

immigrant described in paragraph (1) to engage in employment in the United States during the period the nonimmigrant is in the United States pursuant to paragraph (1).

(d) Study and report

(1) Investigation report

(A) In general

Not later than 180 days after December 23, 2008, and every 2 years thereafter for the following 10 years, the Secretary shall submit a report to the appropriate congressional committees on the implementation of this section.

(B) Contents

The report submitted under subparagraph (A) shall include—

- (i) an assessment of the actions taken by the Department of State and the Department of Justice to investigate allegations of trafficking or abuse of nonimmigrants holding an A-3 visa or a G-5 visa; and
- (ii) the results of such investigations.

(2) Feasibility of oversight of employees of diplomats and representatives of other institutions report

Not later than 180 days after December 23, 2008, the Secretary shall submit a report to the appropriate congressional committees on the feasibility of—

- (A) establishing a system to monitor the treatment of nonimmigrants holding an A-3 visa or a G-5 visa who have been admitted to the United States;
- (B) a range of compensation approaches, such as a bond program, compensation fund, or insurance scheme, to ensure that such nonimmigrants receive appropriate compensation if their employers violate the terms of their employment contracts; and
- (C) with respect to each proposed compensation approach described in subparagraph (B), an evaluation and proposal describing the proposed processes for—
 - (i) adjudicating claims of rights violations;
 - (ii) determining the level of compensation; and
 - (iii) administering the program, fund, or scheme.

(e) Assistance to law enforcement investigations

The Secretary shall cooperate, to the fullest extent possible consistent with the United States obligations under the Vienna Convention on Diplomatic Relations, done at Vienna, April 18, 1961, (23 U.S.T. 3229),³ with any investigation by United States law enforcement authorities of crimes related to abuse or exploitation of a nonimmigrant holding an A-3 visa or a G-5 visa.

(f) Definitions

In this section:

(1) A-3 visa

The term “A-3 visa” means a nonimmigrant visa issued pursuant to section 1101(a)(15)(A)(iii) of this title.

(2) G-5 visa

The term “G-5 visa” means a nonimmigrant visa issued pursuant to section 1101(a)(15)(G)(v) of this title.

(3) Secretary

The term “Secretary” means the Secretary of State.

(4) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives; and
- (B) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

(Pub. L. 110-457, title II, §203, Dec. 23, 2008, 122 Stat. 5057; Pub. L. 115-425, title I, §123, Jan. 8, 2019, 132 Stat. 5479.)

Editorial Notes

CODIFICATION

Section was enacted as part of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and not as part of the Immigration and Nationality Act which comprises this chapter.

AMENDMENTS

2019—Subsec. (a)(2). Pub. L. 115-425, §123(1), substituted “for a period of at least 1 year, except if the Secretary determines and reports to the appropriate congressional committees, in advance, the reasons a shorter period is in the national interest,” for “for such period as the Secretary determines necessary” and “there is an unpaid default or final civil judgement directly or indirectly related to human trafficking against the employer or a family member assigned to the embassy, or the diplomatic mission or international organization hosting the employer or family member has not responded affirmatively to a request to waive immunity within 6 weeks of the request in a case brought by the United States Government and the country that accredited the employer or family member or, in the case of international organizations, the country of citizenship, has not initiated prosecution against the employer or family member.” for “the Secretary determines that there is credible evidence that 1 or more employees of such mission or international organization have abused or exploited 1 or more nonimmigrants holding an A-3 visa or a G-5 visa, and that the diplomatic mission or international organization tolerated such actions.”

Subsec. (a)(3). Pub. L. 115-425, §123(2), substituted “, as applicable, the unpaid default judgment or final civil judgement has been resolved, the diplomatic mission or international organization hosting the employer or family member has waived immunity for the employer or family member or the country that accredited the employer or family member or the country of citizenship of the employer or family member completed the prosecution of the employer or family member, and the diplomatic mission or international organization hosting the employer or family member has a mechanism in place” for “a mechanism is in place”.

§ 1376. Data on nonimmigrant overstay rates

(a) Collection of data

Not later than the date that is 180 days after April 27, 1998, the Attorney General shall implement a program to collect data, for each fiscal year, regarding the total number of aliens within each of the classes of nonimmigrant aliens de-

³So in original. Probably should be “April 18, 1961 (23 U.S.T. 3227).”

scribed in section 1101(a)(15) of this title whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States notwithstanding such termination.

(b) Annual report

Not later than June 30, 1999, and not later than June 30 of each year thereafter, the Attorney General shall submit an annual report to the Congress providing numerical estimates, for each country for the preceding fiscal year, of the number of aliens from the country who are described in subsection (a).

(Pub. L. 105–173, §2, Apr. 27, 1998, 112 Stat. 56.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Immigration and Nationality Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

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.

§ 1377. Collection of data on detained asylum seekers

(a) In general

The Attorney General shall regularly collect data on a nation-wide¹ basis with respect to asylum seekers in detention in the United States, including the following information:

- (1) The number of detainees.
- (2) An identification of the countries of origin of the detainees.
- (3) The percentage of each gender within the total number of detainees.
- (4) The number of detainees listed by each year of age of the detainees.
- (5) The location of each detainee by detention facility.
- (6) With respect to each facility where detainees are held, whether the facility is also used to detain criminals and whether any of the detainees are held in the same cells as criminals.
- (7) The number and frequency of the transfers of detainees between detention facilities.
- (8) The average length of detention and the number of detainees by category of the length of detention.
- (9) The rate of release from detention of detainees for each district of the Immigration and Naturalization Service.
- (10) A description of the disposition of cases.

(b) Annual reports

Beginning October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsection (a) for the fiscal year ending September 30 of that year.

¹ So in original. Probably should be “nationwide”.

(c) Availability to public

Copies of the data collected under subsection (a) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

(Pub. L. 105–277, div. A, §101(h) [title IX, §903], Oct. 21, 1998, 112 Stat. 2681–480, 2681–541.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Haitian Refugee Immigration Fairness Act of 1998, and also as part of the Treasury and General Government Appropriations Act, 1999, and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of the Immigration and Nationality Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

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.

§ 1377a. Report on aliens determined to have credible or reasonable fear of persecution or torture

(a) Semimonthly updates

Not later than 30 days after December 20, 2019, and updated semimonthly thereafter, the Director of U.S. Citizenship and Immigration Services shall make available, on a publicly accessible website in a downloadable, searchable, and sortable format, a report containing not less than the previous twelve months of semimonthly data on—

- (1) the number of aliens determined to have a credible or reasonable fear of—
 - (A) persecution, as defined in section 1225(b)(1)(B)(v) of this title; or
 - (B) torture, as defined in section 208.30 of title 8, Code of Federal Regulations (as in effect on January 1, 2018);

- (2) the total number of cases received by U.S. Citizenship and Immigration Services to adjudicate credible or reasonable fear claims, as described in paragraph (1), and the total number of cases closed.

(b) Disaggregation of data

Such report shall also disaggregate the data described in subsection (a) with respect to the following subsets—

- (1) claims submitted by aliens detained at a U.S. Immigration and Customs Enforcement family residential center;
- (2) claims submitted by aliens organized by each subdivision of legal or administrative authority under which claims are reviewed; and
- (3) the job series of the personnel reviewing the claims.

(Pub. L. 116–93, div. D, title IV, §403, Dec. 20, 2019, 133 Stat. 2524.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2020, and also