

“(ii) is the subject of removal proceedings under the Immigration and Nationality Act; or

“(iii) has an application for asylum pending with the Immigration and Naturalization Service; and

“(B) with respect to whom a final, nonappealable, and legally enforceable order of removal has not been entered.”

[Pub. L. 105-277, div. A, §101(f) [title VIII, §405(f)(5), (g)(2)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-430, 2681-435, which provided that, effective July 1, 2000, section 402(a)(4) of Pub. L. 96-422, set out above, is amended by striking “the Comprehensive Employment and Training Act of 1973” and inserting “the Job Training Partnership Act or”, probably intended to strike “the Job Training Partnership Act or” before “title I of”.]

[Pub. L. 96-424, Oct. 10, 1980, 94 Stat. 1820, provided in part that the repeal of section 501(c)(5) of Pub. L. 96-422, set out above, is effective Oct. 11, 1980.]

[Pub. L. 97-35, title V, subtitle C, §547, Aug. 13, 1981, 95 Stat. 463, provided that: “This subtitle [repealing sections 239a and 1211b of Title 20, Education, amending the Refugee Assistance Act of 1980, set out above, and repealing provisions set out as a note under section 1211b of Title 20] shall take effect on October 1, 1981.”]

[For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.]

#### CONSOLIDATED REFUGEE EDUCATION ASSISTANCE ACT

Pub. L. 97-35, title V, §541, Aug. 13, 1981, 95 Stat. 458, provided that: “This subtitle [subtitle C (§§541-546), repealing sections 239a and 1211b of Title 20, Education, amending the Refugee Education Assistance Act of 1980, set out above, and repealing provisions set out as a note under section 1211b of Title 20] may be cited as the ‘Consolidated Refugee Education Assistance Act.’”

#### EXECUTIVE ORDER NO. 12246

Ex. Ord. No. 12246, Oct. 10, 1980, 45 F.R. 68367, which delegated to the Secretary of State the functions of the President under section 501(c) of Pub. L. 96-422, set out above, was revoked by Ex. Ord. No. 12251, Nov. 15, 1980, 45 F.R. 76085, formerly set out below.

#### EXECUTIVE ORDER NO. 12251

Ex. Ord. No. 12251, Nov. 15, 1980, 45 F.R. 76085, which related to the delegation of functions concerning educational assistance to Cuban and Haitian entrants, was revoked by Ex. Ord. No. 12341, Jan. 21, 1982, 47 F.R. 3341, set out below.

#### EX. ORD. NO. 12341. DELEGATION OF FUNCTIONS CONCERNING EDUCATIONAL ASSISTANCE TO CUBAN AND HAITIAN ENTRANTS

Ex. Ord. No. 12341, Jan. 21, 1982, 47 F.R. 3341, as amended by Ex. Ord. No. 13286, §48, Feb. 28, 2003, 68 F.R. 10628, provided:

By the authority vested in me as President of the United States of America by Section 501 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) and Section 301 of Title 3 of the United States Code, and to reassign some responsibilities for providing assistance to Cuban and Haitian entrants, it is hereby ordered as follows:

SECTION 1. The functions vested in the President by Sections 501(a) and (b) of the Refugee Education Assistance Act of 1980, hereinafter referred to as the Act (8 U.S.C. 1522 note), are delegated to the Secretary of Health and Human Services.

SEC. 2. The Secretary of Homeland Security shall ensure that actions are taken to provide such assistance to Cuban and Haitian entrants as provided for by Section 501(c) of the Act. To that end, the functions vested in the President by Section 501(c) of the Act are delegated to the Secretary of Homeland Security.

SEC. 3. All actions taken pursuant to Executive Order No. 12251 [formerly set out as a note above] shall continue in effect until superseded by actions under this Order.

SEC. 4. Executive Order No. 12251 of November 15, 1980, is revoked.

#### PRESIDENTIAL DETERMINATION AUTHORIZING TRANSPORTATION FOR CERTAIN UNACCOMPANIED MINORS, ELDERLY, AND ILL INDIVIDUALS

Determination of President of the United States, No. 95-10, Dec. 15, 1994, 59 F.R. 65891, provided:

Memorandum for the Secretary of Defense [and] the Attorney General

It is hereby determined that the Secretary of Defense shall assist the Attorney General under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422) [set out above] by providing transportation for certain unaccompanied minors, elderly, and ill individuals. The Secretary of Defense may agree to expand the range of services and category of individuals as he determines.

The Secretary of Defense is authorized and directed to publish this determination in the Federal Register.

WILLIAM J. CLINTON.

#### § 1523. Congressional reports

(a) The Secretary shall submit a report on activities under this subchapter to the Committees on the Judiciary of the House of Representatives and of the Senate not later than the January 31 following the end of each fiscal year, beginning with fiscal year 1980.

(b) Each such report shall contain—

(1) an updated profile of the employment and labor force statistics for refugees who have entered the United States within the five-fiscal-year period immediately preceding the fiscal year within which the report is to be made and for refugees who entered earlier and who have shown themselves to be significantly and disproportionately dependent on welfare, as well as a description of the extent to which refugees received the forms of assistance or services under this subchapter during that period;

(2) a description of the geographic location of refugees;

(3) a summary of the results of the monitoring and evaluation conducted under section 1522(a)(7) of this title during the period for which the report is submitted;

(4) a description of (A) the activities, expenditures, and policies of the Office under this subchapter and of the activities of States, voluntary agencies, and sponsors, and (B) the Director's plans for improvement of refugee resettlement;

(5) evaluations of the extent to which (A) the services provided under this subchapter are assisting refugees in achieving economic self-sufficiency, achieving ability in English, and achieving employment commensurate with their skills and abilities, and (B) any fraud, abuse, or mismanagement has been reported in the provisions of services or assistance;

(6) a description of any assistance provided by the Director pursuant to section 1522(e)(5) of this title;

(7) a summary of the location and status of unaccompanied refugee children admitted to the United States; and

(8) a summary of the information compiled and evaluation made under section 1522(a)(8) of this title.

(June 27, 1952, ch. 477, title IV, ch. 2, §413, as added Pub. L. 96-212, title III, §311(a)(2), Mar. 17,

1980, 94 Stat. 115; amended Pub. L. 97-363, §§3(b), 7, Oct. 25, 1982, 96 Stat. 1734, 1737; Pub. L. 99-605, §11, Nov. 6, 1986, 100 Stat. 3455; Pub. L. 100-525, §9(jj), Oct. 24, 1988, 102 Stat. 2622; Pub. L. 103-236, title I, §162(n)(3), Apr. 30, 1994, 108 Stat. 409.)

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-236 struck out “, in consultation with the Coordinator,” after “The Secretary”.

1988—Pub. L. 100-525 redesignated former subsec. (a)(1) as (a) and former subsec. (a)(2) as (b), and within (b), further redesignated former subpars. (A) to (H) as pars. (1) to (8), respectively, and former cls. (i) and (ii) of pars. (4) and (5) as cls. (A) and (B), respectively; and struck out former subsec. (b) which provided for a report to Congress by the Secretary not later than one year after Mar. 17, 1980, and former subsecs. (c) and (d) which provided for certain reports to Congress by the Director not later than certain dates in 1983.

1986—Subsec. (a)(2)(A). Pub. L. 99-605 substituted “the United States within the five-fiscal-year period immediately preceding the fiscal year within which the report is to be made and for refugees who entered earlier and who have shown themselves to be significantly and disproportionately dependent on welfare” for “under this chapter since May 1975”.

1982—Subsec. (c). Pub. L. 97-363, §3(b), added subsec. (c).

Subsec. (d). Pub. L. 97-363, §7, added subsec. (d).

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103-236 become effective, or 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 Relations and Intercourse.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-363 effective Oct. 1, 1982, see section 8 of Pub. L. 97-363, set out as a note under section 1522 of this title.

### § 1524. Authorization of appropriations

(a) There are authorized to be appropriated for each of fiscal years 2000 through 2002 such sums as may be necessary to carry out this subchapter.

(b) The authority to enter into contracts under this subchapter shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

(June 27, 1952, ch. 477, title IV, ch. 2, §414, as added Pub. L. 96-212, title III, §311(a)(2), Mar. 17, 1980, 94 Stat. 116; amended Pub. L. 97-363, §2, Oct. 25, 1982, 96 Stat. 1734; Pub. L. 99-605, §2, Nov. 6, 1986, 100 Stat. 3449; Pub. L. 100-525, §6(a), Oct. 24, 1988, 102 Stat. 2616; Pub. L. 102-110, §5, Oct. 1, 1991, 105 Stat. 558; Pub. L. 103-37, §1, June 8, 1993, 107 Stat. 107; Pub. L. 103-416, title II, §208, Oct. 25, 1994, 108 Stat. 4312; Pub. L. 105-78, title VI, §604(a), Nov. 13, 1997, 111 Stat. 1521; Pub. L. 105-136, §1(a), Dec. 2, 1997, 111 Stat. 2639; Pub. L. 106-104, §3, Nov. 13, 1999, 113 Stat. 1483.)

#### AMENDMENTS

1999—Subsec. (a). Pub. L. 106-104 substituted “2000 through 2002” for “1998 and 1999”.

1997—Subsec. (a). Pub. L. 105-78 and Pub. L. 105-136 amended subsec. (a) identically, substituting “each of

fiscal years 1998 and 1999” for “fiscal year 1995, fiscal year 1996, and fiscal year 1997”.

1994—Subsec. (a). Pub. L. 103-416 substituted “fiscal year 1995, fiscal year 1996, and fiscal year 1997” for “fiscal year 1993 and fiscal year 1994”.

1993—Subsec. (a). Pub. L. 103-37 substituted “fiscal year 1993 and fiscal year 1994” for “fiscal year 1992”.

1991—Subsec. (a). Pub. L. 102-110 amended subsec. (a) generally, substituting present provisions for provisions which authorized appropriations for fiscal years 1987 and 1988 to carry out this subchapter generally and specifically to carry out section 1522(c)(1), (b)(5), and (f) of this title.

1988—Subsec. (a)(1). Pub. L. 100-525 substituted “through (4)” for “through (5)”.

1986—Subsec. (a)(1). Pub. L. 99-605, §2(a), (b)(1), substituted “for each of fiscal years 1987 and 1988” for “for fiscal year 1983”, and “(2) through (5)” for “(2) and (3)”.

Subsec. (a)(2). Pub. L. 99-605, §2(b)(2), amended par. (2) generally, substituting “1987 \$74,783,000 and for fiscal year 1988 \$77,924,000” for “1983 \$100,000,000”, and “1522(c)(1)” for “1522(c)”.

Subsec. (a)(3). Pub. L. 99-605, §2(b)(2), amended par. (3) generally, substituting “1987 \$8,761,000 and for fiscal year 1988 \$9,125,000” for “1983 \$14,000,000”.

Subsec. (a)(4). Pub. L. 99-605, §2(b)(3), added par. (4).  
1982—Subsec. (a). Pub. L. 97-363, §2, substituted provisions with regard to fiscal 1983 authorizing appropriation of sums necessary to carry out provisions of this chapter, authorizing appropriations of \$100,000,000 for services to refugees under section 1522(c) of this title, and authorizing appropriations of \$14,000,000 for the purpose of carrying out section 1522(b)(5) of this title, for provisions with regard to fiscal 1980 and each of the two succeeding fiscal years authorizing appropriation of sums necessary for initial resettlement assistance, cash and medical assistance, and child welfare services under subsecs. (b)(1), (3), (4), (d)(2), and (e) of section 1522 of this title, and authorizing appropriations of \$200,000,000 for other programs.

#### EFFECTIVE DATE OF 1997 AMENDMENTS

Pub. L. 105-78, title VI, §604(b), Nov. 13, 1997, 111 Stat. 1521, and Pub. L. 105-136, §1(b), Dec. 2, 1997, 111 Stat. 2639, provided that: “The amendment made by subsection (a) [amending this section] shall take effect October 1, 1997.”

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-525 effective as if included in enactment of Refugee Assistance Extension Act of 1986, Pub. L. 99-605, see section 6(c) of Pub. L. 100-525, set out as a note under section 1522 of this title.

### § 1525. Repealed. Pub. L. 103-236, title I, § 162(m)(3), Apr. 30, 1994, 108 Stat. 409

Section, Pub. L. 96-212, title III, §301, Mar. 17, 1980, 94 Stat. 109, related to appointment and duties of United States Coordinator for Refugee Affairs.

#### EFFECTIVE DATE OF REPEAL

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

### SUBCHAPTER V—ALIEN TERRORIST REMOVAL PROCEDURES

#### § 1531. Definitions

As used in this subchapter—

(1) the term “alien terrorist” means any alien described in section 1227(a)(4)(B) of this title;