

(ii) deportable under paragraph (2)(A)(ii), (2)(A)(iii), (4)(A)(i), (4)(A)(iii), (4)(B), or (4)(C) of section 1227(a) of this title.

(C) Failure to exercise due diligence

If the Secretary of Homeland Security, after consultation with the Attorney General, determines that the nonimmigrant holding an A-3 visa or a G-5 visa has failed to exercise due diligence in pursuing an action described in subparagraph (A), the Secretary may terminate the status of the A-3 or G-5 nonimmigrant.

(2) Authorization to work

The Attorney General and the Secretary of Homeland Security shall authorize any nonimmigrant described in paragraph (1) to engage in employment in the United States during the period the nonimmigrant is in the United States pursuant to paragraph (1).

(d) Study and report

(1) Investigation report

(A) In general

Not later than 180 days after December 23, 2008, and every 2 years thereafter for the following 10 years, the Secretary shall submit a report to the appropriate congressional committees on the implementation of this section.

(B) Contents

The report submitted under subparagraph (A) shall include—

- (i) an assessment of the actions taken by the Department of State and the Department of Justice to investigate allegations of trafficking or abuse of nonimmigrants holding an A-3 visa or a G-5 visa; and
- (ii) the results of such investigations.

(2) Feasibility of oversight of employees of diplomats and representatives of other institutions report

Not later than 180 days after December 23, 2008, the Secretary shall submit a report to the appropriate congressional committees on the feasibility of—

- (A) establishing a system to monitor the treatment of nonimmigrants holding an A-3 visa or a G-5 visa who have been admitted to the United States;
- (B) a range of compensation approaches, such as a bond program, compensation fund, or insurance scheme, to ensure that such nonimmigrants receive appropriate compensation if their employers violate the terms of their employment contracts; and
- (C) with respect to each proposed compensation approach described in subparagraph (B), an evaluation and proposal describing the proposed processes for—
 - (i) adjudicating claims of rights violations;
 - (ii) determining the level of compensation; and
 - (iii) administering the program, fund, or scheme.

(e) Assistance to law enforcement investigations

The Secretary shall cooperate, to the fullest extent possible consistent with the United

States obligations under the Vienna Convention on Diplomatic Relations, done at Vienna, April 18, 1961, (23 U.S.T. 3229),² with any investigation by United States law enforcement authorities of crimes related to abuse or exploitation of a nonimmigrant holding an A-3 visa or a G-5 visa.

(f) Definitions

In this section:

(1) A-3 visa

The term “A-3 visa” means a nonimmigrant visa issued pursuant to section 1101(a)(15)(A)(iii) of this title.

(2) G-5 visa

The term “G-5 visa” means a nonimmigrant visa issued pursuant to section 1101(a)(15)(G)(v) of this title.

(3) Secretary

The term “Secretary” means the Secretary of State.

(4) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives; and
- (B) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

(Pub. L. 110-457, title II, § 203, Dec. 23, 2008, 122 Stat. 5057.)

CODIFICATION

Section was enacted as part of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and not as part of the Immigration and Nationality Act which comprises this chapter.

§ 1376. Data on nonimmigrant overstay rates

(a) Collection of data

Not later than the date that is 180 days after April 27, 1998, the Attorney General shall implement a program to collect data, for each fiscal year, regarding the total number of aliens within each of the classes of nonimmigrant aliens described in section 1101(a)(15) of this title whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States notwithstanding such termination.

(b) Annual report

Not later than June 30, 1999, and not later than June 30 of each year thereafter, the Attorney General shall submit an annual report to the Congress providing numerical estimates, for each country for the preceding fiscal year, of the number of aliens from the country who are described in subsection (a) of this section.

(Pub. L. 105-173, § 2, Apr. 27, 1998, 112 Stat. 56.)

CODIFICATION

Section was not enacted as part of the Immigration and Nationality Act which comprises this chapter.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related

²So in original. Probably should be “April 18, 1961 (23 U.S.T. 3227),”.

references, see note set out under section 1551 of this title.

§ 1377. Collection of data on detained asylum seekers

(a) In general

The Attorney General shall regularly collect data on a nation-wide¹ basis with respect to asylum seekers in detention in the United States, including the following information:

- (1) The number of detainees.
- (2) An identification of the countries of origin of the detainees.
- (3) The percentage of each gender within the total number of detainees.
- (4) The number of detainees listed by each year of age of the detainees.
- (5) The location of each detainee by detention facility.
- (6) With respect to each facility where detainees are held, whether the facility is also used to detain criminals and whether any of the detainees are held in the same cells as criminals.
- (7) The number and frequency of the transfers of detainees between detention facilities.
- (8) The average length of detention and the number of detainees by category of the length of detention.
- (9) The rate of release from detention of detainees for each district of the Immigration and Naturalization Service.
- (10) A description of the disposition of cases.

(b) Annual reports

Beginning October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsection (a) of this section for the fiscal year ending September 30 of that year.

(c) Availability to public

Copies of the data collected under subsection (a) of this section shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

(Pub. L. 105-277, div. A, §101(h) [title IX, §903], Oct. 21, 1998, 112 Stat. 2681-480, 2681-541.)

CODIFICATION

Section was enacted as part of the Haitian Refugee Immigration Fairness Act of 1998, and also as part of the Treasury and General Government Appropriations Act, 1999, and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of the Immigration and Nationality Act which comprises this chapter.

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.

¹ So in original. Probably should be "nationwide".

§ 1378. Collection of data on other detained aliens

(a) In general

The Attorney General shall regularly collect data on a nationwide basis on aliens being detained in the United States by the Immigration and Naturalization Service other than the aliens described in section 1377 of this title, including the following information:

- (1) The number of detainees who are criminal aliens and the number of detainees who are noncriminal aliens who are not seeking asylum.
- (2) An identification of the ages, gender, and countries of origin of detainees within each category described in paragraph (1).
- (3) The types of facilities, whether facilities of the Immigration and Naturalization Service or other Federal, State, or local facilities, in which each of the categories of detainees described in paragraph (1) are held.

(b) Length of detention, transfers, and dispositions

With respect to detainees who are criminal aliens and detainees who are noncriminal aliens who are not seeking asylum, the Attorney General shall also collect data concerning—

- (1) the number and frequency of transfers between detention facilities for each category of detainee;
- (2) the average length of detention of each category of detainee;
- (3) for each category of detainee, the number of detainees who have been detained for the same length of time, in 3-month increments;
- (4) for each category of detainee, the rate of release from detention for each district of the Immigration and Naturalization Service; and
- (5) for each category of detainee, the disposition of detention, including whether detention ended due to deportation, release on parole, or any other release.

(c) Criminal aliens

With respect to criminal aliens, the Attorney General shall also collect data concerning—

- (1) the number of criminal aliens apprehended under the immigration laws and not detained by the Attorney General; and
- (2) a list of crimes committed by criminal aliens after the decision was made not to detain them, to the extent this information can be derived by cross-checking the list of criminal aliens not detained with other databases accessible to the Attorney General.

(d) Annual reports

Beginning on October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsections (a), (b), and (c) of this section for the fiscal year ending September 30 of that year.

(e) Availability to public

Copies of the data collected under subsections (a), (b), and (c) of this section shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.