

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.

SUBCHAPTER V—FOREIGN STUDENTS AND  
EXCHANGE VISITORS

**§ 1761. Foreign student monitoring program**

**(a) Omitted**

**(b) Information required of the visa applicant**

Prior to the issuance of a visa under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend an approved institution of higher education, subparagraph (J) of section 1101(a)(15) of this title, each alien applying for such visa shall provide to a consular officer the following information:

- (1) The alien's address in the country of origin.
- (2) The names and addresses of the alien's spouse, children, parents, and siblings.
- (3) The names of contacts of the alien in the alien's country of residence who could verify information about the alien.
- (4) Previous work history, if any, including the names and addresses of employers.

**(c) Transitional program**

**(1) In general**

Not later than 120 days after May 14, 2002, and until such time as the system described in section 1372 of this title is fully implemented, the following requirements shall apply:

**(A) Restrictions on issuance of visas**

A visa may not be issued to an alien under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend an approved institution of higher education, subparagraph (J) of section 1101(a)(15) of this title, unless—

- (i) the Department of State has received from an approved institution of higher education or other approved educational institution electronic evidence of documentation of the alien's acceptance at that institution; and
- (ii) the consular officer has adequately reviewed the applicant's visa record.

**(B) Notification upon visa issuance**

Upon the issuance of a visa under section 1101(a)(15)(F) or (M) of this title to an alien, the Secretary of State shall transmit to the Immigration and Naturalization Service a notification of the issuance of that visa.

**(C) Notification upon admission of alien**

The Immigration and Naturalization Service shall notify the approved institution of higher education or other approved educational institution that an alien accepted for such institution or program has been admitted to the United States.

**(D) Notification of failure of enrollment**

Not later than 30 days after the deadline for registering for classes for an academic

term, the approved institution of higher education or other approved educational institution shall inform the Immigration and Naturalization Service through data-sharing arrangements of any failure of any alien described in subparagraph (C) to enroll or to commence participation.

**(2) Requirement to submit list of approved institutions**

Not later than 30 days after May 14, 2002, the Attorney General shall provide the Secretary of State with a list of all approved institutions of higher education and other approved educational institutions that are authorized to receive nonimmigrants under section 1101(a)(15)(F) or (M) of this title.

**(3) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(Pub. L. 107-173, title V, § 501, May 14, 2002, 116 Stat. 560.)

CODIFICATION

Section is comprised of section 501 of Pub. L. 107-173. Subsec. (a) of section 501 of Pub. L. 107-173 amended section 1372 of this title.

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**§ 1762. Review of institutions and other entities authorized to enroll or sponsor certain nonimmigrants**

**(a) Periodic review of compliance**

Not later than two years after May 14, 2002, and every two years thereafter, the Commissioner of Immigration and Naturalization, in consultation with the Secretary of Education, shall conduct a review of the institutions certified to receive nonimmigrants under section 1101(a)(15)(F), (M), or (J) of this title. Each review shall determine whether the institutions are in compliance with—

- (1) recordkeeping and reporting requirements to receive nonimmigrants under section 1101(a)(15)(F), (M), or (J) of this title; and
- (2) recordkeeping and reporting requirements under section 1372 of this title.

**(b) Periodic review of sponsors of exchange visitors**

**(1) Requirement for reviews**

Not later than two years after May 14, 2002, and every two years thereafter, the Secretary of State shall conduct a review of the entities designated to sponsor exchange visitor program participants under section 1101(a)(15)(J) of this title.

**(2) Determinations**

On the basis of reviews of entities under paragraph (1), the Secretary shall determine whether the entities are in compliance with—

- (A) recordkeeping and reporting requirements to receive nonimmigrant exchange

visitor program participants under section 1101(a)(15)(J) of this title; and

(B) recordkeeping and reporting requirements under section 1372 of this title.

**(c) Effect of material failure to comply**

Material failure of an institution or other entity to comply with the recordkeeping and reporting requirements to receive nonimmigrant students or exchange visitor program participants under section 1101(a)(15)(F), (M), or (J) of this title, or section 1372 of this title, shall result in the suspension for at least one year or termination, at the election of the Commissioner of Immigration and Naturalization, of the institution's approval to receive such students, or result in the suspension for at least one year or termination, at the election of the Secretary of State, of the other entity's designation to sponsor exchange visitor program participants, as the case may be.

(Pub. L. 107-173, title V, §502, May 14, 2002, 116 Stat. 563.)

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SUBCHAPTER VI—MISCELLANEOUS  
PROVISIONS

**§ 1771. General Accounting Office study**

**(a) Requirement for study**

**(1) In general**

The Comptroller General of the United States shall conduct a study to determine the feasibility and utility of implementing a requirement that each nonimmigrant alien in the United States submit to the Commissioner of Immigration and Naturalization each year a current address and, where applicable, the name and address of an employer.

**(2) Nonimmigrant alien defined**

In paragraph (1), the term “nonimmigrant alien” means an alien described in section 1101(a)(15) of this title.

**(b) Report**

Not later than 1 year after May 14, 2002, the Comptroller General shall submit to Congress a report on the results of the study under subsection (a) of this section. The report shall include the Comptroller General's findings, together with any recommendations that the Comptroller General considers appropriate.

(Pub. L. 107-173, title VI, §602, May 14, 2002, 116 Stat. 564.)

CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office by section 8 of Pub. L. 108-271, set out as a note under section 702 of Title 31, Money and Finance.

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**§ 1772. International cooperation**

**(a) International electronic data system**

The Secretary of State and the Commissioner of Immigration and Naturalization, in consultation with the Assistant to the President for Homeland Security, shall jointly conduct a study of the alternative approaches (including the costs of, and procedures necessary for, each alternative approach) for encouraging or requiring Canada, Mexico, and countries treated as visa waiver program countries under section 217 of the Immigration and Nationality Act [8 U.S.C. 1187] to develop an intergovernmental network of interoperable electronic data systems that—

(1) facilitates real-time access to that country's law enforcement and intelligence information that is needed by the Department of State and the Immigration and Naturalization Service to screen visa applicants and applicants for admission into the United States to identify aliens who are inadmissible or deportable under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(2) is interoperable with the electronic data system implemented under section 1722 of this title; and

(3) performs in accordance with implementation of the technology standard referred to in section 1722(a) of this title.

**(b) Report**

Not later than 1 year after May 14, 2002, the Secretary of State and the Attorney General shall submit to the appropriate committees of Congress a report setting forth the findings of the study conducted under subsection (a) of this section.

(Pub. L. 107-173, title VI, §603, May 14, 2002, 116 Stat. 564.)

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (a)(1), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§1101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

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**§ 1773. Statutory construction**

Nothing in this chapter shall be construed to impose requirements that are inconsistent with the North American Free Trade Agreement or to require additional documents for aliens for whom documentary requirements are waived under section 1182(d)(4)(B) of this title.

(Pub. L. 107-173, title VI, §604, May 14, 2002, 116 Stat. 565.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107-173, May 14, 2002, 116