

amended Dec. 22, 1944, ch. 662, §1, 58 Stat. 886; Dec. 28, 1945, ch. 590, §1(c)(1), 59 Stat. 658, related to exceptions from certain requirements of naturalization of persons serving in the armed forces during World War II. See section 1440 of this title.

Section 1002, act Oct. 14, 1940, ch. 876, title III, §702, as added Mar. 27, 1942, ch. 199, title X, §1001, 56 Stat. 182; amended Dec. 22, 1944, ch. 662, §2, 58 Stat. 887, related to alien serving outside of jurisdiction of naturalization court. See section 1440 of this title.

Section 1003, act Oct. 14, 1940, ch. 876, title III, §703, as added Mar. 27, 1942, ch. 199, title X, §1001, 56 Stat. 183, related to waiver of notice to commissioner in case of alien enemy. See section 1440 of this title.

Section 1004, act Oct. 14, 1940, ch. 876, title III, §704, as added Mar. 27, 1942, ch. 199, title X, §1001, 56 Stat. 183, related to persons excepted from former subchapter. See section 1440 of this title.

Section 1005, act Oct. 14, 1940, ch. 876, title III, §705, as added Mar. 27, 1942, ch. 199, title X, §1001, 56 Stat. 183, related to forms, rules and regulations. See section 1440 of this title.

Section 1006, act Oct. 14, 1940, ch. 876, title III, §706, as added Dec. 28, 1945, ch. 590, §1(c)(2), 59 Stat. 658, related to time of service limitation. See section 1440 of this title.

## CHAPTER 12—IMMIGRATION AND NATIONALITY

### SUBCHAPTER I—GENERAL PROVISIONS

- Sec.  
1101. Definitions.  
1102. Diplomatic and semidiplomatic immunities.  
1103. Powers and duties.  
    (a) Attorney General.  
    (b) Land acquisition authority.  
    (c) Commissioner; appointment.  
    (d) Statistical information system.  
    (e) Annual report.  
    (f) Minimum number of agents in States.  
1104. Powers and duties of Secretary of State.  
    (a) Powers and duties.  
    (b) Designation and duties of Administrator.  
    (c) Passport Office, Visa Office, and other offices; directors.  
    (d) Transfer of duties.  
    (e) General Counsel of Visa Office; appointment and duties.  
1105. Liaison with internal security officers.  
1105a, 1106. Repealed.

### SUBCHAPTER II—IMMIGRATION

#### PART I—SELECTION SYSTEM

1151. Worldwide level of immigration.  
    (a) In general.  
    (b) Aliens not subject to direct numerical limitations.  
    (c) Worldwide level of family-sponsored immigrants.  
    (d) Worldwide level of employment-based immigrants.  
    (e) Worldwide level of diversity immigrants.  
1151a. Repealed.  
1152. Numerical limitations on individual foreign states.  
    (a) Per country level.  
    (b) Rules for chargeability.  
    (c) Chargeability for dependent areas.  
    (d) Changes in territory.  
    (e) Special rules for countries at ceiling.  
1153. Allocation of immigrant visas.  
    (a) Preference allocation for family-sponsored immigrants.  
    (b) Preference allocation for employment-based immigrants.  
    (c) Diversity immigrants.

- Sec.  
    (d) Treatment of family members.  
    (e) Order of consideration.  
    (f) Authorization for issuance.  
    (g) Lists.  
1154. Procedure for granting immigrant status.  
    (a) Petitioning procedure.  
    (b) Investigation; consultation; approval; authorization to grant preference status.  
    (c) Limitation on orphan petitions approved for a single petitioner; prohibition against approval in cases of marriages entered into in order to evade immigration laws; restriction on future entry of aliens involved with marriage fraud.  
    (d) Recommendation of valid home-study.  
    (e) Subsequent finding of non-entitlement to preference classification.  
    (f) Preferential treatment for children fathered by United States citizens and born in Korea, Vietnam, Laos, Kampuchea, or Thailand after 1950 and before October 22, 1982.  
    (g) Restriction on petitions based on marriages entered while in exclusion or deportation proceedings.  
    (h) Survival of rights to petition.  
    (i) Professional athletes.  
1155. Revocation of approval of petitions; notice of revocation; effective date.  
1156. Unused immigrant visas.  
1157. Annual admission of refugees and admission of emergency situation refugees.  
    (a) Maximum number of admissions; increases for humanitarian concerns; allocations.  
    (b) Determinations by President respecting number of admissions for humanitarian concerns.  
    (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.  
    (d) Oversight reporting and consultation requirements.  
    (e) "Appropriate consultation" defined.  
1158. Asylum.  
    (a) Authority to apply for asylum.  
    (b) Conditions for granting asylum.  
    (c) Asylum status.  
    (d) Asylum procedure.  
1159. Adjustment of status of refugees.  
    (a) Criteria and procedures applicable for admission as immigrant; effect of adjustment.  
    (b) Maximum number of adjustments; recordkeeping.  
    (c) Applicability of other Federal statutory requirements.  
1160. Special agricultural workers.  
    (a) Lawful residence.  
    (b) Applications for adjustment of status.  
    (c) Waiver of numerical limitations and certain grounds for exclusion.  
    (d) Temporary stay of exclusion or deportation and work authorization for certain applicants.  
    (e) Administrative and judicial review.  
    (f) Temporary disqualification of newly legalized aliens from receiving aid to families with dependent children.  
    (g) Treatment of special agricultural workers.  
    (h) "Seasonal agricultural services" defined.

|  |  |
|--|--|
| <p>Sec.<br/>1161. Repealed.</p> <p>PART II—ADMISSION QUALIFICATIONS FOR ALIENS;<br/>TRAVEL CONTROL OF CITIZENS AND ALIENS</p> <p>1181. Admission of immigrants into the United States.<br/>(a) Documents required; admission under quotas before June 30, 1968.<br/>(b) Readmission without required documents; Attorney General's discretion.<br/>(c) Nonapplicability to aliens admitted as refugees.</p> <p>1182. Inadmissible aliens.<br/>(a) Classes of aliens ineligible for visas or admission.<br/>(b) Notices of denials.<br/>(c) Repealed.<br/>(d) Temporary admission of nonimmigrants.<br/>(e) Educational visitor status; foreign residence requirement; waiver.<br/>(f) Suspension of entry or imposition of restrictions by President.<br/>(g) Bond and conditions for admission of alien inadmissible on health-related grounds.<br/>(h) Waiver of subsection (a)(2)(A)(i)(I), (II), (B), (D), and (E).<br/>(i) Admission of immigrant inadmissible for fraud or willful misrepresentation of material fact.<br/>(j) Limitation on immigration of foreign medical graduates.<br/>(k) Attorney General's discretion to admit otherwise inadmissible aliens who possess immigrant visas.<br/>(l) Guam; waiver of requirements for nonimmigrant visitors; conditions of waiver; acceptance of funds from Guam.<br/>(m) Requirements for admission of nonimmigrant nurses during five-year period.<br/>(n) Labor condition application.<br/>(o) Requirements for receipt of immigrant visa within ninety days following departure.</p> <p>1182a to 1182c. Repealed.</p> <p>1183. Admission of aliens on giving bond or undertaking; return upon permanent departure.</p> <p>1183a. Requirements for sponsor's affidavit of support.<br/>(a) Enforceability.<br/>(b) Reimbursement of government expenses.<br/>(c) Remedies.<br/>(d) Notification of change of address.<br/>(e) Jurisdiction.<br/>(f) "Sponsor" defined.<br/>(h) "Federal poverty line" defined.<br/>(i) Sponsor's social security account number required to be provided.</p> <p>1184. Admission of nonimmigrants.<br/>(a) Regulations.<br/>(b) Presumption of status; written waiver.<br/>(c) Petition of importing employer; involvement of Departments of Labor and Agriculture.<br/>(d) Issuance of visa to fiancée or fiancé of citizen.<br/>(e) Nonimmigrant professionals and annual numerical limit.<br/>(f) Denial of crewmember status in case of certain labor disputes.<br/>(g) Temporary workers and trainees; limitation on numbers.<br/>(h) Intention to abandon foreign residence.</p> | <p>Sec.</p> <p>(i) "Specialty occupation" defined.<br/>(j) Labor disputes.<br/>(k) Numerical limitations; period of admission; conditions for admission and stay; annual report.<br/>(l) Restrictions on waiver.<br/>(l) Nonimmigrant elementary and secondary school students.</p> <p>1184a. Philippine Traders as nonimmigrants.</p> <p>1185. Travel control of citizens and aliens.<br/>(a) Restrictions and prohibitions.<br/>(b) Citizens.<br/>(c) Definitions.<br/>(d) Nonadmission of certain aliens.<br/>(e) Revocation of proclamation as affecting penalties.<br/>(f) Permits to enter.</p> <p>1186. Transferred.</p> <p>1186a. Conditional permanent resident status for certain alien spouses and sons and daughters.<br/>(a) In general.<br/>(b) Termination of status if finding that qualifying marriage improper.<br/>(c) Requirements of timely petition and interview for removal of condition.<br/>(d) Details of petition and interview.<br/>(e) Treatment of period for purposes of naturalization.<br/>(f) Treatment of certain waivers.<br/>(g) Definitions.</p> <p>1186b. Conditional permanent resident status for certain alien entrepreneurs, spouses, and children.<br/>(a) In general.<br/>(b) Termination of status if finding that qualifying entrepreneurship improper.<br/>(c) Requirements of timely petition and interview for removal of condition.<br/>(d) Details of petition and interview.<br/>(e) Treatment of period for purposes of naturalization.<br/>(f) Definitions.</p> <p>1187. Visa waiver pilot program for certain visitors.<br/>(a) Establishment of pilot program.<br/>(b) Waiver of rights.<br/>(c) Designation of pilot program countries.<br/>(d) Authority.<br/>(e) Carrier agreements.<br/>(f) "Pilot program period" defined.<br/>(g) Duration and termination of designation.</p> <p>1188. Admission of temporary H-2A workers.<br/>(a) Conditions for approval of H-2A petitions.<br/>(b) Conditions for denial of labor certification.<br/>(c) Special rules for consideration of applications.<br/>(d) Roles of agricultural associations.<br/>(e) Expedited administrative appeals of certain determinations.<br/>(f) Violators disqualified for 5 years.<br/>(g) Authorization of appropriations.<br/>(h) Miscellaneous provisions.<br/>(i) Definitions.</p> <p>1189. Designation of foreign terrorist organizations.<br/>(a) Designation.<br/>(b) Judicial review of designation.<br/>(c) Definitions.</p> <p>PART III—ISSUANCE OF ENTRY DOCUMENTS</p> <p>1201. Issuance of visas.<br/>(a) Immigrants; nonimmigrants.<br/>(b) Registration; photographs; waiver of requirement.</p> |
|--|--|

|        |  |               |  |
|--------|--|---------------|--|
| Sec.   | (c) Period of validity; requirement of visa.   | Sec.          | (c) Detention of criminal aliens.  |
|        | (d) Physical examination.  |               | (d) Identification of criminal aliens.   |
|        | (e) Surrender of visa.   |               | (e) Judicial review.   |
|        | (f) Surrender of documents.  | 1227.         | Deportable aliens.   |
|        | (g) Nonissuance of visas or other documents.   |               | (a) Classes of deportable aliens.  |
|        | (h) Nonadmission upon arrival.   |               | (b) Deportation of certain nonimmigrants.  |
|        | (i) Revocation of visas or documents.  |               | (c) Waiver of grounds for deportation.   |
| 1201a. | Repealed.  | 1228.         | Expedited removal of aliens convicted of committing aggravated felonies.                           |
| 1202.  | Application for visas.   |               | (a) Removal of criminal aliens.  |
|        | (a) Immigrant visas.   |               | (b) Removal of aliens who are not permanent residents.   |
|        | (b) Other documentary evidence for immigrant visa.   |               | (c) Presumption of deportability.  |
|        | (c) Nonimmigrant visas; nonimmigrant registration; form, manner and contents of application.                 |               | (c) Judicial removal.  |
|        | (d) Other documentary evidence for nonimmigrant visa.  | 1229.         | Initiation of removal proceedings.   |
|        | (e) Signing and verification of application.   |               | (a) Notice to appear.  |
|        | (f) Confidential nature of records.  |               | (b) Securing of counsel.   |
|        | (g) Nonimmigrant visa void at conclusion of authorized period of stay.                                       |               | (c) Service by mail.   |
| 1203.  | Reentry permit.  |               | (d) Prompt initiation of removal.  |
|        | (a) Application; contents.   | 1229a.        | Removal proceedings.   |
|        | (b) Issuance of permit; nonrenewability.   |               | (a) Proceeding.  |
|        | (c) Multiple reentries.  |               | (b) Conduct of proceeding.   |
|        | (d) Presented and surrendered.   |               | (c) Decision and burden of proof.  |
|        | (e) Permit in lieu of visa.  |               | (d) Stipulated removal.  |
| 1204.  | Immediate relative and special immigrant visas.  |               | (e) Definitions.   |
| 1205.  | Repealed.  | 1229b.        | Cancellation of removal; adjustment of status.   |
|        | PART IV—INSPECTION, APPREHENSION, EXAMINATION, EXCLUSION, AND REMOVAL  |               | (a) Cancellation of removal for certain permanent residents.                                       |
| 1221.  | Lists of alien and citizen passengers arriving and departing.  |               | (b) Cancellation of removal and adjustment of status for certain nonpermanent residents.           |
|        | (a) Shipment or aircraft manifest; arrival; form and contents; exclusions.                                   |               | (c) Aliens ineligible for relief.  |
|        | (b) Departure; shipment or aircraft manifest; form and contents; exclusions.                                 |               | (d) Special rules relating to continuous residence or physical presence.                           |
|        | (c) Record of citizens and resident aliens leaving permanently for foreign countries.                        |               | (e) Annual limitation.   |
|        | (d) Penalties against noncomplying shipments or aircraft.  | 1229c.        | Voluntary departure.   |
|        | (e) Waiver of requirements.  |               | (a) Certain conditions.  |
| 1222.  | Detention of aliens for physical and mental examination.   |               | (b) At conclusion of proceedings.  |
|        | (a) Detention of aliens.   |               | (c) Aliens not eligible.   |
|        | (b) Physical and mental examination.   |               | (d) Civil penalty for failure to depart.   |
|        | (c) Certification of certain helpless aliens.  |               | (e) Additional conditions.   |
| 1223.  | Entry through or from foreign territory and adjacent islands.  |               | (f) Judicial review.   |
|        | (a) Necessity of transportation contract.  | 1230.         | Records of admission.  |
|        | (b) Landing stations.  | 1231.         | Detention and removal of aliens ordered removed.   |
|        | (c) Landing agreements.  |               | (a) Detention, release, and removal of aliens ordered removed.                                     |
|        | (d) Definitions.   |               | (b) Countries to which aliens may be removed.  |
| 1224.  | Designation of ports of entry for aliens arriving by aircraft.   |               | (c) Removal of aliens arriving at port of entry.   |
| 1225.  | Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing. |               | (d) Requirements of persons providing transportation.  |
|        | (a) Inspection.  |               | (e) Payment of expenses of removal.  |
|        | (b) Inspection of applicants for admission.  |               | (f) Aliens requiring personal care during removal.   |
|        | (c) Removal of aliens inadmissible on security and related grounds.  |               | (g) Places of detention.   |
|        | (d) Authority relating to inspections.   |               | (h) Statutory construction.  |
| 1225a. | Preinspection at foreign airports.   |               | (i) Incarceration.   |
|        | (a) Establishment of preinspection stations.   |               | PART V—ADJUSTMENT AND CHANGE OF STATUS   |
|        | (b) Establishment of carrier consultant program.   | 1251.         | Transferred.   |
| 1226.  | Apprehension and detention of aliens.  | 1251a.        | Repealed.  |
|        | (a) Arrest, detention, and release.  | 1252.         | Judicial review of orders of removal.  |
|        | (b) Revocation of bond or parole.  |               | (a) Applicable provisions.   |
|        |  |               | (b) Requirements for review of orders of removal.  |
|        |  |               | (c) Requirements for petition.   |
|        |  |               | (d) Review of final orders.  |
|        |  |               | (e) Judicial review of orders under section 1225(b)(1).  |
|        |  |               | (f) Limit on injunctive relief.  |
|        |  |               | (g) Exclusive jurisdiction.  |
|        |  | 1252a, 1252b. | Transferred or Repealed.   |
|        |  | 1252c.        | Authorizing State and local law enforcement officials to arrest and detain certain illegal aliens. |

|  |  |  |
|--|--|--|
| <p>Sec.</p> <p>1253.</p> <p>1254.</p> <p>1254a.</p> <p>1255.</p> <p>1255a.</p> <p>1255b.</p> | <p>(a) In general.</p> <p>(b) Cooperation.</p> <p>Penalties related to removal.</p> <p>(a) Penalty for failure to depart.</p> <p>(b) Willful failure to comply with terms of release under supervision.</p> <p>(c) Penalties relating to vessels and aircraft.</p> <p>(d) Discontinuing granting visas to nationals of country denying or delaying accepting alien.</p> <p>Repealed.</p> <p>Temporary protected status.</p> <p>(a) Granting of status.</p> <p>(b) Designations.</p> <p>(c) Aliens eligible for temporary protected status.</p> <p>(d) Documentation.</p> <p>(e) Relation of period of temporary protected status to cancellation of removal.</p> <p>(f) Benefits and status during period of temporary protected status.</p> <p>(g) Exclusive remedy.</p> <p>(h) Limitation on consideration in Senate of legislation adjusting status.</p> <p>(i) Annual report and review.</p> <p>Adjustment of status of nonimmigrant to that of person admitted for permanent residence.</p> <p>(a) Status as person admitted for permanent residence on application and eligibility for immigrant visa.</p> <p>(b) Record of lawful admission for permanent residence; reduction of preference visas.</p> <p>(c) Alien crewmen, aliens continuing or accepting unauthorized employment, and aliens admitted in transit without visa.</p> <p>(d) Alien admitted for permanent residence on conditional basis; fiancée or fiancé of citizen.</p> <p>(e) Restriction on adjustment of status based on marriages entered while in admissibility or deportation proceedings; bona fide marriage exception.</p> <p>(f) Limitation on adjustment of status.</p> <p>(g) Special immigrants.</p> <p>(h) Application with respect to special immigrants.</p> <p>(i) Adjustment in status of certain aliens physically present in United States.</p> <p>(j) Adjustment to permanent resident status.</p> <p>Adjustment of status of certain entrants before January 1, 1982, to that of person admitted for lawful residence.</p> <p>(a) Temporary resident status.</p> <p>(b) Subsequent adjustment to permanent residence and nature of temporary resident status.</p> <p>(c) Applications for adjustment of status.</p> <p>(d) Waiver of numerical limitations and certain grounds for exclusion.</p> <p>(e) Temporary stay of deportation and work authorization for certain applicants.</p> <p>(f) Administrative and judicial review.</p> <p>(g) Implementation of section.</p> <p>(h) Temporary disqualification of newly legalized aliens from receiving certain public welfare assistance.</p> <p>(i) Dissemination of information on legalization program.</p> <p>Adjustment of status of certain nonimmigrants to that of persons admitted for permanent residence.</p> | <p>Sec.</p> <p>(a) Application.</p> <p>(b) Record of admission.</p> <p>(c) Report to the Congress; resolution not favoring adjustment of status; reduction of quota.</p> <p>(d) Limitations.</p> <p>1256. Rescission of adjustment of status; effect upon naturalized citizen.</p> <p>1257. Adjustment of status of certain resident aliens to nonimmigrant status; exceptions.</p> <p>1258. Change of nonimmigrant classification.</p> <p>1259. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to January 1, 1972.</p> <p>1260. Removal of aliens falling into distress.</p> <p style="text-align: center;">PART VI—SPECIAL PROVISIONS RELATING TO ALIEN CREWMEN</p> <p>1281. Alien crewmen.</p> <p>(a) Arrival; submission of list; exceptions.</p> <p>(b) Reports of illegal landings.</p> <p>(c) Departure; submission of list; exceptions.</p> <p>(d) Violations.</p> <p>(e) Regulations.</p> <p>1282. Conditional permits to land temporarily.</p> <p>(a) Period of time.</p> <p>(b) Revocation; expenses of detention.</p> <p>(c) Penalties.</p> <p>1283. Hospital treatment of alien crewmen afflicted with certain diseases.</p> <p>1284. Control of alien crewmen.</p> <p>(a) Penalties for failure.</p> <p>(b) Prima facie evidence against transportation line.</p> <p>(c) Removal on other than arriving vessel or aircraft; expenses.</p> <p>1285. Employment on passenger vessels of aliens afflicted with certain disabilities.</p> <p>1286. Discharge of alien crewmen; penalties.</p> <p>1287. Alien crewmen brought into the United States with intent to evade immigration laws; penalties.</p> <p>1288. Limitations on performance of longshore work by alien crewmen.</p> <p>(a) In general.</p> <p>(b) "Longshore work" defined.</p> <p>(c) Prevailing practice exception.</p> <p>(d) State of Alaska exception.</p> <p>(e) Reciprocity exception.</p> <p style="text-align: center;">PART VII—REGISTRATION OF ALIENS</p> <p>1301. Alien seeking entry; contents.</p> <p>1302. Registration of aliens.</p> <p>1303. Registration of special groups.</p> <p>1304. Forms for registration and fingerprinting.</p> <p>(a) Preparation; contents.</p> <p>(b) Confidential nature.</p> <p>(c) Information under oath.</p> <p>(d) Certificate of alien registration or alien receipt card.</p> <p>(e) Personal possession of registration or receipt card; penalties.</p> <p>(f) Alien's social security account number.</p> <p>1305. Notices of change of address.</p> <p>(a) Notification of change.</p> <p>(b) Current address of natives of any one or more foreign states.</p> <p>(c) Notice to parent or legal guardian.</p> <p>1306. Penalties.</p> <p>(a) Willful failure to register.</p> <p>(b) Failure to notify change of address.</p> <p>(c) Fraudulent statements.</p> <p>(d) Counterfeiting.</p> <p style="text-align: center;">PART VIII—GENERAL PENALTY PROVISIONS</p> <p>1321. Prevention of unauthorized landing of aliens.</p> |
|--|--|--|

| Sec.   |  | Sec.   |  |
|--------|--|--------|--|
|        | (a) Failure to report; penalties.  |        | (a) In general.  |
|        | (b) Prima facie evidence.  |        | (b) Criminal penalties for reentry of certain removed aliens.  |
|        | (c) Liability of owners and operators of international bridges and toll roads.   |        | (c) Reentry of alien deported prior to completion of term of imprisonment.   |
| 1322.  | Bringing in aliens subject to denial of admission on a health-related ground; persons liable; clearance papers; exceptions; "person" defined.    |        | (d) Limitation on collateral attack on underlying deportation order.   |
| 1323.  | Unlawful bringing of aliens into United States.  | 1327.  | Aiding or assisting certain aliens to enter.   |
|        | (a) Persons liable.  | 1328.  | Importation of alien for immoral purpose.  |
|        | (b) Evidence.  | 1329.  | Jurisdiction of district courts.   |
|        | (c) Remission or refund.   | 1330.  | Collection of penalties and expenses.  |
|        | (d) Repealed.  |        |  |
|        | (e) Reduction, refund, or waiver.  |        | PART IX—MISCELLANEOUS  |
| 1324.  | Bringing in and harboring certain aliens.  | 1351.  | Nonimmigrant visa fees.  |
|        | (a) Criminal penalties.  | 1352.  | Printing of reentry permits and blank forms of manifest and crew lists; sale to public.                                  |
|        | (b) Seizure and forfeiture of conveyances; exceptions; officers and authorized persons; disposition of forfeited conveyances; suits and actions. | 1353.  | Travel expenses and expense of transporting remains of officers and employees dying outside of United States.            |
|        | (c) Authority to arrest.   | 1353a. | Officers and employees; overtime services; extra compensation; length of working day.                                    |
|        | (d) Admissibility of videotaped witness testimony.   | 1353b. | Extra compensation; payment.   |
| 1324a. | Unlawful employment of aliens.   | 1353c. | Immigration officials; service in foreign contiguous territory.  |
|        | (a) Making employment of unauthorized aliens unlawful.   | 1353d. | Disposition of money received as extra compensation.   |
|        | (b) Employment verification system.  | 1354.  | Applicability to members of the Armed Forces.  |
|        | (c) No authorization of national identification cards.   | 1355.  | Disposal of privileges at immigrant stations; rentals; retail sale; disposition of receipts.                             |
|        | (d) Evaluation and changes in employment verification system.  | 1356.  | Disposition of moneys collected under the provisions of this subchapter.   |
|        | (e) Compliance.  |        | (a) Detention, transportation, hospitalization, and all other expenses of detained aliens; expenses of landing stations. |
|        | (f) Criminal penalties and injunctions for pattern or practice violations.   |        | (b) Purchase of evidence.  |
|        | (g) Prohibition of indemnity bonds.  |        | (c) Fees and administrative fines and penalties; exception.  |
|        | (h) Miscellaneous provisions.  |        | (d) Schedule of fees.  |
| 1324b. | Unfair immigration-related employment practices.   |        | (e) Limitations on fees.   |
|        | (a) Prohibition of discrimination based on national origin or citizenship status.  |        | (f) Collection.  |
|        | (b) Charges of violations.   |        | (g) Provision of immigration inspection and preinspection services.  |
|        | (c) Special Counsel.   |        | (h) Disposition of receipts.   |
|        | (d) Investigation of charges.  |        | (i) Reimbursement.   |
|        | (e) Hearings.  |        | (j) Regulations.   |
|        | (f) Testimony and authority of hearing officers.   |        | (k) Advisory committee.  |
|        | (g) Determinations.  |        | (l) Report to Congress.  |
|        | (h) Awarding of attorney's fees.   |        | (m) Immigration Examinations Fee Account.  |
|        | (i) Review of final orders.  |        | (n) Reimbursement of administrative expenses; transfer of deposits to General Fund of United States Treasury.            |
|        | (j) Court enforcement of administrative orders.  |        | (o) Annual financial reports to Congress.  |
|        | (k) Termination dates.   |        | (p) Additional effective dates.  |
|        | (l) Dissemination of information concerning anti-discrimination provisions.  |        | (q) Land Border Inspection Fee Account.  |
| 1324c. | Penalties for document fraud.  |        | (r) Breached Bond/Detention Fund.  |
|        | (a) Activities prohibited.   |        | (s) Immigration Detention Account.   |
|        | (b) Exception.   | 1357.  | Powers of immigration officers and employees.  |
|        | (c) Construction.  |        | (a) Powers without warrant.  |
|        | (d) Enforcement.   |        | (b) Administration of oath; taking of evidence.  |
|        | (e) Criminal penalties for failure to disclose role as document preparer.  |        | (c) Search without warrant.  |
|        | (f) Falsely make.  |        | (d) Detainer of aliens for violation of controlled substances laws.  |
| 1324d. | Civil penalties for failure to depart.   |        | (e) Restriction on warrantless entry in case of outdoor agricultural operations.   |
|        | (a) In general.  |        | (f) Fingerprinting and photographing of certain aliens.  |
|        | (b) Construction.  |        | (g) Performance of immigration officer functions by State officers and employees.  |
| 1325.  | Improper entry by alien.   | 1358.  | Local jurisdiction over immigrant stations.  |
|        | (a) Improper time or place; avoidance of examination or inspection; misrepresentation and concealment of facts.                                  | 1359.  | Application to American Indians born in Canada.  |
|        | (b) Improper time or place; civil penalties.   |        |  |
|        | (c) Marriage fraud.  |        |  |
|        | (d) Immigration-related entrepreneurship fraud.  |        |  |
| 1326.  | Reentry of removed aliens.   |        |  |

- Sec. 1360. Establishment of central file; information from other departments and agencies.
  - (a) Establishment of central file.
  - (b) Information from other departments and agencies.
  - (c) Reports on social security account numbers and earnings of aliens not authorized to work.
  - (d) Certification of search of Service records.
- 1361. Burden of proof upon alien.
- 1362. Right to counsel.
- 1363. Deposit of and interest on cash received to secure immigration bonds.
- 1363a. Undercover investigation authority.
  - (a) In general.
  - (b) Disposition of proceeds no longer required.
  - (c) Disposition of certain corporations and business entities.
  - (d) Financial audits.
- 1363b. Transportation of remains of immigration officers and border patrol agents killed in the line of duty.
  - (a) In general.
  - (b) Prepayment.
- 1364. Triennial comprehensive report on immigration.
  - (a) Triennial report.
  - (b) Details in each report.
  - (c) History and projections.
  - (d) Recommendations.
- 1365. Reimbursement of States for costs of incarcerating illegal aliens and certain Cuban nationals.
  - (a) Reimbursement of States.
  - (b) Illegal aliens convicted of a felony.
  - (c) Marielito Cubans convicted of a felony.
  - (d) Authorization of appropriations.
  - (e) "State" defined.
- 1366. Annual report on criminal aliens.
- 1367. Penalties for disclosure of information.
  - (a) In general.
  - (b) Exceptions.
  - (c) Penalties for violations.
- 1368. Increase in INS detention facilities; report on detention space.
  - (a) Increase in detention facilities.
  - (b) Report on detention space.
- 1369. Treatment of expenses subject to emergency medical services exception.
  - (a) In general.
  - (b) Confirmation of immigration status required.
  - (c) Administration.
  - (d) "Emergency medical condition" defined.
  - (e) Effective date.
- 1370. Reimbursement of States and localities for emergency ambulance services.
- 1371. Reports.
- 1372. Program to collect information relating to nonimmigrant foreign students and other exchange program participants.
  - (a) In general.
  - (b) Covered countries.
  - (c) Information to be collected.
  - (d) Participation by institutions of higher education and exchange visitor programs.
  - (e) Funding.
  - (f) Joint report.
  - (g) Worldwide applicability of program.
  - (h) Definitions.
- 1373. Communication between government agencies and the Immigration and Naturalization Service.
  - (a) In general.

- Sec. (b) Additional authority of government entities.
- (c) Obligation to respond to inquiries.
- 1374. Information regarding female genital mutilation.
  - (a) Provision of information regarding female genital mutilation.
  - (b) Limitation.
  - (c) "Female genital mutilation" defined.
- 1375. Mail-order bride business.
  - (a) Findings.
  - (b) Information dissemination.
  - (c) Study.
  - (d) Report.
  - (e) Definitions.

SUBCHAPTER III—NATIONALITY AND NATURALIZATION

PART I—NATIONALITY AT BIRTH AND COLLECTIVE NATURALIZATION

- 1401. Nationals and citizens of United States at birth.
- 1401a. Birth abroad before 1952 to service parent.
- 1401b. Repealed.
- 1402. Persons born in Puerto Rico on or after April 11, 1899.
- 1403. Persons born in the Canal Zone or Republic of Panama on or after February 26, 1904.
- 1404. Persons born in Alaska on or after March 30, 1867.
- 1405. Persons born in Hawaii.
- 1406. Persons living in and born in the Virgin Islands.
- 1407. Persons living in and born in Guam.
- 1408. Nationals but not citizens of the United States at birth.
- 1409. Children born out of wedlock.

PART II—NATIONALITY THROUGH NATURALIZATION

- 1421. Naturalization authority.
  - (a) Authority in Attorney General.
  - (b) Court authority to administer oaths.
  - (c) Judicial review.
  - (d) Sole procedure.
- 1422. Eligibility for naturalization.
- 1423. Requirements as to understanding the English language, history, principles and form of government of the United States.
- 1424. Prohibition upon the naturalization of persons opposed to government or law, or who favor totalitarian forms of government.
- 1425. Ineligibility to naturalization of deserters from the Armed Forces.
- 1426. Citizenship denied alien relieved of service in Armed Forces because of alienage.
  - (a) Permanent ineligibility.
  - (b) Conclusiveness of records.
  - (c) Service in armed forces of foreign country.
- 1427. Requirements of naturalization.
  - (a) Residence.
  - (b) Absences.
  - (c) Physical presence.
  - (d) Moral character.
  - (e) Determination.
  - (f) Persons making extraordinary contributions to national security.
- 1428. Temporary absence of persons performing religious duties.
- 1429. Prerequisite to naturalization; burden of proof.
- 1430. Married persons and employees of certain nonprofit organizations.
- 1431. Children born outside United States of one alien and one citizen parent; conditions for automatic citizenship.
- 1432. Children born outside United States of alien parents; conditions for automatic citizenship.

| Sec.            |  | Sec.  |   |
|-----------------|--|-------|---|
| 1433.           | Children born outside United States; application for certificate of citizenship requirements.<br>(a) Application of citizen parents; requirements.<br>(b) Attainment of citizenship status; receipt of certificate.<br>(c) Adopted children.   |       | (e) Issuance of certificate of naturalization or citizenship.<br>(f) Copies of records.<br>(g) Furnished quarters for photographic studios.<br>(h) Public education regarding naturalization benefits.  |
| 1434.           | Repealed.  | 1444. | Photographs; number.  |
| 1435.           | Former citizens regaining citizenship.<br>(a) Requirements.<br>(b) Additional requirements.<br>(c) Oath of allegiance.<br>(d) Persons losing citizenship for failure to meet physical presence retention requirement.  | 1445. | Application for naturalization; declaration of intention.<br>(a) Evidence and form.<br>(b) Who may file.<br>(c) Hearings.<br>(d) Filing of application.<br>(e) Substitute filing place and administering oath other than before Attorney General.<br>(f) Declaration of intention.  |
| 1436.           | Nationals but not citizens; residence within outlying possessions.   | 1446. | Investigation of applicants; examination of applications.<br>(a) Waiver.<br>(b) Conduct of examinations; authority of designees; record.<br>(c) Transmittal of record of examination.<br>(d) Determination to grant or deny application.<br>(e) Withdrawal of application.<br>(f) Transfer of application.  |
| 1437.           | Resident Philippine citizens excepted from certain requirements.   | 1447. | Hearings on denials of applications for naturalization.<br>(a) Request for hearing before immigration officer.<br>(b) Request for hearing before district court.<br>(c) Appearance of Attorney General.<br>(d) Subpena of witnesses.<br>(e) Change of name.   |
| 1438.           | Former citizens losing citizenship by entering armed forces of foreign countries during World War II.<br>(a) Requirements; oath; certified copies of oath.<br>(b) Exceptions.<br>(c) Status.<br>(d) Span of World War II.<br>(e) Inapplicability to certain persons.   | 1448. | Oath of renunciation and allegiance.<br>(a) Public ceremony.<br>(b) Hereditary titles or orders of nobility.<br>(c) Expedited judicial oath administration ceremony.<br>(d) Rules and regulations.  |
| 1439.           | Naturalization through service in the armed forces.<br>(a) Requirements.<br>(b) Exceptions.<br>(c) Periods when not in service.<br>(d) Residence requirements.<br>(e) Moral character.   | 1449. | Certificate of naturalization; contents.  |
| 1440.           | Naturalization through active-duty service in the Armed Forces during World War I, World War II, Korean hostilities, Vietnam hostilities, or other periods of military hostilities.<br>(a) Requirements.<br>(b) Exceptions.<br>(c) Revocation.   | 1450. | Functions and duties of clerks and records of declarations of intention and applications for naturalization.  |
| 1440-1.         | Posthumous citizenship through death while on active-duty service in armed forces during World War I, World War II, the Korean hostilities, the Vietnam hostilities, or in other periods of military hostilities.<br>(a) Permitting granting of posthumous citizenship.<br>(b) Noncitizens eligible for posthumous citizenship.<br>(c) Requests for posthumous citizenship.<br>(d) Documentation of posthumous citizenship.<br>(e) No benefits to survivors. | 1451. | Revocation of naturalization.<br>(a) Concealment of material evidence; refusal to testify.<br>(b) Notice to party.<br>(c) Membership in certain organizations; prima facie evidence.<br>(d) Applicability to citizenship through naturalization of parent or spouse.<br>(e) Citizenship unlawfully procured.<br>(f) Cancellation of certificate of naturalization.<br>(g) Applicability to certificates of naturalization and citizenship.<br>(h) Power to correct, reopen, alter, modify, or vacate order. |
| 1440a to 1440d. | Omitted.   | 1452. | Certificates of citizenship or U.S. non-citizen national status; procedure.<br>(a) Application to Attorney General for certificate of citizenship; proof; oath of allegiance.<br>(b) Application to Secretary of State for certificate of non-citizen national status; proof; oath of allegiance.   |
| 1440e.          | Exemption from naturalization fees for aliens naturalized through service during Vietnam hostilities or other subsequent period of military hostilities; report by clerks of courts to Attorney General.   | 1453. | Cancellation of certificates issued by Attorney General, the Commissioner or a Deputy Commissioner; action not to affect citizenship status.  |
| 1441.           | Constructive residence through service on certain United States vessels.   | 1454. | Documents and copies issued by Attorney General.  |
| 1442.           | Alien enemies.<br>(a) Naturalization under specified conditions.<br>(b) Procedure.<br>(c) Exceptions from classification.<br>(d) Effect of cessation of hostilities.<br>(e) Apprehension and removal.  | 1455. | Fiscal provisions.  |
| 1443.           | Administration.<br>(a) Rules and regulations governing examination of applicants.<br>(b) Instruction in citizenship.<br>(c) Prescription of forms.<br>(d) Administration of oaths and depositions.   | 1456. | Repealed.   |
|                 |  | 1457. | Publication and distribution of citizenship textbooks; use of naturalization fees.  |

- Sec.  
1458. Compilation of naturalization statistics and payment for equipment.  
1459. Repealed.
- PART III—LOSS OF NATIONALITY
1481. Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions.  
1482. Repealed.  
1483. Restrictions on loss of nationality.  
1484 to 1487. Repealed.  
1488. Nationality lost solely from performance of acts or fulfillment of conditions.  
1489. Application of treaties; exceptions.
- PART IV—MISCELLANEOUS
1501. Certificate of diplomatic or consular officer of United States as to loss of American nationality.  
1502. Certificate of nationality issued by Secretary of State for person not a naturalized citizen of United States for use in proceedings of a foreign state.  
1503. Denial of rights and privileges as national.  
    (a) Proceedings for declaration of United States nationality.  
    (b) Application for certificate of identity; appeal.  
    (c) Application for admission to United States under certificate of identity; revision of determination.  
1504. Cancellation of United States passports and Consular Reports of Birth.

SUBCHAPTER IV—REFUGEE ASSISTANCE

1521. Office of Refugee Resettlement; establishment; appointment of Director; functions.  
1522. Authorization for programs for domestic resettlement of and assistance to refugees.  
    (a) Conditions and considerations.  
    (b) Program of initial resettlement.  
    (c) Project grants and contracts for services for refugees.  
    (d) Assistance for refugee children.  
    (e) Cash assistance and medical assistance to refugees.  
    (f) Assistance to States and counties for incarceration of certain Cuban nationals; priority for removal and return to Cuba.  
1523. Congressional reports.  
1524. Authorization of appropriations.  
1525. Repealed.

SUBCHAPTER V—ALIEN TERRORIST REMOVAL PROCEDURES

1531. Definitions.  
1532. Establishment of removal court.  
    (a) Designation of judges.  
    (b) Terms.  
    (c) Chief judge.  
    (d) Expeditious and confidential nature of proceedings.  
    (e) Establishment of panel of special attorneys.  
1533. Removal court procedure.  
    (a) Application.  
    (b) Right to dismiss.  
    (c) Consideration of application.  
    (d) Exclusive provisions.  
1534. Removal hearing.  
    (a) In general.  
    (b) Notice.  
    (c) Rights in hearing.  
    (d) Subpoenas.  
    (e) Discovery.  
    (f) Arguments.  
    (g) Burden of proof.

- Sec.  
    (h) Rules of evidence.  
    (i) Determination of deportation.  
    (j) Written order.  
    (k) No right to ancillary relief.  
1535. Appeals.  
    (a) Appeal of denial of application for removal proceedings.  
    (b) Appeal of determination regarding summary of classified information.  
    (c) Appeal of decision in hearing.  
    (d) Certiorari.  
    (e) Appeal of detention order.  
1536. Custody and release pending removal hearing.  
    (a) Upon filing application.  
    (b) Conditional release if order denied and review sought.  
1537. Custody and release after removal hearing.  
    (a) Release.  
    (b) Custody and removal.  
    (c) Continued detention pending trial.  
    (d) Application of certain provisions relating to escape of prisoners.  
    (e) Rights of aliens in custody.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1184a, 1255b, 1367, 1611, 1612, 1621, 1622, 1641 of this title; title 7 sections 1308-3, 1996, 2020, 3508; title 10 sections 1060a, 3253, 8253, 12102, 12201; title 15 section 278g; title 18 section 1203; title 19 section 3401; title 22 sections 2454, 2778, 3303, 5711; title 25 section 1300b-13; title 42 section 6705; title 46 section 8103; title 50 sections 47c, 47f.

SUBCHAPTER I—GENERAL PROVISIONS

**§ 1101. Definitions**

- (a) As used in this chapter—  
    (1) The term “administrator” means the official designated by the Secretary of State pursuant to section 1104(b) of this title.  
    (2) The term “advocates” includes, but is not limited to, advises, recommends, furthers by overt act, and admits belief in.  
    (3) The term “alien” means any person not a citizen or national of the United States.  
    (4) The term “application for admission” has reference to the application for admission into the United States and not to the application for the issuance of an immigrant or nonimmigrant visa.  
    (5) The term “Attorney General” means the Attorney General of the United States.  
    (6) The term “border crossing identification card” means a document of identity bearing that designation issued to an alien who is lawfully admitted for permanent residence, or to an alien who is a resident in foreign contiguous territory, by a consular officer or an immigration officer for the purpose of crossing over the borders between the United States and foreign contiguous territory in accordance with such conditions for its issuance and use as may be prescribed by regulations. Such regulations shall provide that (A) each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and (B) an alien presenting a border crossing identification card is not permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.  
    (7) The term “clerk of court” means a clerk of a naturalization court.