

(ii) arrested by U.S. Immigration and Customs Enforcement;

(F) the number determined to have a credible or reasonable fear of—

(i) persecution, as defined in section 1225(b)(1)(B)(v) of this title; or

(ii) torture, as defined in section 208.30 of title 8, Code of Federal Regulations (as in effect on January 1, 2018); and

(G) the number who have been issued a Notice to Appear pursuant to section 1229 of this title, disaggregated by single adults and members of family units;<sup>1</sup>

(2) the total number of enrollees in the Alternatives to Detention program and the average length of participation, disaggregated by—

(A) single adults and family heads of household;

(B) participants in the family case management program;

(C) level of supervision; and

(D) location of supervision, by field office;

(3) for each facility where aliens are detained by U.S. Immigration and Customs Enforcement—

(A) the address;

(B) the field offices that assign detainees to the facility;

(C) the detailed facility type, as defined in the integrated decision support system;

(D) the gender of aliens detained;

(E) the average daily population of detainees within each detainee classification level, as defined in the integrated decision support system;

(F) the average daily population of individuals within each threat level, as defined in the integrated decision support system;

(G) the average daily population within each criminality category, as defined in the integrated decision support system, disaggregated by gender;

(H) the average length of stay;

(I) the average daily population of individuals whose detention is classified as mandatory;

(J) the performance standards to which the facility is held;

(K) the date of the two most recent inspections, the entity that performed each inspection, and a detailed summary of the results of such inspections; and

(L) the guaranteed minimum detention capacity, if applicable; and

(4) the total number of releases from custody, by condition of release, and total number of removals, disaggregated by adult facilities and family facilities.

(Pub. L. 116-93, div. D, title II, §218, Dec. 20, 2019, 133 Stat. 2514.)

#### Editorial Notes

##### CODIFICATION

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

<sup>1</sup> See Additional Reporting Requirements note below.

as part of the Consolidated Appropriations Act, 2020, and not as part of the Immigration and Nationality Act which comprises this chapter.

##### PRIOR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 116-6, div. A, title II, §226, Feb. 15, 2019, 133 Stat. 27.

#### Statutory Notes and Related Subsidiaries

##### ADDITIONAL REPORTING REQUIREMENTS

Pub. L. 116-260, div. F, title II, §216, Dec. 27, 2020, 134 Stat. 1457, provided that: “The reports required to be submitted under section 218 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116-93) [8 U.S.C. 1378a] shall continue to be submitted with respect to the period beginning 15 days after the date of the enactment of this Act [Dec. 27, 2020] and semimonthly thereafter, and each matter required to be included in such report by such section 218 shall apply in the same manner and to the same extent during the period described in this section, except that for purposes of reports submitted with respect to such period described, the following additional requirements shall be treated as being included as subparagraphs (H) through (J) of paragraph (1) of such section 218—

“(1) the average lengths of stay, including average post-determination length of stay in the case of detainees described in subparagraph (F), for individuals who remain in detention as of the last date of each such reporting period;

“(2) the number who have been in detention, disaggregated by the number of detainees described in subparagraph (F), for each of the following—

“(A) over 2 years;

“(B) from over 1 year to 2 years;

“(C) from over 6 months to 1 year; and

“(D) for less than 6 months; and

“(3) the number of individuals described in section 115.5 of title 28, Code of Federal Regulations, including the use and duration of solitary confinement for such person.”

#### § 1379. Technology standard to confirm identity

##### (1) In general

The Attorney General and the Secretary of State jointly, through the National Institute of Standards and Technology (NIST), and in consultation with the Secretary of the Treasury and other Federal law enforcement and intelligence agencies the Attorney General or Secretary of State deems appropriate and in consultation with Congress, shall within 15 months after October 26, 2001, develop and certify a technology standard, including appropriate biometric identifier standards, that can be used to verify the identity of persons applying for a United States visa or such persons seeking to enter the United States pursuant to a visa for the purposes of conducting background checks, confirming identity, and ensuring that a person has not received a visa under a different name or such person seeking to enter the United States pursuant to a visa.

##### (2) Interoperable

The technology standard developed pursuant to paragraph (1), shall be the technological basis for a cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully interoperable means to share law enforcement and intelligence information necessary to con-

firm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

### (3) Accessible

The electronic system described in paragraph (2), once implemented, shall be readily and easily accessible to—

(A) all consular officers responsible for the issuance of visas;

(B) all Federal inspection agents at all United States border inspection points; and

(C) all law enforcement and intelligence officers as determined by regulation to be responsible for investigation or identification of aliens admitted to the United States pursuant to a visa.

### (4) Report

Not later than one year after October 26, 2001, and every 2 years thereafter, the Attorney General and the Secretary of State shall jointly, in consultation with the Secretary of Treasury, report to Congress describing the development, implementation, efficacy, and privacy implications of the technology standard and electronic database system described in this section.

### (5) Funding

There is authorized to be appropriated to the Secretary of State, the Attorney General, and the Director of the National Institute of Standards and Technology such sums as may be necessary to carry out the provisions of this section.

(Pub. L. 107-56, title IV, § 403(c), Oct. 26, 2001, 115 Stat. 344; Pub. L. 107-173, title II, §§ 201(c)(5), 202(a)(4)(B), May 14, 2002, 116 Stat. 548, 549.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 or USA PATRIOT Act, and not as part of the Immigration and Nationality Act which comprises this chapter.

##### AMENDMENTS

2002—Par. (1). Pub. L. 107-173, §§ 201(c)(5)(A), 202(a)(4)(B)(i), substituted “15 months” for “2 years” and inserted “, including appropriate biometric identifier standards,” after “technology standard”.

Par. (2). Pub. L. 107-173, § 202(a)(4)(B)(ii), substituted “Interoperable” for “Integrated” in heading and “interoperable” for “integrated” in text.

Par. (4). Pub. L. 107-173, § 201(c)(5)(B), substituted “one year” for “18 months”.

#### Statutory Notes and Related Subsidiaries

##### REPORT ON THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR PORTS OF ENTRY AND OVERSEAS CONSULAR POSTS

Pub. L. 107-56, title IV, § 405, Oct. 26, 2001, 115 Stat. 345, provided that:

“(a) IN GENERAL.—The Attorney General, in consultation with the appropriate heads of other Federal agencies, including the Secretary of State, Secretary of the Treasury, and the Secretary of Transportation, shall report to Congress on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and

other identification systems in order to better identify a person who holds a foreign passport or a visa and may be wanted in connection with a criminal investigation in the United States or abroad, before the issuance of a visa to that person or the entry or exit from the United States by that person.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not less than \$2,000,000 to carry out this section.”

#### § 1380. Maintenance of statistics by the Department of Homeland Security

##### (a) In general

The Department of Homeland Security shall maintain statistics regarding petitions filed, approved, extended, and amended with respect to nonimmigrants described in section 1101(a)(15)(L) of this title, including the number of such nonimmigrants who are classified on the basis of specialized knowledge and the number of nonimmigrants who are classified on the basis of specialized knowledge in order to work primarily at offsite locations.

##### (b) Applicability

Subsection (a) shall apply to petitions filed on or after the effective date of this subtitle.

(Pub. L. 108-447, div. J, title IV, § 414, Dec. 8, 2004, 118 Stat. 3352.)

#### Editorial Notes

##### REFERENCES IN TEXT

This subtitle, referred to in subsec. (b), means subtitle A (§§ 411-417) of title IV of div. J of Pub. L. 108-447. For the effective date of subtitle A, see section 417 of Pub. L. 108-447, set out as an Effective Date of 2004 Amendment note under section 1184 of this title.

##### CODIFICATION

Section was enacted as part of the L-1 Visa (Intracompany Transferee) Reform Act of 2004, and also as part of the L-1 Visa and H-1B Visa Reform Act and the Consolidated Appropriations Act, 2005, and not as part of the Immigration and Nationality Act which comprises this chapter.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective 180 days after Dec. 8, 2004, see section 417 of Pub. L. 108-447, set out as an Effective Date of 2004 Amendment note under section 1184 of this title.

#### § 1381. Secretary of Labor report

Not later than January 31 of each year, the Secretary of Labor shall report to the Committees on the Judiciary of the Senate and the House of Representatives on the investigations undertaken based on—

(1) the authorities described in clauses (i) and (ii) of section 1182(n)(2)(G) of this title; and

(2) the expenditures by the Secretary of Labor described in section 1356(v)(2)(D) of this title.

(Pub. L. 108-447, div. J, title IV, § 424(c), Dec. 8, 2004, 118 Stat. 3356.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the H-1B Visa Reform Act of 2004, and also as part of the L-1 Visa and H-1B