

1997—Subsec. (a). Pub. L. 105-78 and Pub. L. 105-136 amended subsec. (a) identically, substituting “each of fiscal years 1998 and 1999” for “fiscal year 1995, fiscal year 1996, and fiscal year 1997”.

1994—Subsec. (a). Pub. L. 103-416 substituted “fiscal year 1995, fiscal year 1996, and fiscal year 1997” for “fiscal year 1993 and fiscal year 1994”.

1993—Subsec. (a). Pub. L. 103-37 substituted “fiscal year 1993 and fiscal year 1994” for “fiscal year 1992”.

1991—Subsec. (a). Pub. L. 102-110 amended subsec. (a) generally, substituting present provisions for provisions which authorized appropriations for fiscal years 1987 and 1988 to carry out this subchapter generally and specifically to carry out section 1522(c)(1), (b)(5), and (f) of this title.

1988—Subsec. (a)(1). Pub. L. 100-525 substituted “through (4)” for “through (5)”.

1986—Subsec. (a)(1). Pub. L. 99-605, §2(a), (b)(1), substituted “for each of fiscal years 1987 and 1988” for “for fiscal year 1983”, and “(2) through (5)” for “(2) and (3)”.

Subsec. (a)(2). Pub. L. 99-605, §2(b)(2), amended par. (2) generally, substituting “1987 \$74,783,000 and for fiscal year 1988 \$77,924,000” for “1983 \$100,000,000”, and “1522(c)(1)” for “1522(c)”.

Subsec. (a)(3). Pub. L. 99-605, §2(b)(2), amended par. (3) generally, substituting “1987 \$8,761,000 and for fiscal year 1988 \$9,125,000” for “1983 \$14,000,000”.

Subsec. (a)(4). Pub. L. 99-605, §2(b)(3), added par. (4).

1982—Subsec. (a). Pub. L. 97-363, §2, substituted provisions with regard to fiscal 1983 authorizing appropriation of sums necessary to carry out provisions of this chapter, authorizing appropriations of \$100,000,000 for services to refugees under section 1522(c) of this title, and authorizing appropriations of \$14,000,000 for the purpose of carrying out section 1522(b)(5) of this title, for provisions with regard to fiscal 1980 and each of the two succeeding fiscal years authorizing appropriation of sums necessary for initial resettlement assistance, cash and medical assistance, and child welfare services under subsecs. (b)(1), (3), (4), (d)(2), and (e) of section 1522 of this title, and authorizing appropriations of \$200,000,000 for other programs.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1997 AMENDMENTS

Pub. L. 105-78, title VI, §604(b), Nov. 13, 1997, 111 Stat. 1521, and Pub. L. 105-136, §1(b), Dec. 2, 1997, 111 Stat. 2639, provided that: “The amendment made by subsection (a) [amending this section] shall take effect October 1, 1997.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-525 effective as if included in enactment of Refugee Assistance Extension Act of 1986, Pub. L. 99-605, see section 6(c) of Pub. L. 100-525, set out as a note under section 1522 of this title.

§ 1525. Repealed. Pub. L. 103-236, title I, § 162(m)(3), Apr. 30, 1994, 108 Stat. 409

Section, Pub. L. 96-212, title III, §301, Mar. 17, 1980, 94 Stat. 109, related to appointment and duties of United States Coordinator for Refugee Affairs.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal 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 an Effective Date of 1994 Amendment note under section 2651a of Title 22, Foreign Relations and Intercourse.

SUBCHAPTER V—ALIEN TERRORIST REMOVAL PROCEDURES

§ 1531. Definitions

As used in this subchapter—

(1) the term “alien terrorist” means any alien described in section 1227(a)(4)(B) of this title;

(2) the term “classified information” has the same meaning as in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

(3) the term “national security” has the same meaning as in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App.);

(4) the term “removal court” means the court described in section 1532 of this title;

(5) the term “removal hearing” means the hearing described in section 1534 of this title;

(6) the term “removal proceeding” means a proceeding under this subchapter; and

(7) the term “special attorney” means an attorney who is on the panel established under section 1532(e) of this title.

(June 27, 1952, ch. 477, title V, §501, as added Pub. L. 104-132, title IV, §401(a), Apr. 24, 1996, 110 Stat. 1258; amended Pub. L. 104-208, div. C, title III, §§308(g)(1), 354(a)(5), Sept. 30, 1996, 110 Stat. 3009-622, 3009-643.)

Editorial Notes

REFERENCES IN TEXT

Section 1 of the Classified Information Procedures Act, referred to in pars. (2) and (3), is section 1 of Pub. L. 96-456, Oct. 15, 1980, 94 Stat. 2025, which is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1996—Par. (1). Pub. L. 104-208, §308(g)(1), substituted “section 1227(a)(4)(B)” for “section 1251(a)(4)(B)”.

Par. (7). Pub. L. 104-208, §354(a)(5), added par. (7).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 308(g)(1) 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.

Amendment by section 354(a)(5) of Pub. L. 104-208 effective as if included in the enactment of subtitle A of title IV of the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. 104-132, see section 358 of Pub. L. 104-208, set out as a note under section 1182 of this title.

EFFECTIVE DATE

Subchapter effective Apr. 24, 1996, and applicable to all aliens without regard to date of entry or attempted entry into United States, see section 401(f) of Pub. L. 104-132, set out as an Effective Date of 1996 Amendment note under section 1326 of this title.

§ 1532. Establishment of removal court

(a) Designation of judges

The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall

constitute a court that shall have jurisdiction to conduct all removal proceedings. The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(b) Terms

Each judge designated under subsection (a) shall serve for a term of 5 years and shall be eligible for redesignation, except that of the members first designated—

- (1) 1 member shall serve for a term of 1 year;
- (2) 1 member shall serve for a term of 2 years;
- (3) 1 member shall serve for a term of 3 years; and
- (4) 1 member shall serve for a term of 4 years.

(c) Chief judge

(1) Designation

The Chief Justice shall publicly designate one of the judges of the removal court to be the chief judge of the removal court.

(2) Responsibilities

The chief judge shall—

- (A) promulgate rules to facilitate the functioning of the removal court; and
- (B) assign the consideration of cases to the various judges on the removal court.

(d) Expeditious and confidential nature of proceedings

The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(c)) shall apply to removal proceedings in the same manner as they apply to proceedings under that Act [50 U.S.C. 1801 et seq.].

(e) Establishment of panel of special attorneys

The removal court shall provide for the designation of a panel of attorneys each of whom—

- (1) has a security clearance which affords the attorney access to classified information, and
- (2) has agreed to represent permanent resident aliens with respect to classified information under section 1534(e)(3) of this title in accordance with (and subject to the penalties under) this subchapter.

(June 27, 1952, ch. 477, title V, § 502, as added Pub. L. 104-132, title IV, § 401(a), Apr. 24, 1996, 110 Stat. 1259; amended Pub. L. 104-208, div. C, title III, § 354(a)(4), Sept. 30, 1996, 110 Stat. 3009-643.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Intelligence Surveillance Act of 1978, referred to in subsec. (d), is Pub. L. 95-511, Oct. 25, 1978, 92 Stat. 1783, which is classified principally to chapter 36 (§ 1801 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 50 and Tables.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-208 added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective as if included in the enactment of subtitle A of title IV of the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. 104-132, see section 358 of Pub. L. 104-208, set out as a note under section 1182 of this title.

§ 1533. Removal court procedure

(a) Application

(1) In general

In any case in which the Attorney General has classified information that an alien is an alien terrorist, the Attorney General may seek removal of the alien under this subchapter by filing an application with the removal court that contains—

- (A) the identity of the attorney in the Department of Justice making the application;
- (B) a certification by the Attorney General or the Deputy Attorney General that the application satisfies the criteria and requirements of this section;
- (C) the identity of the alien for whom authorization for the removal proceeding is sought; and
- (D) a statement of the facts and circumstances relied on by the Department of Justice to establish probable cause that—

- (i) the alien is an alien terrorist;
- (ii) the alien is physically present in the United States; and

- (iii) with respect to such alien, removal under subchapter II would pose a risk to the national security of the United States.

(2) Filing

An application under this section shall be submitted ex parte and in camera, and shall be filed under seal with the removal court.

(b) Right to dismiss

The Attorney General may dismiss a removal action under this subchapter at any stage of the proceeding.

(c) Consideration of application

(1) Basis for decision

In determining whether to grant an application under this section, a single judge of the removal court may consider, ex parte and in camera, in addition to the information contained in the application—

- (A) other information, including classified information, presented under oath or affirmation; and
- (B) testimony received in any hearing on the application, of which a verbatim record shall be kept.

(2) Approval of order

The judge shall issue an order granting the application, if the judge finds that there is probable cause to believe that—

- (A) the alien who is the subject of the application has been correctly identified and is an alien terrorist present in the United States; and

- (B) removal under subchapter II would pose a risk to the national security of the United States.