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1469. Application of treaties; exceptions.

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1476. Certificate of naturalization.

1477. Certificate of naturalization.

1478. Certificate of naturalization.

1479. Certificate of naturalization.

1480. Certificate of naturalization.

1481. Certificate of naturalization.

1482. Repealed.

1483. Restrictions on loss of nationality.

1484 to 1487. Repealed.

1489. Application of treaties; exceptions.

1491. Certificate of naturalization.

1492. Certificate of naturalization.

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SUBCHAPTER I—GENERAL PROVISIONS

§ 1101. Definitions

(a) As used in this chapter—

(1) The term “administrator” means the official

(2) The term “advocates” includes, but is not

(3) The term “alien” means any person not a

(4) The term “application for admission” has

(5) The term “Attorney General” means the

(6) The term “border crossing identification card”

(7) The term “clerk of court” means a clerk of

(8) The terms “Commissioner” and “Deputy

§ 1101. Definitions

1500. Certificate of diplomatic or consular officer

1501. Certificate of diplomatic or consular officer

1502. Certificate of nationality issued by Secretary

1503. Denial of rights and privileges as national.

1504. Cancellation of United States passports and

1505. Certificate of naturalization issued by Secretary

1506. Certificate of naturalization issued by Secretary

1507. Certificate of naturalization issued by Secretary

1508. Certificate of naturalization issued by Secretary

1509. Certificate of naturalization issued by Secretary

1510. Certificate of naturalization issued by Secretary

1511. Certificate of naturalization issued by Secretary

1512. Certificate of naturalization issued by Secretary

1513. Certificate of naturalization issued by Secretary

1514. Certificate of naturalization issued by Secretary

1515. Certificate of naturalization issued by Secretary

1516. Certificate of naturalization issued by Secretary

1517. Certificate of naturalization issued by Secretary

1518. Certificate of naturalization issued by Secretary

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1520. Certificate of naturalization issued by Secretary

1521. Office of Refugee Resettlement; establish-

1522. Authorization for programs for domestic re-

1523. Congressional reports.

1524. Authorization of appropriations.

1525. Repealed.

1526. Repealed.

1527. Repealed.

1528. Repealed.

1529. Repealed.

1530. Repealed.
immigrant visa bearing that title and issued to
a nonimmigrant in accordance with such regula-
tions in any capacity on board a vessel or aircraft.

(11) The term “diplomatic visa” means a non-
immigrant visa bearing that title and issued to
a nonimmigrant in accordance with such regula-
tions as the Secretary of State may prescribe.

(12) The term “doctrine” includes, but is not
limited to, policies, practices, purposes, aims, or
procedures.

(13) (A) The terms “admission” and “admitted”
mean, with respect to an alien, the lawful entry
of the alien into the United States after inspec-
tion and authorization by an immigration offi-
cer.

(B) An alien who is paroled under section
1182(d)(3) of this title or permitted to land tem-
porarily as an alien crewman shall not be con-
sidered to have been admitted.

(C) An alien lawfully admitted for permanent
residence in the United States shall not be re-
garded as seeking an admission into the United
States for purposes of the immigration laws un-
less the alien—

(i) has abandoned or relin- quished that
status,

(ii) has been absent from the United States
for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after hav-
ing departed the United States,

(iv) has departed from the United States
while under legal process seeking removal of
the alien from the United States, including re-
moval proceedings under this chapter and ex-
tradition proceedings,

(v) has committed an offense identified in
section 1182(a)(2) of this title, unless since
such offense the alien has been granted relief
under section 1182(h) or 1229b(a) of this title,
or

(vi) is attempting to enter at a time or place
other than as designated by immigration offi-
cers or has not been admitted to the United
States after inspection and authorization by
an immigration officer.

(14) The term “foreign state” includes out-
lying possessions of a foreign state, but self-gov-
erning dominions or territories under mandate
or trusteeship shall be regarded as separate for-
ign states.

(15) The term “immigrant” means every alien
except an alien who is within one of the follow-
ing classes of nonimmigrant aliens—

(A)(i) an ambassador, public minister, or ca-
reer diplomatic or consular officer who has
been accredited by a foreign government, rec-
ognized de jure by the United States and who
is appointed by the President or by the Sec-
cretary of State, and the members of the alien’s
immediate family;

(ii) upon a basis of reciprocity, other offi-
cials and employees who have been accredited
by a foreign government recognized de jure by
the United States, who are accepted by the
Secretary of State, and the members of their
immediate families; and

(iii) upon a basis of reciprocity, attendants,
servants, personal employees, and members of
their immediate families, of the officials and
employees who have a nonimmigrant status
under (i) and (ii) above;

(B) an alien (other than one coming for the
purpose of study or of performing skilled or
unskilled labor or as a representative of for-

gain press, radio, film, or other foreign infor-
mation media coming to engage in such voca-
tion) having a residence in a foreign country
which he has no intention of abandoning and
who is visiting the United States temporarily
for business or temporarily for pleasure;

(C) an alien in immediate and continuous
transit through the United States, or an alien
who qualifies as a person entitled to pass in
transit to and from a United Nations Head-
quarters District and foreign countries, under
the provisions of paragraphs (3), (4), and (5) of
section 11 of the Headquarters Agreement with
the United Nations (61 Stat. 758);

(D)(i) an alien crewman serving in good faith
as such in a capacity required for normal oper-
ation and service on board a vessel, as defined
in section 1288(a) of this title (other than a
fishing vessel having its home port or an oper-
ating base in the United States), or aircraft,
who intends to land temporarily and solely in
pursuit of his calling as a crewman and to de-
part from the United States with the vessel or
aircraft on which he arrived or some other
vessel or aircraft;

(ii) an alien crewman serving in good faith
as such in any capacity required for normal oper-
ations and service aboard a fishing vessel
having its home port or an operating base in
the United States who intends to land tem-
porarily in Guam or the Commonwealth of the
Northern Mariana Islands and solely in pur-
suit of his calling as a crewman and to de-
part from the United States with the vessel or
aircraft on which he arrived;

(E) an alien entitled to enter the United
States under and in pursuance of the provi-
sions of a treaty of commerce and navigation
between the United States and the foreign
state of which he is a national, and the spouse
and children of any such alien if accompan-
ying or following to join him; (i) solely to carry
on substantial trade, including trade in serv-
ces or trade in technology, principally be-
 tween the United States and the foreign state
of which he is a national; (ii) solely to develop
and direct the operations of an enterprise in
which he has invested, or of an enterprise in
which he is actively in the process of invest-
ing, a substantial amount of capital; or (iii)
solely to perform services in a specialty occu-
pation in the United States if the alien is a na-
tional of the Commonwealth of Australia and
with respect to whom the Secretary of Labor
determines and certifies to the Secretary of
Homeland Security and the Secretary of State
that the intending employer has filed with the
Secretary of Labor an attestation under sec-
tion 1182(t)(1) of this title;
(F)(i) an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 1184(i) of this title at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in an accredited language training program in the United States, particularly designated by him and approved by the Attorney General after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, (ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico; (G)(i) a designated principal resident representative of a foreign government recognized de jure by the United States, which foreign government is a member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669) [22 U.S.C. 238 et seq.], accredited resident members of the staff of such representatives, and members of his or her immediate family; (ii) other accredited representatives of such a foreign government to such international organizations, and the members of their immediate families; (iii) an alien able to qualify under (i) or (ii) above except for the fact that the government of which such alien is an accredited representative is not recognized de jure by the United States, or that the government of which he is an accredited representative is not a member of such international organization; and the members of his immediate family; (iv) officers, or employees of such international organizations, and the members of their immediate families; (v) attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees; (H) an alien (i) [(a) Repealed. Pub. L. 106-95, §2(c), Nov. 12, 1999, 113 Stat. 1316] (b) subject to section 1182(g)(1)(A) of this title, who is engaged in a specialty occupation described in section 1184(i)(3) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application under section 1182(n)(1) of this title, or (b1) who is entitled to enter the United States under and in pursuance of the provisions of an agreement listed in section 1184(g)(8)(A) of this title, who is engaged in a specialty occupation described in section 1184(i)(3) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 1182(l)(1) of this title, or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 1182(m)(1) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 1182(m)(2) of this title for the facility (as defined in section 1182(m)(6) of this title) for which the alien will perform the services; or (ii)(a) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121(g) of title 26, agriculture as defined in section 203(f) of title 29, and the pressing of apples for cider on a farm, of a temporary or seasonal nature, or (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession; or (iii) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States as a trainee, other than to receive graduate medical education or training, in a training program that is not designed primarily to provide productive employment; and the alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join him; (I) upon a basis of reciprocity, an alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation, and the spouse and children of such a representative, if accompanying or following to join him; (J) an alien having a residence in a foreign country which he has no intention of abandon-
ing who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if he is coming to the United States to participate in a program under which he will receive graduate medical education or training, also meets the requirements of section 1182(j) of this title, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(K) subject to subsections (d) and (p)\(^2\) of section 1184 of this title, an alien who—

(i) is the fiancé or fiancée of a citizen of the United States (other than a citizen described in section 1154(a)(1)(A)(viii)(I)) of this title and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after admission;

(ii) has concluded a valid marriage with a citizen of the United States (other than a citizen described in section 1154(a)(1)(A)(viii)(I)) of this title who is the petitioner, is the beneficiary of a petition to accord a status under section 1151(b)(2)(A)(i) of this title that was filed under section 1154 of this title by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or

(iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;

(L) subject to section 1184(c)(2) of this title, an alien who, within 3 years preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(M)(i) an alien having a residence in a foreign country which he has no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution (other than in a language training program) in the United States particularly designated by him and approved by the Attorney General, after consultation with the Secretary of Education, which institution shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant nonacademic student and if any such institution fails to make reports promptly the approval shall be withdrawn, (ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;

(N)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(L) (or under analogous authority under paragraph (27)(L)), but only if and while the alien is a child, or

(ii) a child of such parent or of an alien accorded the status of a special immigrant under clause (ii), (iii), or (iv) of paragraph (27)(L) (or under analogous authority under paragraph (27)(L));

(O) an alien who—

(i) has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim or, with regard to motion picture and television productions a demonstrated record of extraordinary achievement, and whose achievements have been recognized in the field through extensive documentation, and seeks to enter the United States to continue work in the area of extraordinary ability; or

(ii)(I) seeks to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performance by an alien who is admitted under clause (i) for a specific event or events,

(II) is an integral part of such actual performance,

(III)(a) has critical skills and experience with such alien which are not of a general nature and which cannot be performed by other individuals, or (b) in the case of a motion picture or television production (including pre- and post-production work) will take place both inside and outside the United States and the continuing participation of the alien is essential to the successful completion of the production, and

(IV) has a foreign residence which the alien has no intention of abandoning; or

(iii) the alien spouse or child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;

(P) an alien having a foreign residence which the alien has no intention of abandoning who—

(i)(a) is described in section 1184(c)(4)(A) of this title (relating to athletes), or (b) is described in section 1184(c)(4)(B) of this title (relating to entertainment groups);
(II) seeks to enter the United States temporarily and solely for the purpose of performing as such an artist or entertainer or with such a group under a reciprocal exchange program which is between an organization or organizations in the United States and an organization or organizations in one or more foreign states and which provides for the temporary exchange of artists and entertainers, or groups of artists and entertainers;

(iii) (I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and (II) seeks to enter the United States temporarily and solely to perform, teach, or coach as such an artist or entertainer or with such a group under a commercial or noncommercial program that is culturally unique; or

(iv) is the spouse or child of an alien described in clause (i), (ii), or (iii) and is accompanying, or following to join the alien;

(Q) an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Secretary of Homeland Security for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien’s nationality and who will be employed under the same wages and working conditions as domestic workers;

(R) an alien, and the spouse and children of the alien if accompanying or following to join the alien, who—

(i) for the 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States; and

(ii) seeks to enter the United States for a period not to exceed 5 years to perform the work described in subclause (I), (II), or (III) of paragraph (27)(O)(ii);

(S) subject to section 1184(k) of this title, an alien described in clause (i) or (ii), if accompanying, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i) or (ii) if accompanying, or following to join, the alien;

(T) an alien described in clause (i) or (ii) if accompanying, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i) or (ii) if accompanying, or following to join, the alien;

(iii) is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation;

(ii) is willing to supply or has supplied such information to Federal law enforcement authorities or a Federal court;

(i) will be or has been placed in danger as a result of providing such information; and

(iv) is eligible to receive a reward under section 2708(a) of title 22,

and, if the Attorney General (or with respect to clause (ii), the Secretary of State and the Attorney General jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i) or (ii) if accompanying, or following to join, the alien;

(bb) in consultation with the Attorney General, determines—

(i) is or has been a victim of a severe form of trafficking in persons, as defined in section 7102 of title 22;

(ii) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age, and, if the Attorney General (or with respect to clause (ii), the Secretary of State and the Attorney General jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of such alien;

(bb) in consultation with the Attorney General, as appropriate, is unable to cooperate with a request described in item (aa) due to physical or psychological trauma; or

(bb) has not attained 18 years of age; and

(iv) the alien would suffer extreme hardship involving unusual and severe harm upon removal; and

(iii) is 3 years of age on the date on which such alien

(ii) if accompanying, or following to join, the alien described in clause (i)—

(i) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age, and, if the Attorney General (or with respect to clause (ii), the Secretary of State and the Attorney General jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of such alien;

(ii) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; or

(iii) any parent or unmarried sibling under 18 years of age of an alien described in subclause (I) or (II) who the Secretary of Homeland Security, in consultation with the law enforcement officer investigating a severe

3So in original. The words “the alien” probably should not appear.
form of trafficking, determines faces a present danger of retaliation as a result of the alien’s escape from the severe form of trafficking or cooperation with law enforcement.

(U) subject to section 1184(p) of this title, an alien who files a petition for status under this subparagraph, if the Secretary of Homeland Security determines that—

(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);

(ii) if accompanying, or following to join, the alien described in clause (i)—

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and

(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes; or

(V) subject to section 1184(q) of this title, an alien who is the beneficiary (including a child of the principal alien, if eligible to receive a visa under section 1153(a)(2)(A) of this title that was filed with the Attorney General under section 1154 of this title on or before December 21, 2000, if—

(i) such petition has been pending for 3 years or more; or

(ii) such petition has been approved, 3 years or more have elapsed since such filing date, and—

(I) an immigrant visa is not immediately available to the alien because of a waiting list of applicants for visas under section 1153(a)(2)(A) of this title; or

(II) the alien’s application for an immigrant visa, or the alien’s application for adjustment of status under section 1255 of this title, pursuant to the approval of such petition, remains pending.

(15) The term “immigrant visa” means an immigrant visa required by this chapter and properly issued by a consular officer at his office outside of the United States to an eligible immigrant under the provisions of this chapter.

(17) The term “immigration laws” includes this chapter and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, expulsion, or removal of aliens.

(18) The term “immigration officer” means any employee or class of employees of the Service or of the United States designated by the Attorney General, individually or by regulation, to perform the functions of an immigration officer specified by this chapter or any section of this title.

(19) The term “ineligible to citizenship,” when used in reference to any individual, means, notwithstanding the provisions of any treaty relating to military service, an individual who is, or was at any time permanently debarred from becoming a citizen of the United States under section 3(a) of the Selective Training and Service Act of 1940, as amended (54 Stat. 885; 55 Stat. 844), or under section 4(a) of the Selective Service Act of 1948, as amended (62 Stat. 605; 65 Stat. 76) [50 U.S.C. App. 454(a)], or under any other section of this chapter, or any other Act, or under any law amendatory of, supplementary to, or in substitution for, any of such sections or Acts.

(20) The term “lawfully admitted for permanent residence” means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

(21) The term “national” means a person owing permanent allegiance to a state.

(22) The term “national of the United States” means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(23) The term “naturalization” means the conferring of nationality of a state upon a person after birth, by any means whatsoever.


(25) The term “noncombatant service” shall not include service in which the individual is not subject to military discipline, court martial, or does not wear the uniform of any branch of the armed forces.

(26) The term “nonimmigrant visa” means a visa properly issued to an alien as an eligible nonimmigrant by a competent officer as provided in this chapter.

(27) The term “special immigrant” means—
(A) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

(B) an immigrant who was a citizen of the United States and may, under section 1436(a) or 1439 of this title, apply for reacquisition of citizenship;

(C) an immigrant, and the immigrant's spouse and children if accompanying or following to join the immigrant, who—

(i) for at least 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States;

(ii) seeks to enter the United States—

(1) solely for the purpose of carrying on the vocation of a minister of that religious denomination,

(II) before September 30, 2012, in order to work for the organization at the request of the organization in a professional capacity in a religious vocation or occupation, or

(III) before September 30, 2012, in order to work for the organization (or for a bona fide organization which is affiliated with the religious denomination and is exempt from taxation as an organization described in section 501(c)(3) of title 26) at the request of the organization in a religious vocation or occupation; and

(iii) has been carrying on such vocation, professional work, or other work continuously for at least the 2-year period described in clause (i);

(D) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, or of the American Institute in Taiwan, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: Provided, That the principal officer of a Foreign Service establishment (or, in the case of the American Institute in Taiwan, the Director thereof), in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status;

(E) an immigrant, and his accompanying spouse and children, who is or has been an employee of the Panama Canal Company or Canal Zone Government before the date on which the Panama Canal Treaty of 1977 (as described in section 3602(a)(1) of title 22) enters into force (October 1, 1979), who was resident in the Canal Zone on the effective date of the exchange of instruments of ratification of such Treaty [April 1, 1979], and who has performed faithful service as such an employee for one year or more;

(F) an immigrant, and his accompanying spouse and children, who is a Panamanian national and (i) who, before the date on which such Panama Canal Treaty of 1977 enters into force [October 1, 1979], has been honorably retired from United States Government employment in the Canal Zone with a total of 15 years or more of faithful service, or (ii) who, on the date on which such Treaty enters into force, has been employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service and who subsequently is honorably retired from such employment or continues to be employed by the United States Government in an area of the former Canal Zone;

(G) an immigrant, and his accompanying spouse and children, who was an employee of the Panama Canal Company or Canal Zone Government on the effective date of the exchange of instruments of ratification of such Panama Canal Treaty of 1977 [April 1, 1979], who has performed faithful service for five years or more as such an employee, and whose personal safety, or the personal safety of whose spouse or children, as a direct result of such Treaty, is reasonably placed in danger because of the special nature of any of that employment;

(H) an immigrant, and his accompanying spouse and children, who—

(i) has graduated from a medical school or has qualified to practice medicine in a foreign state,

(ii) was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date,

(iii) entered the United States as a nonimmigrant under subsection (a)(15)(H) or (a)(15)(J) of this section before January 10, 1978, and

(iv) has been continuously present in the United States in the practice or study of medicine since the date of such entry;

(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or adjustment of status to a status under this subparagraph no later than six months after October 24, 1988, whichever is later;

(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or adjustment of status to a status under this subparagraph no later than six months after the date of such
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United States)—

an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee’s retirement from any such international organization, and (II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after October 25, 1994, whichever is later; or

(iii) an immigrant who is a retired officer or employee as a member of his immediate family;

(J) an immigrant who is present in the United States—

(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;

(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien’s best interest to be returned to the alien’s or parent’s previous country of nationality or country of last habitual residence; and

(iii) in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status, except that—

(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction; and

(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter;

(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on October 1, 1991) for a period or periods aggregating—

(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years,

and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant;

(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—

(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference to the North Atlantic Treaty Organization (NATO);

(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO–6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the “Protocol on the Status of International Military Headquarters” set up pursuant to the North Atlantic Treaty, or as a dependent); and

(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the American Competitiveness and Workforce Improvement Act of 1998;

(M) subject to the numerical limitations of section 1153(b)(4) of this title, an immigrant who seeks to enter the United States to work as a broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors, or for a grantee of the Broadcasting Board of Governors, and the immigrant’s accompanying spouse and children.

(28) The term “organization” means, but is not limited to, an organization, corporation, company, partnership, association, trust, foundation or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together with joint action on any subject or subjects.

(29) The term “outlying possessions of the United States” means American Samoa and Swains Island.

(30) The term “passport” means any travel document issued by competent authority showing the bearer’s origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country.

(31) The term “permanent” means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.

*So in original. Probably should be followed by “,” or “.”*
(32) The term "profession" shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.

(33) The term "residence" means the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent.

(34) The term "Service" means the Immigration and Naturalization Service of the Department of Justice.

(35) The term "spouse", "wife", or "husband" do not include a spouse, wife, or husband by reason of marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.

(36) The term "State" includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

(37) The term "totalitarian party" means an organization which advocates the establishment in the United States of a totalitarian dictatorship or totalitarianism. The terms "totalitarian dictatorship" and "totalitarianism" mean and refer to systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party.

(38) The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

(39) The term "unmarried", when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.

(40) The term "world communism" means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist political movement.

(41) The term "graduates of a medical school" means aliens who have graduated from a medical school or who have qualified to practice medicine in a foreign state, other than such aliens who are of national or international renown in the field of medicine.

(42) The term "refugee" means (A) any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 1157(e) of this title) may specify, any person who is within the country of such person’s nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this chapter, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.

(43) The term "aggravated felony" means—
(A) murder, rape, or sexual abuse of a minor;
(B) illicit trafficking in a controlled substance (as defined in section 802 of title 21), including a drug trafficking crime (as defined in section 924(c) of title 18);
(C) illicit trafficking in firearms or destructive devices (as defined in section 922 of title 18) or in explosive materials (as defined in section 841(c) of that title);
(D) an offense described in section 1956 of title 18 (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded $10,000;
(E) an offense described in—
(i) section 842(h) or (i) of title 18, or section 844(d), (e), (f), (g), (h), or (l) of that title (relating to explosive materials offenses);
(ii) section 922(g)(1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924(b) or (h) of title 18 (relating to firearms offenses); or
(iii) section 5861 of title 26 (relating to firearms offenses);
(F) a crime of violence (as defined in section 16 of title 18, but not including a purely political offense) for which the term of imprisonment at least one year;
(G) a theft offense (including receipt of stolen property) or burglary offense for which the term of imprisonment at least one year;
(H) an offense described in section 875, 876, 877, or 1202 of title 18 (relating to the demand for or receipt of ransom);
(I) an offense described in section 2251, 2251A, or 2252 of title 18 (relating to child pornography);

*So in original. Probably should be preceded by "is".*
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(a) an offense described in section 1962 of title 18 (relating to racketeering, enhancement of the sentencings of convicted offenders, or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses), for which a sentence of one year imprisonment or more may be imposed; or

(b) an offense that—

(i) involves fraud or deceit in which the employee primarily—

(A) directs the management of the organization, or a department, subdivision, function, or component of the organization; or

(B) supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function of the organization, or a department or subdivision of the organization; or

(ii) exercises discretion over the day-to-day operations of the activity or function for which the employee has authority.

(c) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years. Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conviction was entered before, on, or after September 30, 1996.

(4)(A) The term “managerial capacity” means an assignment within an organization in which the employee primarily—

(i) manages the organization, or a department, subdivision, function, or component of the organization; or

(ii) supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function of the organization, or a department or subdivision of the organization; or

(iii) if another employee or other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization) or, if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and

(iv) exercises discretion over the day-to-day operations of the activity or function for which the employee has authority.

A first-line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor’s supervisory duties unless the employees supervised are professional.

(B) The term “executive capacity” means an assignment within an organization in which the employee primarily—

(i) directs the management of the organization or a major component or function of the organization; or

(ii) establishes the goals and policies of the organization, component, or function; or

(iii) exercises wide latitude in discretionary decision-making; and

(iv) receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.

(C) If staffing levels are used as a factor in determining whether an individual is acting in a managerial or executive capacity, the Attorney
General shall take into account the reasonable needs of the organization, component, or function in light of the overall purpose and stage of development of the organization, component, or function. An individual shall not be considered to be acting in a managerial or executive capacity (as previously defined) merely on the basis of the number of employees that the individual supervises or has supervised or directs or has directed.

(45) The term “substantial” means, for purposes of paragraph (15)(E) with reference to trade or capital, such an amount of trade or capital as is established by the Secretary of State, after consultation with appropriate agencies of Government.

(46) The term “extraordinary ability” means, for purposes of subsection (a)(15)(O)(i) of this section, in the case of the arts, distinction.

(47)(A) The term “order of deportation” means the order of the special inquiry officer, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable or ordering deportation.

(B) The order described under subparagraph (A) shall become final upon the earlier of—

(i) a determination by the Board of Immigration Appeals affirming such order; or

(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.

(48)(A) The term “conviction” means, with respect to an alien, a formal judgment of guilt of the alien entered by a court or, if adjudication of guilt has been withheld, where—

(i) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, and

(ii) the judge has ordered some form of punishment, penalty, or restraint on the alien’s liberty to be imposed.

(B) Any reference to a term of imprisonment or a sentence with respect to an offense is deemed to include the period of incarceration or confinement ordered by a court of law regardless of any suspension of the imposition or execution of that imprisonment or sentence in whole or in part.

(49) The term “stowaway” means any alien who obtains transportation without the consent of the owner, charterer, master or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.


(51) The term “VAWA self-petitioner” means an alien, or a child of the alien, who qualifies for relief under—

(A) clause (iii), (iv), or (vii) of section 1154(a)(1)(A) of this title;

(B) clause (i) or (ii) of section 1154(a)(1)(B) of this title;

(C) section 1186a(c)(4)(C) of this title;

(D) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

(E) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

(F) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

(G) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).

(52) The term “accredited language training program” means a language training program that is accredited by an accrediting agency recognized by the Secretary of Education.

(b) As used in subchapters I and II—

(1) The term “child” means an unmarried person under twenty-one years of age who is—

(A) a child born in wedlock;

(B) a stepchild, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred;

(C) a child legitimated under the law of the child’s residence or domicile, or under the law of the father’s residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation;

(D) a child born out of wedlock, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother or to its natural father if the father has or had a bona fide parent-child relationship with the person;

(E)(i) a child adopted while under the age of sixteen years if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household; Provided, That no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

(ii) subject to the same proviso as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i); (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child was adopted while under the age of eighteen years; or

(F)(i) a child, under the age of sixteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 1151(b) of this title, who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adop-
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The Attorney General is satisfied that proper care will be furnished the child if admitted to the United States: Provided further, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or 

(ii) subject to the same provisos as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (E)(i); (II) has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child is under the age of 18 at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 1151(b) of this title; or 

(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child’s behalf to accord a classification as an immediate relative under section 1151(b) of this title, who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, Provided, That—

(I) the Secretary of Homeland Security is satisfied that proper care will be furnished the child if admitted to the United States; 

(II) the child’s natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child’s emigration and adoption; 

(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child; 

(IV) the Secretary of Homeland Security is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Secretary of Homeland Security may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and 

(V) in the case of a child who has not been adopted—

(aa) the competent authority of the foreign state has approved the child’s emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and 

(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child’s proposed residence; and 

(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or 

(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); 

(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and 

(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 1151(b) of this title.

(2) The terms “parent”, “father”, or “mother” mean a parent, father, or mother only where the relationship exists by reason of any of the circumstances set forth in subdivision (1) of this subsection, except that, for purposes of paragraphs (1)(F) (other than the second proviso therein) and paragraph (1)(G) in the case of a child born out of wedlock described in paragraph (1)(D) and not described in paragraph (1)(C), the term “parent” does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.

(3) The term “person” means an individual or an organization.

(4) The term “immigration judge” means an attorney whom the Attorney General appoints as an administrative judge within the Executive Office for Immigration Review, qualified to conduct specified classes of proceedings, including a hearing under section 1229a of this title. An immigration judge shall be subject to such supervision and shall perform such duties as the Attorney General shall prescribe, but shall not be employed by the Immigration and Naturalization Service.

(5) The term “adjacent islands” includes Saint Pierre, Miquelon, Cuba, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique, and other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea.

(c) As used in subchapter III—
(7) one who during such period has been confined, as a result of conviction, to a penal institution for an aggregate period of one hundred and eighty days or more, regardless of whether the offense, or offenses, for which he has been confined were committed within or without such period; (8) one who at any time has been convicted of an aggravated felony (as defined in subsection (a)(43) of this section); or (9) one who at any time has engaged in conduct described in section 1182(a)(3)(E) of this title (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 1182(a)(2)(G) of this title (relating to severe violations of religious freedom).

The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character. In the case of an alien who makes a false statement or claim of citizenship, or who registers to vote or votes in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of such registration or voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such statement, claim, or violation that he or she was a citizen, no finding that the alien is, or was, not of good moral character may be made based on it.

(1) For the purposes of this chapter—

(a) The term “child” means an unmarried person under twenty-one years of age and includes a child legitimated under the law of the child’s residence or domicile, or under the law of the father’s residence or domicile, whether in the United States or elsewhere, and, except as otherwise provided in sections 1431 and 1432 of this title, a child adopted in the United States, if such legitimation or adoption takes place before the child reaches the age of 16 years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1) of this section), and the child is in the legal custody of the legitimating or adopting parent or parents at the time of such legitimation or adoption.

(2) The terms “parent”, “father”, and “mother” include in the case of a posthumous child a deceased parent, father, and mother.


(e) For the purposes of this chapter—

(1) The giving, loaning, or promising of support or of money or any other thing of value to be used for advocating any doctrine shall constitute the advocating of such doctrine; but nothing in this paragraph shall be construed as an exclusive definition of advocating.

(2) The giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization shall be presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation.

(3) Advocating the economic, international, and governmental doctrines of world communism means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement.

(f) For the purposes of this chapter—

(a) the terms “child” and “children” mean—

(b) a habitual drunkard;

(c) a member of one or more of the classes of persons, whether inadmissible or not, described in paragraphs (2)(D), (6)(E), and (10)(A) of section 1182(a) of this title and subparagraphs (A) and (B) of section 1182(a)(2) of this title and subparagraph (C) thereof of such section* (except as such paragraph relates to a single offense of simple possession of 30 grams or less of marihuana), if the offense described therein, for which such person was convicted or of which he admits the commission, was committed during such period;

(4) one whose income is derived principally from illegal gambling activities;

(5) one who has been convicted of two or more gambling offenses committed during such period;

(6) one who has given false testimony for the purpose of obtaining any benefits under this chapter;

*See References in Text note below.

So in original. The phrase “of such section” probably should not appear.
which such alien applied for status under such clause, and
and parents of such alien; and
(ii) in the case of an alien described in clause (i) who is 23 years of age or older, the spouse and children of such alien, if accompanying, or following to join, the alien described in clause (i);


Subsec. (a)(15)(U)(i). Pub. L. 109–162, § 801(b)(2), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: "if the Attorney General considers it necessary to avoid extreme hardship to the spouse, the child, or, in the case of an alien child, the parent of the alien, if accompanying, or following to join him;"

Subsec. (a)(15)(U)(ii). Pub. L. 109–162, § 801(b)(2), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: "an alien who is, or was, not of good moral character may be

Subsec. (a)(15)(U)(iii). Pub. L. 109–162, § 801(b)(2), added cl. (iii) generally. Prior to amendment, cl. (iii) read as follows: "and (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;"

Subsec. (a)(15)(L). Pub. L. 107–125 inserted subject to section 1184(c)(2) of this title, before "an alien who"

Subsec. (a)(15)(M)(ii). Pub. L. 107–274, § 2(a), added cls. (ii) and (iii) and struck out former cl. (ii) which read as follows: "and (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;"

Subsec. (a)(15)(L). Pub. L. 107–125 inserted "subject to section 1184(c)(2) of this title," before "an alien who"

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Subsec. (a)(15)(M)(ii). Pub. L. 107–274, § 2(a), added cls. (ii) and (iii) and struck out former cl. (ii) which read as follows: "and (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;"
be regarded as making an entry into the United States for the purposes of the immigration laws if the alien proves to the satisfaction of the Attorney General that his departure to a foreign port or place or to an oulting possession was not intended or reasonably to be expected by him or his presence in a foreign port or place or in an oulting possession was not voluntary: Provided, That no person whose departure from the United States was occasioned by deportation proceedings, extradition, or other legal process shall be held to be entitled to such exception.

Subsec. (a)(15)(F). Pub. L. 104–208, §622(a)(2), inserted "consistent with section 1184(c) of this title" after "such a course of study".


Subsec. (a)(17). Pub. L. 104–208, §308(d)(4)(A), substituted "expulsion, or removal" for "or expulsion".


Subsec. (a)(42). Pub. L. 104–208, §690(a)(1), inserted at end "For purposes of determinations under this chapter, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion."

Subsec. (a)(43). Pub. L. 104–208, §321(b), inserted at end of concluding provisions "Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conviction was entered before, on, or after September 30, 1996."


Subsec. (a)(43)(D). Pub. L. 104–208, §321(a)(2), substituted "$10,000" for "$100,000".


Pub. L. 104–208, §321(a)(3), substituted "at least one" for "is at least 5 years".

Subsec. (a)(43)(G). Pub. L. 104–208, §322(a)(2)(A), which directed amendment of subpar. (G) by striking out "imposed (regardless of any suspension of imprisonment)", inserted "if committed", struck out comma after "1588", and added subpar. (J) generally. Prior to amendment, subpar. (J) read as follows: "The term ‘entry’ means any coming of an alien into the United States, from a foreign port or place or to an oulting possession, whether voluntarily or otherwise, except that an alien having a lawful permanent residence in the United States shall not be regarded as making an entry into the United States for the purposes of the immigration laws if the alien proves to the satisfaction of the Attorney General that his departure to a foreign port or place or to an oulting possession was not intended or reasonably to be expected by him or his presence in a foreign port or place or in an oulting possession was not voluntary: Provided, That no person whose departure from the United States was occasioned by deportation proceedings, extradition, or other legal process shall be held to be entitled to such exception."

Subsec. (a)(15)(P). Pub. L. 104–208, §622(a)(2), inserted "consistent with section 1184(c) of this title" after "such a course of study".
prisonment or more may be imposed’’.

Pub. L. 104–208, §321(a)(8), substituted ‘‘, except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien’s spouse, child, or parent (and no other individual) to violate a provision of this chapter’’ for ‘‘for which the term of imprisonment imposed (regardless of any suspension of imprisonment) at least one year’’.

Pub. L. 104–208, §321(a)(3), substituted ‘‘at least one year’’ for ‘‘is at least 5 years’’.

Pub. L. 104–132, §440(e)(3), amended subpar. (N) generally. Prior to amendment, subpar. (N) read as follows: ‘‘an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage’’.


Pub. L. 104–132–132, §440(e)(4), amended subpar. (O) generally. Prior to amendment, subpar. (O) read as follows: ‘‘an offense described in section 1546(a) of title 18 (relating to document fraud) which constitutes trafficking in the documents described in such section for which the term of imprisonment imposed (regardless of any suspicion of such imprisonment) is at least 5 years’’.

Subsec. (a)(43)(P). Pub. L. 104–132–132, §440(e)(2)(A), which directed amendment of subpar. (P) by striking out ‘‘imposed (regardless of any suspension of imprisonment)’’ was executed by striking out ‘‘imposed (regardless of any suspension of such imprisonment)’’ after ‘‘term of imprisonment’’ to reflect the probable intent of Congress.

Pub. L. 104–208, §321(a)(9), substituted ‘‘12 months, except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien’s spouse, child, or parent (and no other individual) to violate a provision of this chapter’’ for ‘‘18 months’’.

Pub. L. 104–208, §321(a)(3), which directed amendment of subpar. (P) by substituting ‘‘at least one year’’ for ‘‘is at least 5 years’’ could not be executed because ‘‘is at least 5 years’’ did not appear subsequent to amendment.


Pub. L. 104–132–132, §440(e)(3), substituted ‘‘5 years or more’’ for ‘‘15 years or more and’’.


Subsec. (a)(43)(R). Pub. L. 104–208, §321(a)(10), substituted ‘‘for which the term of imprisonment is at least one year’’ for ‘‘for which a sentence of 5 years’ imprisonment or more may be imposed’’.


Subsec. (a)(43)(S). Pub. L. 104–208, §321(a)(11), substituted ‘‘for which the term of imprisonment is at least one year’’ for ‘‘for which a sentence of 5 years’ imprisonment or more may be imposed’’.


Subsec. (b)(4). Pub. L. 104–208, §371(a), amended par. (4) generally. Prior to amendment, par. (4) read as follows: ‘‘The term ‘special inquiry officer’ means any immigration officer who the Attorney General deems specially qualified to conduct specified classes of proceedings, in whole or in part, required by this chapter to be conducted by or before a special inquiry officer and who is designated and selected by the Attorney General individually or by regulation, to conduct such proceedings. Such special inquiry officer shall be subject to such supervision and shall perform such duties, not inconsistent with this chapter, as the Attorney General shall prescribe.’’

Subsec. (c)(1). Pub. L. 104–208, §761(e)(2), substituted ‘‘and 1423’’ for ‘‘, 1422, and 1433’’.


Subsec. (g). Pub. L. 104–208, §308(e)(3), substituted ‘‘deported or removed’’ for ‘‘deported’’ in two places.


Subsec. (b)(2). Pub. L. 104–51, §1(d)(B), substituted ‘‘a child born out of wedlock’’ for ‘‘an illegitimate child’’.

Subsec. (b)(4). Pub. L. 104–51, §1(e), substituted ‘‘a child born out of wedlock’’ for ‘‘an illegitimate child’’.

(4) generally. Prior to amendment, par. (4) read as


Prior to amendment, subpar. (N) read as follows: ‘‘an offense described in section 274(a)(1) of title 18, constituting the basis of an exclusion or deportation proceeding, is deemed to be an offense described in section 274(a)(2)(B) of title 18’’.

Subsec. (a)(15)(S). Pub. L. 103–236 substituted ‘‘official designated by the Secretary of State pursuant to section 1104(b) of this title’’ for ‘‘Assistant Secretary of State for Consular Affairs’’.


Subsec. (a)(27)(D). Pub. L. 103–416, §201, inserted ‘‘or the American Institute in Taiwan,’’ after ‘‘Government abroad,’’ and ‘‘(or, in the case of the American Institute in Taiwan, the Director thereof)’’ after ‘‘Service establishment’’.

Subsec. (a)(27)(F)(ii). Pub. L. 103–337 inserted ‘‘or continues to be employed by the United States Government in an area of the former Canal Zone’’ after ‘‘employment’’.

Subsec. (a)(27)(I)(iii)(II). Pub. L. 103–416, §202, added subcl. (I) and struck out former subcl. (I) which read as follows: ‘‘files a petition for status under this subparagraph before January 1, 1993, and no later than six months after the date of such retirement or six months after October 24, 1988, whichever is later; or’’.

Subsec. (a)(27)(J)(I). Pub. L. 103–416, §219(a), substituted ‘‘whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has’’ for ‘‘and has’’ before ‘‘been deemed’’.

Subsec. (a)(43). Pub. L. 103–416, §222(a), amended par. (43) generally. Prior to amendment, par. (43) read as follows: ‘‘The term ‘agraveatuated felon’ means murder, any illicit trafficking in any controlled substance (as defined in section 802 of title 21), including any drug trafficking crime as defined in section 924(c)(2) of title 18, or any illicit trafficking in any firearms or destructive devices as defined in section 921 of such title, any offense described in section 1956 of title 18 (relating to laundering of monetary instruments), or any crime of violence (as defined in section 16 of title 18, not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years, or any attempt or conspiracy to commit any such act. Such term applies to offenses described in the previous sentence whether in violation of Federal or State law and also applies to offenses described in the previous sentence in violation of foreign law for which the term of imprisonment was completed within the previous 15 years.’’


Subsec. (a)(15)(H)(i)(b). Pub. L. 102–232, §303(a)(7)(A), struck out ‘‘, and had approved by,’’ after ‘‘has filed with’’.

Pub. L. 102–232, §303(a)(5)(A), inserted ‘‘subject to section 1182(j)(2) of this title’’ after ‘‘or (b)’’.

Pub. L. 102–232, §307(h), inserted ‘‘or as a fashion model’’ after ‘‘section 1184(i)(1) of this title’’ and ‘‘or, in the case of a fashion model, is of distinguished merit and ability’’ after ‘‘section 1184(i)(2) of this title’’.

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stituted ''Director of the United States Information for ''applies for admission''.

For the purpose of issuing certificates of citizenship includes the Canal Zone.''

before period at end '', except that, for purposes of paragraph (1)(F) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration or adoption'.


1986—Subsec. (a)(15)(D). Pub. L. 99–603, §301(a), designated existing provisions as subcl. (b), and added subcl. (a) relating to persons performing agricultural labor or services as defined by the Secretary of Labor in regulations and including agricultural labor as defined in section 3121(g) of title 26 and agriculture as defined in section 203(f) of title 29 of a temporary or seasonal nature.


Subsec. (a)(27)(I). Pub. L. 99–484, §903(b)(3), inserted “, other than to receive graduate medical education or training”.

Subsec. (a)(15)(J). Pub. L. 94–484, §601(b)(4), inserted “and who, if he is coming to the United States to perform services as members of the medical profession, is coming pursuant to an invitation from a public or nonprofit private educational or research institution or agency in the United States to teach or conduct research, or both, at or for such institution or agency”.

Subsec. (a)(15)(H)(i). Pub. L. 94–484, §601(b)(1), inserted “; and”, who, in the case of a graduate of a medical school coming to the United States to perform services as a member of the medical profession, is coming pursuant to an invitation from a public or nonprofit private educational or research institution or agency in the United States to teach or conduct research, or both, at or for such institution or agency”.

Subsec. (a)(27)(I). Pub. L. 94–484, §901(b)(1), added “, other than to receive graduate medical education or training”.

Subsec. (a)(27). Pub. L. 94–484, §901(b)(1), inserted “and who, if he is coming to the United States to participate in a program under which he will receive graduate medical education or training, also meets the requirements of section 1182(a)(5) of this title”; and redesignated as subpars. (A) to (D) former subpars. (B) to (E).
1975—Subsec. (b)(1)(F). Pub. L. 94–155 provided for adoption of alien children under the age of fourteen by unmarried United States citizens who are at least twenty-five years of age and inserted requirement that before adoption the Attorney General be satisfied that proper care will be provided the child after admission.
1974—Subsec. (a)(15)(H). Pub. L. 93–222, §1(a), provided for nonimmigrant alien status for alien spouse and minor children of any alien specified in par. (H) if accompanying him or following to join him and struck out “temporary”, “other”, and “industrial” before “services”, “temporary services”, and “trainee” in cls. (i) to (iii), respectively.
1966—Subsec. (a)(38). Pub. L. 89–710 inserted sentence providing that term “United States” as used in section 142 of this title, for the purpose of issuing certificates of citizenship to persons who are citizens of the United States, shall include the Canal Zone.
Subsec. (b)(1)(F). Pub. L. 89–236, §8(c), expanded definition to include a child, under the age of 14 at the time a petition is filed in his behalf to accord a classification as an immediate relative or who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care which will be provided the child if admitted to the United States and has in writing irrevocably released the child for emigration and adoption, and made minor amendments in the existing definition.
Subsec. (b)(6). Pub. L. 89–236, §24, struck out par. (6) which defined term “eligible orphan”.
1961—Subsec. (a)(15). Pub. L. 87–256 included the alien spouse and minor children of any such alien if accompanying him or following to join him in subpar. (F), and added subpar. (J).
Subsec. (b)(6). Pub. L. 87–301, §1, added par. (6).
Subsec. (d)(1). Pub. L. 87–301, §7(a), inserted “or from June 25, 1950, to July 1, 1955.”.
Subsec. (d)(2). Pub. L. 87–301, §7(b), inserted definition of “Korean hostilities”.
1957—Subsec. (b)(1). Pub. L. 85–316 inserted “whether or not born out of wedlock” in subpar. (B), and added subpars. (D) and (E).

**Effective Date of 2010 Amendment**


“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) [amending this section] shall—

(A) take effect on the date that is 180 days after the date of the enactment of this Act [Dec. 14, 2010]; and

(B) apply with respect to applications for a nonimmigrant visa under section 101(a)(15)(F)(i) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(F)(i)] that are filed on or after the date described in subparagraph (A).

“(2) TEMPORARY EXCEPTION.—

“(A) IN GENERAL.—Notwithstanding section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), during the 3-year period beginning on the date of the enactment of this Act, an alien seeking to enter the United States to pursue a course of study at a language training program that has been certified by the Secretary of Homeland Security and has not been accredited or denied accreditation by an entity described in section 101(a)(52) of such Act (8 U.S.C. 1101(a)(52)) may be granted a nonimmigrant visa under such section 101(a)(15)(F)(i).

“(B) ADDITIONAL REQUIREMENT.—An alien may not be granted a nonimmigrant visa under subparagraph (A) if the sponsoring institution of the language training program to which the alien seeks to enroll does not—

(1) submit an application for the accreditation of such program to a regional or national accrediting agency recognized by the Secretary of Education within 1 year after the date of the enactment of this Act; and

(2) comply with the applicable accrediting requirements of such agency.”


“(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act [amending this section and section 1182 of this title] shall take effect on the date of the enactment of this Act [Nov. 30, 2010].

“(b) EXCEPTION.—An alien who is described in section 101(b)(1)(G)(iii) of the Immigration and Nationality Act [8 U.S.C. 1101(b)(1)(G)(iii)], as added by section 3, and attained 18 years of age on or after April 1, 2008, shall be deemed to meet the age requirement specified in subclause (III) of such section if a petition for classification of the alien as an immediate relative under section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is filed not later than 2 years after the date of the enactment of this Act.”

**Effective Date of 2008 Amendment**


“(1) take effect on the date of enactment of the Act [Dec. 23, 2008]; and

“(2) apply to applications for immigration benefits filed on or after such date.”

Pub. L. 110–391, §2(d), Oct. 10, 2008, 122 Stat. 4193, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date that the Secretary of Homeland Security submits the certification described in subsection (b)(2) [set out as a note below] stating that the final regulations required by subsection (b)(1) [set out as a note below] have been issued and are in effect [Notice that the regulations have been issued and are in effect Nov. 26, 2008, was published in the Federal Register, Nov. 26, 2008. See 73 F.R. 72298.].”

Amendment by Pub. L. 110–229 effective on the transition program effective date described in section 1806 of Title 48, Territories and Insular Possessions, see section 706(b) of Pub. L. 110–229, set out as an Effective Date note under section 1806 of Title 48.

**Effective Date of 2006 Amendment**


**Effective and Termination Dates of 2003 Amendments**


Amendment by Pub. L. 108–77 effective on the date the United States-Chile Free Trade Agreement enters into force (Jan. 1, 2004), and ceases to be effective on the date the Agreement ceases to be in force, see section 107 of Pub. L. 108–77, set out in a note under section 3805 of Title 19, Customs Duties.
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**Effective Date of 2000 Amendments**

Pub. L. 106–553, §1(a)(2) [title XI, §1102(e)], Dec. 21, 2000, 114 Stat. 2762, 2762A–144, provided that: "The amendments made by this section [amending this section and sections 1184 and 1186a of this title] shall take effect on the date of the enactment of this Act [Dec. 21, 2000] and shall apply to an alien who is the beneficiary of a classification petition filed under section 204 of the Immigration and Nationality Act [8 U.S.C. 1154] on or before the date of the enactment of this Act."  

Pub. L. 106–553, §1(a)(2) [title XI, §1103(d)], Dec. 21, 2000, 114 Stat. 2762, 2762A–146, provided that: "The amendments made by this section [amending this section and sections 1184, 1186a, and 1255 of this title] shall take effect on the date of the enactment of this Act [Dec. 21, 2000] and shall apply to an alien who is the beneficiary of a classification petition filed under section 204 of the Immigration and Nationality Act [8 U.S.C. 1154] before, on, or after the date of the enactment of this Act."  

Pub. L. 106–553, §1(a)(2), Nov. 1, 2000, 114 Stat. 1787, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2000."  


Amendment by Pub. L. 106–279 effective Apr. 1, 2000, see section 505(a)(2), (b) of Pub. L. 106–279, set out as an Effective Date; Transition Rule note under section 14901 of Title 42, The Public Health and Welfare.

**Effective Date of 1999 Amendments**

Amendment by Pub. L. 106–95 applicable to classification petitions filed for nonimmigrant status only beginning on the date that interim or final regulations are first promulgated and ending on the date 3 years after Dec. 20, 2006, see section 2(e) of Pub. L. 106–95, as amended, set out as a note under section 1182 of this title.

**Effective Date of 1998 Amendments**


**Effective Date of 1997 Amendments**

Pub. L. 105–100, §1(f), Dec. 2, 1997, 111 Stat. 2645, provided that: "The amendments made by this section [amending provisions set out as notes under this section and sections 1151, 1153, and 1255 of this title] shall take effect on the date that interim or final regulations are first promulgated and ending on the date 3 years after Dec. 20, 1997, see section 2(e) of Pub. L. 105–100, as amended, set out as a note under section 1182 of this title."  

**Effective Date of 1996 Amendments**


"(1) CLAUSE A.—Clause (A) of the section added by the amendment made by subsection (a) [amending this section] shall apply to documents issued on or after 18 months after the date of the enactment of this Act [Sept. 30, 1996]."  

"(2) CLAUSE B.—Clause (B) of such section shall apply to cards presented on or after 6 years after the date of the enactment of this Act."  


"(a) IN GENERAL.—Except as provided in this section and sections 303(b)(2), 306(c), 308(d)(2)(D), or 308(d)(5) of this division [amending sections 1225, 1227, and 1251 of this title, enacting provisions set out as notes under sections 1225, 1226, 1227, and 1252 of this title, and repealing provisions set out as a note under section 1225 of this title], this subtitle [subtitle A (§§301–309) of title III of Pub. L. 104–208, see Tables for classification] and the amendments made by this subtitle shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act [Sept. 30, 1996] (in this title [see Tables for classification] referred to as the 'title III–A effective date')."  

"(b) PROMULGATION OF REGULATIONS.—The Attorney General shall first promulgate regulations to carry out this subtitle by not later than 30 days before the title III–A effective date.

"(c) TRANSITION FOR CERTAIN ALIENS.—"(1) GENERAL RULE THAT NEW RULES DO NOT APPLY.—Subject to the succeeding provisions of this subsection, in the case of an alien who is in exclusion or deportation proceedings before the date of the enactment of this Act [Sept. 30, 1996], such sections of title II of such Act [8 U.S.C. 1226, 1252, former 1252b] have not commenced as of the title III–A effective date, the Attorney General may elect to proceed under chapter 4 of title II of such Act [§§1226, 1252, former 1252b] as amended by this subtitle.

"(2) ATTORNEY GENERAL OPTION TO ELECT TO APPLY NEW PROCEDURES.—In a case described in paragraph (1) in which an evidentiary hearing under section 236 or 242 and 242B of the Immigration and Nationality Act [8 U.S.C. 1225, 1252, former 1252b] has not commenced as of the title III–A effective date, the Attorney General may elect to proceed under chapter 4 of such Act [8 U.S.C. 1225 et seq.] as amended by this subtitle. The Attorney General shall provide notice of such election to the alien involved not later than 30 days before the date any evidentiary hearing is commenced. If the Attorney General makes such election, the notice of hearing provided to the alien under section 236 or 242(a) of such Act [8 U.S.C. 1225, 1225(a)] shall be valid as if provided under section 239 of such Act [8 U.S.C. 1229] (as amended by this subtitle) to confer jurisdiction on the immigration judge.

"(3) ATTORNEY GENERAL OPTION TO TERMINATE AND REINSTATE PROCEEDINGS.—In the case described in paragraph (1), the Attorney General may elect to terminate proceedings in which there has not been a final administrative decision and to reinstate proceedings under chapter 4 of title II of the Immigration and Nationality Act [8 U.S.C. 1225 et seq.] (as amended by this subtitle) to confer jurisdiction on the immigration judge.  

"(4) TRANSITIONAL CHANGES IN JUDICIAL REVIEW.—In the case in which a final order of exclusion or deportation is entered more than 30 days after the date of the enactment of this Act [Sept. 30, 1996], notwithstanding any provision of section 106 of the Immigration and Nationality Act [former 8 U.S.C. 1105a] (as in effect as of the date of the enactment of this Act) to the contrary—"(A) in the case of judicial review of a final order of exclusion, subsection (b) of such section shall not
apply and the action for judicial review shall be governed by the provisions of subsections (a) and (c) of such [section] in the same manner as they apply to judicial review of orders of deportation;

"(B) a court may not order the taking of additional evidence under section 2347(c) of title 28, United States Code;

"(C) the petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation;

"(D) the petition for review shall be filed with the court of appeals for the judicial circuit in which the administrative proceedings before the special inquiry officer or immigration judge were completed;

"(E) there shall be no appeal of any discretionary decision under section 212(c), 212(h), 212(i), 244, or 245 of the Immigration and Nationality Act [8 U.S.C. former 1182(c), 1182(h), (i), former 1254, 1255] (as in effect as of the date of the enactment of this Act [Sept. 30, 1996]);

"(F) service of the petition for review shall not stay the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise;

"(G) there shall be no appeal permitted in the case of an alien who is inadmissible or deportable by reason of having committed a criminal offense covered in section 212(a)(2) or section 241(a)(2)(A)(i), (B), (C), or (D) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(2), former 1229a(a)(2)(A)(i), (B), (C), (D)] (as in effect as of the date of the enactment of this Act), or any offense covered by section 241(a)(2)(A)(ii) of such Act (as in effect on such date) for which both predicate offenses are, without regard to their date of commission, otherwise covered by section 241(a)(2)(A)(ii) of such Act (as so in effect).

(5) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act [§ 8 U.S.C. 1229b(d)(1), (2)] (relating to continuous residence or physical presence) shall apply to orders to show cause (including those referred to in section 242B(a)(1) of the Immigration and Nationality Act [former § 8 U.S.C. 1252b(a)(1)], as in effect before the title III–A effective date), issued before, on, or after the date of the enactment of this Act [Sept. 30, 1996].

"(B) EXCEPTION FOR CERTAIN ORDERS.—In any case in which the Attorney General elects to terminate and reinstitute proceedings in accordance with paragraph (3) of this subsection, paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act [§ 8 U.S.C. 1229b(d)(1), (2)] shall not apply to an order to show cause issued before April 1, 1997.

"(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR RATTED SPOUSAS AND CHILDREN.—

"(i) IN GENERAL.—For purposes of calculating the period of continuous physical presence under section 244(a) of the Immigration and Nationality Act [former § 8 U.S.C. 1254(a)] (as in effect before the title III–A effective date) or section 240A of such Act [§ 8 U.S.C. 1229b] (as in effect before the title III–A effective date), subparagraph (A) of this paragraph and paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply in the case of an alien, regardless of whether the alien is in exclusion or deportation proceedings before the title III–A effective date, who has not been convicted at any time of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act [§ 8 U.S.C. 1101(a)(43)] and—

"(I) was not apprehended after December 19, 1990, and is in time of entry, and is—

"(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the settlement agreement in American Baptist Churches, et al. v. Thornburgh (ABC), 760 F. Supp. 796 (N.D. Cal. 1991); or before October 1, 1990, and who registered for benefits pursuant to such settlement agreement on or before December 31, 1991;

"(ii) is a Guatemalan or Salvadoran national who filed an application for asylum with the Immigration and Naturalization Service on or before April 1, 1990;

"(iii) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act [§ 8 U.S.C. 1101(b)(1)]) of an individual, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such alien parent, if—

"(aa) the alien parent has been determined to be described in this clause (excluding this subclause and subclause (II)); and

"(bb) in the case of a son or daughter who is 21 years of age or older at the time such decision is rendered, the son or daughter entered the United States on or before October 1, 1990;

"(iv) is an alien who entered the United States on or before December 31, 1990, who filed an application for asylum on or before December 31, 1991, and who, at the time of filing such application, was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia; or

"(v) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act [former § 8 U.S.C. 1254(a)(3)] (as in effect before the date of the enactment of this Act [Sept. 30, 1996]); or

"(AA) the alien has been battered or subjected to extreme cruelty by the alien described in subclause (I), (II), or (V);

"(BB) at the time at which the alien filed an application for suspension of deportation or cancellation of removal; or

"(CC) at the time at which the alien registered for benefits under the settlement agreement in American Baptist Churches, et. al. v. Thornburgh (ABC), applied for temporary protected status, or applied for asylum; and

"(bb) the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien described in subclause (I), (II), or (V).

"(ii) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether an alien satisfies the requirements of clause (i) is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of section 242(a)(2)(B) of the Immigration and Nationality Act [§ 8 U.S.C. 1252(a)(2)(B)] (as in effect after the title III–A effective date) to other eligibility determinations pertaining to discretionary relief.
under this Act [probably should be “division”], see Short Title of 1996 Amendment note below.

(‘ii) Consideration of petitions.—In acting on a petition filed under subsection (Y) of clause (i) of the provisions set forth in section 204(a)(1)(H) [probably means section 204(a)(1)(H) of the Immigration and Nationality Act, which is classified to section 1101(a)(11)(H) of this title] shall apply;

(‘iii) Residence with spouse or parent not required.—For purposes of the application of clause (1)(VII), a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States.

(‘iv) Transition for certain family unity aliens.—The Attorney General may waive the application of section 212(a)(9) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(9)], as inserted by section 301(b)(1) of this division, in the case of an alien who is provided benefits under the provisions of section 301 of the Immigration Act of 1990 [Pub. L. 101–649, set out as a note under section 1255a of this title (relating to family unity)].

(‘v) Limitation on suspension of deportation.—After April 1, 1997, the Attorney General may not suspend the deportation and adjust the status under section 244 of the Immigration and Nationality Act [former 8 U.S.C. 1254] (as in effect before the title III–A effective date) of any alien in any fiscal year, except in accordance with section 240A of such Act [8 U.S.C. 1229b(e)]. The previous sentence shall apply regardless of when an alien applied for such suspension and adjustment.

(‘d) Transitory and transitional references.—For purposes of carrying out this division and the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], as amended by this subtitle—

(1) any reference in section 212(a)(1)(A) of such Act [8 U.S.C. 1182(a)(1)(A)] to the term ‘inadmissible’ is deemed to include a reference to the term ‘excludable’, and

(2) any reference in law to an order of removal shall be deemed a reference to an order of exclusion and deportation or an order of deportation.

(‘e) Transition.—No period of time before the date of the enactment of this Act (Sept. 30, 1996) shall be included for purposes of calculating any period of continuous presence in the United States for a continuous period of not less than 7 years immediately preceding the date of such application;

(‘f) Special rule for cancellation of removal.—

(1) In general.—Subject to the provisions of the Immigration and National Act [8 U.S.C. 1101 et seq.], as in effect after the title III–A effective date, other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act [8 U.S.C. 1229b(b), (d), (e)], (but including section 242(a)(2)(B) of such Act [8 U.S.C. 1252a(a)(2)(B)]), the Attorney General may, under section 240A of such Act, cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable under this Act.

(2) Inclusions.—The alien described in subsection (c)(5)(C)(i) of this section, and—

‘(A) the alien—

‘(i) is not inadmissible or deportable under paragraph (2) or (3) of section 212(a) or paragraph (2), (3), or (4) of section 237(a) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(2), (3), 1227(a)(3), (4)] and is not an alien described in section 211(b)(3)(B)(i) of such Act [8 U.S.C. 1211(b)(3)(B)(i)];

‘(ii) has been physically present in the United States for a continuous period of not less than 7 years immediately preceding the date of such application;

‘(iii) has been a person of good moral character during such period; and

‘(iv) establishes that removal would result in extreme hardship to the alien or to the alien’s spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

‘(B) the alien—

‘(i) is inadmissible or deportable under section 212(a)(2), 237(a)(2) (other than 237(a)(2)(A)(iii)), or 237(a)(3) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(2), 1227(a)(2), (3)];

‘(ii) is not an alien described in section 241(b)(3)(B)(i) or 101(a)(4) of such Act [8 U.S.C. 1229b(b)(3)(B)(i), 101(a)(4)];

‘(iii) has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting

a ground for removal;

‘(iv) has been a person of good moral character during such period; and

‘(v) establishes that removal would result in exceptional and extremely unusual hardship to the alien or to the alien’s spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

(‘g) Motions to reopen deportation or removal proceedings.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien’s conviction of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(5)]), any alien who has become eligible for cancellation of removal or suspension of deportation as a result of the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act [Pub. L. 105–100, amending this note] may file one motion to reopen removal or deportation proceedings to apply for cancellation of removal or suspension of deportation. The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of the Nicaraguan Adjustment and Central American Relief Act [Nov. 19, 1997] and shall extend for a period not to exceed 240 days.

(‘h) Relief and motions to reopen.—

(1) Relief.—An alien described in subsection (c)(5)(C)(i) who is otherwise eligible for—

‘(A) suspension of deportation pursuant to section 244(a) of the Immigration and Nationality Act [8 U.S.C. 1254a(a)], as in effect before the title III–A effective date; or

‘(B) cancellation of removal, pursuant to section 240A(b) of the Immigration and Nationality Act [8 U.S.C. 1229b(b)] and subsection (f) of this section; shall not be barred from applying for such relief by operation of section 241(a)(5) of the Immigration and Nationality Act [8 U.S.C. 1231(a)(5)], as in effect after the title III–A effective date.

(2) Additional motion to reopen permitted.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien’s conviction of an aggravated felony (as defined by section 101(a) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(5)]), any alien who is described in subsection (c)(5)(C)(i) and who has become eligible for cancellation of removal or suspension of deportation as a result of the enactment of paragraph (1) may file one motion to reopen removal or deportation proceedings in order to apply for cancellation of removal or suspension of deportation. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien’s eligibility for cancellation of removal or suspension of deportation. The Attorney General shall determine the scope of such motions to reopen are required to be filed. The period shall begin not later than 60 days.
after the date of the enactment of this subsection 
[Dec. 21, 2000] and shall extend for a period not to ex-
cess 240 days.

[493]CONSTRUCTION.—Nothing in this subsection
shall preclude an alien from filing a motion to reopen
pursuant to section 240(b)(5)(C)(ii) of the Immigration
and Nationality Act [8 U.S.C. 1229a(b)(5)(C)(ii)], or
section 222(f)(3)(B) of such Act [8 U.S.C. 1222(f)(3)(B)] (as
in effect before the title III–A effective
date).”

2000, 114 Stat. 1320, provided that: “The amendments
made by paragraph (3) [amending section 309 of Pub. L.
104–208, div. C, set out above] shall take effect as if in-
cluded in the enactment of section 309 of the Illegal
Immigration Reform and Immigrant Responsibility Act

1532, provided that: “The amendments made by
subsection (a) [amending section 202 of Pub. 105–100, set
out as a note under section 1255 of this title] and (b) [(a)
amending section 309 of Pub. L. 104–208, div. C, set out
above] shall be effective as if included in the Nica-
raguan Adjustment and Central American Relief Act
(8 U.S.C. 1255 note; Public Law 105–100, as amended).”]

[Section 203(l) of Pub. L. 105–100 provided that:
“The amendments made by this section to the Illegal
Immigration Reform and Immigrant Responsibility Act
of 1996 [amending section 309 of Pub. L. 104–208, div. C,
set out above] shall take effect as if included in the enact-
ment of such Act.”

[Section 2 of Pub. L. 104–302 provided that the amend-
ment made by that section to section 309 of Pub. L.
104–208, set out above, is effective Sept. 30, 1996.]

Section 321(o) of div. C of Pub. L. 104–208 provided that:
“The amendments made by this section [amend-
ring this section] shall apply to actions taken on or
after the date of the enactment of this Act [Sept. 30,
1996], regardless of when the conviction occurred, and
shall apply under section 276(b) of the Immigration
and Nationality Act (8 U.S.C. 1326(b)) only to violations
of section 276(a) of such Act occurring on or after such
date.”

Section 322(c) of div. C of Pub. L. 104–208 provided that:
“The amendments made by subsection (a) [amend-
ings this section and section 1182 of this title] shall apply
to convictions and sentences entered before,
on, or after the date of the enactment of this Act [Sept.
30, 1996]. Subparagraphs (B) and (C) of section 240(c)(3)
of the Immigration and Nationality Act [8 U.S.C.
1229a(c)(3)(B), (C)], as inserted by section 304(a)(3) of
this division, shall apply to proving such convictions.”

Section 361(b) of div. C of Pub. L. 104–208 provided that:
“The amendments made by subsection (a) [amend-
ings this section] shall take effect on the date of the en-
actment of this Act [Sept. 30, 1996].”

Section 371(d)(1) of div. C of Pub. L. 104–208 provided that:
Subsections (a) and (b) [amending this section and
sections 1105a, 1159, 1224, 1225, 1226, 1225b, 1225c,
and 1362 of this title] shall take effect on the date of the
enactment of this Act [Sept. 30, 1996].”

Section 501 of title V of div. C of Pub. L. 104–208 pro-
vided that: “Except as provided in this title [enacting
sections 1369 to 1371 and 1623 of this title, amending
sections 1182, 1183a, 1612, 1631, 1632, 1641, and
1642 of this title, section 506 of Title 18, Crimes and
Criminal Procedure, section 1091 of Title 20, Education,
and section 507 of Title 22, Foreign Relations, enacting
provisions set out as a note under section 2651a of Title
22, Foreign Relations and Consular Affairs, and provid-
ing for the payment of claims under such provisions],
provisions set out as a note under section 2651a of Title
22, are effective as of April 1, 1992.”

Section 523(c) of div. C of Pub. L. 104–208 provided that:
“The amendments made by subsection (a) [amend-
ings this section and section 1182 of this title] shall
apply to individuals who obtain the status of a nonimmigrant under section 101(a)(15)(F) of the Immi-
gration and Nationality Act [8 U.S.C. 1101(a)(15)(F)]
after the end of the 60-day period beginning on the date
of the enactment of this Act [Sept. 30, 1996], including
aliens whose status as such a nonimmigrant is ex-
tended after the end of such period.”

Section 671(a)(7) of div. C of Pub. L. 104–208 provided that:
“The amendments made by this subsection [amend-
ings this section, sections 1184, 1251, 1255, 1258, and
1254 of this title, and provisions set out as notes under
section 1252 of this title] shall be effective as if included
in the enactment of the VCCLEA [Pub. L. 103–322].”

Section 671(b)(14) of div. C of Pub. L. 104–208 provided that:
“Except as otherwise provided in this subsection
[amending this section and sections 1255a, 1255b, 1233,
1356, and 1483 of this title], the amendments made by
this subsection shall take effect as if included in the enact-
ment of the NTCA [Pub. L. 103–416].”

Section 440(I) of Pub. L. 104–132 provided that: “The amend-
ments made by subsection (e) [amending this
section] shall apply to convictions entered on or after
the date of the enactment of this Act [Apr. 24, 1996],
except as otherwise specifically provided in this
section, the amendments made by this section [amend-
ings this section and sections 1151, 1153, 1154, 1160, 1182,
1188, 1251, 1252, 1252b, 1254a, 1255a, 1256, 1288, 1302,
1322, 1323, 1324a, 1324b, 1326c, 1330, 1336b, 1421, 1424,
1444, 1449, and 1502 of this title, amending provisions set
out as notes under this section and sections 1182, 1254a,
1255a, and 1356 of this title, and repealing provisions set
out as a note under section 1288 of this title] shall be effective as if included in the enactment of the Immigration Act of 1990 [Pub. L. 101–649].”

Section 222(b) of Pub. L. 103–416 provided that: “The amend-
ments made by this title [amending this section] shall apply to convictions entered on or after
the date of enactment of this Act [Oct. 23, 1994].”

Amendment by Pub. L. 103–236 applicable with re-
spect to officials, offices, and bureaus of Department
of State when executive orders, regulations, or depar-
tmental directives implementing the amendments by
sections 161 and 162 of Pub. L. 103–236 become effective,
after 90 days after Apr. 30, 1994, whichever comes earlier,
see section 161(b) of Pub. L. 103–236, as amended, set out
as a note under section 2651a of Title 22, Foreign Rela-
tions and Intercourse.

Effective Date of 1991 Amendments

Section 208 of title II of Pub. L. 102–232 provided that:
“The provisions of, and amendments made by, this title
[amending this section and sections 1104 of this title and
enacting provisions set out as notes under this section
and 1184 of this title] shall take effect on April 1,
1992.”

Section 302(e)(8) of Pub. L. 102–232 provided that the amend-
ments made by that section [amending this section and
sections 1186a and 1201 of this title] are effective as if included in section 162(e) of the Immigration Act of 1996 [Pub. L. 101–649].

Section 302(m) of Pub. L. 102–232 provided that the amend-
ments made by that section [amending this section
and sections 1423, 1443, 1444, 1449, and 1502 of this
title] are effective as if included in section 407(d)

Section 310 of Pub. L. 102–232, as amended by Pub. L.
provided that: “Except as otherwise specifically provided, the amendments made by (and provisions of)—

(1) sections 302 through 308 (amending this section, sections 1192, 1194a, 1195, 1197, 1198, 1198a, 1198b, 1198d to 1198a, 1198d to 1198a, 1198a to 1198d, 1201, 1221, 1226, 1227, 1229, 1251, 1252, 1252b, 1254 to 1255a, 1251, 1282, 1284, 1288, 1322, 1323, 1324a to 1326c, 1325, 1327, 1421, 1423, 1433, 1439 to 1441, 1443, 1451, 1455, and 1457 of this title, and section 3753 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1151, 1153, 1157, 1160, 1182, 1251, 1252, 1254, 1254a, and 1255 of this title) shall take effect as if included in the enactment of the Immigration Act of 1990 (Pub. L. 101–649), and

(2) section 309(b) (amending this section and sections 1154, 1156, 1162, 1168, 1252, 1252a, 1254a, 1356, 1424, and 1455 of this title) and enacting provisions set out as notes under this section and sections 1105a, 1153, 1158, 1160, 1184, 1201, 1251, 1254a, 1255, and 1421 of this title) shall take effect on the date of the enactment of this Act (Dec. 12, 1991).”

Section 2(d) of Pub. L. 102–110 provided that: “This section (amending this section and sections 1153 and 1255 of this title) shall take effect 60 days after the date of the enactment of this Act (Oct. 1, 1991).”

**Effective Date of 1990 Amendment**


“(a) General.—Except as otherwise provided in this title, the title and the amendments made by this title (enacting section 1186b of this title, amending this section, sections 1103, 1151 to 1154, 1157, 1199, 1202, 1251, 1254, 1262, and 1325 of this title, and amending provisions set out as notes under section 1255 of this title) shall take effect on October 1, 1991, and apply beginning with fiscal year 1991.

(b) Provisions Taking Effect Upon Enactment.—The following sections (and amendments made by such sections) shall take effect on the date of the enactment of this Act [Nov. 29, 1990] and (unless otherwise provided) apply only to fiscal year 1991:

(1) Section 103 (enacting provisions set out as a note under section 1152 of this title) (relating to per country limitation for Hong Kong).

(2) Section 104 (amending sections 1157 and 1159 of this title and enacting provisions set out as notes under section 1159 of this title) (relating to asylee adjustments).

(3) Section 124 (enacting provisions set out as a note under section 1153 of this title) (relating to transition for employees of certain U.S. businesses in Hong Kong).

(4) Section 133 (enacting provisions set out as a note under section 1153 of this title) (relating to one-year diversity transition for aliens who have been notified of availability of N-5 visas).

(5) Section 134 (enacting provisions set out as a note under section 1153 of this title) (relating to transition for displaced Tibetans).

(6) Section 135 (amending this section and section 1251 of this title and enacting provisions set out as a note under section 1251 of this title) (relating to special immigrants who are dependent on a juvenile court of the United States).

(7) Section 154 (enacting provisions set out as a note under section 1201 of this title) (permitting extension of validity of visas for certain residents of Hong Kong).

(8) Section 155 (enacting provisions set out as a note under section 1153 of this title) (relating to expired issuance of Lebanese second and fifth preference visas).

(b) Section 162(b) (amending section 1154 of this title) (relating to the issuance of nonimmigrant visas).}

“(c) General Transitions.—

(1) In the case of a petition filed under section 204(a) of the Immigration and Nationality Act [8 U.S.C. 1154(a)] before October 1, 1991, for preference status under section 203(a)(3) or section 203(a)(6) of such Act [8 U.S.C. 1154(a)(3), (6)] (as in effect before such date)—

(A) in order to maintain the priority date with respect to such a petition, the petitioner must file (by not later than October 1, 1993) a new petition for classification of the employment under paragraph (1), (2), or (3) of section 203(b) of such Act (as amended by this title), and

(B) any labor certification under section 212(a)(5)(A) of such Act required with respect to the new petition shall be deemed approved if the labor certification with respect to the previous petition was previously approved under section 212(a)(14) of such Act.

In the case of a petition filed under section 204(a) of such Act before October 1, 1991, but which is not described in paragraph (4), and for which a filing fee was paid, any additional filing fee shall not exceed one-half of the fee for the filing of the new petition required to be filed under paragraph (1), (2), or (3) of section 203(b) of such Act (as in effect before such date) shall be deemed, as of such date, to be a petition filed under such section for preference status under section 203(a)(3) or section 203(a)(4), respectively, of such Act (as amended by this title).

(3) In the case of an alien who is described in section 203(a)(8) of the Immigration and Nationality Act (as in effect before October 1, 1991) as the spouse or child of an alien who is a preference immigrant under section 203(a)(3) or 203(a)(6) of such Act (as in effect before such date) and who would be entitled to enter the United States under section 203(a)(8) but for the amendments made by this title [see subsec. (a) above], such an alien shall be deemed to be described in section 203(d) of such Act as the spouse or child of an alien described in section 203(b)(2) or 203(b)(3)(A)(i), respectively, of such Act (as in effect on and after such date). Nothing in this subparagraph shall be construed as exempting the beneficiaries of such petitions from the numerical limitations under section 203(b)(2) or 203(b)(3) of such Act.

(2) Paragraph (A) shall not apply more than two years after the date the priority date for issuance of a visa on the basis of such a petition has been reached.

(d) Admissibility Standards.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1991, makes application for admission, the immigrant’s admissibility under paragraph (a) of section 212(a) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(7)(A)] shall be determined under the provisions of law in effect on the date of the issuance of such visa.

(e) Construction.—Nothing in this title [see subsec. (a) above] shall be construed as affecting the provisions

Section 219(aa) of Pub. L. 103–416 provided that the amendment made by that section to section 161(c)(3) of Pub. L. 101–649, set out above, is effective as if included in section 4 of Pub. L. 102–110 (see below).

Section 4 of Pub. L. 102–110 provided that the amendment made by that section, adding pars. (3) and (4) to section 161(c) of Pub. L. 101–649, set out above, is effective as if included in the Immigration Act of 1986, Pub. L. 101–649.


Section 203(d) of Pub. L. 101–649 provided that: “The amendments made by this section [enacting section 1288 of this title and amending this section and section 1281 of this title] shall apply to offenses committed on or after 180 days after the date of the enactment of this Act [Nov. 29, 1990].”

Section 231 of title II of Pub. L. 101–649 provided that: “Except as otherwise provided in this title, this title, and the amendments made by this title [enacting section 1288 of this title, amending this section and sections 1182, 1184, 1187, 1281, and 1323 of this title, and enacting provisions set out as notes under this section and sections 1182, 1184, 1187, and 1288 of this title], shall take effect on October 1, 1991, except that sections 222 and 223 [enacting provisions set out as notes under this section] shall take effect on the date of the enactment of this Act [Nov. 29, 1990].”


Section 501(b) of Pub. L. 101–649 provided that: “The amendments made by subsection (a) [amending this section] shall apply to offenses committed on or after the date of the enactment of this Act [Nov. 29, 1990], except that the amendments made by paragraphs (2) and (5) of subsection (a) shall be effective as if included in the enactment of section 7342 of the Anti-Drug Abuse Act of 1988 [18 U.S.C. 3013].”

Section 509(b) of Pub. L. 101–649, as amended by Pub. L. 102–232, title III, §306(a)(7), Dec. 12, 1991, 105 Stat. 1751, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 29, 1990], except that subsection (a) shall apply to convictions occurring on or after such date, except with respect to conviction for murder which shall be considered a bar to good moral character regardless of the date of the conviction.”

Section 601(e) of Pub. L. 101–649 provided that:

“(1) Except as provided in paragraph (2), the amendments made by this section [amending section 1182 of this title] and by section 603(a) of this Act [amending this section and sections 1102, 1157, 1159, 1160, 1161, 1181, 1183, 1201, 1224, 1225, 1226, 1254a, 1255a, 1259, 1322, and 1327 of this title, repealing section 2691 of Title 22, Foreign Relations and Intercourse, amending provisions set out as notes under this section and sections 1152, 1182, 1230, 1231, 1232, 1233, 1234, 1235a, 1236a, 1237a, and 1238 of this title], shall take effect on November 14, 1986.

“(2) The amendments made by paragraphs (5) and (13) of section 603(a) [amending sections 1160 and 1255a of this title] shall apply to applications for adjustment of status made on or after June 1, 1991.”

Effective Date of 1989 Amendments

Amendment by Pub. L. 101–238 applicable to classification petitions filed for nonimmigrant status only during the 5-year period beginning on the first day of the 9th month beginning after Dec. 18, 1989, see section 3(d) of Pub. L. 101–238, set out as a note under section 1182 of this title.

Section 611(b) of Pub. L. 101–162 provided that: “The amendment made by subsection (a) [amending this section shall take effect on October 1, 1989, upon the expiration of the similar amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100–459, 102 Stat. 2203).”

Effective and Termination Dates of 1988 Amendments


Section 210(b) of Pub. L. 100–459 provided that: “The amendments made by this section [amending section 301(d) of Pub. L. 99–603, as amended, set out as an Effective Date note under section 1188 of this title] shall take effect as if included in the enactment of section 315 of the Immigration Reform and Control Act of 1986 [Pub. L. 99–603] and shall expire on October 1, 1988.”

Effective Date of 1986 Amendments

Section 23(a) of Pub. L. 99–633, as added by Pub. L. 100–525, § 8(r), Oct. 24, 1988, 102 Stat. 2618, provided that: “The amendments made by sections 2, 4, and 7 [amending this section and sections 1152, 1182, 1228, 1251, and 1595 of this title] apply to visas issued, and admissions occurring, on or after November 14, 1986.”

Amendment by section 303(a) of Pub. L. 99–603 applicable to petitions and applications filed under sections 1144(c) and 1188 of this title on or after the first day of the seventh month beginning after Nov. 6, 1989, see section 303(d) of Pub. L. 99–603, as amended, set out as an Effective Date note under section 1188 of this title.

Effective Date of 1981 Amendment

Section 21 of Pub. L. 97–116 provided that:

“(a) Except as provided in subsection (b) and in section 5(c) [set out as a note under section 1182 of this title], the amendments made by this Act [see Short Title of 1981 Amendment note below] shall take effect on the date of the enactment of this Act [Dec. 29, 1981].

“(b)(1) The amendments made by section 2(a) [amending this section] shall apply on and after the first day of the sixth month beginning after the date of the enactment of this Act [Dec. 29, 1981].

“(2) The amendment made by section 16 [amending section 1455 of this title] shall apply to fiscal years beginning on or after October 1, 1981.”

Effective Date of 1980 Amendment

Section 294(a)(c) of title II of Pub. L. 98–232 provided that:

“(a) Except as provided in subsections (b) and (c), this title and the amendments made by this title [enacting
sections 1157, 1158, and 1159 of this title, amending this section and sections 1151 to 1153, 1181, 1182, 1253, and 1254 of this title, enacting provisions set out as notes under sections 1153, 1157, 1158, 1182, and 1521 of this title, and amending provisions set out as a note under sections 1182 and 1255 of this title] shall take effect on the date of the enactment of this Act [Mar. 17, 1980], and shall apply to fiscal year beginning with the fiscal year beginning October 1, 1979.

“(b)(1)(A) Section 207(c) of the Immigration and Nationality Act (as added by section 201(b) of this Act) [section 1157(c) of this title] and the amendments made by subsections (b), (c), and (d) of section 203 of this Act [amending sections 1152, 1153, 1182, and 1254 of this title] shall take effect on April 1, 1980.

“(b)(1)(B) The amendments made by section 203(f) [amending section 1182 of this title] shall apply to aliens paroled into the United States on or after the sixtieth day after the date of the enactment of this Act [Mar. 17, 1980].

“(b)(1)(C) The amendments made by section 203(i) [amending section 1153 of this title and provisions set out as notes under section 1255 of this title] shall take effect immediately before April 1, 1980.

“(b)(2) Notwithstanding sections 207(a) and 209(b) of the Immigration and Nationality Act (as added by section 201(b) of this Act) [sections 1157(a) and 1159(b) of this title], the fifty thousand and five thousand numerical limitations specified in such respective sections shall, for fiscal year 1980, be equal to 25,000 and 2,500, respectively.

“(b)(3) Notwithstanding any other provision of law, for fiscal year 1980—

“(A) the fiscal year numerical limitation specified in section 201(a) of the Immigration and Nationality Act [section 1151(a) of this title] shall be equal to 280,000; and

“(B) for the purpose of determining the number of immigrant visa and adjustments of status which may be made available under sections 203(a)(2) and 202(e)(2) of such Act [sections 1153(a)(2) and 1152(e)(2) of this title], the granting of a conditional entry or adjustment of status under section 203(a)(7) or 202(e)(7) of such Act after September 30, 1979, and before April 1, 1980, shall be considered to be the granting of an immigrant visa under section 203(a)(2) or 202(e)(2), respectively, of such Act during such period.

“(c)(1) The repeal of subsections (g) and (h) of section 203 of the Immigration and Nationality Act, made by section 202(c)(8) of this title [section 1182 of this title] shall not apply with respect to any individual who before April 1, 1980, was granted a conditional entry or adjustment of status under section 203(a)(7) of such Act after September 30, 1979, and before April 1, 1980, who is eligible for the benefits of section 5 of Public Law 95–412 [set out as a note under section 1182 of this title].

“(2) An alien who, before April 1, 1980, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under section 203(a)(7) of the Immigration and Nationality Act (as in effect before such date) [section 1153(a)(7) of this title], shall be deemed to be entitled to refugee status under section 207 of such Act (as added by section 201(b) of this title) [section 1157 of this title] and shall be accorded the date of registration previously established by that alien. Nothing in this paragraph shall be construed to preclude the acquisition by such an alien of a preference status under section 203(a) of such Act.

“(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act [former section 1106(a)(14), (15), (20), (21), (25), and (32) of this title] shall not be applicable to any alien who has entered into the United States before April 1, 1980, pursuant to section 203(a)(7) of such Act [section 1153(a)(7) of this title] or who has been paroled as a refugee into the United States under section 212(d)(5) of such Act, and who is seeking adjustment of status, and the Attorney General may waive any other provision of section 212(a) of such Act (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.”

**Effective Date of 1979 Amendment**

Section 323(d)(1) of Pub. L. 96–70 provided that: "The amendments made by this section [amending this section and section 1182 of this title] shall take effect on the date of the enactment of this Act [Sept. 27, 1979]."

**Effective Date of 1977 Amendment**

Section 602(d) of Pub. L. 94–484, as added by Pub. L. 95–83, title III, §§307(q)(3), Aug. 1, 1977, 91 Stat. 395, provided that: "This section [amending this section and enacting provisions set out as a note under section 1182 of this title] and the amendment made by subsection (c) [amending this section] are effective January 10, 1977, and the amendments made by subsections (b)(4) and (d) of section 601 [amending this section and section 1182 of this title] shall apply only on and after January 10, 1978, notwithstanding subsection (f) of such section [set out as an Effective Date of 1976 Amendments note under section 1182 of this title]."

**Effective Date of 1976 Amendments**

Section 10 of Pub. L. 94–571 provided that: "The foregoing provisions of this Act, including the amendments made by such provisions [see Short Title of 1976 Amendment note below], shall become effective on the first day of the first month which begins more than sixty days after the date of enactment of this Act [Oct. 20, 1976]."

Amendment by section 601(b)(4) of Pub. L. 94–484 applicable only on and after Jan. 10, 1978, notwithstanding section 601(f) of Pub. L. 94–484, see section 602(d) of Pub. L. 94–484, set out as an Effective Date of 1977 Amendment note above.

Amendment by Pub. L. 94–484 effective ninety days after Oct. 12, 1976, see section 601(f) of Pub. L. 94–484, set out as a note under section 1182 of this title.

**Effective Date of 1965 Amendment**

For effective date of amendment by Pub. L. 89–236, see section 20 of Pub. L. 89–236, set out as a note under section 1151 of this title.

**Effective Date**

Section 407 of act June 27, 1952, provided that: "Except as provided in subsection (k) of section 401 [former section 1106(k) of this title], this Act [this chapter] shall take effect at 12:01 ante meridian United States Eastern Standard Time on the one hundred eighthieth day immediately following the date of its enactment [June 27, 1952]."

**Short Title of 2010 Amendment**

Pub. L. 111–287, § 1, Nov. 30, 2010, 124 Stat. 3058, provided that: "This Act [amending this section and section 1182 of this title and enacting provisions set out as a note under this section] may be cited as [the] 'International Adoption Simplification Act'."

**Short Title of 2008 Amendment**

Pub. L. 110–391, § 1, Oct. 10, 2008, 122 Stat. 4193, provided that: "This Act [amending this section and enacting provisions set out as notes under this section] may be cited as [the] 'Special Immigrant Nonminister Religious Worker Program Act'."

Pub. L. 110–382, § 1, Oct. 9, 2008, 122 Stat. 4087, provided that: "This Act [amending section 1439 of this title and section 271 of Title 6, Domestic Security, and enacting
provisions set out as notes under section 271 of Title 6] may be cited as the ‘Military Personnel Citizenship Processing Act’."


**Short Title of 2007 Amendment**


**Short Title of 2006 Amendment**

Pub. L. 109–13, div. B, § 1, May 11, 2005, 119 Stat. 302, provided that: “This division [enacting section 1778 of this title, amending this section, sections 1157 to 1159, and section 1869c of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 1182 and 1184 of this title] may be cited as the ‘L–1 Visa and H–1B Visa Reform Act’.”


**Short Title of 2005 Amendment**


**Short Title of 2002 Amendments**


Pub. L. 107–208, § 1, Aug. 6, 2002, 116 Stat. 927, provided that: “This Act [amending sections 1151, 1153, 1154, 1157, and 1158 of this title and enacting provisions set out as a note under section 1153 of this title] may be cited as the ‘Child Status Protection Act’.”


**Short Title of 2000 Amendments**


Pub. L. 106–553, § 1(a)(2) (title XI, § 1101), Dec. 21, 2000, 114 Stat. 2762, 2762A–142, provided that: “This title [amending this section and sections 1184, 1186a, and 1225 of this title, and enacting provisions set out as notes under this section] may be cited as—

(1) the ‘Legal Immigration Family Equity Act’; or

(2) the ‘LIFE Act’.”

Pub. L. 106–409, § 1, Nov. 1, 2000, 114 Stat. 1787, provided that: “This Act [amending section 1151 and enacting provisions set out as notes under this section] may be cited as the ‘International Patient Act of 2000’.”


Pub. L. 106–396, § 1, Oct. 30, 2000, 114 Stat. 1637, provided that: “This Act [amending sections 1182, 1184,
1187, and 1192 of this title, enacting provisions set out as a note under section 1187 of this title and classified as a note under section 763 of Title 47, Telephones, and Radio Telegraphs, and amending provisions set out as a note under section 1153 of this title may be cited as the 'Visa Waiver Permanent Program Act'.''

Pub. L. 106–386, § 1, Oct. 30, 2000, 114 Stat. 1631, provided that: 'This Act [amending this section, sections 1182, 1227, 1431, and 1433 of this title, and sections 611 and 1015 of Title 18, Crimes and Criminal Procedure, repealing section 1425 of this title, and enacting provisions set out as notes under this section, sections 1182, 1227, and 1431 of this title, and section 611 of Title 18] may be cited as the 'Child Citizenship Act of 2000'.''

Pub. L. 106–386, div. B, title V, § 1501, Oct. 28, 2000, 114 Stat. 1518, provided that: 'This title [amending this section, sections 1151, 1154, 1182, 1227, 1229a, 1229b, 1255, 1367, 1430, and 1614 of this title, section 1152 of Title 29, Education, and sections 5796gg, 5796hh, and 1397 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1229a, 1229b, and 1255 of this title, and amending provisions set out as notes under this section and section 1255 of this title] may be cited as the 'Battered Immigrant Women Protection Act of 2000'.''

Pub. L. 106–313, title I, §101, Oct. 17, 2000, 114 Stat. 1251, provided that: 'This title [amending sections 1152, 1154, 1182, 1184, and 1366 of this title, section 2516a of Title 29, Labor, and section 1869c of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section, sections 1153, 1184, and 1356 of this title, section 2701 of Title 29, Labor, and sections 1266 and 13751 of Title 42, and amending provisions set out as a note under section 1182 of this title] may be cited as the 'American Competitiveness in the Twenty-first Century Act of 2000'.'

Pub. L. 106–215, §1, June 15, 2000, 114 Stat. 337, provided that: 'This Act [amending section 1365a of this title and enacting provisions set out as a note under section 1365a of this title] may be cited as the 'Immigration and Naturalization Service Data Management Improvement Act of 2000'.'

§ 1101

TITLE 8—ALIENS AND NATIONALITY

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SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106–95, §1, Nov. 12, 1999, 113 Stat. 1312, provided that: 'This Act [amending sections 1153 and 1162 of this title, enacting provisions set out as a note under section 1153 of this title, and amending provisions set out as a note under this section] may be cited as the 'Nursing Relief for Disadvantaged Areas Act of 1999'.'

SHORT TITLE OF 1998 AMENDMENT


SHORT TITLE OF 1997 AMENDMENTS

Section 112(a) of Pub. L. 105–105, provided that: ‘This section [amending and repealing provisions set out as notes under section 1153 of this title] may be cited as the 'Philippine Army, Scouts, and Guerilla Veterans of World War II Naturalization Act of 1997.'

Pub. L. 105–100, title II, §201, Nov. 19, 1997, 111 Stat. 2183, provided that: ‘This title [amending section 1229b of this title, enacting provisions set out as notes under this section and sections 1151, 1153, 1229b, and 1255 of this title, and amending provisions set out as a note under this section] may be cited as the 'Nicaraguan Adjustment and Central American Relief Act.'

SHORT TITLE OF 1996 AMENDMENT

Section 1(a) of div. C of Pub. L. 104–206 provided that: 'This division [see Tables for classification] may be cited as the 'Illegal Immigration Reform and Immigrant Responsibility Act of 1996.'

SHORT TITLE OF 1994 AMENDMENT

Section 1 of Pub. L. 104–416 provided that: 'This Act [see Tables for classification] may be cited as the 'Immigration and Nationality Technical Corrections Act of 1994.'

SHORT TITLE OF 1991 AMENDMENTS

Section 1(a) of Pub. L. 102–232 provided that: 'This Act [amending this section, sections 1102, 1105a, 1151 to 1154, 1157 to 1161, 1184 to 1186a to 1186d, 1201, 1221, 1229, 1227, 1229, 1251, 1252, 1252a, 1252b, 1254 to 1255a, 1281, 1282, 1284, 1286, 1288, 1322, 1323, 1324a to 1324c, 1325, 1356, 1357, 1421, 1423, 1424, 1431, 1439 to 1441, 1443, 1449 to 1452, and 1455 of this title, and section 3753 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1151, 1157, 1160, 1182, 1184, 1251, 1252, 1254a, 1255, 1356, 1358, and 1421 of this title, and amending provisions set out as notes under this section and sections 1151, 1157, 1160, 1182, 1184, 1251, 1252, 1254a, 1255, 1356, 1421, and 1422 of this title] may be cited as the 'Miscellaneous and Technical Immigration and Naturalization Amendments of 1991.'

Section 101 of title I of Pub. L. 102–332 provided that: 'This title [amending sections 1421, 1448, 1450, and 1455 of this title and enacting provisions set out as a note under section 1421 of this title] may be cited as the 'Judicial Naturalization Ceremonies Amendments of 1991.'

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amending provisions set out as a note under section 1255a of this title] may be cited as the 'Immigration Nursing Relief Act of 1989'."

**SHORT TITLE OF 1988 AMENDMENTS**

Pub. L. 100–658, § 1, Nov. 15, 1988, 102 Stat. 3908, provided that: "This Act [amending provisions set out as notes under this section and section 1153 of this title and amending provisions set out as a note under section 1153 of this title] may be cited as the 'Immigration Amendments of 1986'."

Section 1(a) of Pub. L. 100–525 provided that: "This Act [amending this section, sections 1102, 1103, 1104, 1105a, 1152, 1154, 1157, 1160, 1161, 1182, 1184, 1186a, 1187, 1188, 1201, 1201a, 1202, 1222, 1223, 1224, 1227, 1251, 1252, 1254, 1255, 1255a, 1256a, 1259, 1301, 1302, 1304, 1305, 1324a, 1324b, 1353, 1356, 1357, 1360, 1408, 1409, 1421, 1422, 1424, 1426, 1431, 1432, 1433, 1435, 1440, 1446, 1447, 1451, 1452, 1454, 1455, 1459, 1461, 1483, 1489, 1522, 1523, and 1524 of this title, section 1546 of Title 18, Crimes and Criminal Procedure, section 1091 of Title 20, Education, section 1802 of Title 29, Labor, and repealing provisions set out as a note under section 1255a of this title] may be cited as the 'Immigration Technical Corrections Act of 1988'."

**SHORT TITLE OF 1986 AMENDMENTS**

Section 1(a) of Pub. L. 99–653, as amended by Pub. L. 100–325, § 8(a)(1), Oct. 24, 1988, 102 Stat. 2617, provided that: "This Act [amending this section, sections 1152, 1154, 1202, 1252, 1253, 1301, 1302, 1304, 1305, 1306, 1324, 1324b, 1353, 1356, 1357, 1401, 1409, 1451, 1452, and 1522 of this title and section 4195 of Title 22, Foreign Relations and Intercourse, enacting provisions set out as notes under this section and section 1153, 1182, 1188, and 1255a of this title and section 1802 of Title 29, Labor, and repealing provisions set out as a note under section 1255a of this title] may be cited as the 'Immigration and Nationality Act Amendments of 1986'."

Pub. L. 99–605, § 1, Nov. 10, 1986, 100 Stat. 3537, provided that: "This Act [enacting section 1186a of this title, amending sections 1154, 1182, 1184, 1254, 1325 of this title, and enacting provisions set out as notes under sections 1154, 1182, 1184, and 1255 of this title] may be cited as the 'Immigration Marriage Fraud Amendments of 1986'."

Pub. L. 99–605, § 1(a), Nov. 6, 1986, 100 Stat. 3449, provided that: "This Act [amending sections 1152 to 1155, 1181, 1182, 1203, 1254, 1255, 1301, 1302, 1304, 1305, 1324 to 1433, 1451, 1452, 1481, and 1483 of this title, and section 4195 of Title 22, Foreign Relations and Intercourse, and repealing section 1201a of this title and provisions set out as notes under section 1153 of this title] may be cited as the 'Immigration and Nationality Act Amendments of 1986'."

**SHORT TITLE OF 1976 AMENDMENT**

Section 1(a) of Pub. L. 94–571 provided that: "This Act [amending this section and sections 1151 to 1154, 1181, 1182, 1251, 1254, and 1255 of this title and enacting provisions set out as notes under this section and sections 1153 and 1255 of this title] may be cited as the 'Immigration and Nationality Act Amendments of 1976'.''

**SHORT TITLE**

Section 1 of act June 27, 1952, provided that such act, enacting this chapter, section 1429 of Title 18, Crimes and Criminal Procedure, enacting sections 1333a, 1333d, 1525 of this title, sections 342b, 342c, 342e of former Title 5, Executive Departments and Government Officers and Employees, sections 1114, 1546 of Title 18, sections 618, 1446 of Title 22, Foreign Relations and Intercourse, sections 1, 117 of former Title 49, Transportation, sections 1952 to 1955 and 1961 of Title 50 App., War and National Defense, repealing section 530 of former Title 31, Money and Finance, enacting provisions set out as notes under this section and amending enacting provisions set out as notes under sections 1458 and 1440 of this title, may be cited as the 'Immigration and Nationality Act'.

**REPEAL AND REVIVAL**

Section 8(b) of Pub. L. 100–325 provided that: "Section 3 of INAA [Pub. L. 99–653, repealing subsec. (c)(1) of this section] is repealed and the language stricken by such section is revived as of November 14, 1986.''

**REPEALS**

Section 603(b) of act June 27, 1952, provided that: "Except as otherwise provided in section 405 [set out below], all other laws, or parts of laws, in conflict with inconsistent with this Act [this chapter] are, to the extent of such conflict or inconsistency, repealed.''

**REGULATIONS**


(1) issue final regulations to eliminate or reduce fraud related to the granting of special immigrant status for special immigrants described in subclause (I) or (II) of section 101(a)(15)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(C)(i)); and
“(2) submit a certification to Congress and publish notice in the Federal Register that such regulations have been issued and are in effect.’’

Pub. L. 106–162, title VIII, §826, Jan. 5, 2006, 119 Stat. 3066, provided that: ‘‘Not later than 180 days after the date of enactment of this Act [Jan. 5, 2006], the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of Pub. L. 106–286) [see section 1501 of Pub. L. 106–286, set out as a Short Title of 2000 Amendments note under this section], this Act [see Tables for classification], and the amendments made by this Act.’’

Section 303(a)(8) of Pub. L. 102–222 provided that: ‘‘The Secretary of Labor shall issue final or interim final regulations to implement the changes made by this section to section 103(a)(15)(H)(i)(b) and section 221(e) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b), 1182(m)) no later than January 2, 1992.’’

Pub. L. 102–140, title VI, §610, Oct. 28, 1991, 105 Stat. 832, as amended by Pub. L. 103–416, title II, §219(2), Oct. 25, 1994, 108 Stat. 4317, provided that: ‘‘(a) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(1) of the Immigration and Nationality Act [act June 27, 1952, as amended, set out as a note above], including a delineation of (1) scenarios that constitute an immigration emergency, (2) the process by which the President declares an immigration emergency, (3) the role of the Governor and local officials in requesting a declaration of emergency, (4) a definition of ‘assistance as required by the Attorney General’, and (5) the process by which States and localities are to be reimbursed.

‘‘(b) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(2) of such Act, including providing a definition of the terms in section 404(b)(2)(A)(i) and a delineation of ‘in any other circumstances’ in section 404(b)(2)(A)(ii) of such Act.

‘‘(c) The regulations under this section shall be published for comment not later than 30 days after the date of enactment of this Act [Oct. 28, 1991] and issued in final form not later than 15 days after the end of the comment period.’’

Savings Clause

Section 405 of act June 27, 1952, provided in part that: ‘‘(a) Nothing contained in this Act [this chapter], unless otherwise specifically provided therein, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certificate of citizenship, warrant of arrest, order or warrant of deportation, order of exclusion, or other document or proceeding which shall be valid at the time this Act [this chapter] shall take effect; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any status, condition, right in process of acquisition, act, thing, liability, obligation, or matter, civil or criminal done or existing, at the time this Act [this chapter] shall take effect; but as to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters the statutes or parts of statutes repealed by this Act [this chapter] are, unless otherwise specifically provided therein, hereby continued in force and effect. When an immigrant, in possession of an unexpired immigrant visa issued prior to the effective date of this Act [this chapter], makes application for admission, his admissibility shall be determined under the provisions of law in effect on the date of the issuance of such visa. An application for suspension of deportation under section 19 of the Immigration Act of 1917, as amended [former section 155 of this title], or for adjustment of status under section 4 of the Displaced Persons Act of 1948, as amended [former section 1553 of Appendix to Title 50], which is pending on the date of enactment of this Act [June 27, 1952], shall be regarded as a proceeding within the meaning of this subsection.

‘‘(b) Except as otherwise specifically provided in title III [subchapter III of this chapter], any petition for naturalization hereforefiled which may be pending at the time this Act [this chapter] shall take effect shall be heard and determined in accordance with the requirements of law in effect when such petition was filed.

‘‘(c) Except as otherwise specifically provided in this Act [this chapter], the repeal of any statute by this Act [this chapter] shall not terminate nationality hereforelawfully acquired nor restore nationality hereforelost under any law of the United States or any treaty to which the United States may have been a party.

‘‘(d) Except as otherwise specifically provided in this Act [this chapter], or any amendment thereto, fees, charges and prices for purposes specified in title V of the Independent Offices Appropriation Act, 1952 (Public Law 137, Eighty-second Congress, approved August 31, 1951), may be fixed and established in the manner and by the head of any Federal Agency as specified in that Act.

‘‘(e) This Act [this chapter] shall not be construed to repeal, alter, or amend section 231(a) of the Act of April 30, 1946 (60 Stat. 148; [section 1261(a) of title 22]), the Act of June 20, 1949 (Public Law 110, section 8, Eighty-first Congress, first session; 63 Stat. 208 [section 403 of title 22]), the Act of June 5, 1950 (Public Law 535, section 10, Eighty-first Congress, second session [former section 1501 et seq. of title 22]), nor title V of the Agricultural Act of 1949, as amended (Public Law 78, Eighty-second Congress, first session [former sections 1461 to 1469 of title 7]).’’

Separability

Pub. L. 106–313, title I, §116, Oct. 17, 2000, 114 Stat. 1262, provided that: ‘‘If any provision of this title [see Short Title of 2000 Amendments note above] (or any amendment made by this title) or the application thereof to any person or circumstance shall not be affected thereby, this section be enacted [sic] 2 days after effective date.’’

Section 1(e) of div. C of Pub. L. 104–208 provided that: ‘‘If any provision of this division [see Tables for classification] or the application of such provision to any person or circumstances is held invalid, the remainder of this division and the application of the provisions of this division to any person or circumstance shall not be affected thereby.’’

Transfer of Functions

United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of Title 22, Foreign Relations and Intercourse.

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.

Admission of Alaska as State

Effectiveness of amendment of this section by Pub. L. 85–568 as dependent on admission of State of Alaska into the Union, see section 8(b) of Pub. L. 85–568, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.
ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 25, 1959, 25 F.R. 6688, 73 Stat. 744, as required by sections 1 and 3 of Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding former section 491 of Title 48, Territories and Insular Possessions.

APPROPRIATIONS


“(a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act (this chapter) [other than chapter 2 of title IV] [subchapter IV of this chapter].

“(b)(1) There are authorized to be appropriated (for fiscal year 1991 and any subsequent fiscal year) to an immigration emergency fund, to be established in the Treasury, an amount sufficient to provide for a balance of $35,000,000 in such fund, to be used to carry out paragraph (2) and to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as required by the Attorney General to States and localities whenever—

“(i) a district director of the Service certifies to the Commissioner that the number of asylum applications filed in the respective district during a calendar quarter exceeds by at least 1,000 the number of such applications filed in that district during the preceding calendar quarter,

“(ii) the lives, property, safety, or welfare of the residents of a State or locality are endangered, or

“(iii) in any other circumstances as determined by the Attorney General.

“In applying clause (i), the providing of parole at a point of entry in a district shall be deemed to constitute an application for asylum in the district.

“(B) Not more than $35,000,000 shall be made available for all localities under this paragraph.

“(C) For purposes of subparagraph (A), the requirement of paragraph (1) that an immigration emergency be determined shall not apply.

“(D) A decision with respect to an application for reimbursement under subparagraph (A) shall be made by the Attorney General within 15 days after the date of receipt of the application.”

[Section 705(b) of Pub. L. 101–619 provided that: “Section 404(b)(2)(A)(i) of the Immigration and Nationality Act [act June 27, 1952, set out above], as added by the amendment made by subsection (a)(b), shall apply with respect to increases in the number of asylum applications filed in a calendar quarter beginning on or after January 1, 1989. The Attorney General may not spend any amounts from the immigration emergency fund pursuant to the amendments made by subsection (a) [amending section 404 of act June 27, 1952, set out above] before October 1, 1991.”]

[ Determination of President of the United States, No. 97–16, Feb. 12, 1991, 56 F.R. 6977, 75 Stat. 1757, provided that—in determining whether a factual emergency existed and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate—

“(A) During the period beginning on the date of the enactment of this Act and ending on September 30, 2015, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by $2,250 for applicants who employ 50 or more employees in the United States if more than 50 percent of the applicant’s employees are nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

“(B) During the period beginning on the date of the enactment of this Act and ending on September 30, 2015, all amounts collected pursuant to the fee increases authorized under this section shall be deposited in the General Fund of the Treasury.”]

AFGHAN ALLIES PROTECTION


“SEC. 601. SHORT TITLE.

“This Act [probably should be “this title”] may be cited as the ‘Afghan Allies Protection Act of 2009’.

“SEC. 602. PROTECTION FOR AFGHAN ALLIES.

“(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

“(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

“(b) SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.—

“(1) IN GENERAL.—Subject to paragraph (3), 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 subparagraph (A), (B), or (C) of paragraph (2) 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—

“(A) or an agent acting on behalf of the alien, submits a petition for classification under section 12951(b)(4) of such Act (8 U.S.C. 1153(b)(4));

“(B) is otherwise eligible to receive an immigrant visa;

“(C) 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)(l))); and

“(D) clears a background check and appropriate screening, as determined by the Secretary of Homeland Security.
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“(2) ALIENS DESCRIBED.—

“(A) PRINCIPAL ALIENS.—An alien is described in this subparagraph if the alien—

“(i) is a citizen or national of Afghanistan;

“(ii) was or is employed by or on behalf of the United States Government in Afghanistan on or after October 7, 2001, for not less than one year;

“(iii) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation, subject to subparagraph (D), 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 Afghanistan; and

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

“(B) SPOUSE OR CHILD.—An alien is described in this subparagraph if the alien—

“(i) is the spouse or child of a principal alien described in subparagraph (A); and

“(ii) is accompanying or following to join the principal alien in the United States.

“(C) SURVIVING SPOUSE OR CHILD.—An alien is described in this subparagraph if the alien—

“(i) was the spouse or child of a principal alien described in subparagraph (A) who had a petition for classification approved pursuant to this section or section 1503 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–183; 8 U.S.C. 1101 note) which included the alien as an accompanying spouse or child; and

“(ii) 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.

“(D) APPROVAL BY CHIEF OF MISSION REQUIRED.—A recommendation or evaluation required under subparagraph (A)(ii) shall be accompanied by approval from the appropriate Chief of Mission, or the designee of the appropriate 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.

“(3) NUMERICAL LIMITATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (C), the total number of principal aliens who may be provided special immigrant status under this section may not exceed 1,500 per year for each fiscal year 2009, 2010, 2011, 2012, and 2013.

“(B) EXCLUSION FROM NUMERICAL LIMITATIONS.—

“An alien provided special immigrant status under this subsection 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)).

“(C) CARRY FORWARD.—

“(i) FISCAL YEARS 2009 THROUGH 2013.—If the numerical limitation specified in subparagraph (A) is not reached during a given fiscal year, with respect to fiscal year 2009, 2010, 2011, 2012, or 2013, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

“(I) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

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

“(ii) FISCAL YEAR 2014.—If the numerical limitation determined under clause (i) is not reached in fiscal year 2013, the total number of principal aliens who may be provided special immigrant status under this subsection for fiscal year 2014 shall be equal to the difference between—

“(I) the numerical limitation determined under clause (i) for fiscal year 2013; and

“(II) the number of principal aliens provided such status under this section during fiscal year 2013.

“(4) PROHIBITION ON FEES.—The Secretary of Homeland Security or the Secretary of State may not charge an alien described in subparagraph (A), (B), or (C) of paragraph (2) any fee in connection with an application for, or issuance of, a special immigrant visa under this section.

“(5) ASSISTANCE WITH PASSPORT ISSUANCE.—The Secretary of State shall make a reasonable effort to ensure that an alien described in subparagraph (A), (B), or (C) of paragraph (2) who is seeking a special immigrant visa pursuant to this subsection is provided with the appropriate series Afghan passport necessary to enter the United States.

“(6) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other appropriate Federal agencies, shall make a reasonable effort to provide an alien described in subparagraph (A), (B), or (C) of paragraph (2) who is seeking special immigrant status under this subsection protection or to immediately remove such alien from Afghanistan, if possible, if the Secretary determines, after consultation, that such alien is in imminent danger.

“(7) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this subsection solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

“(8) RESSETLEMENT SUPPORT.—A citizen or national of Afghanistan who is 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.

“(9) ADJUSTMENT OF STATUS.—Notwithstanding paragraph (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subparagraph (A), (B), or (C) of paragraph (2) of this subsection or in section 1244(b) of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 122 Stat. 397) (8 U.S.C. 1157 note) to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

“(A) was paroled or admitted as a nonimmigrant into the United States; and

“(B) is otherwise eligible for special immigrant status under—

“(I) this subsection; or

“(II) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(10) REPORT ON IMPLEMENTATION AND AUTHORITY TO CARRY OUT ADMINISTRATIVE MEASURES.—

“(A) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act [Mar. 11, 2009], the Secretary of Homeland Security and the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report on the implementation of this subsection.

“(B) CONTENT OF REPORT.—The report required by subparagraph (A) shall describe actions taken, and additional administrative measures that may be needed, to ensure the integrity of the program established under this subsection and the national security interests of the United States related to such program.

“(C) AUTHORITY TO CARRY OUT ADMINISTRATIVE MEASURES.—The Secretary of Homeland Security
and the Secretary of State shall implement any additional administrative measures described in subparagraph (B) as they may deem necessary and appropriate to ensure the integrity of the program established under this subsection and the national security interests of the United States related to such program.

(1) Annual report on use of special immigrant status.

(a) Requirement.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report on the number of citizens or nationals of Afghanistan or Iraq who have applied for status as special immigrants under this subsection or section 1244 of the Refugee Crisis in Iraq Act of 2007 [Public Law 110–181; 122 Stat. 396] and annually thereafter the Secretary of Homeland Security, the Secretary of State, and the Administrator of the United States Agency for International Development, the Secretary of State, and the Secretary of Homeland Security, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate committees of Congress a report examining the options for establishing a unified and classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Afghanistan since October 7, 2001, including the information described and collected under paragraph (1), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(a) Requirement.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report that describes the reasons that such contractor or grantee provided for failing to provide such information.

(c) Requirement regarding citizens or nationals of Afghanistan employed by the United States or Federal contractors in Afghanistan.

(1) Requirement to compile information. —

(A) In General.—Not later than 120 days after the date of the enactment of this Act [Mar. 11, 2009], the Administrator of the United States Agency for International Development, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Secretary of the Treasury shall—

(i) review internal records and databases of their respective agencies for information that can be used to verify employment of citizens or nationals of Afghanistan by the United States Government; and

(ii) request from each prime contractor or grantee that has performed work in Afghanistan since October 7, 2001, under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of $25,000, information that may be used to verify the employment of such citizens or nationals by such contractor or grantee.

(B) Information required. —To the extent data is available, the information referred to in subparagraph (A) 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 citizen or national of Afghanistan who has performed work in Afghanistan since October 7, 2001, under a contract, grant, or cooperative agreement with an executive agency.

(2) Report on establishment of database.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Homeland Security, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate committees of Congress a report examining the options for establishing a unified and classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Afghanistan since October 7, 2001, including the information described and collected under paragraph (1), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(3) Report on noncompliance. —Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report that describes the reasons that such contractor or grantee provided for failing to provide such information.
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officer in the chain of command of the United States Armed Forces unit that was supported by the alien; and

before filing the petition described in subsection (a)(1), cleared a background check and screening, as determined by the Chief of Mission or a general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien.

"(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is the spouse or child of a principal alien described in paragraph (1), and is following or accompanying to join the principal alien.

"(c) NUMERICAL LIMITATIONS.—

"(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section—

"(A) during each of the fiscal years 2017 and 2018, shall not exceed 500; and

"(B) during any other fiscal year shall not exceed 50.

"(2) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1110(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section and shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

"(3) CARRY FORWARD.—If the numerical limitation described in paragraph (1) is not reached during a given fiscal year, the numerical limitation for the following fiscal year shall be increased by a number equal to the difference between the number of visas authorized for the given fiscal year and the number of aliens provided special immigrant status during the given fiscal year.

(d) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

"(1) was paroled or admitted as a nonimmigrant into the United States; and

"(2) has otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act (8 U.S.C. 1101) et seq.

"(e) NATURALIZATION.—

"(1) IN GENERAL.—An absence from the United States described in paragraph (2) shall not be considered to break any period for which continuous residence is required for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.).

"(2) ABSENCE DESCRIBED.—An absence described in this paragraph is an absence from the United States due to a person's employment by the Chief of Mission or United States Armed Forces, under contract with the Chief of Mission or United States Armed Forces, or by a firm or corporation under contract with the Chief of Mission or United States Armed Forces, if—

"(A) such employment involved working with the Chief of Mission or United States Armed Forces as a translator or interpreter; and

"(B) the person spent at least a portion of the time outside of the United States working directly with the Chief of Mission or United States Armed Forces as a translator or interpreter in Iraq or Afghanistan.

"(f) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—The definitions in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) shall apply in the administration of this section.


BATTERED IMMIGRANT WOMEN; FINDINGS AND PURPOSES


"(a) FINDINGS.—Congress finds that—

"(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 [Pub. L. 103–322, title IV, see Tables for classification] was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

"(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser's control; and

"(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

"(b) PURPOSES.—The purposes of this title [see Short Title of 2000 Amendments note above] are—

"(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

"(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

PROTECTION FOR CERTAIN CRIME VICTIMS INCLUDING VICTIMS OF CRIMES AGAINST WOMEN


"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—Congress makes the following findings:

"(A) Immigrant women and children are often targeted to be victims of crimes committed against them in the United States, including rape, torture, kidnapping, trafficking, incest, domestic violence, sexual assault, female genital mutilation, forced prostitution, involuntary servitude, being held hostage or being criminally restrained.

"(B) All women and children who are victims of these crimes committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation of the crimes committed against them and the prosecution of the perpetrators of such crimes.

"(2) PURPOSE.—

"(A) The purpose of this section [amending this section and sections 1821, 1824, 1825, and 1827 of this title] is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States. This visa will en-
courage law enforcement officials to better serve immigrant crime victims and to prosecute crimes committed against aliens.

"(b) Creating a new nonimmigrant visa classification will facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused aliens who are not in lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations or prosecutions. Providing temporary legal status to aliens who have been severely victimized by criminal activity also comports with the humanitarian interests of the United States.

"(C) Finally, this section gives the Attorney General discretion to convert the status of such non-immigrants to that of permanent residents when doing so is justified on humanitarian grounds, for family unity, or is otherwise in the public interest.

PHILIPPINE TRADERS AS NONIMMIGRANTS

Philippine traders classifiable as nonimmigrants under subsec. (a)(15)(E) of this section, see section 1184a of this title.

IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM


COORDINATION OF AMENDMENTS BY PUB. L. 104–208

Section 1(b) of div. C of Pub. L. 104–208 provided that:

"(1) whenever in this division [see Tables for classification] an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act [8 U.S.C. 1101 et seq.]; and

"(2) amendments to a section or other provision are to such section or other provision before any amendment made to such section or other provision elsewhere in this division."

APPLICABILITY OF TITLE V OF DIVISION C OF PUB. L. 104–208 TO FOREIGN ASSISTANCE

Section 592 of title V of div. C of Pub. L. 104–208 provided that: "This title [see Effective Date of 1996 Amendment note above] does not apply to any Federal, State, or local governmental program, assistance, or benefits provided to an alien under any program of foreign assistance as determined by the Secretary of State in consultation with the Attorney General."

NOTIFICATION TO PUBLIC AND PROGRAM RECIPIENTS OF CHANGES REGARDING ELIGIBILITY FOR PROGRAMS

Section 933 of title V of div. C of Pub. L. 104–208 provided that:

"(a) IN GENERAL.—Each agency of the Federal Government or a State or political subdivision that administers a program affected by the provisions of this title [see Effective Date of 1996 Amendment note above], shall, directly or through the States, provide general notification to the public and to program recipients of the changes regarding eligibility for any such program pursuant to this title.

"(b) FAILURE TO GIVE NOTICE.—Nothing in this section shall be construed to require or authorize continu-
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“(3) threats to the national security of the United States,
“(4) the protection of the global environment,
“(5) the protection of endangered species, or
“(6) regional humanitarian disasters,
the official shall be admitted to the United States, unless the official is otherwise inadmissible under the immigration laws of the United States.”

CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS


[Amendment by Pub. L. 104–132 effective as if included in enactment of Pub. L. 103–416, see section 486(b)(3) of Pub. L. 104–132 set out as an Effective Date of 1996 Amendment note under section 1252 of this title.]

REPORT ON ADMISSION OF CERTAIN NONIMMIGRANTS

Section 202(b) of Pub. L. 102–232 directed Comptroller General, by not later than Oct. 1, 1994, to submit to Committees on the Judiciary of Senate and of House of Representatives a report containing information relating to the admission of artists, entertainers, athletes, and related support personnel as nonimmigrants under 8 U.S.C. 1101(a)(15)(O), (P), and information on the laws, regulations, and practices in effect in other countries that affect United States citizens and permanent resident aliens in the arts, entertainment, and athletics, in order to evaluate the impact of such admissions, laws, regulations, and practices in effect in other countries, and to direct Chairman of the Committee on the Judiciary of Senate to make the report available to interested parties and to hold a hearing respecting the report and directed such Committee to report to Senate its findings and any legislation it deems appropriate.

DELAY UNTIL APRIL 1, 1992, IN IMPLEMENTATION OF PROVISIONS RELATING TO NONMIGRANT ARTISTS, ATHLETES, ENTERTAINERS, AND FASHION MODELS

Section 3 of Pub. L. 102–110 provided that: “Section 214(g)(1)(C) of the Immigration and Nationality Act [8 U.S.C. 1184(g)(1)(C)] shall not apply to the issuance of visas or provision of status before April 1, 1992. Aliens seeking nonimmigrant admission as artists, athletes, entertainers, or fashion models, for the purpose of accompanying or assisting in an artistic or athletic performance before April 1, 1992, shall not be admitted under subparagraph (O)(i), (O)(ii), (P)(i), or (P)(ii) of section 101(a)(15) of such Act [8 U.S.C. 1101(a)(15)], but may be admitted under the Chairman to serve for the remaining life of the Commission on Immigration Reform.”

COMMISSION ON IMMIGRATION REFORM

“(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) Effective October 1, 1991, there is established a Commission on Immigration Reform (in this section referred to as the ‘Commission’) which shall be composed of 9 members to be appointed as follows:
“(A) One member who shall serve as Chairman, to be appointed by the President;
“(B) Two members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the Chairman of the Committee on the Judiciary of the House of Representatives;
“(C) Two members to be appointed by the Minority Leader of the House of Representatives who shall select such members from a list of nominees provided by the ranking minority member of the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary of the House of Representatives.
“(D) Two members to be appointed by the Majority Leader of the Senate who shall select such members from a list of nominees provided by the Chairman of the Subcommittee on Immigration and Refugee Affairs of the Committee on the Judiciary of the Senate.
“(E) Two members to be appointed by the Minority Leader of the Senate who shall select such members from a list of nominees provided by the ranking minority member of the Subcommittee on Immigration and Refugee Affairs of the Committee on the Judiciary of the Senate.
“(2) Initial appointments to the Commission shall be made during the 45-day period beginning on October 1, 1991. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.
“(3) Members shall be appointed to serve for the life of the Commission, except that the term of the member described in paragraph (1)(A) shall expire at noon on January 20, 1993, and the President shall appoint an individual to serve for the remaining life of the Commission.
“(c) CONSIDERATIONS.—
“(1) PARTICULAR CONSIDERATIONS.—In particular, the Commission shall consider the following:
“(A) The requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members and the impact which the establishment of a national level of immigration has upon the availability and priority of family preference visas.
“(B) The impact of immigration and the implementation of the employment-based and diversity programs on labor needs, employment, and other economic and domestic conditions in the United States.
“(C) The social, demographic, and natural resources impact of immigration.
“(D) The impact of immigration on the foreign policy and national security interests of the United States.
“(E) The impact of per country immigration levels on family-sponsored immigration.
“(F) The impact of the numerical limitation on the adjustment of status of aliens granted asylum.
“(G) The impact of the numerical limitations on the admission of nonimmigrants under section 214(g) of the Immigration and Nationality Act [8 U.S.C. 1184(g)].
“(2) DIVERSITY PROGRAM.—The Commission shall analyze the information maintained under section 203(c)(3) of the Immigration and Nationality Act [8 U.S.C. 1153(c)(3)] and shall report to Congress in its report under subsection (b)(2) on—
“(A) the characteristics of individuals admitted under section 203(c) of the Immigration and Nationality Act, and
“(B) how such characteristics compare to the characteristics of family-sponsored immigrants and employment-based immigrants.
The Commission shall include in the report an assessment of the effect of the requirement of paragraph (2) of section 203(c) of the Immigration and Nationality Act (on the diversity, educational, and skill level of aliens admitted.

"(d) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, pay at the daily equivalent of the minimum annual rate of basic pay in effect for grade GS–18 of the General Schedule. Each member of the Commission who is such an officer or employee shall serve without additional pay.

"(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

"(e) MEETINGS, STAFF, AND AUTHORITY OF COMMISSION.—The provisions of subsections (e) through (g) of section 304 of the Immigration Reform and Control Act of 1986 [Pub. L. 99–603, set out as a note under section 1160 of this title] apply to the Commission in the same manner as they apply to the Commission established under such section, except that paragraph (2) of subsection (e) thereof shall not apply.

"(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

"(2) Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

"(g) TERMINATION DATE.—The Commission shall terminate on the date on which a final report is required to be transmitted under subsection (b)(2)(B), except that the Commission may continue to function until January 1, 1998, for the purpose of concluding its activities, including providing testimony to standing committees of Congress concerning its final report under this section and disseminating that report.

"(h) CONGRESSIONAL RESPONSE.—(1) No later than 90 days after the date of receipt of each report transmitted under subsection (b)(2), the Committees on the Judiciary of the House of Representatives and of the Senate shall initiate hearings to consider the findings and recommendations of the report.

"(2) No later than 180 days after the date of receipt of such a report, each such Committee shall report to its respective House its oversight findings and any legislation it deems appropriate.

"(i) PRESIDENTIAL REPORT.—The President shall conduct a review and evaluation and provide for the transmission of reports to the Congress in the same manner as the Commission is required to conduct a review and evaluation and to transmit reports under subsection (b).

"[References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 (title I, §101(c)(1)) of Pub. L. 101–509, set out in a note under section 5376 of Title 5.]

SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS EMPLOYED AT UNITED STATES MISSION IN HONG KONG (D SPECIAL IMMIGRANTS)


"(a) IN GENERAL.—Subject to subsection (c), an alien described in subsection (b) shall be treated as a special immigrant described in section 101(a)(27)(D) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(27)(D)].

"(b) ALIENS COVERED.—An alien is described in this subsection if—

"(1) the alien is—

"(A) an employee at the United States consulate in Hong Kong under the authority of the Chief of Mission (including employment pursuant to section 593 of title 5, United States Code) and has performed faithful service as such an employee for a total of three years or more, or

"(B) a member of the immediate family (as defined in §1101(a)(15)(L), United States Code) of an employee described in subparagraph (A) who has been living with the employee in the same household;

"(2) the welfare of the employee or such an immediate family member is subject to a clear threat due directly to the employee's employment with the United States Government or under a United States Government official; and

"(3) the principal officer in Hong Kong, in the officer's discretion, has recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status.

"(c) EXPIRATION.—Subsection (a) shall only apply to aliens who file an application for special immigrant status under this section by not later than January 1, 2000.

"(d) LIMITED WAIVER OF NUMERICAL LIMITATIONS.—The first 500 visas made available to aliens as special immigrants under this section shall not be counted against any numerical limitation established under section 201 or 202 of the Immigration and Nationality Act [8 U.S.C. 1151 or 1152]."

INAPPLICABILITY OF AMENDMENT BY PUB. L. 101–649

Amendment by section 203(c) of Pub. L. 101–649 not to affect performance of longshore work in United States by citizens or nationals of United States, see section 203(a)(2) of Pub. L. 101–649, set out as a note under section 1285 of this title.

APPLICATION OF TREATY TRADER FOR CERTAIN FOREIGN STATES

Section 204(b) of Pub. L. 101–649 provided that: "Each of the following foreign states shall be considered, for purposes of section 101(a)(15)(E) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(E)], to be a foreign state described in such section if the foreign state extends reciprocal nonimmigrant treatment to nationals of the United States:

"(1) The largest foreign state in each region (as defined in section 209 of the Immigration and Nationality Act [8 U.S.C. 1153(c)(1)]) which (A) has 1 or more dependent areas (as determined for purposes of section 302 of such Act [8 U.S.C. 1152]) and (B) does not have a treaty of commerce and navigation with the United States.

"(2) The foreign state which (A) was identified as an adversely affected foreign state for purposes of section 314 of the Immigration Reform and Control Act of 1986 [Pub. L. 99–603, set out as a note under section 1153 of this title] and (B) does not have a treaty of commerce and navigation with the United States, but (C) had such a treaty with the United States before 1925."

CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING AND MANAGEMENT CONSULTING FIRMS

nationally recognized name under an agreement with a worldwide coordinating organization that is collectively owned and controlled by the member accounting and management consulting firms or by the elected members (partners, shareholders, members, employees) thereof, an entity that is organized outside the United States to provide accounting or management consulting services shall be considered to be an affiliate of the United States accounting or management consulting partnership if it markets its accounting or management consulting services under the same internationally recognized name directly or indirectly under an agreement with the same worldwide coordinating organization of which the United States partnership is a member. Those partnerships organized within the United States and entities organized outside the United States which are considered affiliates under this subsection shall continue to be considered affiliates to the extent such firms enter into a plan of association with a successor worldwide coordinating organization, which need not be collectively owned and controlled.

ADMISSION OF NONIMMIGRANTS FOR COOPERATIVE RESEARCH, DEVELOPMENT, AND COPRODUCTION PROJECTS


(a) IN GENERAL.—Subject to subsection (b), the Attorney General shall provide for nonimmigrant status in the case of an alien who—

"(1) has a residence in a foreign country which the alien has no intention of abandoning, and

"(2) is coming to the United States, upon a basis of reciprocity, to perform services of an exceptional nature requiring such merit and ability relating to a cooperative research and development project or a coproduction project provided under a government-to-government agreement administered by the Secretary of Defense, but not to exceed a period of more than 10 years, or who is the spouse or minor child of such an alien if accompanying or following to join the alien.

"(b) NUMERICAL LIMITATION.—The number of aliens who may be admitted as (or otherwise be provided the status of) a nonimmigrant under this section at any time may not exceed 100.

ESTABLISHMENT OF SPECIAL EDUCATION EXCHANGE VISITOR PROGRAM


"(a) IN GENERAL.—Subject to subsection (b), the Attorney General shall provide for nonimmigrant status in the case of an alien who—

"(1) has a residence in a foreign country which the alien has no intention of abandoning, and

"(2) is coming temporarily to the United States (for a period not to exceed 18 months) as a participant in a special education training program which provides for practical training and experience in the education of children with physical, mental, or emotional disabilities, or who is the spouse or minor child of such an alien if accompanying or following to join the alien.

"(b) NUMERICAL LIMITATION.—The number of aliens who may be admitted as (or otherwise be provided the status of) a nonimmigrant under this section in any fiscal year may not exceed 50.

EXTENSION OF H-1 IMMIGRATION STATUS FOR CERTAIN NONIMMIGRANTS EMPLOYED IN COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS AND COPRODUCTION PROJECTS

Pub. L. 101–189, div. A, title IX, § 887, Nov. 29, 1988, 102 Stat. 1538, provided that: The Attorney General shall provide for the extension through December 31, 1991, of nonimmigrant status under section 101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) for an alien to perform temporarily services relating to a cooperative research and development project or a coproduction project provided under a government-to-government agreement administered by the Secretary of Defense in the case of an alien who has had such status for a period of at least five years if such status has not expired as of the date of the enactment of this Act (Nov. 29, 1988) but would otherwise expire during 1989, 1990, or 1991, due only to the time limitations with respect to such status.

EXTENSION OF H-1 STATUS FOR CERTAIN REGISTERED NURSES THROUGH DECEMBER 31, 1989


"(1) such status has not expired as of the date of the enactment of this Act (Nov. 15, 1988) but would otherwise expire during 1988 or 1989, due only to the time limitation with respect to such status; or

"(2) the alien's status as a nonimmigrant expired during the period beginning on January 1, 1987, and ending on the date of the enactment of this Act, due only to the time limitation with respect to such status.

"(B) the alien is present in the United States as of the date of the enactment of this Act,

"(C) the alien has been employed as a registered nurse in the United States since the date of expiration of such status, and

"(D) in the case of an alien whose status expired during 1987, the alien's employer has filed with the Immigration and Naturalization Service, before the date of the enactment of this Act, an appeal of a petition filed in connection with the alien's application for extension of such status.

RESIDENCE WITHIN UNITED STATES CONTINUED DURING PERIOD OF ABSENCE

Section 203(a)(2) of Pub. L. 100–525 provided that: Only for purposes of section 101(a)(27)(I) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(I)), an alien who is or was an officer or employee of an international organization (or is the unmarried son or daughter or surviving spouse of such an officer or employee or former officer or employee) is considered to be residing and physically present in the United States during a period in which the alien is residing in the United States but is absent from the United States because of the officer's or employee's need to conduct official business on behalf of the organization or because of customary leave, but only if during the period of the absence the officer or employee continues to have a duty station in the United States and, in the case of such an unmarried son or daughter, the son or daughter is not enrolled in a school outside the United States.

NONIMMIGRANT TRADERS AND INVESTORS UNDER UNITED STATES-CANADA FREE-TRADE AGREEMENT

For provisions allowing Canadian citizens to be classifiable as nonimmigrants under subsection (a)(15)(E) of this section upon a basis of reciprocity secured by the United States-Canada Free-Trade Agreement, see section 307(a) of Pub. L. 100–449, set out in a note under Title 212 of Title 19, Customs Duties.

AMIRASSIAN IMMIGRATION

continued in section 101(e) of Public Law 100–202 [set out below], shall apply to an individual who (1) departs from Vietnam after the date of the enactment of this Act [Dec. 22, 1987], and (2) is described in subsection (b) of such section, but who is issued an immigrant visa under section 201(b) or 203(a) of the Immigration and Nationality Act [8 U.S.C. 1151(b), 1133(a)] (rather than under subsection (a) of such section), or would be described in subsection (b) of such section if such section also applied to principal aliens who were citizens of the United States (rather than merely to aliens)"


``(1) Notwithstanding any numerical limitations specified in the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], the Attorney General may admit aliens described in subsection (b) to the United States as immigrants if—

(A) they are admissible (except as otherwise provided in paragraph (2)) as immigrants, and

(B) they are issued an immigrant visa and depart from Vietnam on or after March 22, 1988.

``(2) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a)(4) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(4), (5), and (7)(A)] shall not be applicable to any alien seeking admission to the United States under this section, and the Attorney General on the recommendation of a consular officer 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 by a consular officer.

``(3) For purposes of this section, the term ‘child’ has the same meaning as under section 101(b)(1)(A)–(E).

``(4) Any alien admitted (or awaiting admission) to the United States under this section shall be eligible for benefits under chapter 2 of title IV of the Immigration and Nationality Act [8 U.S.C. 1252 et seq.] to the same extent as individuals admitted (or awaiting admission) to the United States under section 207 of such Act [8 U.S.C. 1157] are eligible for benefits under such chapter.

``(d) The Attorney General, in cooperation with the Secretary of State, shall report to Congress 1 year, 2 years, and 3 years, after the date of the enactment of this Act [Dec. 22, 1987] on the implementation of this section. Each such report shall include the number of aliens who are issued immigrant visas and who are admitted to the United States under this section and number of waivers granted under subsection (a)(2) and the reasons for granting such waivers.

``(e) Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] shall apply in the administration of this section and nothing contained in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

\[\text{[Section } 307(l)(8)\text{ of Pub. L. 102–232 provided that the amendment made by such section to section } 101(e)\text{ [title V, } \text{s}\text{. } 506\text{a}(a)(2)) \text{ of Pub. L. } 100–202\text{, set out above, is effective as if included in section } 603(a)\text{ of the Immigration Act of } 1990, \text{ Pub. L. } 101–649.\]

\[\text{[Pub. L. } 101–513, \text{ title II, Nov. } 5, 1990, \text{ 104 Stat. } 1996, \text{ provided that the amendment made by Pub. L. } 101–513 \text{ to Pub. L. } 100–202, \text{ } 101(e) \text{ [title V, } \text{s}\text{. } 506a(b)(2)), \text{ set out above, is effective Dec. } 22, 1987.\]

\text{AUTHORIZATION OF APPROPRIATIONS FOR ENFORCEMENT AND SERVICE ACTIVITIES OF IMMIGRATION AND NATURALIZATION SERVICE}

Section 111 of Pub. L. 99–603 provided that:

``(a) \text{Two Essential Elements.}\text{—It is the sense of Congress that two essential elements of the program of immigration control established by this Act [see \textit{Short Title}\text{ of } 1986 Amendments note above] are—

\{\text{1}\} \text{an increase in the border patrol and other inspection and enforcement activities of the Immigration and Naturalization Service and of other appropriate Federal agencies in order to prevent and deter the illegal entry of aliens into the United States and the violation of the terms of their entry; and

\{\text{2}\} \text{an increase in examinations and other service activities of the Immigration and Naturalization Service and other appropriate Federal agencies in order to ensure prompt and efficient adjudication of petitions and applications provided for under the Immigration and Naturalization Act [this chapter].}\n
\text{\text{(b) Increased Authorization of Appropriations for INS and EOIR.}\text{—In addition to any other amounts authorized to be appropriated, in order to carry out this Act there are authorized to be appropriated to the Department of Justice—

\{\text{1}\} \text{for the Immigration and Naturalization Service, for fiscal year } 1987, \text{ } $422,000,000, \text{ and for fiscal year } 1988, \text{ } $419,000,000; \text{ and

\{\text{2}\} \text{for the Executive Office of Immigration Review, for fiscal year } 1987, \text{ } $12,000,000, \text{ and for fiscal year } 1988, \text{ } $15,000,000.}\n
\text{Of the amounts authorized to be appropriated under paragraph (1) sufficient funds shall be available to provide for an increase in the border patrol personnel of the Immigration and Naturalization Service so that the average level of such personnel in fiscal years } 1987 \text{ and } 1988 \text{ is at least } 50 \text{ percent higher than such level for fiscal year } 1986.\]
“(c) USE OF FUNDS FOR IMPROVED SERVICES.—Of the funds appropriated to the Department of Justice for the Immigration and Naturalization Service, the Attorney General shall provide for improved immigration and naturalization services and for enhanced community outreach and in-service training of personnel of the Service. Such enhanced community outreach may include the establishment of appropriate local community taskforces to improve the working relationship between the Service and local community groups and organizations (including employers and organizations representing minorities).

“(d) SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR WAGE AND HOUR ENFORCEMENT.—There are authorized to be appropriated, in addition to such sums as may be available for such purposes, such sums as may be necessary to the Department of Labor for enforcement activities of the Wage and Hour Division and the Office of Federal Contract Compliance Programs within the Employment Standards Administration of the Department in order to deter the employment of unauthorized aliens and remove the economic incentive for employers to exploit and use such aliens.”

ELIGIBILITY OF H-2 AGRICULTURAL WORKERS FOR CERTAIN LEGAL ASSISTANCE

Section 305 of Pub. L. 99–603 provided that: “A nonimmigrant worker admitted to or permitted to remain in the United States under section 101(a)(15)(H)(i)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(i)) for agricultural labor or service shall be considered to be an alien described in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20)) for purposes of establishing eligibility for legal assistance under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), but only with respect to legal assistance on matters relating to wages, housing, transportation, and other employment rights as provided in the worker’s specific contract under which the nonimmigrant was admitted.”

DENIAL OF CREW MEMBER NONIMMIGRANT VISA IN CASE OF STRIKES

Section 315(d) of Pub. L. 99–603 provided that: “(1) Except as provided in paragraph (2), during the one-year period beginning on the date of the enactment of this Act [Nov. 6, 1986], an alien may not be admitted to the United States as an alien crewman (under section 101(a)(15)(D) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(D)) for the purpose of performing service on board a vessel or aircraft at a time when there is a strike in the bargaining unit of the employer in which the alien intends to perform such service.

“(2) Paragraph (1) shall not apply to an alien employee who was employed before the date of the strike concerned and who is seeking admission to enter the United States to continue to perform services as a crewman to the same extent and on the same routes as the alien performed such services before the date of the strike.”

SENSE OF CONGRESS RESPECTING CONSULTATION WITH MEXICO

Section 407 of Pub. L. 99–603 provided that: “It is the sense of the Congress that the President of the United States should consult with the President of the Republic of Mexico within 90 days after enactment of this Act [Nov. 6, 1986] regarding the implementation of this Act [see Short Title of 1986 Amendments note above] and its possible effect on the United States or Mexico. After the consultation, it is the sense of the Congress that the President should report to the Congress any legislative or administrative changes that may be necessary as a result of the consultation and the enactment of this legislation.”

COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

Section 601 of Pub. L. 99–603, as amended by Pub. L. 100–525, §2(r), Oct. 24, 1988, 102 Stat. 2614, provided for establishment, membership, etc., of a Commission for the Study of International Migration and Cooperative Economic Development to examine, in consultation with governments of Mexico and other sending countries in Western Hemisphere, the conditions which contribute to unauthorized migration to United States and mutually beneficial reciprocal trade and investment programs to alleviate such unauthorized migration and to report to President and Congress, not later than 3 years after appointment of members of Commission, on results of Commission’s examination with recommendations on providing mutually beneficial reciprocal trade and investment programs to alleviate such unauthorized migration.

TREATMENT OF DEPARTURES FROM GUAM

Section 2 of Pub. L. 99–505 provided that: “In the administration of section 101(a)(15)(D)(ii) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(D)(ii)] (added by the amendment made by section 1 of this Act), an alien crewman shall be considered to have departed from Guam after leaving the territorial waters of Guam, without regard to whether the alien arrives in a foreign state before returning to Guam.”

ALIEN EMPLOYEES OF AMERICAN UNIVERSITY OF BEIRUT


STUDY AND EVALUATION OF EXCHANGE PROGRAMS FOR GRADUATE MEDICAL EDUCATION OF ALIEN GRADUATES OF FOREIGN MEDICAL SCHOOLS; REPORT TO CONGRESS NOT LATER THAN JANUARY 15, 1983

Section 5(e) of Pub. L. 97–116 directed Secretary of Health and Human Services, after consultation with Attorney General, Secretary of State, and Director of the International Communication Agency, to evaluate effectiveness and value to foreign nations and United States of exchange programs for graduate medical education or training of aliens who were graduates of foreign medical schools, and to report to Congress, not later than Jan. 15, 1983, on such evaluation, and include such recommendations for changes in legislation and regulations as appropriate.

ADJUSTMENT OF STATUS OF NONIMMIGRANT ALIENS RESIDING IN THE VIRGIN ISLANDS TO PERMANENT RESIDENT ALIEN STATUS

Upon application during the one-year period beginning Sept. 30, 1982, by an alien who was inspected and admitted to the Virgin Islands of the United States either as a nonimmigrant alien worker under subsec. (a)(15)(H)(ii) of this section or as a spouse or minor child of such worker, and has resided continuously in the Virgin Islands since June 30, 1975, the Attorney General may adjust the status of such nonimmigrant alien to that of an alien lawfully admitted for permanent residence, provided certain conditions are met, and such alien is not to be deported for failure to maintain nonimmigrant status until final action is taken on the alien’s application for adjustment, see section 2(a), (b) of Pub. L. 97–271, set out as a note under section 1255 of this title.

LIMITATION ON ADMISSION OF ALIENS SEEKING EMPLOYMENT IN THE VIRGIN ISLANDS

Notwithstanding any other provision of law, the Attorney General not to be authorized, on or after Sept. 30, 1982, to approve any petition filed under section 1184(c) of this title in the case of importing any alien as a nonimmigrant under subsec. (a)(15)(H)(ii) of this section.
section for employment in the Virgin Islands of the United States other than as an entertainer or as an athlete and for a period not exceeding 45 days, see section 3 of Pub. L. 97–271, set out as a note under section 1255 of this title.

LIMITATION ON ADMISSION OF SPECIAL IMMIGRANTS

Section 3201(c) of Pub. L. 96–70 provided that notwithstanding any other provision of law, not more than 15,000 individuals could be admitted to the United States as special immigrants under subparagraphs (E), (F), and (G) of subsec. (a)(27) of this section, of which not more than 5,000 could be admitted in any fiscal year, prior to repeal by Pub. L. 103–416, title II, § 212(a), (F), and (G) of subsec. (a)(27) of this section, of which 15,000 individuals could be admitted to the United States on or after June 5, 1989, up to and including the date of this order; and that under the Immigration and Nationality Act (8 U.S.C. 1101–1557), as follows:

Section 1. The Attorney General is directed to take any steps necessary to defer until January 1, 1994, the enforced departure of all nationals of the People’s Republic of China (PRC) and their dependents who were in the United States on or after June 5, 1989, up to and including the date of this order (hereinafter “such PRC nationals”).

Snc. 2. The Secretary of State and the Attorney General are directed to take all steps necessary with respect to such PRC nationals (a) to waive through January 1, 1994, the requirement of a valid passport and (b) to process and provide necessary documents, both within the United States and at U.S. consulates overseas, to facilitate travel across the borders of other nations and reentry into the United States on the same status such PRC nationals had upon departure.

Snc. 3. The Secretary of State and the Attorney General are directed to provide the following protections: (a) irrevocable waiver of the 2-year home country residence requirement that may be exercised until January 1, 1994, for such PRC nationals; (b) maintenance of lawful status for purposes of adjustment of status or change of nonimmigrant status for such PRC nationals who were in lawful status at any time on or after June 5, 1989, up to and including the date of this order; (c) authorization for employment of such PRC nationals through January 1, 1994; and (d) notice of expiration of nonimmigrant status (if applicable) rather than the institution of deportation proceedings, and explanation of options available for such PRC nationals eligible for deferral of enforced departure whose nonimmigrant status has expired.

Snc. 4. The Secretary of State and the Attorney General are directed to provide for enhanced consideration under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country’s policy of forced abortion or coerced sterilization, as implemented by the Attorney General’s regulation effective January 29, 1990.

Snc. 5. The Attorney General is directed to ensure that the Immigration and Naturalization Service finalizes and makes public its position on the issue of training for individuals in F–1 visa status and on the issue of reinstatement into lawful nonimmigrant status of such PRC nationals who have withdrawn their applications for asylum.

Snc. 6. The Departments of Justice and State are directed to consider other steps to assist such PRC nationals in their efforts to utilize the protections that I have extended pursuant to this order.

Snc. 7. This order shall be effective immediately.

GEORGE BUSH.
§ 1101

B. Deterring Alien Smuggling

This Administration has had success deterring large ship-based smuggling directly to United States shores. In response, smugglers are testing new routes and tactics. Our goal: similar success in choking off these attempts by adjusting our anti-smuggling initiatives to anticipate shifting smuggling patterns.

To meet this challenge, the Administration will seek further reduction legislatively in the number of documents that are acceptable for proving identity and work authorization. The Administration will improve the security of existing documents to be used for work authorization and seek increased penalties for immigration fraud, including fraudulent production and use of documents.

The White House Interagency Working Group on Immigration shall further examine the link between immigration and employment, including illegal immigration, and recommend to me other appropriate measures.

A. Comprehensive Deportation Process Reform

The Department of Justice, in consultation with other relevant agencies, shall develop a streamlined, fair, and effective procedure to expedite removal of deportable aliens. As necessary, additional legislative authority will be sought in this area. In addition, the Department of Justice shall increase its capacity to staff deportation and exclusion hearings to support these objectives.

B. National Detention and Removal Plan

The Administration shall devise a National Detention, Transportation, and Removal Policy that will permit use of detention space across the United States and improve the ability to remove individuals with orders of deportation. The Department of Justice, in consultation with other agencies as appropriate and working under the auspices of the White House Interagency Working Group on Immigration, shall finalize this plan by April 30, 1995.

C. Identification and Removal of Criminal Aliens

The Institutional Hearing Program is successfully expediting deportation of incarcerated criminal aliens after they serve their sentences.

To further expedite removal of criminal aliens from this country and reduce costs to Federal and State governments, the Department of Justice is directed to develop an expanded program of verification of the immigration status of criminal aliens within our country’s prisons. In developing this program, the viability of expanding the work of the Law Enforcement Support Center should be assessed and all necessary steps taken to increase coordination and cooperative efforts with State, and local law enforcement officers in identification of criminal aliens.

TARGETED DETERRENCE AREAS

Many of the Administration’s illegal immigration enforcement initiatives are mutually reinforcing. For example, strong interior enforcement supports border
control. While there have been efforts over the years at piecemeal cooperation, this Administration will examine, develop, and test a more comprehensive coordinated package of deterrence strategies in selected metropolitan areas by multiple Federal, State, and local agencies.

The White House Interagency Working Group on Immigration shall coordinate the development of this interagency and intergovernmental operation.

VERIFICATION OF ELIGIBILITY FOR BENEFITS

The law denies most government benefits to illegal aliens. The government has a duty to assure that taxpayer-supported public assistance programs are not abused. As with work authorization, enforcement of eligibility requirements relies upon a credible system of verification. The INS, working with the White House Interagency Working Group on Immigration as appropriate, shall require means of improving the existing benefits verification program. In addition, we will seek new mechanisms—including increased penalties for false information used to qualify for benefits—to protect the integrity of public programs.

ANTI-DISCRIMINATION

Our efforts to combat illegal immigration must not violate the privacy and civil rights of legal immigrants and U.S. citizens. Therefore, I direct the Attorney General, the Secretary of Health and Human Services, the Chair of the Equal Employment Opportunity Commission, and other relevant Administration officials to vigorously protect our citizens and legal immigrants from immigration-related instances of discrimination and harassment. All illegal immigration enforcement measures shall be taken with due regard for the basic human rights of individuals and in accordance with our obligations under applicable international agreements.

ASSISTANCE TO STATES

States today face significant costs for services provided to illegal immigrants as a result of failed policies of the past. Deterring illegal immigration is the best long-term solution to protect States from growing costs for illegal immigration. This is the first Administration to address this primary responsibility squarely. We are targeting most of our Federal dollars to those initiatives that address the root causes that lead to increased burdens on States.

The Federal Government provides States with billions of dollars to provide for health care, education, and other services and benefits for immigrants. This Administration is proposing increases for immigration and immigration-related spending of 25 percent in 1996 compared to 1995 levels. In addition, this Administration is the first to obtain funding from the Congress to reimburse States for a share of the costs of incarcerated illegal aliens.

The Administration will continue to work with States to obtain more Federal help for certain State costs and will oppose inappropriate cost-shifting to the States.

INTERNATIONAL COOPERATION

This Administration will continue to emphasize international cooperative efforts to address illegal immigration.

Pursuant to a Presidential Review Directive (PRD), the Department of State is now coordinating a study on United States policy toward international refugee and migration affairs. I hereby direct that, as part of this PRD process, this report to the National Security Council include the relationship of economic development and migration in the Western Hemisphere and, in particular, provide recommendations for further foreign economic policy measures to address causes of illegal immigration.

The Department of State shall coordinate an interagency effort to consider expanded arrangements with foreign governments for return of criminal and deportable aliens.

The Department of State also shall seek to negotiate readmission agreements for persons who could have sought asylum in the last country from which they arrived. Such agreements will take due regard of U.S. obligations under the Protocol Relating to the Status of Refugees.

The Department of State further shall implement cooperative efforts with other nations receiving smuggled aliens or those used as transshipment points by smugglers. In particular, we will look to countries in our hemisphere to join us by denying their territory as bases for smuggling operations.

The Department of State shall initiate negotiations with foreign countries to secure authority for the United States to obtain more Federal help for certain State initiatives that address the root causes that lead to increased costs and will oppose inappropriate cost-shifting to the United States.

This directive shall be published in the Federal Register.

WILLIAM J. CLINTON.

DEFINITIONS

Section 1(c) of div. C of Pub. L. 104–208 provided that: “Except as otherwise specifically provided in this division [see Tables for classification], for purposes of titles I [enacting section 1225a of this title and section 756 of Title 18, Crimes and Criminal Procedure, amending this section and sections 1103, 1182, 1251, 1252, 1252a, 1253, and 1357 of this title, and enacting provisions set out as notes under this section, sections 1103, 1182, 1251, 1253, and 1356 of this title, and section 758 of Title 18] and VI [enacting sections 1363b and 1372 to 1375 of this title and section 116 of Title 18, amending this section, sections 1255a, 1151, 1152, 1154, 1157, 1158, 1160, 1182, 1184, 1187, 1189, 1201, 1202, 1251, 1252a, 1256 to 1255b, 1258, 1298, 1483, 1232, 1324, 1324b, 1356, and 1522 of this title, section 112 of Title 32, National Guard, and section 191 of Title 50, War and National Defense, enacting provisions set out as notes under this section, sections 1153, 1158, 1161, 1162, 1187, 1189, 1202, 1255, 1433, and 1448 of this title, section 301 of Title 5, Government Organization and Employees, section 1103 of Title 18, and section 14 of Title 42, The Public Health and Welfare, and amending provisions set out as notes under sections 1159, 1182, 1252, 1255a, 1255c, 1322, 1401, and 1430 of this title of this division, the terms ‘alien’, ‘Attorney General’, ‘border crossing identification card’, ‘entry’, ‘immigrant’, ‘immigrant visa’, ‘lawfully admitted for permanent residence’, ‘national’, ‘naturalization’, ‘refugee’, ‘State’, and ‘United States’ shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act [8 U.S.C. 1101(a)].”

Section 194 of title V of div. C of Pub. L. 104–208 provided that: “Except as otherwise provided in this title [see Effective Date of 1996 Amendment note above], for purposes of this title—

(1) the terms ‘alien’, ‘Attorney General’, ‘national’, ‘naturalization’, ‘State’, and ‘United States’ shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act [8 U.S.C. 1101(a)]; and

(2) the term ‘child’ shall have the meaning given such term in section 101(c) of the Immigration and Nationality Act.”

Section 14 of Pub. L. 85–316 provided that: “Except as otherwise specifically provided in this Act, the definitions contained in subsections (a) and (b) of section 101 of the Immigration and Nationality Act [8 U.S.C. 1101(a)], [b) shall apply to sections 4, 5, 6, 7, 8, 9, 12, 13, and 15 of this Act [enacting sections 1182b, 1182c, 1201a, 1205, 1251a, 1255a, and 1255b of this title and provisions set out as notes under section 1153 of this title and section 1971a of the Appendix to Title 50, War and National Defense].”

Many of the terms listed in this section are similarly defined in section 782 of Title 50, War and National Defense.

§ 1102. Diplomatic and semidiplomatic immunities

Except as otherwise provided in this chapter, for so long as they continue in the non-