

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, “this Act”, meaning act June 27, 1952, ch. 477, 66 Stat. 163, known as the Immigration and Nationality Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

AMENDMENTS

2001—Pub. L. 107-56 inserted “; data exchange” after “security officers” in section catchline, designated existing provisions as subsec. (a), inserted “and border” before “security of the United States”, and added subsecs. (b) to (d).

1994—Pub. L. 103-236 substituted “Administrator” for “Assistant Secretary of State for Consular Affairs” in two places.

1977—Pub. L. 95-105 substituted “Assistant Secretary of State for Consular Affairs” for “administrator” in two places.

Statutory Notes and Related Subsidiaries

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.

STATUTORY CONSTRUCTION

Pub. L. 107-56, title IV, § 403(d), Oct. 26, 2001, 115 Stat. 345, provided that: “Nothing in this section [enacting section 1379 of this title, amending this section, and enacting provisions set out as a note under this section], or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center’s (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105-251; 42 U.S.C. 14611-16) [now 34 U.S.C. 40311-16] and section 552a of title 5, United States Code.”

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.

REPORTING REQUIREMENT

Pub. L. 107-56, title IV, § 403(b), Oct. 26, 2001, 115 Stat. 344, provided that: “Not later than 2 years after the date of enactment of this Act [Oct. 26, 2001], the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section [amending this section].”

§ 1105a. Employment authorization for battered spouses of certain nonimmigrants**(a) In general**

In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section

1101(a)(15) of this title who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H) of such section, respectively, the Secretary of Homeland Security may authorize the alien spouse to engage in employment in the United States and provide the spouse with an “employment authorized” endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject of extreme cruelty perpetrated by the spouse of the alien spouse. Requests for relief under this section shall be handled under the procedures that apply to aliens seeking relief under section 1154(a)(1)(A)(iii) of this title.

(b) Construction

The grant of employment authorization pursuant to this section shall not confer upon the alien any other form of relief.

(June 27, 1952, ch. 477, title I, § 106, as added Pub. L. 109-162, title VIII, § 814(c), Jan. 5, 2006, 119 Stat. 3059.)

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PRIOR PROVISIONS

A prior section 1105a, act June 27, 1952, ch. 477, title I, § 106, as added Sept. 26, 1961, Pub. L. 87-301, § 5(a), 75 Stat. 651; amended Dec. 29, 1981, Pub. L. 97-116, § 18(b), 95 Stat. 1620; Oct. 24, 1988, Pub. L. 100-525, § 9(e), 102 Stat. 2620; Nov. 18, 1988, Pub. L. 100-690, title VII, § 7347(b), 102 Stat. 4472; Nov. 29, 1990, Pub. L. 101-649, title V, §§ 502(a), 513(a), 545(b), 104 Stat. 5048, 5052, 5065; Dec. 12, 1991, Pub. L. 102-232, title III, § 306(a)(2), 105 Stat. 1751; Sept. 13, 1994, Pub. L. 103-322, title XIII, § 130004(b), 108 Stat. 2027; Oct. 25, 1994, Pub. L. 103-416, title II, § 223(b), 108 Stat. 4322; Apr. 24, 1996, Pub. L. 104-132, title IV, §§ 401(b), (e), 423(a), 440(a), 442(b), 110 Stat. 1267, 1268, 1272, 1276, 1280; Sept. 30, 1996, Pub. L. 104-208, div. C, title III, §§ 306(d), 308(g)(10)(H), 371(b)(1), title VI, § 671(c)(3), (4), 110 Stat. 3009-612, 3009-625, 3009-645, 3009-722, related to judicial review of orders of deportation and exclusion, prior to repeal by Pub. L. 104-208, div. C, title III, §§ 306(b), (c), 309, Sept. 30, 1996, 110 Stat. 3009-612, 3009-625, effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, but such repeal not to be considered to invalidate or to require the reconsideration of any judgment or order entered under this section. See section 1252 of this title.

§ 1106. Repealed. Pub. L. 91-510, title IV, § 422(a), Oct. 26, 1970, 84 Stat. 1189

Section, act June 27, 1952, ch. 477, title IV, § 401, 66 Stat. 274, provided for establishment of Joint Committee on Immigration and Nationality, including its composition, necessity of membership on House or Senate Committee on the Judiciary, vacancies and election of chairman, functions, reports, submission of regulations to Committee, hearings and subpoena, travel expenses, employment of personnel, payment of Committee expenses, and effective date.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 4301 of Title 2, The Congress.

ABOLITION OF JOINT COMMITTEE ON IMMIGRATION AND
NATIONALITY

Pub. L. 91-510, title IV, §421, Oct. 26, 1970, 84 Stat. 1189, abolished the Joint Committee on Immigration and Nationality established by former subsec. (a) of this section.

§ 1107. Additional report

At the beginning and midpoint of each fiscal year, the Secretary of Homeland Security shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, a written report providing a description of internal affairs operations at U.S. Citizenship and Immigration Services, including the general state of such operations and a detailed description of investigations that are being conducted (or that were conducted during the previous six months) and the resources devoted to such investigations. The first such report shall be submitted not later than April 1, 2006.

(Pub. L. 109-177, title I, §109(c), Mar. 9, 2006, 120 Stat. 205.)

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CODIFICATION

Section was enacted as part of the USA PATRIOT Improvement and Reauthorization Act of 2005, and not as part of the Immigration and Nationality Act which comprises this chapter.

SUBCHAPTER II—IMMIGRATION

PART I—SELECTION SYSTEM

§ 1151. Worldwide level of immigration

(a) In general

Exclusive of aliens described in subsection (b), aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence are limited to—

(1) family-sponsored immigrants described in section 1153(a) of this title (or who are admitted under section 1181(a) of this title on the basis of a prior issuance of a visa to their accompanying parent under section 1153(a) of this title) in a number not to exceed in any fiscal year the number specified in subsection (c) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year;

(2) employment-based immigrants described in section 1153(b) of this title (or who are admitted under section 1181(a) of this title on the basis of a prior issuance of a visa to their accompanying parent under section 1153(b) of this title), in a number not to exceed in any fiscal year the number specified in subsection (d) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year; and

(3) for fiscal years beginning with fiscal year 1995, diversity immigrants described in section 1153(c) of this title (or who are admitted under section 1181(a) of this title on the basis of a prior issuance of a visa to their accompanying

parent under section 1153(c) of this title) in a number not to exceed in any fiscal year the number specified in subsection (e) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year.

(b) Aliens not subject to direct numerical limitations

Aliens described in this subsection, who are not subject to the worldwide levels or numerical limitations of subsection (a), are as follows:

(1)(A) Special immigrants described in subparagraph (A) or (B) of section 1101(a)(27) of this title.

(B) Aliens who are admitted under section 1157 of this title or whose status is adjusted under section 1159 of this title.

(C) Aliens whose status is adjusted to permanent residence under section 1160 or 1255a of this title.

(D) Aliens whose removal is canceled under section 1229b(a) of this title.

(E) Aliens provided permanent resident status under section 1259 of this title.

(2)(A)(i) IMMEDIATE RELATIVES.—For purposes of this subsection, the term “immediate relatives” means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age. In the case of an alien who was the spouse of a citizen of the United States and was not legally separated from the citizen at the time of the citizen’s death, the alien (and each child of the alien) shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen’s death but only if the spouse files a petition under section 1154(a)(1)(A)(ii) of this title within 2 years after such date and only until the date the spouse remarries. For purposes of this clause, an alien who has filed a petition under clause (iii) or (iv) of section 1154(a)(1)(A) of this title remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.

(ii) Aliens admitted under section 1181(a) of this title on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative.

(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.

(c) Worldwide level of family-sponsored immigrants

(1)(A) The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is, subject to subparagraph (B), equal to—

(i) 480,000, minus

(ii) the sum of the number computed under paragraph (2) and the number computed under paragraph (4), plus

(iii) the number (if any) computed under paragraph (3).

(B)(i) For each of fiscal years 1992, 1993, and 1994, 465,000 shall be substituted for 480,000 in subparagraph (A)(i).