

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-208, § 308(g)(4)(C), substituted “1224, 1253(c)(2)” for “1227, 1229, 1253”.

Subsec. (b). Pub. L. 104-208, § 382(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Notwithstanding section 3302 of title 31, the increase in penalties collected resulting from the amendments made by sections 203(b), 543(a), and 544 of the Immigration Act of 1990 shall be credited to the appropriation—

“(1) for the Immigration and Naturalization Service for activities that enhance enforcement of provisions of this subchapter, including—

“(A) the identification, investigation, and apprehension of criminal aliens,

“(B) the implementation of the system described in section 1252(a)(3)(A) of this title, and

“(C) for the repair, maintenance, or construction on the United States border, in areas experiencing high levels of apprehensions of illegal aliens, of structures to deter illegal entry into the United States; and

“(2) for the Executive Office for Immigration Review in the Department of Justice for the purpose of removing the backlogs in the preparation of transcripts of deportation proceedings conducted under section 1252 of this title.”

1994—Subsec. (b)(1)(C). Pub. L. 103-416 substituted “maintenance” for “maintainance”.

1990—Pub. L. 101-649 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 308(g)(4)(C) of Pub. L. 104-208 effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, see section 309 of Pub. L. 104-208, set out as a note under section 1101 of this title.

Pub. L. 104-208, div. C, title III, § 382(c), Sept. 30, 1996, 110 Stat. 3009-651, provided that: “The amendments made by this section [amending this section and section 1356 of this title] shall apply to fines and penalties collected on or after the date of the enactment of this Act [Sept. 30, 1996].”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-416 effective as if included in the enactment of the Immigration Act of 1990, Pub. L. 101-649, see section 219(dd) of Pub. L. 103-416, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-649, title V, § 542(b), Nov. 29, 1990, 104 Stat. 5057, provided that: “The amendment made by subsection (a) [amending this section] shall apply to fines and penalties collected on or after January 1, 1991.”

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.

PART IX—MISCELLANEOUS

§ 1351. Nonimmigrant visa fees

The fees for the furnishing and verification of applications for visas by nonimmigrants of each foreign country and for the issuance of visas to nonimmigrants of each foreign country shall be prescribed by the Secretary of State, if practicable, in amounts corresponding to the total of all visa, entry, residence, or other similar fees, taxes, or charges assessed or levied against na-

tionals of the United States by the foreign countries of which such nonimmigrants are nationals or stateless residents: *Provided*, That nonimmigrant visas issued to aliens coming to the United States in transit to and from the headquarters district of the United Nations in accordance with the provisions of the Headquarters Agreement shall be gratis. Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a nonimmigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.

(June 27, 1952, ch. 477, title II, ch. 9, § 281, 66 Stat. 230; Pub. L. 89-236, § 14, Oct. 3, 1965, 79 Stat. 919; Pub. L. 90-609, § 1, Oct. 21, 1968, 82 Stat. 1199; Pub. L. 105-54, § 2(a), Oct. 6, 1997, 111 Stat. 1175.)

Editorial Notes

REFERENCES IN TEXT

The Headquarters Agreement, referred to in text, is set out as a note under section 287 of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1997—Pub. L. 105-54 inserted at end “Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a nonimmigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.”

1968—Pub. L. 90-609 struck out provisions fixing statutory fees for specified immigration and nationality benefits and services rendered, including those pertaining to immigrant visas, reentry permits, adjustments of status to permanent residence, creation of record of admission for permanent residence, suspension of deportation, extension of stay to nonimmigrants, and application for admission to practice as attorney or representative before the Service.

1965—Subsec. (a). Pub. L. 89-236, § 14(a), (b), designated opening provision beginning “The following fees shall be charged:” and ending with the end of par. (7) as subsec. (a) and substituted reference to section 1154 of this title for sections 1154(b) and 1155(b) of this title in par. (6).

Subsec. (b). Pub. L. 89-236, § 14(c), added subsec. (b).

Subsec. (c). Pub. L. 89-236, § 14(d), designated closing provision consisting of the paragraph beginning “The fees for the furnishing” as subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-54, § 2(b), Oct. 6, 1997, 111 Stat. 1175, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 6, 1997].”

EFFECTIVE DATE OF 1965 AMENDMENT

For effective date of amendment by Pub. L. 89-236, see section 20 of Pub. L. 89-236, set out as a note under section 1151 of this title.

SURCHARGE FOR PROCESSING MACHINE-READABLE
NONIMMIGRANT VISAS

Pub. L. 113-160, §2, Aug. 8, 2014, 128 Stat. 1853, provided that:

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of State, not later than January 1, 2015, shall increase the fee or surcharge authorized under section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 8 U.S.C. 1351 note) by \$1.00 for processing machine-readable nonimmigrant visas and machine-readable combined border crossing identification cards and nonimmigrant visas.

“(b) DEPOSIT OF AMOUNTS.—Notwithstanding section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 8 U.S.C. 1351 note), the additional amount collected pursuant [to] the fee increase authorized under subsection (a) shall be deposited in the general fund of the Treasury.

“(c) SUNSET PROVISION.—The fee increase authorized under subsection (a) shall terminate on the date that is 5.5 years after the first date on which such increased fee is collected.”

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 113-42, §2, Oct. 4, 2013, 127 Stat. 552.

Pub. L. 110-457, title II, §239, Dec. 23, 2008, 122 Stat. 5085.

Pub. L. 110-293, title V, §501, July 30, 2008, 122 Stat. 2968.

Pub. L. 107-77, title IV, Nov. 28, 2001, 115 Stat. 783.

Pub. L. 106-553, §1(a)(2) [title IV], Dec. 21, 2000, 114 Stat. 2762, 2762A-90.

Pub. L. 106-113, div. B, §1000(a)(1) [title IV], Nov. 29, 1999, 113 Stat. 1535, 1501A-39.

Pub. L. 105-277, div. A, §101(b) [title IV], Oct. 21, 1998, 112 Stat. 2681-50, 2681-93.

Pub. L. 105-119, title IV, Nov. 26, 1997, 111 Stat. 2494.

Pub. L. 105-46, §116, Sept. 30, 1997, 111 Stat. 1157.

Pub. L. 104-208, div. A, title I, §101(a) [title IV], Sept. 30, 1996, 110 Stat. 3009, 3009-46.

Pub. L. 104-134, title I, §101(a) [title IV], Apr. 26, 1996, 110 Stat. 1321, 1321-36; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 105-277, div. A, §101(b) [title IV, §410(a)], Oct. 21, 1998, 112 Stat. 2681-50, 1681-102, provided that:

“(1)(A) Notwithstanding any other provision of law and subject to subparagraph (B), the Secretary of State and the Attorney General shall impose, for the processing of any application for the issuance of a machine readable combined border crossing card and nonimmigrant visa under section 101(a)(15)(B) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(B)], a fee of \$13 (for recovery of the costs of manufacturing the combined card and visa) in the case of any alien under 15 years of age where the application for the machine readable combined border crossing card and nonimmigrant visa is made in Mexico by a citizen of Mexico who has at least one parent or guardian who has a visa under such section or is applying for a machine readable combined border crossing card and nonimmigrant visa under such section as well.

“(B) The Secretary of State and the Attorney General may not commence implementation of the requirement in subparagraph (A) until the later of—

“(i) the date that is 6 months after the date of enactment of this Act [Oct. 21, 1998]; or

“(ii) the date on which the Secretary sets the amount of the fee or surcharge in accordance with paragraph (3).

“(2)(A) Except as provided in subparagraph (B), if the fee for a machine readable combined border crossing card and nonimmigrant visa issued under section 101(a)(15)(B) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(B)] has been reduced under paragraph (1) for a child under 15 years of age, the machine readable combined border crossing card and nonimmigrant visa shall be issued to expire on the earlier of—

“(i) the date on which the child attains the age of 15; or

“(ii) ten years after its date of issue.

“(B) At the request of the parent or guardian of any alien under 15 years of age otherwise covered by subparagraph (A), the Secretary of State and the Attorney General may charge the non-reduced fee for the processing of an application for the issuance of a machine readable combined border crossing card and nonimmigrant visa under section 101(a)(15)(B) of the Immigration and Nationality Act provided that the machine readable combined border crossing card and nonimmigrant visa is issued to expire as of the same date as is usually provided for visas issued under that section.

“(3) Notwithstanding any other provision of law, the Secretary of State shall set the amount of the fee or surcharge authorized pursuant to section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 8 U.S.C. 1351 note [set out below]) for the processing of machine readable nonimmigrant visas and machine readable combined border crossing cards and nonimmigrant visas at a level that will ensure the full recovery by the Department of State of the costs of processing such machine readable nonimmigrant visas and machine readable combined border crossing cards and nonimmigrant visas, including the costs of processing the machine readable combined border crossing cards and nonimmigrant visas for which the fee is reduced pursuant to this subsection.”

[Pub. L. 106-113, div. B, §1000(a)(1) [title IV, §404], Nov. 29, 1999, 113 Stat. 1535, 1501A-45, provided that:

“Beginning in fiscal year 2000 and thereafter, section 410(a) of the Department of State and Related Agencies Appropriations Act, 1999, as included in Public Law 105-277 [set out above], shall be in effect.”]

[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.]

Pub. L. 103-236, title I, §140(a), Apr. 30, 1994, 108 Stat. 399, as amended by Pub. L. 103-415, §1(bb), Oct. 25, 1994, 108 Stat. 4302; Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §231], Nov. 29, 1999, 113 Stat. 1536, 1501A-425; Pub. L. 107-173, title I, §103(a), May 14, 2002, 116 Stat. 547; Pub. L. 107-228, div. A, title II, §234, Sept. 30, 2002, 116 Stat. 1373, provided that:

“(1) Notwithstanding any other provision of law, the Secretary of State is authorized to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

“(2) Fees collected under the authority of paragraph (1) shall be deposited as an offsetting collection to any Department of State appropriation, to recover the costs of providing consular services. Such fees shall remain available for obligation until expended.

“(3) For the fiscal year 2003, any amount that exceeds \$460,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 [22 U.S.C. 2706].”

Provisions directing the continuing effect for specific periods of authorities provided under section 140(a) of Pub. L. 103-236, set out above, were contained in the following appropriation acts:

Pub. L. 104-92, title I, §112, Jan. 6, 1996, 110 Stat. 18.

Pub. L. 104-56, title I, §118, Nov. 20, 1995, 109 Stat. 552.

Pub. L. 104-54, title I, §118, Nov. 19, 1995, 109 Stat. 544.

Pub. L. 104-31, §119, Sept. 30, 1995, 109 Stat. 281.

§ 1352. Printing of reentry permits and blank forms of manifest and crew lists; sale to public

(a) Reentry permits issued under section 1203 of this title shall be printed on distinctive safety paper and shall be prepared and issued under regulations prescribed by the Attorney General.

(b) The Director of the Government Publishing Office is authorized to print for sale to the pub-