

**(c) Chief of Policy and Strategy****(1) In general**

There shall be a position of Chief of Policy and Strategy for the Bureau of Citizenship and Immigration Services.

**(2) Functions**

In consultation with Bureau of Citizenship and Immigration Services personnel in field offices, the Chief of Policy and Strategy shall be responsible for—

(A) making policy recommendations and performing policy research and analysis on immigration services issues; and

(B) coordinating immigration policy issues with the Chief of Policy and Strategy for the Bureau of Border Security of the Department.

**(d) Legal advisor****(1) In general**

There shall be a principal legal advisor to the Director of the Bureau of Citizenship and Immigration Services.

**(2) Functions**

The legal advisor shall be responsible for—

(A) providing specialized legal advice, opinions, determinations, regulations, and any other assistance to the Director of the Bureau of Citizenship and Immigration Services with respect to legal matters affecting the Bureau of Citizenship and Immigration Services; and

(B) representing the Bureau of Citizenship and Immigration Services in visa petition appeal proceedings before the Executive Office for Immigration Review.

**(e) Budget Officer****(1) In general**

There shall be a Budget Officer for the Bureau of Citizenship and Immigration Services.

**(2) Functions****(A) In general**

The Budget Officer shall be responsible for—

(i) formulating and executing the budget of the Bureau of Citizenship and Immigration Services;

(ii) financial management of the Bureau of Citizenship and Immigration Services; and

(iii) collecting all payments, fines, and other debts for the Bureau of Citizenship and Immigration Services.

**(f) Chief of Office of Citizenship****(1) In general**

There shall be a position of Chief of the Office of Citizenship for the Bureau of Citizenship and Immigration Services.

**(2) Functions**

The Chief of the Office of Citizenship for the Bureau of Citizenship and Immigration Services shall be responsible for promoting instruction and training on citizenship responsibilities for aliens interested in becoming naturalized citizens of the United States, in-

cluding the development of educational materials.

(Pub. L. 107-296, title IV, § 451, Nov. 25, 2002, 116 Stat. 2195; Pub. L. 110-382, § 2(a), Oct. 9, 2008, 122 Stat. 4087.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(3)(A), was in the original “this Act”, meaning Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

For the effective date specified in section 455, referred to in subsecs. (a)(4) and (b), see Effective Date note below.

## AMENDMENTS

2008—Subsec. (g). Pub. L. 110-382, § 2(a), 4, temporarily added subsec. (g) which established an Office of the FBI Liaison in the Department of Homeland Security, defined its functions, and authorized appropriations. See Termination Date of 2008 Amendment note below.

## CHANGE OF NAME

Bureau of Border Security, referred to in subsecs. (a)(2)(C), (3)(C), and (c)(2)(B), changed to Bureau of Immigration and Customs Enforcement by Reorganization Plan Modification for the Department of Homeland Security, eff. Mar. 1, 2003, H. Doc. No. 108-32, 108th Congress, 1st Session, set out as a note under section 542 of this title.

## TERMINATION DATE OF 2008 AMENDMENT

Pub. L. 110-382, § 4, Oct. 9, 2008, 122 Stat. 4089, provided that: “This Act [amending this section and section 1439 of Title 8, Aliens and Nationality, and enacting provisions set out as notes under this section and section 1101 of Title 8] and the amendments made by this Act are repealed on the date that is 5 years after the date of the enactment of this Act [Oct. 9, 2008].”

## EFFECTIVE DATE

Pub. L. 107-296, title IV, § 455, Nov. 25, 2002, 116 Stat. 2200, provided that: “Notwithstanding section 4 [enacting provisions set out as a note under section 101 of this title], sections 451 through 456 [enacting this section and sections 272 to 275 of this title], and the amendments made by such sections, shall take effect on the date on which the transfer of functions specified under section 441 [enacting section 251 of this title] takes effect.” [For date on which transfer of functions specified under section 441 takes effect, see section 251 of this title and Department of Homeland Security Reorganization Plan, Nov. 25, 2002, set out as a note under section 542 of this title.]

## RULEMAKING

Pub. L. 110-382, § 2(b), Oct. 9, 2008, 122 Stat. 4087, which required the Secretary of Homeland Security, in consultation with the Attorney General, to promulgate rules to carry out the amendment made by section 2(a) of Pub. L. 110-382 no later than 180 days after Oct. 9, 2008, was repealed by Pub. L. 110-382, § 4, Oct. 9, 2008, 122 Stat. 4089, effective 5 years after Oct. 9, 2008.

**§ 272. Citizenship and Immigration Services Ombudsman****(a) In general**

Within the Department, there shall be a position of Citizenship and Immigration Services Ombudsman (in this section referred to as the “Ombudsman”). The Ombudsman shall report

directly to the Deputy Secretary. The Ombudsman shall have a background in customer service as well as immigration law.

**(b) Functions**

It shall be the function of the Ombudsman—

(1) to assist individuals and employers in resolving problems with the Bureau of Citizenship and Immigration Services;

(2) to identify areas in which individuals and employers have problems in dealing with the Bureau of Citizenship and Immigration Services; and

(3) to the extent possible, to propose changes in the administrative practices of the Bureau of Citizenship and Immigration Services to mitigate problems identified under paragraph (2).

**(c) Annual reports**

**(1) Objectives**

Not later than June 30 of each calendar year, the Ombudsman shall report to the Committee on the Judiciary of the House of Representatives and the Senate on the objectives of the Office of the Ombudsman for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information, and—

(A) shall identify the recommendations the Office of the Ombudsman has made on improving services and responsiveness of the Bureau of Citizenship and Immigration Services;

(B) shall contain a summary of the most pervasive and serious problems encountered by individuals and employers, including a description of the nature of such problems;

(C) shall contain an inventory of the items described in subparagraphs (A) and (B) for which action has been taken and the result of such action;

(D) shall contain an inventory of the items described in subparagraphs (A) and (B) for which action remains to be completed and the period during which each item has remained on such inventory;

(E) shall contain an inventory of the items described in subparagraphs (A) and (B) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and shall identify any official of the Bureau of Citizenship and Immigration Services who is responsible for such inaction;

(F) shall contain recommendations for such administrative action as may be appropriate to resolve problems encountered by individuals and employers, including problems created by excessive backlogs in the adjudication and processing of immigration benefit petitions and applications; and

(G) shall include such other information as the Ombudsman may deem advisable.

**(2) Report to be submitted directly**

Each report required under this subsection shall be provided directly to the committees described in paragraph (1) without any prior comment or amendment from the Secretary, Deputy Secretary, Director of the Bureau of

Citizenship and Immigration Services, or any other officer or employee of the Department or the Office of Management and Budget.

**(d) Other responsibilities**

The Ombudsman—

(1) shall monitor the coverage and geographic allocation of local offices of the Ombudsman;

(2) shall develop guidance to be distributed to all officers and employees of the Bureau of Citizenship and Immigration Services outlining the criteria for referral of inquiries to local offices of the Ombudsman;

(3) shall ensure that the local telephone number for each local office of the Ombudsman is published and available to individuals and employers served by the office; and

(4) shall meet regularly with the Director of the Bureau of Citizenship and Immigration Services to identify serious service problems and to present recommendations for such administrative action as may be appropriate to resolve problems encountered by individuals and employers.

**(e) Personnel actions**

**(1) In general**

The Ombudsman shall have the responsibility and authority—

(A) to appoint local ombudsmen and make available at least 1 such ombudsman for each State; and

(B) to evaluate and take personnel actions (including dismissal) with respect to any employee of any local office of the Ombudsman.

**(2) Consultation**

The Ombudsman may consult with the appropriate supervisory personnel of the Bureau of Citizenship and Immigration Services in carrying out the Ombudsman's responsibilities under this subsection.

**(f) Responsibilities of Bureau of Citizenship and Immigration Services**

The Director of the Bureau of Citizenship and Immigration Services shall establish procedures requiring a formal response to all recommendations submitted to such director by the Ombudsman within 3 months after submission to such director.

**(g) Operation of local offices**

**(1) In general**

Each local ombudsman—

(A) shall report to the Ombudsman or the delegate thereof;

(B) may consult with the appropriate supervisory personnel of the Bureau of Citizenship and Immigration Services regarding the daily operation of the local office of such ombudsman;

(C) shall, at the initial meeting with any individual or employer seeking the assistance of such local office, notify such individual or employer that the local offices of the Ombudsman operate independently of any other component of the Department and report directly to Congress through the Ombudsman; and

(D) at the local ombudsman's discretion, may determine not to disclose to the Bureau of Citizenship and Immigration Services contact with, or information provided by, such individual or employer.

**(2) Maintenance of independent communications**

Each local office of the Ombudsman shall maintain a phone, facsimile, and other means of electronic communication access, and a post office address, that is separate from those maintained by the Bureau of Citizenship and Immigration Services, or any component of the Bureau of Citizenship and Immigration Services.

(Pub. L. 107–296, title IV, § 452, Nov. 25, 2002, 116 Stat. 2197.)

EFFECTIVE DATE

Section effective on the date on which the transfer of functions specified under section 251 of this title takes effect, see section 455 of Pub. L. 107–296, set out as a note under section 271 of this title.

**§ 273. Professional responsibility and quality review**

**(a) In general**

The Director of the Bureau of Citizenship and Immigration Services shall be responsible for—

- (1) conducting investigations of noncriminal allegations of misconduct, corruption, and fraud involving any employee of the Bureau of Citizenship and Immigration Services that are not subject to investigation by the Inspector General for the Department;
- (2) inspecting the operations of the Bureau of Citizenship and Immigration Services and providing assessments of the quality of the operations of such bureau as a whole and each of its components; and
- (3) providing an analysis of the management of the Bureau of Citizenship and Immigration Services.

**(b) Special considerations**

In providing assessments in accordance with subsection (a)(2) of this section with respect to a decision of the Bureau of Citizenship and Immigration Services, or any of its components, consideration shall be given to—

- (1) the accuracy of the findings of fact and conclusions of law used in rendering the decision;
- (2) any fraud or misrepresentation associated with the decision; and
- (3) the efficiency with which the decision was rendered.

(Pub. L. 107–296, title IV, § 453, Nov. 25, 2002, 116 Stat. 2199.)

EFFECTIVE DATE

Section effective on the date on which the transfer of functions specified under section 251 of this title takes effect, see section 455 of Pub. L. 107–296, set out as a note under section 271 of this title.

**§ 274. Employee discipline**

The Director of the Bureau of Citizenship and Immigration Services may, notwithstanding any other provision of law, impose disciplinary ac-

tion, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, on any employee of the Bureau of Citizenship and Immigration Services who willfully deceives Congress or agency leadership on any matter.

(Pub. L. 107–296, title IV, § 454, Nov. 25, 2002, 116 Stat. 2200.)

EFFECTIVE DATE

Section effective on the date on which the transfer of functions specified under section 251 of this title takes effect, see section 455 of Pub. L. 107–296, set out as a note under section 271 of this title.

**§ 275. Transition**

**(a) References**

With respect to any function transferred by this part to, and exercised on or after the effective date specified in section 455<sup>1</sup> by, the Director of the Bureau of Citizenship and Immigration Services, any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a component of government from which such function is transferred—

- (1) to the head of such component is deemed to refer to the Director of the Bureau of Citizenship and Immigration Services; or
- (2) to such component is deemed to refer to the Bureau of Citizenship and Immigration Services.

**(b) Other transition issues**

**(1) Exercise of authorities**

Except as otherwise provided by law, a Federal official to whom a function is transferred by this part may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date specified in section 455.<sup>1</sup>

**(2) Transfer and allocation of appropriations and personnel**

The personnel of the Department of Justice employed in connection with the functions transferred by this part (and functions that the Secretary determines are properly related to the functions of the Bureau of Citizenship and Immigration Services), and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to, the Immigration and Naturalization Service in connection with the functions transferred by this part, subject to section 1531 of title 31, shall be transferred to the Director of the Bureau of Citizenship and Immigration Services for allocation to the appropriate component of the Department. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated. The Secretary shall have

<sup>1</sup> See References in Text note below.