

**§§ 903a, 903b. Transferred****Editorial Notes**

## CODIFICATION

Sections 903a and 903b transferred to sections 1731 and 1732, respectively, of Title 22, Foreign Relations and Intercourse.

**§§ 904 to 907. Repealed. June 27, 1952, ch. 477, title IV, § 403(a)(42), 66 Stat. 280, eff. Dec. 24, 1952**

Section 904, act Oct. 14, 1940, ch. 876, title I, subchap. V, § 504, 54 Stat. 1172, related to repeals.

Section 905, act Oct. 14, 1940, ch. 876, title I, subchap. V, § 505, 54 Stat. 1174, related to separability clause.

Section 906, act Oct. 14, 1940, ch. 876, title I, subchap. V, § 505, 54 Stat. 1174, related to effective date of chapter.

Section 907, act Oct. 14, 1940, ch. 876, title I, § 1, 54 Stat. 1137, related to short title of chapter.

**Editorial Notes**

## SPECIFIC REPEALS BY ACT OCTOBER 14, 1940

In addition to the provisions from which former section 904 was taken, section 504 of act Oct. 14, 1940, specifically repealed all or parts of the following: Title 8, §§ 1, 3, 5a-1, 5d, 5e, 6, 7, 8, 9, 9a, 11, 16, 17, 17a, 18, 106, 106a, 106b, 106c, 351, 352, 353, 354, 356, 356a, 357, 358, 358a, 360, 362, 364, 365, 366, 366a, 367, 368, 368a, 369, 369a, 372, 372a, 373, 377, 377b, 377c, 378, 379, 380, 380a, 380b, 381, 382, 382a, 382b, 382c, 384, 385, 386, 387, 388, 389, 390, 391, 392, 392b, 392c note, 392d note, 392e, 392f, 392g, 393, 394, 395, 396, 397, 398, 399, 399a, 399b, 399c, 399d, 399e, 399f, 400, 401, 402, 403, 404, 405, 408, 409, 410, 411, 412, 413, 414, 415; Title 18, §§ 135, 137, 138, 139, 140, 141, 142, 143; Title 39, § 324; Title 48, § 733b; former Title 50 App., § 202.

**SUBCHAPTER VI—NATURALIZATION OF PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING WORLD WAR II****§§ 1001 to 1006. Repealed. June 27, 1952, ch. 477, title IV, § 403(a)(42), 66 Stat. 280, eff. Dec. 24, 1952**

Section 1001, act Oct. 14, 1940, ch. 876, title III, § 701, as added Mar. 27, 1942, ch. 199, title X, § 1001, 56 Stat. 182; amended Dec. 22, 1944, ch. 662, § 1, 58 Stat. 886; Dec. 28, 1945, ch. 590, § 1(c)(1), 59 Stat. 658, related to exceptions from certain requirements of naturalization of persons serving in the armed forces during World War II. See section 1440 of this title.

Section 1002, act Oct. 14, 1940, ch. 876, title III, § 702, as added Mar. 27, 1942, ch. 199, title X, § 1001, 56 Stat. 182; amended Dec. 22, 1944, ch. 662, § 2, 58 Stat. 887, related to alien serving outside of jurisdiction of naturalization court. See section 1440 of this title.

Section 1003, act Oct. 14, 1940, ch. 876, title III, § 703, as added Mar. 27, 1942, ch. 199, title X, § 1001, 56 Stat. 183, related to waiver of notice to commissioner in case of alien enemy. See section 1440 of this title.

Section 1004, act Oct. 14, 1940, ch. 876, title III, § 704, as added Mar. 27, 1942, ch. 199, title X, § 1001, 56 Stat. 183, related to persons excepted from former subchapter. See section 1440 of this title.

Section 1005, act Oct. 14, 1940, ch. 876, title III, § 705, as added Mar. 27, 1942, ch. 199, title X, § 1001, 56 Stat. 183, related to forms, rules and regulations. See section 1440 of this title.

Section 1006, act Oct. 14, 1940, ch. 876, title III, § 706, as added Dec. 28, 1945, ch. 590, § 1(c)(2), 59 Stat. 658, related to time of service limitation. See section 1440 of this title.

**CHAPTER 12—IMMIGRATION AND NATIONALITY**

## SUBCHAPTER I—GENERAL PROVISIONS

- Sec. 1101. Definitions.
- 1102. Diplomatic and semidiplomatic immunities.
- 1103. Powers and duties of the Secretary, the Under Secretary, and the Attorney General.
- 1104. Powers and duties of Secretary of State.
- 1105. Liaison with internal security officers; data exchange.
- 1105a. Employment authorization for battered spouses of certain nonimmigrants.
- 1106. Repealed.
- 1107. Additional report.

## SUBCHAPTER II—IMMIGRATION

## PART I—SELECTION SYSTEM

- 1151. Worldwide level of immigration.
- 1151a. Repealed.
- 1152. Numerical limitations on individual foreign states.
- 1153. Allocation of immigrant visas.
- 1153a. Transparency.
- 1154. Procedure for granting immigrant status.
- 1155. Revocation of approval of petitions; effective date.
- 1156. Unused immigrant visas.
- 1157. Annual admission of refugees and admission of emergency situation refugees.
- 1158. Asylum.
- 1159. Adjustment of status of refugees.
- 1160. Special agricultural workers.
- 1161. Repealed.

## PART II—ADMISSION QUALIFICATIONS FOR ALIENS; TRAVEL CONTROL OF CITIZENS AND ALIENS

- 1181. Admission of immigrants into the United States.
- 1182. Inadmissible aliens.
- 1182a to 1182c. Repealed.
- 1182d. Denial of visas to confiscators of American property.
- 1182e. Denial of entry into United States of foreign nationals engaged in establishment or enforcement of forced abortion or sterilization policy.
- 1182f. Denial of entry into United States of Chinese and other nationals engaged in coerced organ or bodily tissue transplantation.
- 1183. Admission of aliens on giving bond or undertaking; return upon permanent departure.
- 1183a. Requirements for sponsor's affidavit of support.
- 1184. Admission of nonimmigrants.
- 1184a. Philippine Traders as nonimmigrants.
- 1185. Travel control of citizens and aliens.
- 1186. Transferred.
- 1186a. Conditional permanent resident status for certain alien spouses and sons and daughters.
- 1186b. Conditional permanent resident status for certain alien entrepreneurs, spouses, and children.
- 1187. Visa waiver program for certain visitors.
- 1187a. Provision of assistance to non-program countries.
- 1188. Admission of temporary H-2A workers.
- 1189. Designation of foreign terrorist organizations.

## PART III—ISSUANCE OF ENTRY DOCUMENTS

- 1201. Issuance of visas.
- 1201a. Repealed.
- 1202. Application for visas.
- 1203. Reentry permit.
- 1204. Immediate relative and special immigrant visas.

Sec. 1205.	Repealed.	Sec. 1288.	Limitations on performance of longshore work by alien crewmen.
PART IV—INSPECTION, APPREHENSION, EXAMINATION, EXCLUSION, AND REMOVAL		PART VII—REGISTRATION OF ALIENS	
1221.	Lists of alien and citizen passengers arriving and departing.	1301.	Alien seeking entry; contents.
1222.	Detention of aliens for physical and mental examination.	1302.	Registration of aliens.
1223.	Entry through or from foreign territory and adjacent islands.	1303.	Registration of special groups.
1224.	Designation of ports of entry for aliens arriving by aircraft.	1304.	Forms for registration and fingerprinting.
1225.	Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing.	1305.	Notices of change of address.
1225a.	Preinspection at foreign airports.	1306.	Penalties.
1226.	Apprehension and detention of aliens.	PART VIII—GENERAL PENALTY PROVISIONS	
1226a.	Mandatory detention of suspected terrorists; habeas corpus; judicial review.	1321.	Prevention of unauthorized landing of aliens.
1227.	Deportable aliens.	1322.	Bringing in aliens subject to denial of admission on a health-related ground; persons liable; clearance papers; exceptions; "person" defined.
1228.	Expedited removal of aliens convicted of committing aggravated felonies.	1323.	Unlawful bringing of aliens into United States.
1229.	Initiation of removal proceedings.	1324.	Bringing in and harboring certain aliens.
1229a.	Removal proceedings.	1324a.	Unlawful employment of aliens.
1229b.	Cancellation of removal; adjustment of status.	1324b.	Unfair immigration-related employment practices.
1229c.	Voluntary departure.	1324c.	Penalties for document fraud.
1230.	Records of admission.	1324d.	Civil penalties for failure to depart.
1231.	Detention and removal of aliens ordered removed.	1325.	Improper entry by alien.
1232.	Enhancing efforts to combat the trafficking of children.	1326.	Reentry of removed aliens.
PART V—ADJUSTMENT AND CHANGE OF STATUS		1327.	Aiding or assisting certain aliens to enter.
1251.	Transferred.	1328.	Importation of alien for immoral purpose.
1251a.	Repealed.	1329.	Jurisdiction of district courts.
1252.	Judicial review of orders of removal.	1330.	Collection of penalties and expenses.
1252a, 1252b.	Transferred or Repealed.	PART IX—MISCELLANEOUS	
1252c.	Authorizing State and local law enforcement officials to arrest and detain certain illegal aliens.	1351.	Nonimmigrant visa fees.
1253.	Penalties related to removal.	1352.	Printing of reentry permits and blank forms of manifest and crew lists; sale to public.
1254.	Repealed.	1353.	Travel expenses and expense of transporting remains of officers and employees dying outside of United States.
1254a.	Temporary protected status.	1353a.	Officers and employees; overtime services; extra compensation; length of working day.
1254b.	Collection of fees under temporary protected status program.	1353b.	Extra compensation; payment.
1255.	Adjustment of status of nonimmigrant to that of person admitted for permanent residence.	1353c.	Immigration officials; service in foreign contiguous territory.
1255a.	Adjustment of status of certain entrants before January 1, 1982, to that of person admitted for lawful residence.	1353d.	Disposition of money received as extra compensation.
1255b.	Adjustment of status of certain nonimmigrants to that of persons admitted for permanent residence.	1354.	Applicability to members of the Armed Forces.
1256.	Rescission of adjustment of status; effect upon naturalized citizen.	1355.	Disposal of privileges at immigrant stations; rentals; retail sale; disposition of receipts.
1257.	Adjustment of status of certain resident aliens to nonimmigrant status; exceptions.	1356.	Disposition of moneys collected under the provisions of this subchapter.
1258.	Change of nonimmigrant classification.	1357.	Powers of immigration officers and employees.
1259.	Record of admission for permanent residence in the case of certain aliens who entered the United States prior to January 1, 1972.	1358.	Local jurisdiction over immigrant stations.
1260.	Removal of aliens falling into distress.	1359.	Application to American Indians born in Canada.
PART VI—SPECIAL PROVISIONS RELATING TO ALIEN CREWMEN		1360.	Establishment of central file; information from other departments and agencies.
1281.	Alien crewmen.	1361.	Burden of proof upon alien.
1282.	Conditional permits to land temporarily.	1362.	Right to counsel.
1283.	Hospital treatment of alien crewmen afflicted with certain diseases.	1363.	Deposit of and interest on cash received to secure immigration bonds.
1284.	Control of alien crewmen.	1363a.	Undercover investigation authority.
1285.	Employment on passenger vessels of aliens afflicted with certain disabilities.	1363b.	Repealed.
1286.	Discharge of alien crewmen; penalties.	1364.	Triennial comprehensive report on immigration.
1287.	Alien crewmen brought into the United States with intent to evade immigration laws; penalties.	1365.	Reimbursement of States for costs of incarcerating illegal aliens and certain Cuban nationals.
		1365a.	Integrated entry and exit data system.
		1365b.	Biometric entry and exit data system.
		1366.	Annual report on criminal aliens.
		1367.	Penalties for disclosure of information.
		1368.	Increase in INS detention facilities; report on detention space.
		1369.	Treatment of expenses subject to emergency medical services exception.

Sec.		Sec.	
1370.	Reimbursement of States and localities for emergency ambulance services.	1432.	Repealed.
1371.	Reports.	1433.	Children born and residing outside the United States; conditions for acquiring certificate of citizenship.
1372.	Program to collect information relating to nonimmigrant foreign students and other exchange program participants.	1434.	Repealed.
1373.	Communication between government agencies and the Immigration and Naturalization Service.	1435.	Former citizens regaining citizenship.
1374.	Information regarding female genital mutilation.	1436.	Nationals but not citizens; residence within outlying possessions.
1375.	Repealed.	1437.	Resident Philippine citizens excepted from certain requirements.
1375a.	Domestic violence information and resources for immigrants and regulation of international marriage brokers.	1438.	Former citizens losing citizenship by entering armed forces of foreign countries during World War II.
1375b.	Protections for domestic workers and other nonimmigrants.	1439.	Naturalization through service in the armed forces.
1375c.	Protections, remedies, and limitations on issuance for A-3 and G-5 visas.	1440.	Naturalization through active-duty service in the Armed Forces during World War I, World War II, Korean hostilities, Vietnam hostilities, or other periods of military hostilities.
1376.	Data on nonimmigrant overstay rates.	1440-1.	Posthumous citizenship through death while on active-duty service in armed forces during World War I, World War II, the Korean hostilities, the Vietnam hostilities, or in other periods of military hostilities.
1377.	Collection of data on detained asylum seekers.	1440a to 1440d.	Omitted.
1377a.	Report on aliens determined to have credible or reasonable fear of persecution or torture.	1440e.	Exemption from naturalization fees for aliens naturalized through service during Vietnam hostilities or other subsequent period of military hostilities; report by clerks of courts to Attorney General.
1378.	Collection of data on other detained aliens.	1440f.	Fingerprints and other biometric information for members of the United States Armed Forces.
1378a.	Report on aliens detained.	1440g.	Provision of information on military naturalization.
1379.	Technology standard to confirm identity.	1441.	Constructive residence through service on certain United States vessels.
1380.	Maintenance of statistics by the Department of Homeland Security.	1442.	Alien enemies.
1381.	Secretary of Labor report.	1443.	Administration.
1382.	Acceptance and administration of gifts for immigration integration grants program.	1443a.	Naturalization proceedings overseas for members of the Armed Forces and their spouses and children.
SUBCHAPTER III—NATIONALITY AND NATURALIZATION			
PART I—NATIONALITY AT BIRTH AND COLLECTIVE NATURALIZATION			
1401.	Nationals and citizens of United States at birth.	1444.	Photographs; number.
1401a.	Birth abroad before 1952 to service parent.	1445.	Application for naturalization; declaration of intention.
1401b.	Repealed.	1446.	Investigation of applicants; examination of applications.
1402.	Persons born in Puerto Rico on or after April 11, 1899.	1447.	Hearings on denials of applications for naturalization.
1403.	Persons born in the Canal Zone or Republic of Panama on or after February 26, 1904.	1448.	Oath of renunciation and allegiance.
1404.	Persons born in Alaska on or after March 30, 1867.	1448a.	Address to newly naturalized citizens.
1405.	Persons born in Hawaii.	1449.	Certificate of naturalization; contents.
1406.	Persons living in and born in the Virgin Islands.	1450.	Functions and duties of clerks and records of declarations of intention and applications for naturalization.
1407.	Persons living in and born in Guam.	1451.	Revocation of naturalization.
1408.	Nationals but not citizens of the United States at birth.	1452.	Certificates of citizenship or U.S. non-citizen national status; procedure.
1409.	Children born out of wedlock.	1453.	Cancellation of certificates issued by Attorney General, the Commissioner or a Deputy Commissioner; action not to affect citizenship status.
PART II—NATIONALITY THROUGH NATURALIZATION			
1421.	Naturalization authority.	1454.	Documents and copies issued by Attorney General.
1422.	Eligibility for naturalization.	1455.	Fiscal provisions.
1423.	Requirements as to understanding the English language, history, principles and form of government of the United States.	1456.	Repealed.
1424.	Prohibition upon the naturalization of persons opposed to government or law, or who favor totalitarian forms of government.	1457.	Publication and distribution of citizenship textbooks; use of naturalization fees.
1425.	Ineligibility to naturalization of deserters from the Armed Forces.	1458.	Compilation of naturalization statistics and payment for equipment.
1426.	Citizenship denied alien relieved of service in Armed Forces because of alienage.	1459.	Repealed.
1427.	Requirements of naturalization.	PART III—LOSS OF NATIONALITY	
1428.	Temporary absence of persons performing religious duties.	1481.	Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions.
1429.	Prerequisite to naturalization; burden of proof.	1482.	Repealed.
1430.	Married persons and employees of certain nonprofit organizations.	1483.	Restrictions on loss of nationality.
1431.	Children born outside the United States and lawfully admitted for permanent residence; conditions under which citizenship automatically acquired.		

- Sec.  
1484 to 1487. Repealed.  
1488. Nationality lost solely from performance of acts or fulfillment of conditions.  
1489. Application of treaties; exceptions.

## PART IV—MISCELLANEOUS

1501. Certificate of diplomatic or consular officer of United States as to loss of American nationality.  
1502. Certificate of nationality issued by Secretary of State for person not a naturalized citizen of United States for use in proceedings of a foreign state.  
1503. Denial of rights and privileges as national.  
1504. Cancellation of United States passports and Consular Reports of Birth.

## SUBCHAPTER IV—REFUGEE ASSISTANCE

1521. Office of Refugee Resettlement; establishment; appointment of Director; functions.  
1522. Authorization for programs for domestic resettlement of and assistance to refugees.  
1523. Congressional reports.  
1524. Authorization of appropriations.  
1525. Repealed.

## SUBCHAPTER V—ALIEN TERRORIST REMOVAL PROCEDURES

1531. Definitions.  
1532. Establishment of removal court.  
1533. Removal court procedure.  
1534. Removal hearing.  
1535. Appeals.  
1536. Custody and release pending removal hearing.  
1537. Custody and release after removal hearing.

## SUBCHAPTER I—GENERAL PROVISIONS

## § 1101. Definitions

(a) As used in this chapter—

(1) The term “administrator” means the official designated by the Secretary of State pursuant to section 1104(b) of this title.

(2) The term “advocates” includes, but is not limited to, advises, recommends, furthers by overt act, and admits belief in.

(3) The term “alien” means any person not a citizen or national of the United States.

(4) The term “application for admission” has reference to the application for admission into the United States and not to the application for the issuance of an immigrant or nonimmigrant visa.

(5) The term “Attorney General” means the Attorney General of the United States.

(6) The term “border crossing identification card” means a document of identity bearing that designation issued to an alien who is lawfully admitted for permanent residence, or to an alien who is a resident in foreign contiguous territory, by a consular officer or an immigration officer for the purpose of crossing over the borders between the United States and foreign contiguous territory in accordance with such conditions for its issuance and use as may be prescribed by regulations. Such regulations shall provide that (A) each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and (B) an alien presenting a border crossing identification card is not permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.

(7) The term “clerk of court” means a clerk of a naturalization court.

(8) The terms “Commissioner” and “Deputy Commissioner” mean the Commissioner of Immigration and Naturalization and a Deputy Commissioner of Immigration and Naturalization, respectively.

(9) The term “consular officer” means any consular, diplomatic, or other officer or employee of the United States designated under regulations prescribed under authority contained in this chapter, for the purpose of issuing immigrant or nonimmigrant visas or, when used in subchapter III, for the purpose of adjudicating nationality.

(10) The term “crewman” means a person serving in any capacity on board a vessel or aircraft.

(11) The term “diplomatic visa” means a nonimmigrant visa bearing that title and issued to a nonimmigrant in accordance with such regulations as the Secretary of State may prescribe.

(12) The term “doctrine” includes, but is not limited to, policies, practices, purposes, aims, or procedures.

(13)(A) The terms “admission” and “admitted” mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under section 1182(d)(5) of this title or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien—

(i) has abandoned or relinquished that status,

(ii) has been absent from the United States for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after having departed the United States,

(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this chapter and extradition proceedings,

(v) has committed an offense identified in section 1182(a)(2) of this title, unless since such offense the alien has been granted relief under section 1182(h) or 1229b(a) of this title, or

(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

(14) The term “foreign state” includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states.

(15) The term “immigrant” means every alien except an alien who is within one of the following classes of nonimmigrant aliens—

(A)(i) an ambassador, public minister, or career diplomatic or consular officer who has been accredited by a foreign government, recognized de jure by the United States and who