

## REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(2), was in the original “this Act”, meaning Pub. L. 105-292, Oct. 27, 1998, 112 Stat. 2787, known as the International Religious Freedom Act of 1998, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6401 of this title and Tables.

**§ 6449. Termination of Presidential actions**

Any Presidential action taken under this chapter with respect to a foreign country shall terminate on the earlier of the following dates:

**(1) Termination date**

Within 2 years of the effective date of the Presidential action unless expressly reauthorized by law.

**(2) Foreign government actions**

Upon the determination by the President, in consultation with the Commission, and certification to Congress that the foreign government has ceased or taken substantial and verifiable steps to cease the particularly severe violations of religious freedom.

(Pub. L. 105-292, title IV, §409, Oct. 27, 1998, 112 Stat. 2809.)

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This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 105-292, Oct. 27, 1998, 112 Stat. 2787, known as the International Religious Freedom Act of 1998, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6401 of this title and Tables.

**§ 6450. Preclusion of judicial review**

No court shall have jurisdiction to review any Presidential determination or agency action under this chapter or any amendment made by this chapter.

(Pub. L. 105-292, title IV, §410, Oct. 27, 1998, 112 Stat. 2809.)

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## PART B—STRENGTHENING EXISTING LAW

**§ 6461. Exports of certain items used in particularly severe violations of religious freedom****(a) Mandatory licensing**

Notwithstanding any other provision of law, the Secretary of Commerce, with the concurrence of the Secretary of State, shall include on the list of crime control and detection instruments or equipment controlled for export and reexport under section 4605(n) of title 50 or under any other provision of law, items being exported or reexported to countries of particular concern for religious freedom that the Secretary of Commerce, with the concurrence of the Secretary of State, and in consultation with appropriate officials including the Assistant Secretary of State

for Democracy, Human Rights and Labor and the Ambassador at Large, determines are being used or are intended for use directly and in significant measure to carry out particularly severe violations of religious freedom.

**(b) Licensing ban**

The prohibition on the issuance of a license for export of crime control and detection instruments or equipment under section 2304(a)(2) of this title shall apply to the export and reexport of any item included pursuant to subsection (a) on the list of crime control instruments.

(Pub. L. 105-292, title IV, §423, Oct. 27, 1998, 112 Stat. 2810.)

## SUBCHAPTER IV—REFUGEE, ASYLUM, AND CONSULAR MATTERS

**§ 6471. Use of Annual Report**

The Annual Report, together with other relevant documentation, shall serve as a resource for immigration judges and consular, refugee, and asylum officers in cases involving claims of persecution on the grounds of religion. Absence of reference by the Annual Report to conditions described by the alien shall not constitute the sole grounds for a denial of the alien’s claim.

(Pub. L. 105-292, title VI, §601, Oct. 27, 1998, 112 Stat. 2812.)

## 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 Title 8, Aliens and Nationality.

**§ 6472. Reform of refugee policy****(a), (b) Omitted****(c) Guidelines for refugee-processing posts****(1) Guidelines for addressing hostile biases**

The Attorney General and the Secretary of State shall develop and implement guidelines that address potential biases in personnel of the Immigration and Naturalization Service and of the Department of State that are hired abroad and involved with duties which could constitute an effective barrier to a refugee claim if such personnel carries a bias against the claimant on the grounds of religion, race, nationality, membership in a particular social group, or political opinion. The subject matter of this training should be culturally sensitive and tailored to provide a nonbiased, non-adversarial atmosphere for the purpose of refugee adjudications.

**(2) Guidelines for refugee-processing posts in establishing agreements with United States Government-designated refugee processing entities**

The Attorney General and the Secretary of State shall develop and implement guidelines to ensure uniform procedures for establishing agreements with United States Government-designated refugee processing entities and personnel, and uniform procedures for such entities and personnel responsible for preparing

refugee case files for use by the Immigration and Naturalization Service during refugee adjudications. These procedures should ensure, to the extent practicable, that case files prepared by such entities accurately reflect information provided by the refugee applicants and that genuine refugee applicants are not disadvantaged or denied refugee status due to faulty case file preparation.

**(3) Guidelines for preventing persons with potential biases from participating in determinations**

Not later than 120 days after November 29, 1999, the Secretary of State (after consultation with the Attorney General) shall issue guidelines to ensure that persons with potential biases against any refugee applicant, including persons employed by, or otherwise subject to influence by, governments known to be involved in persecution on account of religion, race, nationality, membership in a particular social group, or political opinion, shall not in any way be used in processing determinations of refugee status, including interpretation of conversations or examination of documents presented by such applicants.

**(d) Annual consultation**

The President shall include in each annual report on proposed refugee admissions under section 1157(d) of title 8 information about religious persecution of refugee populations eligible for consideration for admission to the United States. The Secretary of State shall include information on religious persecution of refugee populations in the formal testimony presented to the Committees on the Judiciary of the House of Representatives and the Senate during the consultation process under section 1157(e) of title 8.

(Pub. L. 105–292, title VI, § 602, Oct. 27, 1998, 112 Stat. 2812; Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title II, § 253], Nov. 29, 1999, 113 Stat. 1536, 1501A–432.)

CODIFICATION

Section is comprised of section 602 of Pub. L. 105–292. Subsec. (a) of section 602 of Pub. L. 105–292 amended section 1157 of Title 8, Aliens and Nationality. Subsec. (b) of section 602 of Pub. L. 105–292 amended section 4028 of this title.

AMENDMENTS

1999—Subsec. (c)(1). Pub. L. 106–113, § 1000(a)(7) [div. A, title II, § 253(a)], inserted “and of the Department of State” after “Service”.

Subsec. (c)(3). Pub. L. 106–113, § 1000(a)(7) [div. A, title II, § 253(b)], added par. (3).

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 Title 8, Aliens and Nationality.

**§ 6473. Reform of asylum policy**

**(a) Guidelines**

The Attorney General and the Secretary of State shall develop guidelines to ensure that persons with potential biases against individuals

on the grounds of religion, race, nationality, membership in a particular social group, or political opinion, including interpreters and personnel of airlines owned by governments known to be involved in practices which would meet the definition of persecution under international refugee law, shall not in any manner be used to interpret conversations between aliens and inspection or asylum officers.

**(b) Training for asylum and immigration officers**

The Attorney General, in consultation with the Secretary of State, the Ambassador at Large, and other relevant officials such as the Director of the George P. Shultz National Foreign Affairs Training Center, shall provide training to all officers adjudicating asylum cases, and to immigration officers performing duties under section 1225(b) of title 8, on the nature of religious persecution abroad, including country-specific conditions, instruction on the internationally recognized right to freedom of religion, instruction on methods of religious persecution practiced in foreign countries, and applicable distinctions within a country in the treatment of various religious practices and believers.

**(c) Training for immigration judges**

The Executive Office of Immigration Review of the Department of Justice shall incorporate into its initial and ongoing training of immigration judges training on the extent and nature of religious persecution internationally, including country-specific conditions, and including use of the Annual Report. Such training shall include governmental and nongovernmental methods of persecution employed, and differences in the treatment of religious groups by such persecuting entities.

(Pub. L. 105–292, title VI, § 603, Oct. 27, 1998, 112 Stat. 2813; Pub. L. 107–132, § 1(b), Jan. 16, 2002, 115 Stat. 2412.)

AMENDMENTS

2002—Subsec. (b). Pub. L. 107–132 substituted “George P. Shultz National Foreign Affairs Training Center” for “National Foreign Affairs Training Center”.

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 Title 8, Aliens and Nationality.

**§ 6473a. Designated persons list for particularly severe violations of religious freedom**

**(a) List**

**(1) In general**

The Secretary of State, in coordination with the Ambassador at Large and in consultation with relevant government and nongovernment experts, shall establish and maintain a list of foreign individuals to whom a consular post has denied a visa on the grounds of particularly severe violations of religious freedom under section 1182(a)(2)(G) of title 8, or who are subject to financial sanctions or other measures for particularly severe violations of freedom religion.