

for a cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully interoperable means to share law enforcement and intelligence information necessary to confirm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

### (3) Accessible

The electronic system described in paragraph (2), once implemented, shall be readily and easily accessible to—

(A) all consular officers responsible for the issuance of visas;

(B) all Federal inspection agents at all United States border inspection points; and

(C) all law enforcement and intelligence officers as determined by regulation to be responsible for investigation or identification of aliens admitted to the United States pursuant to a visa.

### (4) Report

Not later than one year after October 26, 2001, and every 2 years thereafter, the Attorney General and the Secretary of State shall jointly, in consultation with the Secretary of Treasury, report to Congress describing the development, implementation, efficacy, and privacy implications of the technology standard and electronic database system described in this section.

### (5) Funding

There is authorized to be appropriated to the Secretary of State, the Attorney General, and the Director of the National Institute of Standards and Technology such sums as may be necessary to carry out the provisions of this section.

(Pub. L. 107-56, title IV, § 403(c), Oct. 26, 2001, 115 Stat. 344; Pub. L. 107-173, title II, §§ 201(c)(5), 202(a)(4)(B), May 14, 2002, 116 Stat. 548, 549.)

#### CODIFICATION

Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 or USA PATRIOT Act, and not as part of the Immigration and Nationality Act which comprises this chapter.

#### AMENDMENTS

2002—Par. (1). Pub. L. 107-173, §§ 201(c)(5)(A), 202(a)(4)(B)(i), substituted “15 months” for “2 years” and inserted “, including appropriate biometric identifier standards,” after “technology standard”.

Par. (2). Pub. L. 107-173, § 202(a)(4)(B)(ii), substituted “Interoperable” for “Integrated” in heading and “interoperable” for “integrated” in text.

Par. (4). Pub. L. 107-173, § 201(c)(5)(B), substituted “one year” for “18 months”.

#### REPORT ON THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR PORTS OF ENTRY AND OVERSEAS CONSULAR POSTS

Pub. L. 107-56, title IV, § 405, Oct. 26, 2001, 115 Stat. 345, provided that:

“(a) IN GENERAL.—The Attorney General, in consultation with the appropriate heads of other Federal agencies, including the Secretary of State, Secretary of the Treasury, and the Secretary of Transportation, shall report to Congress on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and

other identification systems in order to better identify a person who holds a foreign passport or a visa and may be wanted in connection with a criminal investigation in the United States or abroad, before the issuance of a visa to that person or the entry or exit from the United States by that person.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not less than \$2,000,000 to carry out this section.”

### § 1380. Maintenance of statistics by the Department of Homeland Security

#### (a) In general

The Department of Homeland Security shall maintain statistics regarding petitions filed, approved, extended, and amended with respect to nonimmigrants described in section 1101(a)(15)(L) of this title, including the number of such nonimmigrants who are classified on the basis of specialized knowledge and the number of nonimmigrants who are classified on the basis of specialized knowledge in order to work primarily at offsite locations.

#### (b) Applicability

Subsection (a) of this section shall apply to petitions filed on or after the effective date of this subtitle.

(Pub. L. 108-447, div. J, title IV, § 414, Dec. 8, 2004, 118 Stat. 3352.)

#### REFERENCES IN TEXT

This subtitle, referred to in subsec. (b), means subtitle A (§§ 411-417) of title IV of div. J of Pub. L. 108-447. For the effective date of subtitle A, see section 417 of Pub. L. 108-447, set out as an Effective Date of 2004 Amendment note under section 1184 of this title.

#### CODIFICATION

Section was enacted as part of the L-1 Visa (Intracompany Transferee) Reform Act of 2004, and also as part of the L-1 Visa and H-1B Visa Reform Act and the Consolidated Appropriations Act, 2005, and not as part of the Immigration and Nationality Act which comprises this chapter.

#### EFFECTIVE DATE

Section effective 180 days after Dec. 8, 2004, see section 417 of Pub. L. 108-447, set out as an Effective Date of 2004 Amendment note under section 1184 of this title.

### § 1381. Secretary of Labor report

Not later than January 31 of each year, the Secretary of Labor shall report to the Committees on the Judiciary of the Senate and the House of Representatives on the investigations undertaken based on—

(1) the authorities described in clauses (i) and (ii) of section 1182(n)(2)(G) of this title; and

(2) the expenditures by the Secretary of Labor described in section 1356(v)(2)(D) of this title.

(Pub. L. 108-447, div. J, title IV, § 424(c), Dec. 8, 2004, 118 Stat. 3356.)

#### CODIFICATION

Section was enacted as part of the H-1B Visa Reform Act of 2004, and also as part of the L-1 Visa and H-1B Visa Reform Act and the Consolidated Appropriations Act, 2005, and not as part of the Immigration and Nationality Act which comprises this chapter.

## EFFECTIVE DATE

Section effective 90 days after Dec. 8, 2004, see section 430 of Pub. L. 108-447, set out as an Effective Date of 2004 Amendment note under section 1182 of this title.

## SUBCHAPTER III—NATIONALITY AND NATURALIZATION

## PART I—NATIONALITY AT BIRTH AND COLLECTIVE NATURALIZATION

## § 1401. Nationals and citizens of United States at birth

The following shall be nationals and citizens of the United States at birth:

(a) a person born in the United States, and subject to the jurisdiction thereof;

(b) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: *Provided*, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

(c) a person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;

(d) a person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;

(e) a person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;

(f) a person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States;

(g) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years: *Provided*, That any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 288 of title 22 by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person (A) honorably serving with the Armed Forces of the United

States, or (B) employed by the United States Government or an international organization as defined in section 288 of title 22, may be included in order to satisfy the physical-presence requirement of this paragraph. This proviso shall be applicable to persons born on or after December 24, 1952, to the same extent as if it had become effective in its present form on that date; and

(h) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United States of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United States.

(June 27, 1952, ch. 477, title III, ch. 1, §301, 66 Stat. 235; Pub. L. 89-770, Nov. 6, 1966, 80 Stat. 1322; Pub. L. 92-584, §§1, 3, Oct. 27, 1972, 86 Stat. 1289; Pub. L. 95-432, §§1, 3, Oct. 10, 1978, 92 Stat. 1046; Pub. L. 99-653, §12, Nov. 14, 1986, 100 Stat. 3657; Pub. L. 103-416, title I, §101(a), Oct. 25, 1994, 108 Stat. 4306.)

## AMENDMENTS

1994—Subsec. (h). Pub. L. 103-416 added subsec. (h).

1986—Subsec. (g). Pub. L. 99-653 substituted “five years, at least two” for “ten years, at least five”.

1978—Subsec. (a). Pub. L. 95-432, §3, struck out “(a)” before “The following” and redesignated pars. (1) to (7) as (a) to (g), respectively.

Subsec. (b). Pub. L. 95-432, §1, struck out subsec. (b) which provided that any person who was a national or citizen of the United States under subsec. (a)(7) lose his nationality or citizenship unless he be continuously physically present in the United States for a period of not less than two years between the ages of 14 and 28 or that the alien parent be naturalized while the child was under 18 years of age and the child began permanent residence in the United States while under 18 years of age and that absence from the United States of less than 60 days not break the continuity of presence.

Subsec. (c). Pub. L. 95-432, §1, struck out subsec. (c) which provided that former subsec. (b) apply to persons born abroad subsequent to May 24, 1934, except that this not be construed to alter the citizenship of any person born abroad subsequent to May 24, 1934 who, prior to the effective date of this chapter, had taken up residence in the United States before attaining 16 years of age, and thereafter, whether before or after the effective date of this chapter, complied with the residence requirements of section 201(g) and (h) of the Nationality Act of 1940.

Subsec. (d). Pub. L. 95-432, §1, struck out subsec. (d) which provided that nothing in former subsec. (b) be construed to alter the citizenship of any person who came into the United States prior to Oct. 27, 1972, and who, whether before or after Oct. 27, 1972, immediately following such coming complied with the physical presence requirements for retention of citizenship specified in former subsec. (b), prior to amendment of former subsec. (b) by Pub. L. 92-584.

1972—Subsec. (b). Pub. L. 92-584, §1, substituted provisions that nationals and citizens of the United States under subsec. (a)(7), lose such status unless they are present continuously in the United States for two years between the ages of fourteen and twenty eight years, or the alien parent is naturalized while the child is under the age of eighteen years and the child begins to reside permanently in the United States while under the age of eighteen years, and that absence from the United States of less than sixty days will not break the continuity of presence, for provisions that such status would be lost unless the nationals and citizens come to the United States prior to attaining twenty three years and be present continuously in the United States for