

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