

''(ii) such petition would have been approved if the principal alien had survived.

''(4) APPROVAL BY CHIEF OF MISSION REQUIRED.—A recommendation or evaluation required under paragraph (1)(C) shall be accompanied by approval from the Chief of Mission, or the designee of the Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to confirm employment and faithful and valuable service to the United States Government prior to approval of a petition under this section.

''(c) NUMERICAL LIMITATIONS.—

''(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed 5,000 per year for fiscal years 2008 through 2012.

''(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

''(3) CARRY FORWARD.—

''(A) FISCAL YEARS 2008 THROUGH 2011.—If the numerical limitation specified in paragraph (1) is not reached during a given fiscal year referred to in such paragraph (with respect to fiscal years 2008 through 2011), the numerical limitation specified in such paragraph for the following fiscal year shall be increased by a number equal to the difference between—

''(i) the numerical limitation specified in paragraph (1) for the given fiscal year; and

''(ii) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

''(B) FISCAL YEARS 2012 AND 2013.—If the numerical limitation specified in paragraph (1) is not reached in fiscal year 2012, the total number of principal aliens who may be provided special immigrant status under this section for fiscal year 2013 shall be equal to the difference between—

''(i) the numerical limitation specified in paragraph (1) for fiscal year 2012; and

''(ii) the number of principal aliens provided such status under this section during fiscal year 2012.

''(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

''(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq, if possible, of such alien if the Secretary determines after consultation that such alien is in imminent danger.

''(f) ELIGIBILITY FOR ADMISSION UNDER OTHER CLASSIFICATION.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

''(g) RESETTLEMENT SUPPORT.—Iraqi aliens granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

''(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the Sec-

retary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 [Pub. L. 109–163, 8 U.S.C. 1101 note].

''SEC. 1245. SENIOR COORDINATOR FOR IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

''(a) DESIGNATION IN IRAQ.—The Secretary of State shall designate in the embassy of the United States in Baghdad, Iraq, a Senior Coordinator for Iraqi Refugees and Internally Displaced Persons (referred to in this section as the 'Senior Coordinator').

''(b) RESPONSIBILITIES.—The Senior Coordinator shall be responsible for the oversight of processing for the resettlement in the United States of refugees of special humanitarian concern, special immigrant visa programs in Iraq, and the development and implementation of other appropriate policies and programs concerning Iraqi refugees and internally displaced persons. The Senior Coordinator shall have the authority to refer persons to the United States refugee resettlement program.

''(c) DESIGNATION OF ADDITIONAL SENIOR COORDINATORS.—The Secretary of State shall designate in the embassies of the United States in Cairo, Egypt, Amman, Jordan, Damascus, Syria, and Beirut, Lebanon, a Senior Coordinator to oversee resettlement in the United States of refugees of special humanitarian concern in those countries to ensure their applications to the United States refugee resettlement program are processed in an orderly manner and without delay.

''SEC. 1246. COUNTRIES WITH SIGNIFICANT POPULATIONS OF IRAQI REFUGEES.

''With respect to each country with a significant population of Iraqi refugees, including Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary of State shall—

''(1) as appropriate, consult with the appropriate government officials of such countries and other countries and the United Nations High Commissioner for Refugees regarding resettlement of the most vulnerable members of such refugee populations; and

''(2) as appropriate, except where otherwise prohibited by the laws of the United States, develop mechanisms in and provide assistance to countries with a significant population of Iraqi refugees to ensure the well-being and safety of such populations in their host environments.

''SEC. 1247. MOTION TO REOPEN DENIAL OR TERMINATION OF ASYLUM.

''An alien who applied for asylum or withholding of removal and whose claim was denied on or after March 1, 2003, by an asylum officer or an immigration judge solely, or in part, on the basis of changed country conditions may, notwithstanding any other provision of law, file a motion to reopen such claim in accordance with subparagraphs (A) and (B) of section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)) not later than six months after the date of the enactment of the Refugee Crisis in Iraq Act [of 2007] [Jan. 28, 2008] if the alien—

''(1) is a citizen or national of Iraq; and

''(2) has remained in the United States since the date of such denial.

''SEC. 1248. REPORTS.

''(a) SECRETARY OF HOMELAND SECURITY.—Not later than 120 days after the date of the enactment of this Act [Jan. 28, 2008], the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Foreign Relations of the Senate a report containing plans to expedite the processing of Iraqi refugees for resettlement, including information relating to—

''(1) expediting the processing of Iraqi refugees for resettlement, including through temporary expansion of the Refugee Corps of United States Citizenship and Immigration Services;

''(2) increasing the number of personnel of the Department of Homeland Security devoted to refugee processing in Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon;

''(3) enhancing existing systems for conducting background and security checks of persons applying for special immigrant status and of persons considered Priority 2 refugees of special humanitarian concern under the refugee resettlement priority system, which enhancements shall support immigration security and provide for the orderly processing of such applications without delay; and

''(4) the projections of the Secretary, per country and per month, for the number of refugee interviews that will be conducted in fiscal year 2008 and fiscal year 2009.

''(b) PRESIDENT.—Not later than 120 days after the date of the enactment of this Act [Jan. 28, 2008], and annually thereafter through 2013, the President shall submit to Congress an unclassified report, with a classified annex if necessary, which includes—

''(1) an assessment of the financial, security, and personnel considerations and resources necessary to carry out the provisions of this subtitle;

''(2) the number of aliens described in section 1243(a)(1);

''(3) the number of such aliens who have applied for special immigrant visas;

''(4) the date of such applications; and

''(5) in the case of applications pending for longer than six months, the reasons that such visas have not been expeditiously processed.

''(c) REPORT ON IRAQI CITIZENS AND NATIONALS EMPLOYED BY THE UNITED STATES GOVERNMENT OR FEDERAL CONTRACTORS IN IRAQ.—

''(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act [Jan. 28, 2008], the Secretary of Defense, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security shall—

''(A) review internal records and databases of their respective agencies for information that can be used to verify employment of Iraqi nationals by the United States Government; and

''(B) request from each prime contractor or grantee that has performed work in Iraq since March 20, 2003, under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of $100,000 information that can be used to verify the employment of Iraqi nationals by such contractor or grantee.

''(2) INFORMATION REQUIRED.—To the extent data is available, the information referred to in paragraph (1) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of each Iraqi citizen or national who has performed work in Iraq since March 20, 2003, under a contract, grant, or cooperative agreement with an executive agency.

''(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term 'executive agency' has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act ([former] 41 U.S.C. 403(1)) [now 41 U.S.C. 133].

''(d) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 120 days after the date of the enactment of this Act [Jan. 28, 2008], the Secretary of Defense, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security, shall submit to Congress a report examining the options for establishing a unified, classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Iraq since March 20, 2003, including the information described and collected under subsection (c), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

''(e) NONCOMPLIANCE REPORT.—Not later than 180 days after the date of the enactment of this Act [Jan. 28, 2008], the President shall submit a report to Congress that describes—

''(1) the inability or unwillingness of any contractor or grantee to provide the information requested under subsection (c)(1)(B); and

''(2) the reasons for failing to provide such information.

''SEC. 1249. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.''

[Pub. L. 110–242, §1(1), which directed amendment of section 1244(c)(1) of Pub. L. 110–181, set out above, by substituting ''fiscal years 2008 through 2012'' for ''each of the five years beginning after the date of the enactment of this Act'', was executed by making the substitution for ''each of the five fiscal years beginning after the date of the enactment of this Act'' to reflect the probable intent of Congress.]

BRING THEM HOME ALIVE PROGRAM

Pub. L. 106–484, Nov. 9, 2000, 114 Stat. 2195, as amended by Pub. L. 107–258, §2, Oct. 29, 2002, 116 Stat. 1738, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Bring Them Home Alive Act of 2000'.

''SEC. 2. AMERICAN VIETNAM WAR POW/MIA ASYLUM PROGRAM.

''(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

''(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

''(1) any alien who—

''(A) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union; and

''(B) personally delivers into the custody of the United States Government a living American Vietnam War POW/MIA; and

''(2) any parent, spouse, or child of an alien described in paragraph (1).

''(c) DEFINITIONS.—In this section:

''(1) AMERICAN VIETNAM WAR POW/MIA.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'American Vietnam War POW/MIA' means an individual—

''(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Vietnam War; or

''(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Vietnam War.

''(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

''(2) MISSING STATUS.—The term 'missing status', with respect to the Vietnam War, means the status of an individual as a result of the Vietnam War if immediately before that status began the individual—

''(A) was performing service in Vietnam; or

''(B) was performing service in Southeast Asia in direct support of military operations in Vietnam.

''(3) VIETNAM WAR.—The term 'Vietnam War' means the conflict in Southeast Asia during the period that began on February 28, 1961, and ended on May 7, 1975.

''SEC. 3. AMERICAN KOREAN WAR POW/MIA ASYLUM PROGRAM.

''(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

''(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

''(1) any alien—

''(A) who is a national of North Korea, China, or any of the independent states of the former Soviet Union; and

''(B) who personally delivers into the custody of the United States Government a living American Korean War POW/MIA; and

''(2) any parent, spouse, or child of an alien described in paragraph (1).

''(c) DEFINITIONS.—In this section:

''(1) AMERICAN KOREAN WAR POW/MIA.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'American Korean War POW/MIA' means an individual—

''(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Korean War; or

''(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Korean War.

''(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

''(2) KOREAN WAR.—The term 'Korean War' means the conflict on the Korean peninsula during the period that began on June 27, 1950, and ended January 31, 1955.

''(3) MISSING STATUS.—The term 'missing status', with respect to the Korean War, means the status of an individual as a result of the Korean War if immediately before that status began the individual—

''(A) was performing service in the Korean peninsula; or

''(B) was performing service in Asia in direct support of military operations in the Korean peninsula.

''SEC. 3A. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

''(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an alien described in this subsection is—

''(A) any alien who—

''(i) is a national of Iraq or a nation of the Greater Middle East Region (as determined by the Attorney General in consultation with the Secretary of State); and

''(ii) personally delivers into the custody of the United States Government a living American Persian Gulf War POW/MIA; and

''(B) any parent, spouse, or child of an alien described in subparagraph (A).

''(2) EXCEPTIONS.—An alien described in this subsection does not include a terrorist, a persecutor, a person who has been convicted of a serious criminal offense, or a person who presents a danger to the security of the United States, as set forth in clauses (i) through (v) of section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)).

''(c) DEFINITIONS.—In this section:

''(1) AMERICAN PERSIAN GULF WAR POW/MIA.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'American Persian Gulf War POW/MIA' means an individual—

''(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Persian Gulf War, or any successor conflict, operation, or action; or

''(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Persian Gulf War, or any successor conflict, operation, or action.

''(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

''(2) MISSING STATUS.—The term 'missing status', with respect to the Persian Gulf War, or any successor conflict, operation, or action, means the status of an individual as a result of the Persian Gulf War, or such conflict, operation, or action, if immediately before that status began the individual—

''(A) was performing service in Kuwait, Iraq, or another nation of the Greater Middle East Region; or

''(B) was performing service in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq.

''(3) PERSIAN GULF WAR.—The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.''

''SEC. 4. BROADCASTING INFORMATION ON THE 'BRING THEM HOME ALIVE' PROGRAM.

''(a) REQUIREMENT.—

''(1) IN GENERAL.—The International Broadcasting Bureau shall broadcast, through WORLDNET Television and Film Service and Radio, VOA–TV, VOA Radio, or otherwise, information that promotes the 'Bring Them Home Alive' refugee program under this Act to foreign countries covered by paragraph (2).

''(2) COVERED COUNTRIES.—The foreign countries covered by paragraph (1) are—

''(A) Vietnam, Cambodia, Laos, China, and North Korea;

''(B) Russia and the other independent states of the former Soviet Union; and

''(C) Iraq, Kuwait, or any other country of the Greater Middle East Region (as determined by the International Broadcasting Bureau in consultation with the Attorney General and the Secretary of State).

''(b) LEVEL OF PROGRAMMING.—The International Broadcasting Bureau shall broadcast—

''(1) at least 20 hours of the programming described in subsection (a)(1) during the 30-day period that begins 15 days after the date of enactment of this Act [Nov. 9, 2000]; and

''(2) at least 10 hours of the programming described in subsection (a)(1) in each calendar quarter during the period beginning with the first calendar quarter that begins after the date of enactment of this Act and ending five years after the date of enactment of this Act.

''(c) AVAILABILITY OF INFORMATION ON THE INTERNET.—The International Broadcasting Bureau shall ensure that information regarding the 'Bring Them Home Alive' refugee program under this Act is readily available on the World Wide Web sites of the Bureau.

''(d) SENSE OF CONGRESS.—It is the sense of Congress that RFE/RL, Incorporated, Radio Free Asia, and any other recipient of Federal grants that engages in international broadcasting to the countries covered by subsection (a)(2) should broadcast information similar to the information required to be broadcast by subsection (a)(1).

''(e) DEFINITION.—The term 'International Broadcasting Bureau' means the International Broadcasting Bureau of the United States Information Agency or, on and after the effective date of title XIII of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277) [see Effective Date note set out under section 6531 of Title 22, Foreign Relations and Intercourse], the International Broadcasting Bureau of the Broadcasting Board of Governors.

''SEC. 5. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

''In this Act, the term 'independent states of the former Soviet Union' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).''

GENDER-RELATED PERSECUTION TASK FORCE

Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title II, §254], Nov. 29, 1999, 113 Stat. 1536, 1501A–432, provided that:

''(a) ESTABLISHMENT OF TASK FORCE.—The Secretary of State, in consultation with the Attorney General and other appropriate Federal agencies, shall establish a task force with the goal of determining eligibility guidelines for women seeking refugee status overseas due to gender-related persecution.

''(b) REPORT.—Not later than 1 year after the date of the enactment of this Act [Nov. 29, 1999], the Secretary of State shall prepare and submit to the Congress a report outlining the guidelines determined by the task force under subsection (a).''

ESTABLISHING CATEGORIES OF ALIENS FOR PURPOSES OF REFUGEE DETERMINATIONS

Pub. L. 101–167, title V, §599D, Nov. 21, 1989, 103 Stat. 1261, as amended by Pub. L. 101–513, title V, §598(a), Nov. 5, 1990, 104 Stat. 2063; Pub. L. 102–391, title V, §582(a)(1), (b)(1), (c), Oct. 6, 1992, 106 Stat. 1686; Pub. L. 102–511, title IX, §905(a), (b)(1), (c), Oct. 24, 1992, 106 Stat. 3356; Pub. L. 103–236, title V, §512(1), Apr. 30, 1994, 108 Stat. 466; Pub. L. 104–208, div. A, title I, §101(c) [title V, §575(1)], Sept. 30, 1996, 110 Stat. 3009–121, 3009–168; Pub. L. 104–319, title I, §101(1), Oct. 19, 1996, 110 Stat. 3865; Pub. L. 105–118, title V, §574(1), Nov. 26, 1997, 111 Stat. 2432; Pub. L. 105–277, div. A, §101(f) [title VII, §705(1)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–389; Pub. L. 106–113, div. B, §1000(a)(4) [title II, §214(1)], Nov. 29, 1999, 113 Stat. 1535, 1501A–240; Pub. L. 106–554, §1(a)(1) [title II, §212(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A–27; Pub. L. 107–116, title II, §213(1), Jan. 10, 2002, 115 Stat. 2200; Pub. L. 108–7, div. G, title II, §213(1), Feb. 20, 2003, 117 Stat. 324; Pub. L. 108–199, div. E, title II, §213(1), Jan. 23, 2004, 118 Stat. 253; Pub. L. 108–447, div. F, title II, §213(1), Dec. 8, 2004, 118 Stat. 3139; Pub. L. 109–102, title V, §534(m)(1), Nov. 14, 2005, 119 Stat. 2211; Pub. L. 109–289, div. B, title II, §20412(b)(1), as added by Pub. L. 110–5, §2, Feb. 15, 2007, 121 Stat. 25; Pub. L. 110–161, div. J, title VI, §634(k)(1), Dec. 26, 2007, 121 Stat. 2329; Pub. L. 111–8, div. H, title VII, §7034(g)(1), Mar. 11, 2009, 123 Stat. 878; Pub. L. 111–117, div. F, title VII, §7034(f)(1), Dec. 16, 2009, 123 Stat. 3361, provided that:

''(a) IN GENERAL.—In the case of an alien who is within a category of aliens established under subsection (b), the alien may establish, for purposes of admission as a refugee under section 207 of the Immigration and Nationality Act [8 U.S.C. 1157], that the alien has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution.

''(b) ESTABLISHMENT OF CATEGORIES.—

''(1) For purposes of subsection (a), the Attorney General, in consultation with the Secretary of State and the Coordinator for Refugee Affairs, shall establish—

''(A) one or more categories of aliens who are or were nationals and residents of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania and who share common character-

istics that identify them as targets of persecution in that state on account of race, religion, nationality, membership in a particular social group, or political opinion,[;]

''(B) one or more categories of aliens who are or were nationals and residents of Vietnam, Laos, or Cambodia and who share common characteristics that identify them as targets of persecution in such respective foreign state on such an account; and

''(C) one or more categories of aliens who are or were nationals and residents of the Islamic Republic or Iran who, as members of a religious minority in Iran, share common characteristics that identify them as targets of persecution in that state on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(2)(A) Aliens who are (or were) nationals and residents of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania and who are Jews or Evangelical Christians shall be deemed a category of alien established under paragraph (1)(A).

''(B) Aliens who are (or were) nationals of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania and who are current members of, and demonstrate public, active, and continuous participation (or attempted participation) in the religious activities of, the Ukrainian Catholic Church or the Ukrainian Orthodox Church, shall be deemed a category of alien established under paragraph (1)(A).

''(C) Aliens who are (or were) nationals and residents of Vietnam, Laos, or Cambodia and who are members of categories of individuals determined, by the Attorney General in accordance with 'Immigration and Naturalization Service Worldwide Guidelines for Overseas Refugee Processing' (issued by the Immigration and Naturalization Service in August 1983) shall be deemed a category of alien established under paragraph (1)(B).

''(3) Within the number of admissions of refugees allocated for for [sic] each of fiscal years 1990, 1991, and 1992 for refugees who are nationals of the Soviet Union under section 207(a)(3) of the Immigration and Nationality Act [8 U.S.C. 1157(a)(3)] and within the number of such admissions allocated for each of fiscal years 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010 for refugees who are nationals of the independent states of the former Soviet Union, Estonia, Latvia, and Lithuania under such section, notwithstanding any other provision of law, the President shall allocate one thousand of such admissions for such fiscal year to refugees who are within the category of aliens described in paragraph (2)(B).

''(c) WRITTEN REASONS FOR DENIALS OF REFUGEE STATUS.—Each decision to deny an application for refugee status of an alien who is within a category established under this section shall be in writing and shall state, to the maximum extent feasible, the reason for the denial.

''(d) PERMITTING CERTAIN ALIENS WITHIN CATEGORIES TO REAPPLY FOR REFUGEE STATUS.—Each alien who is within a category established under this section and who (after August 14, 1988, and before the date of the enactment of this Act [Nov. 21, 1989]) was denied refugee status shall be permitted to reapply for such status. Such an application shall be determined taking into account the application of this section.

''(e) PERIOD OF APPLICATION.—

''(1) Subsections (a) and (b) shall take effect on the date of the enactment of this Act [Nov. 21, 1989] and shall only apply to applications for refugee status submitted before October 1, 2010.

''(2) Subsection (c) shall apply to decisions made after the date of the enactment of this Act and before October 1, 2010.

''(3) Subsection (d) shall take effect on the date of the enactment of this Act and shall only apply to reapplications for refugee status submitted before October 1, 2010.''

[Pub. L. 109–102, § 534(m)(1)(A), which directed amendment of section 599D(b)(3) of Pub. L. 101–167, set out above, by substituting ''2005, and 2006'' for ''and 2005'', could not be executed.]

[Pub. L. 108–447, § 213(1)(A), which directed amendment of section 599D(b)(3) of Pub. L. 101–167, set out above, by substituting ''1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, and 2006'' for ''1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, and 2005'', was executed by making the substitution for ''1997, 1998, 1999, 2000, 2001, 2002, 2003, and 2004'' to reflect the probable intent of Congress.]

[Pub. L. 108–199, § 213(1)(A), which directed amendment of section 599D(b)(3) of Pub. L. 101–167, set out above, by substituting ''1997, 1998, 1999, 2000, 2001, 2002, 2003, and 2004'' for ''1997, 1998, 1999, 2000, 2001, 2002, and 2003'', was executed by making the substitution for ''1997, 1998, 1999, 2000, 2001, 2002 and 2003'' to reflect the probable intent of Congress.]

[Pub. L. 108–7, § 213(1)(A), which directed amendment of section 599D(b)(3) of Pub. L. 101–167, set out above, by substituting ''1997, 1998, 1999, 2000, 2001, 2002 and 2003'' for ''1997, 1998, 1999, 2000, and 2001'', was executed by making the substitution for ''1997, 1998, 1999, 2000, 2001, and 2002'' to reflect the probable intent of Congress.]

[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.]

EL SALVADORAN REFUGEES

Pub. L. 97–113, title VII, § 731, Dec. 29, 1981, 95 Stat. 1557, provided that: ''It is the sense of the Congress that the administration should continue to review, on a case-by-case basis, petitions for extended voluntary departure made by citizens of El Salvador who claim that they are subject to persecution in their homeland, and should take full account of the civil strife in El Salvador in making decisions on such petitions.''

TIME FOR DETERMINATIONS BY PRESIDENT FOR FISCAL YEAR 1980

Section 204(d)(1) of Pub. L. 96–212 provided that: ''Notwithstanding section 207(a) of the Immigration and Nationality Act (as added by section 201(b) of this title [subsec. (a) of this section], the President may make the determination described in the first sentence of such section not later than forty-five days after the date of the enactment of this Act [Mar. 17, 1980] for fiscal year 1980.''

PRESIDENTIAL DETERMINATION CONCERNING ADMISSION AND ADJUSTMENT OF STATUS OF REFUGEES

Determinations by the President pursuant to this section concerning the admission and adjustment of status of refugees for particular fiscal years were contained in the following Presidential Determinations:

Presidential Determination No. 2011–02, Oct. 8, 2010, 75 F.R. 75851.

Presidential Determination No. 2009–32, Sept. 30, 2009, 74 F.R. 52385.

Presidential Determination No. 2008–29, Sept. 30, 2008, 73 F.R. 58865.

Presidential Determination No. 2008–1, Oct. 2, 2007, 72 F.R. 58991.

Presidential Determination No. 2007–1, Oct. 11, 2006, 71 F.R. 64435.

Presidential Determination No. 2006–3, Oct. 24, 2005, 70 F.R. 65825.

Presidential Determination No. 2004–53, Sept. 30, 2004, 69 F.R. 60943.

Presidential Determination No. 2004–06, Oct. 21, 2003, 68 F.R. 63979.

Presidential Determination No. 03–02, Oct. 16, 2002, 67 F.R. 65469.

Presidential Determination No. 02–04, Nov. 21, 2001, 66 F.R. 63487.

Presidential Determination No. 2000–32, Sept. 29, 2000, 65 F.R. 59697.

Presidential Determination No. 99–45, Sept. 30, 1999, 64 F.R. 54505.
Presidential Determination No. 99–33, Aug. 12, 1999, 64 F.R. 47341.
Presidential Determination No. 98–39, Sept. 30, 1998, 63 F.R. 55001.
Presidential Determination No. 97–37, Sept. 30, 1997, 62 F.R. 53219.
Presidential Determination No. 96–59, Sept. 30, 1996, 61 F.R. 56869.
Presidential Determination No. 95–48, Sept. 29, 1995, 60 F.R. 53091.
Presidential Determination No. 95–1, Oct. 1, 1994, 59 F.R. 52393.
Presidential Determination No. 94–1, Oct. 1, 1993, 58 F.R. 52213.
Presidential Determination No. 93–1, Oct. 2, 1992, 57 F.R. 47253.
Presidential Determination No. 92–2, Oct. 9, 1991, 56 F.R. 51633.
Presidential Determination No. 91–3, Oct. 12, 1990, 55 F.R. 41979.
Presidential Determination No. 90–2, Oct. 6, 1989, 54 F.R. 43035.
Presidential Determination No. 89–15, June 19, 1989, 54 F.R. 31493.
Presidential Determination No. 89–2, Oct. 5, 1988, 53 F.R. 45249.
Presidential Determination No. 88–16, May 20, 1988, 53 F.R. 21405.
Presidential Determination No. 88–01, Oct. 5, 1987, 52 F.R. 42073.
Presidential Determination No. 87–1, Oct. 17, 1986, 51 F.R. 39637.
Presidential Determination No. 83–2, Oct. 11, 1982, 47 F.R. 46483.
Presidential Determination No. 82–1, Oct. 10, 1981, 46 F.R. 55233.
Presidential Determination No. 80–28, Sept. 30, 1980, 45 F.R. 68365.

EX. ORD. NO. 12208. CONSULTATIONS ON THE ADMISSION OF REFUGEES

Ex. Ord. No. 12208, Apr. 15, 1980, 45 F.R. 25789, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617; Ex. Ord. No. 13286, § 49, Feb. 28, 2003, 68 F.R. 10628, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Refugee Act of 1980 (P.L. 96–212; 8 U.S.C. 1101 note), the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1–101. Exclusive of the functions otherwise delegated, or reserved to the President, by this Order, there are hereby delegated to the Secretary of State and the Secretary of Homeland Security, or either of them, the functions of initiating and carrying out appropriate consultations with members of the Committees on the Judiciary of the Senate and of the House of Representatives for purposes of Sections 101(a)(42)(B) and 207(a), (b), (d), and (e) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101(a)(42)(B) and 1157(a), (b), (d), and (e)).

1–102. There are reserved to the President the following functions under the Immigration and Nationality Act, as amended [8 U.S.C. 1101 et seq.].

(a) To specify special circumstances for purposes of qualifying persons as refugees under Section 101(a)(42)(B) [8 U.S.C. 1101(a)(42)(B)].

(b) To make determinations under Sections 207(a)(1), 207(a)(2), 207(a)(3) and 207(b) [8 U.S.C. 1157(a)(1) to (3) and (b)].

(c) To fix the number of refugees to be admitted under Section 207(b).

1–103. Except to the extent inconsistent with this Order, all actions previously taken pursuant to any function delegated or assigned by this Order shall be deemed to have been taken and authorized by this Order.

§ 1158. Asylum

(a) Authority to apply for asylum

(1) In general

Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 1225(b) of this title.

(2) Exceptions

(A) Safe third country

Paragraph (1) shall not apply to an alien if the Attorney General determines that the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General finds that it is in the public interest for the alien to receive asylum in the United States.

(B) Time limit

Subject to subparagraph (D), paragraph (1) shall not apply to an alien unless the alien demonstrates by clear and convincing evidence that the application has been filed within 1 year after the date of the alien's arrival in the United States.

(C) Previous asylum applications

Subject to subparagraph (D), paragraph (1) shall not apply to an alien if the alien has previously applied for asylum and had such application denied.

(D) Changed circumstances

An application for asylum of an alien may be considered, notwithstanding subparagraphs (B) and (C), if the alien demonstrates to the satisfaction of the Attorney General either the existence of changed circumstances which materially affect the applicant's eligibility for asylum or extraordinary circumstances relating to the delay in filing an application within the period specified in subparagraph (B).

(E) Applicability

Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child (as defined in section 279(g) of title 6).

(3) Limitation on judicial review

No court shall have jurisdiction to review any determination of the Attorney General under paragraph (2).