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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 7 sections 1308-3, 1996, 2020, 3508; title 10 sections 3253, 8253, 12102, 12201; title 15 section 278g; title 18 section 1203; title 19 section 3401; title 22 sections 2454, 2778, 3303, 5711; title 25 section 1300b-13; title 42 section 6705; title 46 section 8103; title 50 sections 47c, 47f.

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.
- (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 of the United States designated under regulations prescribed under authority contained in this chapter, for the purpose of issuing immigrant or nonimmigrant visas.
- (10) The term “crewman” means a person serving in any capacity on board a vessel or aircraft.

(11) The term “diplomatic visa” means a non-immigrant 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) The term “entry” means any coming of an alien into the United States, from a foreign port or place or from an outlying possession, whether voluntarily or otherwise, except that an alien having a lawful permanent residence in the United States shall not be regarded as making an entry into the United States for the purposes of the immigration laws if the alien proves to the satisfaction of the Attorney General that his departure to a foreign port or place or to an outlying possession was not intended or reasonably to be expected by him or his presence in a foreign port or place or in an outlying possession was not voluntary: *Provided*, That no person whose departure from the United States was occasioned by deportation proceedings, extradition, or other legal process shall be held to be entitled to such exception.

(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 is accepted by the President or by the Secretary of State, and the members of the alien’s immediate family;

(ii) upon a basis of reciprocity, other officials and employees who have been accredited by a foreign government recognized de jure by the United States, who are accepted by the Secretary of State, and the members of their immediate families; and

(iii) upon a basis of reciprocity, attendants, servants, personal employees, and members of their immediate families, of the officials and employees who have a nonimmigrant status under (i) and (ii) above;

(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure;

(C) an alien in immediate and continuous transit through the United States, or an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District and foreign countries, under the provisions of paragraphs (3), (4), and (5) of section 11 of the Headquarters Agreement with the United Nations (61 Stat. 758);

(D)(i) an alien crewman serving in good faith as such in a capacity required for normal operation and service on board a vessel, as defined

in section 1288(a) of this title (other than a fishing vessel having its home port or an operating base in the United States), or aircraft, who intends to land temporarily and solely in pursuit of his calling as a crewman and to depart from the United States with the vessel or aircraft on which he arrived or some other vessel or aircraft;

(ii) an alien crewman serving in good faith as such in any capacity required for normal operations and service aboard a fishing vessel having its home port or an operating base in the United States who intends to land temporarily in Guam and solely in pursuit of his calling as a crewman and to depart from Guam with the vessel on which he arrived;

(E) an alien entitled to enter the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he is a national, and the spouse and children of any such alien if accompanying or following to join him; (i) solely to carry on substantial trade, including trade in services or trade in technology, principally between the United States and the foreign state of which he is a national; or (ii) solely to develop and direct the operations of an enterprise in which he has invested, or of an enterprise in which he is actively in the process of investing, a substantial amount of capital;

(F)(i) an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by him and approved by the Attorney General after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each non-immigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, and (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;

(G)(i) a designated principal resident representative of a foreign government recognized de jure by the United States, which foreign government is a member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669) [22 U.S.C. 288 et seq.], accredited resident members of the staff of such representatives, and members of his or their immediate family;

(ii) other accredited representatives of such a foreign government to such international organizations, and the members of their immediate families;

(iii) an alien able to qualify under (i) or (ii) above except for the fact that the government of which such alien is an accredited represent-

ative is not recognized de jure by the United States, or that the government of which he is an accredited representative is not a member of such international organization; and the members of his immediate family;

(iv) officers, or employees of such international organizations, and the members of their immediate families;

(v) attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees;

(H) an alien (i)(a) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 1182(m)(1) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 1182(m)(2) of this title for each facility (which facility shall include the petitioner and each worksite, other than a private household worksite, if the worksite is not the alien's employer or controlled by the employer) for which the alien will perform the services, or (b) subject to section 1182(j)(2) of this title, who is coming temporarily to the United States to perform services (other than services described in subclause (a) during the period in which such subclause applies and other than services described in subclause (ii)(a) or in subparagraph (O) or (P)) in a specialty occupation described in section 1184(i)(1) of this title or as a fashion model, who meets the requirements for the occupation specified in section 1184(i)(2) of this title or, in the case of a fashion model, is of distinguished merit and ability, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application under section 1182(n)(1) of this title; or (ii)(a) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121(g) of title 26 and agriculture as defined in section 203(f) of title 29, of a temporary or seasonal nature, or (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession; or (iii) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States as a trainee, other than to receive graduate medical education or training, in a training program that is not designed primarily to provide productive employment; and the alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join him;

(I) upon a basis of reciprocity, an alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation, and the spouse and children of such a representative, if accompanying or following to join him;

(J) an alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if he is coming to the United States to participate in a program under which he will receive graduate medical education or training, also meets the requirements of section 1182(j) of this title, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(K) an alien who is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry, and the minor children of such fiancée or fiancé accompanying him or following to join him;

(L) an alien who, within 3 years preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(M)(i) an alien having a residence in a foreign country which he has no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized non-academic institution (other than in a language training program) in the United States particularly designated by him and approved by the Attorney General, after consultation with the Secretary of Education, which institution shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant nonacademic student and if any such institution fails to make reports promptly the approval shall be withdrawn, and (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;

(N)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i), but only if and while the alien is a child, or

(ii) a child of such parent or of an alien accorded the status of a special immigrant under clause (i), (iii), or (iv) of paragraph (27)(I);

(O) an alien who—

(i) has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim or, with regard to motion picture and television productions a demonstrated record of extraordinary achievement, and whose achievements have been recognized in the field through extensive documentation, and seeks to enter the United States to continue work in the area of extraordinary ability; or

(ii)(I) seeks to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performance by an alien who is admitted under clause (i) for a specific event or events,

(II) is an integral part of such actual performance,

(III)(a) has critical skills and experience with such alien which are not of a general nature and which cannot be performed by other individuals, or (b) in the case of a motion picture or television production, has skills and experience with such alien which are not of a general nature and which are critical either based on a pre-existing long-standing working relationship or, with respect to the specific production, because significant production (including pre- and post-production work) will take place both inside and outside the United States and the continuing participation of the alien is essential to the successful completion of the production, and

(IV) has a foreign residence which the alien has no intention of abandoning; or

(iii) is the alien spouse or child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;

(P) an alien having a foreign residence which the alien has no intention of abandoning who—

(i)(a) is described in section 1184(c)(4)(A) of this title (relating to athletes), or (b) is described in section 1184(c)(4)(B) of this title (relating to entertainment groups);

(ii)(I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely for the purpose of performing as such an artist or entertainer or with such a group under a reciprocal exchange program which is between an organization or organizations in the United States and an organization or organizations in one or more foreign states and which provides for the temporary exchange of artists and entertainers, or groups of artists and entertainers;

(iii)(I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely to perform, teach, or

coach as such an artist or entertainer or with such a group under a commercial or noncommercial program that is culturally unique; or

(iv) is the spouse or child of an alien described in clause (i), (ii), or (iii) and is accompanying, or following to join, the alien;

(Q) an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Attorney General for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers;

(R) an alien, and the spouse and children of the alien if accompanying or following to join the alien, who—

(i) for the 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States; and

(ii) seeks to enter the United States for a period not to exceed 5 years to perform the work described in subclause (I), (II), or (III) of paragraph (27)(C)(ii); or

(S) subject to section 1184(j) of this title, an alien—

(i) who the Attorney General determines—

(I) is in possession of critical reliable information concerning a criminal organization or enterprise;

(II) is willing to supply or has supplied such information to Federal or State law enforcement authorities or a Federal or State court; and

(III) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise; or

(ii) who the Secretary of State and the Attorney General jointly determine—

(I) is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation;

(II) is willing to supply or has supplied such information to Federal law enforcement authorities or a Federal court;

(III) will be or has been placed in danger as a result of providing such information; and

(IV) is eligible to receive a reward under section 2708(a) of title 22,

and, if the Attorney General (or with respect to clause (ii), the Secretary of State and the Attorney General jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i) or (ii) if accompanying, or following to join, the alien.

(16) The term "immigrant visa" means an immigrant visa required by this chapter and prop-

erly issued by a consular officer at his office outside of the United States to an eligible immigrant under the provisions of this chapter.

(17) The term “immigration laws” includes this chapter and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens.

(18) The term “immigration officer” means any employee or class of employees of the Service or of the United States designated by the Attorney General, individually or by regulation, to perform the functions of an immigration officer specified by this chapter or any section of this title.

(19) The term “ineligible to citizenship,” when used in reference to any individual, means, notwithstanding the provisions of any treaty relating to military service, an individual who is, or was at any time permanently debarred from becoming a citizen of the United States under section 3(a) of the Selective Training and Service Act of 1940, as amended (54 Stat. 885; 55 Stat. 844), or under section 4(a) of the Selective Service Act of 1948, as amended (62 Stat. 605; 65 Stat. 76) [50 App. U.S.C. 454(a)], or under any section of this chapter, or any other Act, or under any law amendatory of, supplementary to, or in substitution for, any of such sections or Acts.

(20) The term “lawfully admitted for permanent residence” means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

(21) The term “national” means a person owing permanent allegiance to a state.

(22) The term “national of the United States” means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(23) The term “naturalization” means the conferring of nationality of a state upon a person after birth, by any means whatsoever.

(24) Repealed. Pub. L. 102-232, title III, § 305(m)(1), Dec. 12, 1991, 105 Stat. 1750.

(25) The term “noncombatant service” shall not include service in which the individual is not subject to military discipline, court martial, or does not wear the uniform of any branch of the armed forces.

(26) The term “nonimmigrant visa” means a visa properly issued to an alien as an eligible nonimmigrant by a competent officer as provided in this chapter.

(27) The term “special immigrant” means—

(A) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

(B) an immigrant who was a citizen of the United States and may, under section 1435(a) or 1438 of this title, apply for reacquisition of citizenship;

(C) an immigrant, and the immigrant’s spouse and children if accompanying or following to join the immigrant, who—

(i) for at least 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States;

(ii) seeks to enter the United States—

(I) solely for the purpose of carrying on the vocation of a minister of that religious denomination,

(II) before October 1, 1997, in order to work for the organization at the request of the organization in a professional capacity in a religious vocation or occupation, or

(III) before October 1, 1997, in order to work for the organization (or for a bona fide organization which is affiliated with the religious denomination and is exempt from taxation as an organization described in section 501(c)(3) of title 26) at the request of the organization in a religious vocation or occupation; and

(iii) has been carrying on such vocation, professional work, or other work continuously for at least the 2-year period described in clause (i);

(D) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, or of the American Institute in Taiwan, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided*, That the principal officer of a Foreign Service establishment (or, in the case of the American Institute in Taiwan, the Director thereof), in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status;

(E) an immigrant, and his accompanying spouse and children, who is or has been an employee of the Panama Canal Company or Canal Zone Government before the date on which the Panama Canal Treaty of 1977 (as described in section 3602(a)(1) of title 22) enters into force [October 1, 1979], who was resident in the Canal Zone on the effective date of the exchange of instruments of ratification of such Treaty [April 1, 1979], and who has performed faithful service as such an employee for one year or more;

(F) an immigrant, and his accompanying spouse and children, who is a Panamanian national and (i) who, before the date on which such Panama Canal Treaty of 1977 enters into force [October 1, 1979], has been honorably retired from United States Government employment in the Canal Zone with a total of 15 years or more of faithful service, or (ii) who, on the date on which such Treaty enters into force, has been employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service and who subsequently is honorably retired from such employment or continues to be employed by the United States Government in an area of the former Canal Zone;

(G) an immigrant, and his accompanying spouse and children, who was an employee of the Panama Canal Company or Canal Zone Government on the effective date of the exchange of instruments of ratification of such Panama Canal Treaty of 1977 [April 1, 1979],

who has performed faithful service for five years or more as such an employee, and whose personal safety, or the personal safety of whose spouse or children, as a direct result of such Treaty, is reasonably placed in danger because of the special nature of any of that employment;

(H) an immigrant, and his accompanying spouse and children, who—

(i) has graduated from a medical school or has qualified to practice medicine in a foreign state,

(ii) was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date,

(iii) entered the United States as a non-immigrant under subsection (a)(15)(H) or (a)(15)(J) of this section before January 10, 1978, and

(iv) has been continuously present in the United States in the practice or study of medicine since the date of such entry;

(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for a visa or adjustment of status under this subparagraph no later than his twenty-fifth birthday or six months after October 24, 1988, whichever is later;

(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who (I) while maintaining the status of a non-immigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and (II) files a petition for status under this subparagraph no later than six months after the date of such death or six months after October 24, 1988, whichever is later;

(iii) an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and (II) files a petition for status under

this subparagraph no later than six months after the date of such retirement or six months after October 25, 1994, whichever is later; or

(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family;

(J) an immigrant (i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care, and (ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; except that no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on October 1, 1991) for a period or periods aggregating—

(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years,

and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant.

(28) The term "organization" means, but is not limited to, an organization, corporation, company, partnership, association, trust, foundation or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together with joint action on any subject or subjects.

(29) The term "outlying possessions of the United States" means American Samoa and Swains Island.

(30) The term "passport" means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the entry of the bearer into a foreign country.

(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of

the United States or of the individual, in accordance with law.

(32) The term “profession” shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.

(33) The term “residence” means the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent.

(34) The term “Service” means the Immigration and Naturalization Service of the Department of Justice.

(35) The term “spouse”, “wife”, or “husband” do not include a spouse, wife, or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.

(36) The term “State” includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States.

(37) The term “totalitarian party” means an organization which advocates the establishment in the United States of a totalitarian dictatorship or totalitarianism. The terms “totalitarian dictatorship” and “totalitarianism” mean and refer to systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party.

(38) The term “United States”, except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

(39) The term “unmarried”, when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.

(40) The term “world communism” means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist political movement.

(41) The term “graduates of a medical school” means aliens who have graduated from a medical school or who have qualified to practice medicine in a foreign state, other than such aliens who are of national or international renown in the field of medicine.

(42) The term “refugee” means (A) any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion,

or (B) in such special circumstances as the President after appropriate consultation (as defined in section 1157(e) of this title) may specify, any person who is within the country of such person’s nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term “refugee” does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

(43) The term “aggravated felony” means—

(A) murder;

(B) illicit trafficking in a controlled substance (as defined in section 802 of title 21), including a drug trafficking crime (as defined in section 924(c) of title 18);

(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18) or in explosive materials (as defined in section 841(c) of that title);

(D) an offense described in section 1956 of title 18 (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded \$100,000;

(E) an offense described in—

(i) section 842(h) or (i) of title 18, or section 844(d), (e), (f), (g), (h), or (i) of that title (relating to explosive materials offenses);

(ii) section 922(g)(1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924(b) or (h) of title 18 (relating to firearms offenses); or

(iii) section 5861 of title 26 (relating to firearms offenses);

(F) a crime of violence (as defined in section 16 of title 18, but not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;

(G) a theft offense (including receipt of stolen property) or burglary offense for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

(H) an offense described in section 875, 876, 877, or 1202 of title 18 (relating to the demand for or receipt of ransom);

(I) an offense described in section 2251, 2251A, or 2252 of title 18 (relating to child pornography);

(J) an offense described in section 1962 of title 18 (relating to racketeer influenced corrupt organizations) for which a sentence of 5 years’ imprisonment or more may be imposed;

(K) an offense that—

(i) relates to the owning, controlling, managing, or supervising of a prostitution business; or

(ii) is described in section 1581, 1582, 1583, 1584, 1585, or 1588,¹ of title 18 (relating to peonage, slavery, and involuntary servitude);

¹ So in original. The comma probably should not appear.

(L) an offense described in—

(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18; or

(ii) section 421 of title 50 (relating to protecting the identity of undercover intelligence agents);

(M) an offense that—

(i) involves fraud or deceit in which the loss to the victim or victims exceeds \$200,000; or

(ii) is described in section 7201 of title 26 (relating to tax evasion) in which the revenue loss to the Government exceeds \$200,000;

(N) an offense described in section 1324(a)(1)² of this title (relating to alien smuggling) for the purpose of commercial advantage;

(O) an offense described in section 1546(a) of title 18 (relating to document fraud) which constitutes trafficking in the documents described in such section for which the term of imprisonment imposed (regardless of any suspicion³ of such imprisonment) is at least 5 years;

(P) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 15 years or more; and

(Q) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years.

(44)(A) The term “managerial capacity” means an assignment within an organization in which the employee primarily—

(i) manages the organization, or a department, subdivision, function, or component of the organization;

(ii) supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;

(iii) if another employee or other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization) or, if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and

(iv) exercises discretion over the day-to-day operations of the activity or function for which the employee has authority.

A first-line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor’s supervisory duties unless the employees supervised are professional.

(B) The term “executive capacity” means an assignment within an organization in which the employee primarily—

(i) directs the management of the organization or a major component or function of the organization;

(ii) establishes the goals and policies of the organization, component, or function;

(iii) exercises wide latitude in discretionary decision-making; and

(iv) receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.

(C) If staffing levels are used as a factor in determining whether an individual is acting in a managerial or executive capacity, the Attorney General shall take into account the reasonable needs of the organization, component, or function in light of the overall purpose and stage of development of the organization, component, or function. An individual shall not be considered to be acting in a managerial or executive capacity (as previously defined) merely on the basis of the number of employees that the individual supervises or has supervised or directs or has directed.

(45) The term “substantial” means, for purposes of paragraph (15)(E) with reference to trade or capital, such an amount of trade or capital as is established by the Secretary of State, after consultation with appropriate agencies of Government.

(46) The term “extraordinary ability” means, for purposes of subsection (a)(15)(O)(i) of this section, in the case of the arts, distinction.

(b) As used in subchapters I and II of this chapter—

(1) The term “child” means an unmarried person under twenty-one years of age who is—

(A) a child born in wedlock;

(B) a stepchild, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred;

(C) a child legitimated under the law of the child’s residence or domicile, or under the law of the father’s residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation;

(D) a child born out of wedlock, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother or to its natural father if the father has or had a bona fide parent-child relationship with the person;

(E) a child adopted while under the age of sixteen years if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years: *Provided*, That no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

(F) a child, under the age of sixteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 1151(b) of this title, who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or

² See Codification note below.

³ So in original. Probably should be “suspension”.

loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who have or has complied with the preadoption requirements, if any, of the child's proposed residence; *Provided*, That the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States; *Provided further*, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter.

(2) The terms "parent", "father", or "mother" mean a parent, father, or mother only where the relationship exists by reason of any of the circumstances set forth in subdivision (1) of this subsection, except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of a child born out of wedlock described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term "parent" does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.

(3) The term "person" means an individual or an organization.

(4) The term "special inquiry officer" means any immigration officer who the Attorney General deems specially qualified to conduct specified classes of proceedings, in whole or in part, required by this chapter to be conducted by or before a special inquiry officer and who is designated and selected by the Attorney General, individually or by regulation, to conduct such proceedings. Such special inquiry officer shall be subject to such supervision and shall perform such duties, not inconsistent with this chapter, as the Attorney General shall prescribe.

(5) The term "adjacent islands" includes Saint Pierre, Miquelon, Cuba, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique, and other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea.

(c) As used in subchapter III of this chapter—

(1) The term "child" means an unmarried person under twenty-one years of age and includes a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in the United States or elsewhere, and, except as otherwise provided in sections 1431, 1432, and 1433 of this title, a child adopted in the United States, if such legitimation or adoption takes place before the child reaches the age of sixteen years, and the child is in the legal custody of the legitimating or adopting parent or parents at the time of such legitimation or adoption.

(2) The terms "parent", "father", and "mother" include in the case of a posthumous child a deceased parent, father, and mother.

(d) Repealed. Pub. L. 100-525, §9(a)(3), Oct. 24, 1988, 102 Stat. 2619.

(e) For the purposes of this chapter—

(1) The giving, loaning, or promising of support or of money or any other thing of value to be used for advocating any doctrine shall constitute the advocating of such doctrine; but nothing in this paragraph shall be construed as an exclusive definition of advocating.

(2) The giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization shall be presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation.

(3) Advocating the economic, international, and governmental doctrines of world communism means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement.

(f) For the purposes of this chapter—

No person shall be regarded as, or found to be, a person of good moral character who, during the period for which good moral character is required to be established is, or was—

(1) a habitual drunkard;

(2) Repealed. Pub. L. 97-116, §2(c)(1), Dec. 29, 1981, 95 Stat. 1611.

(3) a member of one or more of the classes of persons, whether excludable or not, described in paragraphs (2)(D), (6)(E), and (9)(A) of section 1182(a) of this title; or subparagraphs (A) and (B) of section 1182(a)(2) of this title and subparagraph (C) thereof of such section⁴ (except as such paragraph relates to a single offense of simple possession of 30 grams or less of marihuana), if the offense described therein, for which such person was convicted or of which he admits the commission, was committed during such period;

(4) one whose income is derived principally from illegal gambling activities;

(5) one who has been convicted of two or more gambling offenses committed during such period;

(6) one who has given false testimony for the purpose of obtaining any benefits under this chapter;

(7) one who during such period has been confined, as a result of conviction, to a penal institution for an aggregate period of one hundred and eighty days or more, regardless of whether the offense, or offenses, for which he has been confined were committed within or without such period;

(8) one who at any time has been convicted of an aggravated felony (as defined in subsection (a)(43) of this section).

The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.

(g) For the purposes of this chapter any alien ordered deported (whether before or after the en-

⁴So in original. The phrase "of such section" probably should not appear.

actment of this chapter) who has left the United States, shall be considered to have been deported in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which he departed.

(h) For purposes of section 1182(a)(2)(E) of this title, the term “serious criminal offense” means—

(1) any felony;

(2) any crime of violence, as defined in section 16 of title 18; or

(3) any crime of reckless driving or of driving while intoxicated or under the influence of alcohol or of prohibited substances if such crime involves personal injury to another.

(June 27, 1952, ch. 477, title I, §101, 66 Stat. 166; Sept. 11, 1957, Pub. L. 85-316, §§1, 2, 71 Stat. 639; July 7, 1958, Pub. L. 85-508, §22, 72 Stat. 351; Mar. 18, 1959, Pub. L. 86-3, §20(a), 73 Stat. 13; Sept. 21, 1961, Pub. L. 87-256, §109(a), (b), 75 Stat. 534; Sept. 26, 1961, Pub. L. 87-301, §§1, 2, 7, 75 Stat. 650, 653; Oct. 3, 1965, Pub. L. 89-236, §§8, 24, 79 Stat. 916, 922; Nov. 2, 1966, Pub. L. 89-710, 80 Stat. 1104; Apr. 7, 1970, Pub. L. 91-225, §1, 84 Stat. 116; Dec. 16, 1975, Pub. L. 94-155, 89 Stat. 824; Oct. 12, 1976, Pub. L. 94-484, title VI, §601(b), (e), 90 Stat. 2301, 2302; Oct. 20, 1976, Pub. L. 94-571, §7(a), 90 Stat. 2706; Oct. 12, 1976, Pub. L. 94-484, title VI, §602(c), as added Aug. 1, 1977, Pub. L. 95-83, title III, §307(q)(3), 91 Stat. 395; Aug. 17, 1977, Pub. L. 95-105, title I, §109(b)(3), 91 Stat. 847; Sept. 27, 1979, Pub. L. 96-70, title III, §3201(a), 93 Stat. 496; Mar. 17, 1980, Pub. L. 96-212, title II, §201(a), 94 Stat. 102; Dec. 29, 1981, Pub. L. 97-116, §§2, 5(d)(1), 18(a), 95 Stat. 1611, 1614, 1619; Oct. 30, 1984, Priv. L. 98-47, §3, 98 Stat. 3435; Oct. 21, 1986, Pub. L. 99-505, §1, 100 Stat. 1806; Oct. 22, 1986, Pub. L. 99-514, §2, 100 Stat. 2095; Nov. 6, 1986, Pub. L. 99-603, title III, §§301(a), 312, 315(a), 100 Stat. 3411, 3434, 3439; Nov. 14, 1986, Pub. L. 99-653, §§2, 3, 100 Stat. 3655; Oct. 1, 1988, Pub. L. 100-459, title II, §210(a), 102 Stat. 2203; Oct. 24, 1988, Pub. L. 100-525, §§2(o)(1), 8(b), 9(a), 102 Stat. 2613, 2617, 2619; Nov. 18, 1988, Pub. L. 100-690, title VII, §7342, 102 Stat. 4469; Nov. 21, 1989, Pub. L. 101-162, title VI, §611(a), 103 Stat. 1038; Dec. 18, 1989, Pub. L. 101-238, §3(a), 103 Stat. 2100; Feb. 16, 1990, Pub. L. 101-246, title I, §131(b), 104 Stat. 31; Nov. 29, 1990, Pub. L. 101-649, title I, §§123, 151(a), 153(a), 162(f)(2)(A), title II, §§203(c), 204(a), (c), 205(c)(1), (d), (e), 206(c), 207(a), 208, 209(a), title IV, §407(a)(2), title V, §§501(a), 509(a), title VI, §603(a)(1), 104 Stat. 4995, 5004, 5005, 5012, 5018-5020, 5022, 5023, 5026, 5027, 5040, 5048, 5051, 5082; Oct. 1, 1991, Pub. L. 102-110, §2(a), 105 Stat. 555; Dec. 12, 1991, Pub. L. 102-232, title II, §§203(a), 205(a)-(c), 206(b), (c)(1), (d), 207(b), title III, §§302(e)(8)(A), 303(a)(5)(A), (7)(A), (14), 305(m)(1), 306(a)(1), 309(b)(1), (4), 105 Stat. 1737, 1740, 1741, 1746-1748, 1750, 1751, 1758; Apr. 30, 1994, Pub. L. 103-236, title I, §162(h)(1), 108 Stat. 407; Sept. 13, 1994, Pub. L. 103-322, title XIII, §130003(a), 108 Stat. 2024; Oct. 5, 1994, Pub. L. 103-337, div. C, title XXXVI, §3605, 108 Stat. 3113; Oct. 25, 1994, Pub. L. 103-416, title II, §§201, 202, 214, 219(a), 222(a), 108 Stat. 4310, 4311, 4314, 4316, 4320; Nov. 15, 1995, Pub. L. 104-51, §1, 109 Stat. 467.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b)(1)(E), (F), (4), and (e)-(g), was in the original, “this Act”, meaning

act June 27, 1952, ch. 477, 66 Stat. 163, as amended, known as the Immigration and Nationality Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

The Headquarters Agreement with the United Nations (61 Stat. 758), referred to in subsec. (a)(15)(C), is set out as a note under section 287 of Title 22, Foreign Relations and Intercourse.

The International Organizations Immunities Act (59 Stat. 669), referred to in subsec. (a)(15)(G)(i), is act Dec. 29, 1945, ch. 652, title I, 59 Stat. 669, as amended, which is classified principally to subchapter XVIII (§288 et seq.) of chapter 7 of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 288 of Title 22 and Tables.

Section 3(a) of the Selective Training and Service Act of 1940, as amended (54 Stat. 885; 55 Stat. 844), referred to in subsec. (a)(19), was classified to section 303 of Title 50, Appendix, War and National Defense, and was omitted from the Code as obsolete.

The Selective Service Act of 1948, referred to in subsec. (a)(19), was redesignated the Universal Military Training and Service Act by act June 19, 1951, 65 Stat. 75, and then redesignated the Military Selective Service Act of 1967 by act June 30, 1967, Pub. L. 90-40, 81 Stat. 100, and subsequently redesignated the Military Selective Service Act by Pub. L. 92-129, title I, §101(a)(1), Sept. 28, 1971, 85 Stat. 348.

CODIFICATION

Section 1324(a)(1) of this title, referred to in subsec. (a)(43)(N), was in the original “section 274(a)(1) of title 18, United States Code”, which was translated as reading “section 274(a)(1) of this Act”, meaning the Immigration and Nationality Act, to reflect the probable intent of Congress, because title 18 does not contain a section 274, and section 274(a)(1) of the Immigration and Nationality Act relates to criminal penalties for bringing in and harboring certain aliens.

AMENDMENTS

1995—Subsec. (b)(1)(A). Pub. L. 104-51, §1(1)(A), substituted “child born in wedlock” for “legitimate child”.

Subsec. (b)(1)(D). Pub. L. 104-51, §1(1)(B), substituted “a child born out of wedlock” for “an illegitimate child”.

Subsec. (b)(2). Pub. L. 104-51, §1(2) substituted “a child born out of wedlock” for “an illegitimate child”.

1994—Subsec. (a)(1). Pub. L. 103-236 substituted “official designated by the Secretary of State pursuant to section 1104(b) of this title” for “Assistant Secretary of State for Consular Affairs”.

Subsec. (a)(15)(S). Pub. L. 103-322 added subpar. (S).

Subsec. (a)(27)(C)(ii)(II), (III). Pub. L. 103-416, §214, substituted “1997,” for “1994.”

Subsec. (a)(27)(D). Pub. L. 103-416, §201, inserted “or of the American Institute in Taiwan,” after “Government abroad,” and “(or, in the case of the American Institute in Taiwan, the Director thereof)” after “Service establishment”.

Subsec. (a)(27)(F)(ii). Pub. L. 103-337 inserted “or continues to be employed by the United States Government in an area of the former Canal Zone” after “employment”.

Subsec. (a)(27)(I)(iii)(II). Pub. L. 103-416, §202, added subcl. (II) and struck out former subcl. (II) which read as follows: “files a petition for status under this subparagraph before January 1, 1993, and no later than six months after the date of such retirement or six months after October 24, 1988, whichever is later; or”.

Subsec. (a)(27)(J)(i). Pub. L. 103-416, §219(a), substituted “or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has” for “and has” before “been deemed”.

Subsec. (a)(43). Pub. L. 103-416, §222(a), amended par. (43) generally. Prior to amendment, par. (43) read as

follows: “The term ‘aggravated felony’ means murder, any illicit trafficking in any controlled substance (as defined in section 802 of title 21), including any drug trafficking crime as defined in section 924(c)(2) of title 18, or any illicit trafficking in any firearms or destructive devices as defined in section 921 of such title, any offense described in section 1956 of title 18 (relating to laundering of monetary instruments), or any crime of violence (as defined in section 16 of title 18, not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years, or any attempt or conspiracy to commit any such act. Such term applies to offenses described in the previous sentence whether in violation of Federal or State law and also applies to offenses described in the previous sentence in violation of foreign law for which the term of imprisonment was completed within the previous 15 years.”

1991—Subsec. (a)(15)(D)(i). Pub. L. 102-232, § 309(b)(1), inserted a comma after “States”.

Subsec. (a)(15)(H)(i)(b). Pub. L. 102-232, § 303(a)(7)(A), struck out “, and had approved by,” after “has filed with”.

Pub. L. 102-232, § 303(a)(5)(A), inserted “subject to section 1182(j)(2) of this title,” after “or (b)”.

Pub. L. 102-232, § 207(b), inserted “or as a fashion model” after “section 1184(i)(1) of this title” and “or, in the case of a fashion model, is of distinguished merit and ability” after “section 1184(i)(2) of this title”.

Subsec. (a)(15)(O)(i). Pub. L. 102-232, § 205(b), struck out before semicolon at end “, but only if the Attorney General determines that the alien’s entry into the United States will substantially benefit prospectively the United States”.

Subsec. (a)(15)(O)(ii)(III)(b). Pub. L. 102-232, § 205(c), substituted “significant production (including pre- and post-production work)” for “significant principal photography”.

Subsec. (a)(15)(P)(i). Pub. L. 102-232, § 203(a), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows:

“(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance, or performs as part of an entertainment group that has been recognized internationally as being outstanding in the discipline for a sustained and substantial period of time and has had a sustained and substantial relationship with that group over a period of at least 1 year and provides functions integral to the performance of the group, and

“(II) seeks to enter the United States temporarily and solely for the purpose of performing as such an athlete or entertainer with respect to a specific athletic competition or performance;”

Subsec. (a)(15)(P)(ii)(II). Pub. L. 102-232, § 206(b), (c)(1), inserted “or organizations” after “and an organization” and struck out before semicolon at end “, between the United States and the foreign states involved”.

Subsec. (a)(15)(P)(iii)(II). Pub. L. 102-232, § 206(d), substituted “to perform, teach, or coach” for “for the purpose of performing” and inserted “commercial or non-commercial” before “program”.

Subsec. (a)(15)(Q). Pub. L. 102-232, § 303(a)(14), substituted “approved” for “designated”.

Subsec. (a)(24). Pub. L. 102-232, § 305(m)(1), struck out par. (24) which defined “naturalization court”.

Subsec. (a)(27)(I)(ii)(II), (iii)(II). Pub. L. 102-232, § 302(e)(8)(A), substituted “files a petition for status” for “applies for a visa or adjustment of status”.

Subsec. (a)(27)(K). Pub. L. 102-110 added subpar. (K).

Subsec. (a)(43). Pub. L. 102-232, § 306(a)(1), struck out comma before period at end of first sentence.

Subsec. (a)(46). Pub. L. 102-232, § 205(a), added par. (46).

Subsec. (c)(1). Pub. L. 102-232, § 309(b)(4), struck out reference to section 1434.

1990—Subsec. (a)(15)(D)(i). Pub. L. 101-649, § 203(c), substituted “a capacity” for “any capacity” and inserted “, as defined in section 1288(a) of this title” after “on board a vessel”.

Subsec. (a)(15)(E)(i). Pub. L. 101-649, § 204(a), inserted “, including trade in services or trade in technology” after “substantial trade”.

Subsec. (a)(15)(H). Pub. L. 101-649, § 205(e)(1), struck out “having a residence in a foreign country which he has no intention of abandoning” after “an alien”.

Subsec. (a)(15)(H)(i)(a). Pub. L. 101-649, § 162(f)(2)(A), substituted “for each facility (which facility shall include the petitioner and each worksite, other than a private household worksite, if the worksite is not the alien’s employer or controlled by the employer) for which the alien will perform the services, or” for “for the facility for which the alien will perform the services, or”.

Subsec. (a)(15)(H)(i)(b). Pub. L. 101-649, § 205(c)(1), substituted “who is coming temporarily to the United States to perform services (other than services described in subclause (a) during the period in which such subclause applies and other than services described in subclause (ii)(a) or in subparagraph (O) or (P)) in a specialty occupation described in section 1184(i)(1) of this title, who meets the requirements for the occupation specified in section 1184(i)(2) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with, and had approved by, the Secretary an application under section 1182(n)(1) of this title” for “who is of distinguished merit and ability and who is coming temporarily to the United States to perform services (other than services as a registered nurse) of an exceptional nature requiring such merit and ability, and who, in the case of a graduate of a medical school coming to the United States to perform services as a member of the medical profession, is coming pursuant to an invitation from a public or non-profit private educational or research institution or agency in the United States to teach or conduct research, or both, at or for such institution or agency”.

Subsec. (a)(15)(H)(ii). Pub. L. 101-649, § 205(e)(2), (3), substituted “(a) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States” for “who is coming temporarily to the United States (a)”, and in subcl. (b) inserted “having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States” after “(b)”.

Subsec. (a)(15)(H)(iii). Pub. L. 101-649, § 205(e)(4), inserted “having a residence in a foreign country which he has no intention of abandoning” after “(iii)”.

Pub. L. 101-649, § 205(d), inserted “, in a training program that is not designed primarily to provide productive employment” before semicolon at end.

Subsec. (a)(15)(L). Pub. L. 101-649, § 206(c), substituted “within 3 years preceding” for “immediately preceding”.

Subsec. (a)(15)(O), (P). Pub. L. 101-649, § 207(a), added subpars. (O) and (P).

Subsec. (a)(15)(Q). Pub. L. 101-649, § 208, added subpar. (Q).

Subsec. (a)(15)(R). Pub. L. 101-649, § 209(a), added subpar. (R).

Subsec. (a)(27)(C). Pub. L. 101-649, § 151(a), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “(i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States; and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him;”.

Subsec. (a)(27)(J). Pub. L. 101-649, § 153(a), added subpar. (J).

Subsec. (a)(36). Pub. L. 101-649, § 407(a)(2), struck out “(except as used in section 1421(a) of this title)” after “includes”.

Subsec. (a)(43). Pub. L. 101-649, § 501(a)(6), inserted “and also applies to offenses described in the previous

sentence in violation of foreign law for which the term of imprisonment was completed within the previous 15 years” after “Federal or State law”.

Pub. L. 101-649, §501(a)(5), inserted at end “Such term applies to offenses described in the previous sentence whether in violation of Federal or State law.”

Pub. L. 101-649, §501(a)(4), struck out “committed within the United States” after “to commit any such act.”.

Pub. L. 101-649, §501(a)(3), inserted “any offense described in section 1956 of title 18 (relating to laundering of monetary instruments), or any crime of violence (as defined in section 16 of title 18, not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years,” after “section 921 of such title.”.

Pub. L. 101-649, §501(a)(2), inserted “any illicit trafficking in any controlled substance (as defined in section 802 of title 21), including” after “murder.”.

Pub. L. 101-649, §501(a)(1), aligned margin of par. (43).

Subsec. (a)(44). Pub. L. 101-649, §123, added par. (44).

Subsec. (a)(45). Pub. L. 101-649, §204(c), added par. (45).

Subsec. (f)(3). Pub. L. 101-649, §603(a)(1)(A), substituted “paragraphs (2)(D), (6)(E), and (9)(A)” for “paragraphs (11), (12), and (31)”.

Pub. L. 101-649, §603(a)(1)(B), substituted “subparagraphs (A) and (B) of section 1182(a)(2) of this title and subparagraph (C) thereof” for “paragraphs (9) and (10) of section 1182(a) of this title and paragraph (23)”.

Subsec. (f)(8). Pub. L. 101-649, §509(a), substituted “an aggravated felony (as defined in subsection (a)(43) of this section)” for “the crime of murder”.

Subsec. (h). Pub. L. 101-649, §603(a)(1)(C), substituted “1182(a)(2)(E) of this title” for “1182(a)(34) of this title”.

Pub. L. 101-246 added subsec. (h).

1989—Subsec. (a)(15)(H)(i). Pub. L. 101-238 added subcl. (a), designated existing provisions as subcl. (b), and inserted “(other than services as a registered nurse)” after “to perform services”.

Subsec. (b)(2). Pub. L. 101-162 inserted before period at end “, except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term ‘parent’ does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption”.

1988—Subsec. (a)(15)(J). Pub. L. 100-525, §9(a)(1), substituted “Director of the United States Information Agency” for “Secretary of State”.

Subsec. (a)(27)(I)(II), (ii)(II). Pub. L. 100-525, §2(o)(1), substituted “October 24, 1988” for “November 6, 1986” and “applies for a visa or adjustment of status” for “applies for admission”.

Subsec. (a)(38). Pub. L. 100-525, §9(a)(2), struck out “For the purpose of issuing certificates of citizenship to persons who are citizens of the United States, the term ‘United States’ as used in section 1452 of this title includes the Canal Zone.”

Subsec. (a)(43). Pub. L. 100-690 added par. (43).

Subsec. (b)(2). Pub. L. 100-459, temporarily inserted before period at end “, except that, for purposes of paragraph (1)(F) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term ‘parent’ does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption”. See Effective and Termination Dates of 1988 Amendments note below.

Subsec. (c)(1). Pub. L. 100-525, §8(b), repealed Pub. L. 99-653, §3. See 1986 Amendment note below.

Subsec. (d). Pub. L. 100-525, §9(a)(3), struck out subsec. (d) defining “veteran”, “Spanish-American War”, “World War I”, “World War II”, and “Korean hostilities” as those terms were used in part III of subchapter III of this chapter.

1986—Subsec. (a)(15)(D). Pub. L. 99-505 designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (a)(15)(H). Pub. L. 99-603, §301(a), designated existing provisions of cl. (ii) as subcl. (b) and added subcl. (a) relating to persons performing agricultural labor or services as defined by the Secretary of Labor in regulations and including agricultural labor as defined in section 3121(g) of title 26 and agriculture as defined in section 203(f) of title 29 of a temporary or seasonal nature.

Subsec. (a)(15)(H)(ii). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

Subsec. (a)(15)(N). Pub. L. 99-603, §312(b), added subpar. (N).

Subsec. (a)(27)(I). Pub. L. 99-603, §312(a), added subpar. (I).

Subsec. (b)(1)(D). Pub. L. 99-603, §315(a), inserted “or to its natural father if the father has or had a bona fide parent-child relationship with the person”.

Subsec. (b)(1)(E). Pub. L. 99-653, §2, struck out “thereafter” after “the child has”.

Subsec. (c)(1). Pub. L. 99-653, §3, which struck out par. (1) defining “child”, was repealed by Pub. L. 100-525, §8(b), and such par. (1) was revived as of Nov. 14, 1986, see Repeal and Revival note below.

1984—Subsec. (a)(9). Priv. L. 98-47 struck out provisions which directed that in Canal Zone and outlying possessions of the United States “consular officer” meant an officer designated by the Governor of the Canal Zone, or the governors of the outlying possessions for purposes of issuing immigrant or non-immigrant visas under this chapter.

1981—Subsec. (a)(15)(F). Pub. L. 97-116, §§2(a)(1), 18(a)(1), substituted in cl. (i) “college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program” for “institution of learning or other recognized place of study”, and “Secretary of Education” for “Office of Education of the United States”.

Subsec. (a)(15)(H), (J), (K), (L). Pub. L. 97-116, §18(a)(2), substituted a semicolon for a period at end of subpars. (H), (J), (K), and (L) and inserted “or” at end of subpar. (L).

Subsec. (a)(15)(M). Pub. L. 97-116, §2(a)(2), added subpar. (M).

Subsec. (a)(27)(H). Pub. L. 97-116, §5(d)(1), added subpar. (H).

Subsec. (a)(33). Pub. L. 97-116, §18(a)(3), struck out provision that residence be considered continuous for the purposes of sections 1482 and 1484 of this title where there is a continuity of stay but not necessarily an uninterrupted physical presence in a foreign state or states or outside the United States.

Subsec. (b)(1)(A), (B). Pub. L. 97-116, §18(a)(5)(A), struck out “or” at the end.

Subsec. (b)(1)(C). Pub. L. 97-116, §18(a)(5)(B), substituted a semicolon for the period at end.

Subsec. (b)(1)(E). Pub. L. 97-116, §§2(b), 18(a)(5)(C), substituted “sixteen” for “fourteen”, and “; or” for the period at the end.

Subsec. (b)(1)(F). Pub. L. 97-116, §2(b), substituted “sixteen” for “fourteen”.

Subsec. (f). Pub. L. 97-116, §2(c), struck out par. (2) which provided that a person not be considered a person of good moral character if within the period for which good moral character is required to be established the person commits adultery, and substituted in par. (3) “paragraphs (9) and (10) of section 1182(a) of this title and paragraph (23) of such section (except as such paragraph relates to a single offense of simple possession of 30 grams or less of marijuana)” for “paragraphs (9), (10), and (23) of section 1182(a) of this title”.

1980—Subsec. (a)(42). Pub. L. 96-212 added par. (42).

1979—Subsec. (a)(27)(E) to (G). Pub. L. 96-70 added subpars. (E) to (G).

1977—Subsec. (a)(1). Pub. L. 95-105 substituted “Assistant Secretary of State for Consular Affairs” for “administrator of the Bureau of Security and Consular Affairs of the Department of State”.

Subsec. (a)(41). Pub. L. 95-83 inserted “a” after “graduates of” and “, other than such aliens who are of national or international renown in the field of medicine” after “in a foreign state”.

1976—Subsec. (a)(15)(H)(i). Pub. L. 94-484, § 601(b)(1), inserted “, and who, in the case of a graduate of a medical school coming to the United States to perform services as a member of the medical profession, is coming pursuant to an invitation from a public or non-profit private educational or research institution or agency in the United States to teach or conduct research, or both, at or for such institution or agency”.

Subsec. (a)(15)(H)(ii). Pub. L. 94-484, § 601(b)(2), inserted “, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession”.

Subsec. (a)(15)(H)(iii). Pub. L. 94-484, § 601(b)(3), inserted “, other than to receive graduate medical education or training”.

Subsec. (a)(15)(J). Pub. L. 94-484, § 601(b)(4), inserted “and who, if he is coming to the United States to participate in a program under which he will receive graduate medical education or training, also meets the requirements of section 1182(j) of this title”.

Subsec. (a)(27). Pub. L. 94-571 struck out subpar. (A) provision defining term “special immigrant” to include an immigrant born in any independent foreign country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying, or following to join him and restricting issuance of an immigrant visa until consular officer was in receipt of a determination made by the Secretary of Labor pursuant to former provisions of section 1182(a)(14) of this title; and redesignated as subpars. (A) to (D) former subpars. (B) to (E).

Subsec. (a)(41). Pub. L. 94-484, § 601(e), added par. (41). 1975—Subsec. (b)(1)(F). Pub. L. 94-155 provided for adoption of alien children under the age of fourteen by unmarried United States citizens who are at least twenty-five years of age and inserted requirement that before adoption the Attorney General be satisfied that proper care will be provided the child after admission.

1970—Subsec. (a)(15)(H). Pub. L. 91-225, § 1(a), provided for nonimmigrant alien status for alien spouse and minor children of any alien specified in par. (H) if accompanying him or following to join him and struck out “temporary”, “other”, and “industrial” before “services”, “temporary services”, and “trainee” in cls. (i) to (iii), respectively.

Subsec. (a)(15)(K), (L). Pub. L. 91-225, § 1(b), added subpars. (K) and (L).

1966—Subsec. (a)(38). Pub. L. 89-710 inserted sentence providing that term “United States” as used in section 1452 of this title, for the purpose of issuing certificates of citizenship to persons who are citizens of the United States, shall include the Canal Zone.

1965—Subsec. (a)(27). Pub. L. 89-236, § 8(a), substituted “special immigrant” for “nonquota immigrant” as term being defined.

Subsec. (a)(32). Pub. L. 89-236, § 8(b), substituted term “profession” and its definition for term “quota immigrant” and its definition.

Subsec. (b)(1)(F). Pub. L. 89-236, § 8(c), expanded definition to include a child, under the age of 14 at the time a petition is filed in his behalf to accord a classification as an immediate relative or who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care which will be provided the child if admitted to the United States and who has in writing irrevocably released the child for emigration and adoption, and made minor amendments in the existing definition.

Subsec. (b)(6). Pub. L. 89-236, § 24, struck out par. (6) which defined term “eligible orphan”.

1961—Subsec. (a)(15). Pub. L. 87-256 included the alien spouse and minor children of any such alien if accompanying him or following to join him in subpar. (F), and added subpar. (J).

Subsec. (b)(1)(F). Pub. L. 87-301, § 2, added subpar. (F). Subsec. (b)(6). Pub. L. 87-301, § 1, added par. (6).

Subsec. (d)(1). Pub. L. 87-301, § 7(a), inserted “or from June 25, 1950, to July 1, 1955,”.

Subsec. (d)(2). Pub. L. 87-301, § 7(b), inserted definition of “Korean hostilities”.

1959—Subsec. (a)(36). Pub. L. 86-3 struck out reference to Hawaii.

1958—Subsec. (a)(36). Pub. L. 85-508 struck out reference to Alaska.

1957—Subsec. (b)(1). Pub. L. 85-316 inserted “whether or not born out of wedlock” in subpar. (B), and added subpars. (D) and (E).

EFFECTIVE DATE OF 1994 AMENDMENTS

Section 219(dd) of Pub. L. 103-416 provided that: “Except as otherwise specifically provided in this section, the amendments made by this section [amending this section and sections 1151, 1153, 1154, 1160, 1182, 1188, 1251, 1252, 1252b, 1254a, 1255, 1255a, 1256, 1288, 1302, 1322, 1323, 1324a, 1324b, 1324c, 1330, 1356, 1421, 1424, 1444, 1449, and 1522 of this title, repealing section 1161 of this title, amending provisions set out as notes under this section and sections 1182, 1254a, 1255, 1255a, and 1356 of this title, and repealing provisions set out as a note under section 1288 of this title] shall be effective as if included in the enactment of the Immigration Act of 1990 [Pub. L. 101-649].”

Section 222(b) of Pub. L. 103-416 provided that: “The amendments made by this section [amending this section] shall apply to convictions entered on or after the date of enactment of this Act [Oct. 25, 1994].”

Amendment by Pub. L. 103-236 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 a note under section 2651a of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1991 AMENDMENTS

Section 208 of title II of Pub. L. 102-232 provided that: “The provisions of, and amendments made by, this title [amending this section and section 1184 of this title and enacting provisions set out as notes under this section and section 1184 of this title] shall take effect on April 1, 1992.”

Section 302(e)(8) of Pub. L. 102-232 provided that the amendments made by that section [amending this section and sections 1186a and 1201 of this title] are effective as if included in section 162(e) of the Immigration Act of 1990, Pub. L. 102-649.

Section 305(m) of Pub. L. 102-232 provided that the amendments made by that section [amending this section and sections 1423, 1433, 1441, 1443, 1445, and 1452 of this title] are effective as if included in section 407(d) of the Immigration Act of 1990, Pub. L. 101-649.

Section 310 of Pub. L. 102-232, as amended by Pub. L. 103-416, title II, § 219(z)(9), Oct. 25, 1994, 108 Stat. 4318, provided that: “Except as otherwise specifically provided, the amendments made by (and provisions of)—

“(1) sections 302 through 308 [amending this section, sections 1102, 1105a, 1151 to 1154, 1157, 1159 to 1161, 1182, 1184, 1186a to 1188, 1201, 1221, 1226, 1227, 1229, 1251, 1252, 1252b, 1254 to 1255a, 1281, 1282, 1284, 1288, 1322, 1323, 1324a to 1324c, 1325, 1357, 1421, 1423, 1433, 1439 to 1441, 1443, 1445 to 1449, 1451, 1452, and 1455 of this title, and section 3753 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1151, 1157, 1160, 1182, 1251, 1252, 1254a, and 1255 of this title, and amending provisions set out as notes under this section and sections 1105a, 1153, 1158, 1160, 1184, 1201, 1251, 1254a, 1255, and 1421 of this title] shall take effect as if included in the enactment of the Immigration Act of 1990 [Pub. L. 101-649], and

“(2) section 309(b) [amending this section and sections 1154, 1160, 1182, 1188, 1252, 1252a, 1324a, 1356, 1424,

and 1455 of this title and enacting provisions set out as a note under this section] shall take effect on the date of the enactment of this Act [Dec. 12, 1991].”

Section 2(d) of Pub. L. 102-110 provided that: “This section [amending this section and sections 1153 and 1255 of this title] shall take effect 60 days after the date of the enactment of this Act [Oct. 1, 1991].”

EFFECTIVE DATE OF 1990 AMENDMENT

Section 161 of title I of Pub. L. 101-649, as amended by Pub. L. 102-110, § 4, Oct. 1, 1991, 105 Stat. 557; Pub. L. 102-232, title III, § 302(e)(1), (2), Dec. 12, 1991, 105 Stat. 1745; Pub. L. 103-416, title II, §§ 218, 219(aa), Oct. 25, 1994, 108 Stat. 4316, 4319, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this title, this title and the amendments made by this title [enacting section 1186b of this title, amending this section, sections 1103, 1151 to 1154, 1157, 1159, 1182, 1251, 1254, 1255, and 1325 of this title, section 3304 of Title 26, Internal Revenue Code, and section 1382c of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1152, 1153, 1159, 1182, 1201, and 1251 of this title, and amending provisions set out as notes under section 1255 of this title] shall take effect on October 1, 1991, and apply beginning with fiscal year 1992.

“(b) PROVISIONS TAKING EFFECT UPON ENACTMENT.—The following sections (and amendments made by such sections) shall take effect on the date of the enactment of this Act [Nov. 29, 1990] and (unless otherwise provided) apply to fiscal year 1991:

“(1) Section 103 [enacting provisions set out as a note under section 1152 of this title] (relating to per country limitation for Hong Kong).

“(2) Section 104 [amending sections 1157 and 1159 of this title and enacting provisions set out as notes under section 1159 of this title] (relating to asylee adjustments).

“(3) Section 124 [enacting provisions set out as a note under section 1153 of this title] (relating to transition for employees of certain U.S. businesses in Hong Kong).

“(4) Section 133 [enacting provisions set out as a note under section 1153 of this title] (relating to one-year diversity transition for aliens who have been notified of availability of NP-5 visas).

“(5) Section 134 [enacting provisions set out as a note under section 1153 of this title] (relating to transition for displaced Tibetans).

“(6) Section 153 [amending this section and section 1251 of this title and enacting provisions set out as a note under section 1251 of this title] (relating to special immigrants who are dependent on a juvenile court).

“(7) Section 154 [enacting provisions set out as a note under section 1201 of this title] (permitting extension of validity of visas for certain residents of Hong Kong).

“(8) Section 155 [enacting provisions set out as a note under section 1153 of this title] (relating to expedited issuance of Lebanese second and fifth preference visas).

“(9) Section 162(b) [amending section 1154 of this title] (relating to immigrant visa petitioning process), but only insofar as such section relates to visas for fiscal years beginning with fiscal year 1992.

“(c) GENERAL TRANSITIONS.—

“(1) In the case of a petition filed under section 204(a) of the Immigration and Nationality Act [8 U.S.C. 1154(a)] before October 1, 1991, for preference status under section 203(a)(3) or section 203(a)(6) of such Act [8 U.S.C. 1153(a)(3), (6)] (as in effect before such date)—

“(A) in order to maintain the priority date with respect to such a petition, the petitioner must file (by not later than October 1, 1993) a new petition for classification of the employment under paragraph (1), (2), or (3) of section 203(b) of such Act (as amended by this title), and

“(B) any labor certification under section 212(a)(5)(A) of such Act required with respect to the

new petition shall be deemed approved if the labor certification with respect to the previous petition was previously approved under section 212(a)(14) of such Act.

In the case of a petition filed under section 204(a) of such Act before October 1, 1991, but which is not described in paragraph (4), and for which a filing fee was paid, any additional filing fee shall not exceed one-half of the fee for the filing of the new petition referred to in subparagraph (A).

“(2) Any petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1991, for preference status under section 203(a)(4) or section 203(a)(5) of such Act (as in effect before such date) shall be deemed, as of such date, to be a petition filed under such section for preference status under section 203(a)(3) or section 203(a)(4), respectively, of such Act (as amended by this title).

“(3) In the case of an alien who is described in section 203(a)(8) of the Immigration and Nationality Act (as in effect before October 1, 1991) as the spouse or child of an alien admitted for permanent residence as a preference immigrant under section 203(a)(3) or 203(a)(6) of such Act (as in effect before such date) and who would be entitled to enter the United States under such section 203(a)(8) but for the amendments made by this title [see subsec. (a) above], such an alien shall be deemed to be described in section 203(d) of such Act as the spouse or child of an alien described in section 203(b)(2) or 203(b)(3)(A)(i), respectively, of such Act with the same priority date as that of the principal alien.

“(4)(A) Subject to subparagraph (B), any petition filed before October 1, 1991, and approved on any date, to accord status under section 203(a)(3) or 203(a)(6) of the Immigration and Nationality Act (as in effect before such date) shall be deemed, on and after October 1, 1991 (or, if later, the date of such approval), to be a petition approved to accord status under section 203(b)(2) or under the appropriate classification under section 203(b)(3), respectively, of such Act (as in effect on and after such date). Nothing in this subparagraph shall be construed as exempting the beneficiaries of such petitions from the numerical limitations under section 203(b)(2) or 203(b)(3) of such Act.

“(B) Subparagraph (A) shall not apply more than two years after the date the priority date for issuance of a visa on the basis of such a petition has been reached.

“(d) ADMISSIBILITY STANDARDS.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1991, makes application for admission, the immigrant’s admissibility under paragraph (7)(A) of section 212(a) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(7)(A)] shall be determined under the provisions of law in effect on the date of the issuance of such visa.

“(e) CONSTRUCTION.—Nothing in this title [see subsec. (a) above] shall be construed as affecting the provisions of section 19 of Public Law 97-116 [8 U.S.C. 1151 note], section 2(c)(1) of Public Law 97-271 [8 U.S.C. 1255 note], or section 202(e) of Public Law 99-603 [8 U.S.C. 1255a note].”

[Section 219(aa) of Pub. L. 103-416 provided that the amendment made by that section to section 161(c)(3) of Pub. L. 101-649, set out above, is effective as if included in section 4 of Pub. L. 102-110, see below.]

[Section 4 of Pub. L. 102-110 provided that the amendment made by that section, adding pars. (3) and (4) to section 161(c) of Pub. L. 101-649, set out above, is effective as if included in the Immigration Act of 1990, Pub. L. 101-649.]

Section 162(f)(3) of Pub. L. 101-649 provided that: “The amendments made by this subsection [amending this section, section 1182 of this title, and provisions set out as a note under section 1255 of this title] shall apply as though included in the enactment of the Immigration Nursing Relief Act of 1989 [Pub. L. 101-238].”

Section 203(d) of Pub. L. 101-649 provided that: “The amendments made by this section [enacting section

1288 of this title and amending this section and section 1281 of this title] shall apply to services performed on or after 180 days after the date of the enactment of this Act [Nov. 29, 1990].”

Section 231 of title II of Pub. L. 101-649 provided that: “Except as otherwise provided in this title, this title, and the amendments made by this title [enacting section 1288 of this title, amending this section and sections 1182, 1184, 1187, 1281, and 1323 of this title, and enacting provisions set out as notes under this section and sections 1182, 1184, 1187, and 1288 of this title], shall take effect on October 1, 1991, except that sections 222 and 223 [enacting provisions set out as notes under this section] shall take effect on the date of the enactment of this Act [Nov. 29, 1990].”

Amendment by section 407(a)(2) of Pub. L. 101-649 effective Nov. 29, 1990, with general savings provisions, see section 408(a)(3), (d) of Pub. L. 101-649, set out as an Effective Date of 1990 Amendment; Savings Provisions note under section 1421 of this title.

Section 501(b) of Pub. L. 101-649 provided that: “The amendments made by subsection (a) [amending this section] shall apply to offenses committed on or after the date of the enactment of this Act [Nov. 29, 1990], except that the amendments made by paragraphs (2) and (5) of subsection (a) shall be effective as if included in the enactment of section 7342 of the Anti-Drug Abuse Act of 1988 [Pub. L. 100-690].”

Section 509(b) of Pub. L. 101-649, as amended by Pub. L. 102-232, title III, §306(a)(7), Dec. 12, 1991, 105 Stat. 1751, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 29, 1990] and shall apply to convictions occurring on or after such date, except with respect to conviction for murder which shall be considered a bar to good moral character regardless of the date of the conviction.”

Section 601(e) of Pub. L. 101-649 provided that:

“(1) Except as provided in paragraph (2), the amendments made by this section [amending section 1182 of this title] and by section 603(a) of this Act [amending this section and sections 1102, 1153, 1157, 1159, 1160, 1161, 1181, 1183, 1201, 1224, 1225, 1226, 1254a, 1255a, 1259, 1322, and 1327 of this title, repealing section 2691 of Title 22, Foreign Relations and Intercourse, amending provisions set out as notes under this section and sections 1255 and 1255a of this title, and repealing provisions set out as notes under section 1182 of this title] shall apply to individuals entering the United States on or after June 1, 1991.

“(2) The amendments made by paragraphs (5) and (13) of section 603(a) [amending sections 1160 and 1255a of this title] shall apply to applications for adjustment of status made on or after June 1, 1991.”

EFFECTIVE DATE OF 1989 AMENDMENTS

Amendment by Pub. L. 101-238 applicable to classification petitions filed for nonimmigrant status only during the 5-year period beginning on the first day of the 9th month beginning after Dec. 18, 1989, see section 3(d) of Pub. L. 101-238, set out as a note under section 1182 of this title.

Section 611(b) of Pub. L. 101-162 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1989, upon the expiration of the similar amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100-459, 102 Stat. 2203).”

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENTS

Section 2(s) of Pub. L. 100-525 provided that: “The amendments made by this section [amending this section, sections 1160, 1161, 1184, 1186, 1187, 1188, 1251, 1254, 1255, 1255a, 1259, 1324, 1324a, 1324b, and 1357 of this title, section 1546 of Title 18, Crimes and Criminal Procedure, and section 1091 of Title 20, Education, amending provisions set out as notes under this section and sections 1188 and 1255a of this title and section 1802 of Title 29,

Labor, and repealing provisions set out as a note under section 1255a of this title] shall be effective as if they were included in the enactment of the Immigration Reform and Control Act of 1986 [Pub. L. 99-603].”

Section 309(b)(15) of Pub. L. 102-232 provided that: “The amendments made by section 8 of the Immigration Technical Corrections Act of 1988 [Pub. L. 100-525, amending this section, sections 1152, 1182, 1201 to 1202, 1301, 1302, 1304, 1356, 1409, 1431 to 1433, 1452, 1481, and 1483 of this title, and section 4195 of Title 22, Foreign Relations and Intercourse, enacting provisions set out as notes under this section, sections 1153, 1201, 1401, 1409, 1451, and 1481 of this title, and section 4195 of Title 22, and amending provisions set out as notes under this section and section 1153 of this title] shall be effective as if included in the enactment of the Immigration and Nationality Act Amendments of 1986 (Public Law 99-653).”

Section 210(b) of Pub. L. 100-459 provided that: “The amendment made by subsection (a) [amending this section] shall take effect as if included in the enactment of section 315 of the Immigration Reform and Control Act of 1986 [Pub. L. 99-603] and shall expire on October 1, 1989.”

EFFECTIVE DATE OF 1986 AMENDMENTS

Section 23(a) of Pub. L. 99-653, as added by Pub. L. 100-525, §8(r), Oct. 24, 1988, 102 Stat. 2618, provided that: “The amendments made by sections 2, 4, and 7 [amending this section and sections 1152, 1182, 1228, 1251, and 1356 of this title] apply to visas issued, and admissions occurring, on or after November 14, 1986.”

Amendment by section 301(a) of Pub. L. 99-603 applicable to petitions and applications filed under sections 1184(c) and 1188 of this title on or after the first day of the seventh month beginning after Nov. 6, 1986, see section 301(d) of Pub. L. 99-603, as amended, set out as an Effective Date note under section 1188 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 21 of Pub. L. 97-116 provided that:

“(a) Except as provided in subsection (b) and in section 5(c) [set out as a note under section 1182 of this title], the amendments made by this Act [see Short Title of 1981 Amendment note below] shall take effect on the date of the enactment of this Act [Dec. 29, 1981].

“(b)(1) The amendments made by section 2(a) [amending this section] shall apply on and after the first day of the sixth month beginning after the date of the enactment of this Act [Dec. 29, 1981].

“(2) The amendment made by section 16 [amending section 1455 of this title] shall apply to fiscal years beginning on or after October 1, 1981.”

EFFECTIVE DATE OF 1980 AMENDMENT

Section 204(a)-(c) of title II of Pub. L. 96-212 provided that:

“(a) Except as provided in subsections (b) and (c), this title and the amendments made by this title [enacting sections 1157, 1158, and 1159 of this title, amending this section and sections 1151 to 1153, 1181, 1182, 1253, and 1254 of this title, enacting provisions set out as notes under sections 1153, 1157, 1158, 1182, and 1521 of this title, and amending provisions set out as a note under sections 1182 and 1255 of this title] shall take effect on the date of the enactment of this Act [Mar. 17, 1980], and shall apply to fiscal years beginning with the fiscal year beginning October 1, 1979.

“(b)(1)(A) Section 207(c) of the Immigration and Nationality Act (as added by section 201(b) of this Act) [section 1157(c) of this title] and the amendments made by subsections (b), (c), and (d) of section 203 of this Act [amending sections 1152, 1153, 1182, and 1254 of this title] shall take effect on April 1, 1980.

“(B) The amendments made by section 203(f) [amending section 1182 of this title] shall apply to aliens paroled into the United States on or after the sixtieth day after the date of the enactment of this Act [Mar. 17, 1980].

“(C) The amendments made by section 203(i) [amending section 1153 of this title and provisions set out as notes under section 1255 of this title] shall take effect immediately before April 1, 1980.

“(2) Notwithstanding sections 207(a) and 209(b) of the Immigration and Nationality Act (as added by section 201(b) of this Act) [sections 1157(a) and 1159(b) of this title], the fifty thousand and five thousand numerical limitations specified in such respective sections shall, for fiscal year 1980, be equal to 25,000 and 2,500, respectively.

“(3) Notwithstanding any other provision of law, for fiscal year 1980—

“(A) the fiscal year numerical limitation specified in section 201(a) of the Immigration and Nationality Act [section 1151(a) of this title] shall be equal to 280,000, and

“(B) for the purpose of determining the number of immigrant visa and adjustments of status which may be made available under sections 203(a)(2) and 202(e)(2) of such Act [sections 1153(a)(2) and 1152(e)(2) of this title], the granting of a conditional entry or adjustment of status under section 203(a)(7) or 202(e)(7) of such Act after September 30, 1979, and before April 1, 1980, shall be considered to be the granting of an immigrant visa under section 203(a)(2) or 202(e)(2), respectively, of such Act during such period.

“(c)(1) The repeal of subsections (g) and (h) of section 203 of the Immigration and Nationality Act, made by section 203(c)(8) of this title [section 1153(g) and (h) of this title], shall not apply with respect to any individual who before April 1, 1980, was granted a conditional entry under section 203(a)(7) of the Immigration and Nationality Act (and under section 202(e)(7) of such Act [section 1152(e)(7) of this title], if applicable), as in effect immediately before such date, and it shall not apply to any alien paroled into the United States before April 1, 1980, who is eligible for the benefits of section 5 of Public Law 95-412 [set out as a note under section 1182 of this title].

“(2) An alien who, before April 1, 1980, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under section 203(a)(7) of the Immigration and Nationality Act (as in effect before such date) [section 1153(a)(7) of this title], shall be deemed to be entitled to refugee status under section 207 of such Act (as added by section 201(b) of this title) [section 1157 of this title] and shall be accorded the date of registration previously established by that alien. Nothing in this paragraph shall be construed to preclude the acquisition by such an alien of a preference status under section 203(a) of such Act.

“(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) if section 212(a) of the Immigration and Nationality Act [section 1182(a)(14), (15), (20), (21), (25), and (32) of this title] shall not be applicable to any alien who has entered the United States before April 1, 1980, pursuant to section 203(a)(7) of such Act [section 1153(a)(7) of this title] or who has been paroled as a refugee into the United States under section 212(d)(5) of such Act, and who is seeking adjustment of status, and the Attorney General may waive any other provision of section 212(a) of such Act (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.”

EFFECTIVE DATE OF 1979 AMENDMENT

Section 3201(d)(1) of Pub. L. 96-70 provided that: “The amendments made by this section [amending this section and section 1182 of this title] shall take effect on the date of the enactment of this Act [Sept. 27, 1979].”

EFFECTIVE DATE OF 1977 AMENDMENT

Section 602(d) of Pub. L. 94-484, as added by Pub. L. 95-83, title III, §307(q)(3), Aug. 1, 1977, 91 Stat. 395, provided that: “This section [amending this section and

enacting provisions set out as a note under section 1182 of this title] and the amendment made by subsection (c) [amending this section] are effective January 10, 1977, and the amendments made by subsections (b)(4) and (d) of section 601 [amending this section and section 1182 of this title] shall apply only on and after January 10, 1978, notwithstanding subsection (f) of such section [set out as an Effective Date of 1976 Amendments note under section 1182 of this title].”

EFFECTIVE DATE OF 1976 AMENDMENTS

Section 10 of Pub. L. 94-571 provided that: “The foregoing provisions of this Act, including the amendments made by such provisions [see Short Title of 1976 Amendment note below], shall become effective on the first day of the first month which begins more than sixty days after the date of enactment of this Act [Oct. 20, 1976].”

Amendment by section 601(b)(4) of Pub. L. 94-484 applicable only on and after Jan. 10, 1978, notwithstanding section 601(f) of Pub. L. 94-484, see section 602(d) of Pub. L. 94-484, as added by section 307(q)(3) of Pub. L. 95-83, set out as an Effective Date of 1977 Amendment note above.

Amendment by Pub. L. 94-484 effective ninety days after Oct. 12, 1976, see section 601(f) of Pub. L. 94-484, set out as a note under section 1182 of this title.

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.

EFFECTIVE DATE

Section 407 of act June 27, 1952, provided that: “Except as provided in subsection (k) of section 401 [former section 1106(k) of this title], this Act [this chapter] shall take effect at 12:01 ante meridian United States Eastern Standard Time on the one hundred eightieth day immediately following the date of its enactment [June 27, 1952].”

SHORT TITLE OF 1994 AMENDMENT

Section 1 of Pub. L. 103-416 provided that: “This Act [see Tables for classification] may be cited as the ‘Immigration and Nationality Technical Corrections Act of 1994.’”

SHORT TITLE OF 1991 AMENDMENTS

Section 1(a) of Pub. L. 102-232 provided that: “This Act [amending this section, sections 1102, 1105a, 1151 to 1154, 1157, 1159 to 1161, 1182, 1184, 1186a to 1188, 1201, 1221, 1226, 1227, 1229, 1251, 1252, 1252a, 1252b, 1254 to 1255a, 1281, 1282, 1284, 1288, 1322, 1323, 1324a to 1324c, 1325, 1356, 1357, 1421, 1423, 1424, 1433, 1439 to 1441, 1443, 1445 to 1452, and 1455 of this title, and section 3753 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1151, 1157, 1160, 1182, 1184, 1251, 1252, 1254a, 1255, 1356, and 1421 of this title, and amending provisions set out as notes under this section and sections 1105a, 1153, 1158, 1160, 1184, 1201, 1251, 1254a, 1255, and 1421 of this title] may be cited as the ‘Miscellaneous and Technical Immigration and Naturalization Amendments of 1991.’”

Section 101 of title I of Pub. L. 102-232 provided that: “This title [amending sections 1421, 1448, 1450, and 1455 of this title and enacting provisions set out as a note under section 1421 of this title] may be cited as the ‘Judicial Naturalization Ceremonies Amendments of 1991.’”

Section 201 of title II of Pub. L. 102-232 provided that: “This title [amending this section and section 1184 of this title and enacting provisions set out as notes under this section and section 1184 of this title] may be cited as the ‘O and P Nonimmigrant Amendments of 1991.’”

Section 301(a) of title III of Pub. L. 102-232 provided that: “This title [amending this section, sections 1102, 1105a, 1151 to 1154, 1157, 1159 to 1161, 1182, 1184, 1186a to

1188, 1201, 1221, 1226, 1227, 1229, 1251, 1252, 1252a, 1252b, 1254 to 1255a, 1281, 1282, 1284, 1288, 1322, 1323, 1324a to 1324c, 1325, 1356, 1357, 1421, 1423, 1424, 1433, 1439 to 1441, 1443, 1445 to 1449, 1451, 1452, and 1455 of this title, and section 3753 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 1151, 1157, 1160, 1182, 1251, 1252, 1254a, 1255, and 1356 of this title, and amending provisions set out as notes under this section and sections 1105a, 1153, 1158, 1160, 1184, 1201, 1251, 1254a, 1255, and 1421 of this title] may be cited as the 'Immigration Technical Corrections Act of 1991'."

Section 1 of Pub. L. 102-110 provided that: "This Act [amending this section and sections 1153, 1255, and 1524 of this title and enacting and amending provisions set out as notes under this section] may be cited as the 'Armed Forces Immigration Adjustment Act of 1991'."

SHORT TITLE OF 1990 AMENDMENTS

Section 1(a) of Pub. L. 101-649 provided that: "This Act [see Tables for classification] may be cited as the 'Immigration Act of 1990'."

Pub. L. 101-249, §1, Mar. 6, 1990, 104 Stat. 94, provided that: "This Act [enacting section 1440-1 of this title] may be cited as the 'Posthumous Citizenship for Active Duty Service Act of 1989'."

SHORT TITLE OF 1989 AMENDMENT

Section 1 of Pub. L. 101-238 provided that: "This Act [amending this section and sections 1160 and 1182 of this title, enacting provisions set out as notes under sections 1182, 1255, 1255a, and 1324a of this title, and amending provisions set out as a note under section 1255a of this title] may be cited as the 'Immigration Nursing Relief Act of 1989'."

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100-658, §1, Nov. 15, 1988, 102 Stat. 3908, provided that: "This Act [enacting provisions set out as notes under this section and section 1153 of this title and amending provisions set out as a note under section 1153 of this title] may be cited as the 'Immigration Amendments of 1988'."

Section 1(a) of Pub. L. 100-525 provided that: "This Act [amending this section, sections 1102, 1103, 1104, 1105a, 1152, 1154, 1157, 1160, 1161, 1182, 1184, 1186, 1186a, 1187, 1188, 1201, 1201a, 1202, 1222, 1223, 1224, 1227, 1251, 1252, 1254, 1255, 1255a, 1255b, 1259, 1301, 1302, 1304, 1305, 1324, 1324a, 1324b, 1353, 1356, 1357, 1360, 1408, 1409, 1421, 1422, 1424, 1426, 1431, 1432, 1433, 1435, 1440, 1441, 1446, 1447, 1451, 1452, 1454, 1455, 1459, 1481, 1483, 1489, 1522, 1523, and 1524 of this title, section 1546 of Title 18, Crimes and Criminal Procedure, section 1091 of Title 20, Education, and section 4195 of Title 22, Foreign Relations and Intercourse, enacting provisions set out as notes under this section and sections 1153, 1182, 1201, 1227, 1254, 1255, 1356, 1401, 1409, 1451, 1481, and 1522 of this title and section 4195 of Title 22, amending provisions set out as notes under this section and sections 1153, 1182, 1188, and 1255a of this title and section 1802 of Title 29, Labor, and repealing provisions set out as a note under section 1255a of this title] may be cited as the 'Immigration Technical Corrections Act of 1988'."

SHORT TITLE OF 1986 AMENDMENTS

Section 1(a) of Pub. L. 99-653, as amended by Pub. L. 100-525, §8(a)(1), Oct. 24, 1988, 102 Stat. 2617, provided that: "this Act [amending this section, sections 1152, 1182, 1201, 1202, 1228, 1251, 1301, 1302, 1304, 1401, 1409, 1431 to 1433, 1451, 1452, 1481, and 1483 of this title, and section 4195 of Title 22, Foreign Relations and Intercourse, and repealing section 1201a of this title and provisions set out as notes under section 1153 of this title] may be cited as the 'Immigration and Nationality Act Amendments of 1986'."

Pub. L. 99-639, §1, Nov. 10, 1986, 100 Stat. 3537, provided that: "This Act [enacting section 1186a of this title, amending sections 1154, 1182, 1184, 1251, 1255, and 1325 of this title, and enacting provisions set out as

notes under sections 1154, 1182, 1184, and 1255 of this title] may be cited as the 'Immigration Marriage Fraud Amendments of 1986'."

Pub. L. 99-605, §1(a), Nov. 6, 1986, 100 Stat. 3449, provided that: "This Act [amending sections 1522 to 1524 of this title and enacting provisions set out as notes under section 1522 of this title] may be cited as the 'Refugee Assistance Extension Act of 1986'."

Section 1(a) of Pub. L. 99-603 provided that: "This Act [enacting sections 1160, 1161, 1186, 1187, 1255a, 1324a, 1324b, 1364, and 1365 of this title and section 1437r of Title 42, The Public Health and Welfare, amending this section, sections 1152, 1184, 1251, 1252, 1254, 1255, 1258, 1259, 1321, 1324, and 1357 of this title, section 2025 of Title 7, Agriculture, section 1546 of Title 18, Crimes and Criminal Procedure, sections 1091 and 1096 of Title 20, Education, sections 1802, 1813, and 1851 of Title 29, Labor, and sections 303, 502, 602, 603, 672, 673, 1203, 1320b-7, 1353, 1396b, and 1436a of Title 42, repealing section 1816 of Title 29, enacting provisions set out as notes under this section and sections 1152, 1153, 1160, 1186, 1187, 1253, 1255a, 1259, 1324a, and 1324b of this title, section 1802 of Title 29, and sections 405, 502, and 1320b-7 of Title 42, and amending provisions set out as notes under this section and section 1383 of Title 42] may be cited as the 'Immigration Reform and Control Act of 1986'."

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-363, §1, Oct. 25, 1982, 96 Stat. 1734, provided that: "This Act [amending sections 1522, 1523, and 1524 of this title and enacting provisions set out as a note under section 1522 of this title] may be cited as the 'Refugee Assistance Amendments of 1982'."

SHORT TITLE OF 1981 AMENDMENT

Section 1(a) of Pub. L. 97-116 provided that: "this Act [amending this section, sections 1105a, 1151, 1152, 1154, 1182, 1201, 1203, 1221, 1227, 1251, 1252, 1253, 1254, 1255, 1255b, 1258, 1305, 1324, 1356, 1361, 1401a, 1409, 1427, 1431, 1432, 1433, 1439, 1440, 1445, 1446, 1447, 1448, 1452, 1455, 1481, and 1483 of this title, and section 1429 of Title 18, Crimes and Criminal Procedure, enacting provisions set out as notes under this section and sections 1151 and 1182 of this title, amending a provision set out as a note under this section, and repealing a provision set out as a note under section 1182 of this title] may be cited as the 'Immigration and Nationality Act Amendments of 1981'."

SHORT TITLE OF 1980 AMENDMENT

Section 1 of Pub. L. 96-212 provided: "That this Act [enacting sections 1157 to 1159 and 1521 to 1525 of this title, amending this section, sections 1151 to 1153, 1181, 1182, 1253, and 1254 of this title, and section 2601 of Title 22, Foreign Relations and Intercourse, enacting provision set out as notes under this section and sections 1153, 1157, 1158, 1521, and 1522 of this title, amending provisions set out as notes under sections 1182 and 1255 of this title, and repealing provisions set out as a note under section 2601 of Title 22] may be cited as the 'Refugee Act of 1980'."

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94-571 provided: "That this Act [amending this section and sections 1151, 1152 to 1154, 1181, 1182, 1251, 1254, and 1255 of this title and enacting provisions set out as notes under this section and sections 1153 and 1255 of this title] may be cited as the 'Immigration and Nationality Act Amendments of 1976'."

SHORT TITLE

Section 1 of act June 27, 1952, provided that such act, enacting this chapter, section 1429 of Title 18, Crimes and Criminal Procedure, amending sections 1353a, 1353d, 1552 of this title, sections 342b, 342c, 342e of former Title 5, Executive Departments and Government Officers and Employees, sections 1114, 1546 of Title 18, sections 618, 1446 of Title 22, Foreign Relations and Intercourse, sections 1, 177 of former Title 49,

Transportation, sections 1952 to 1955 and 1961 of Title 50 App., War and National Defense, repealing section 530 of former Title 31, Money and Finance, enacting provisions set out as notes under this section and amending provisions set out as notes under sections 1435 and 1440 of this title, may be cited as the “Immigration and Nationality Act”.

REPEAL AND REVIVAL

Section 8(b) of Pub. L. 100-525 provided that: “Section 3 of INAA [Pub. L. 99-653, repealing subsec. (c)(1) of this section] is repealed and the language stricken by such section is revived as of November 14, 1986.”

REPEALS

Section 403(b) of act June 27, 1952, provided that: “Except as otherwise provided in section 405 [set out below], all other laws, or parts of laws, in conflict or inconsistent with this Act [this chapter] are, to the extent of such conflict or inconsistency, repealed.”

REGULATIONS

Section 303(a)(8) of Pub. L. 102-232 provided that: “The Secretary of Labor shall issue final or interim final regulations to implement the changes made by this section to section 101(a)(15)(H)(i)(b) and section 212(n) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(H)(i)(b), 1182(n)] no later than January 2, 1992.”

Pub. L. 102-140, title VI, §610, Oct. 28, 1991, 105 Stat. 832, as amended by Pub. L. 103-416, title II, §219(i)(2), Oct. 25, 1994, 108 Stat. 4317, provided that:

“(a) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(1) of the Immigration and Nationality Act [act June 27, 1952, as amended, set out as a note above], including a delineation of (1) scenarios that constitute an immigration emergency, (2) the process by which the President declares an immigration emergency, (3) the role of the Governor and local officials in requesting a declaration of emergency, (4) a definition of ‘assistance as required by the Attorney General’, and (5) the process by which States and localities are to be reimbursed.

“(b) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(2) of such Act, including providing a definition of the terms in section 404(b)(2)(A)(ii) and a delineation of ‘in any other circumstances’ in section 404(b)(2)(A)(iii) of such Act.

“(c) The regulations under this section shall be published for comment not later than 30 days after the date of enactment of this Act [Oct. 28, 1991] and issued in final form not later than 15 days after the end of the comment period.”

SAVINGS CLAUSE

Section 405 of act June 27, 1952, provided in part that:

“(a) Nothing contained in this Act [this chapter], unless otherwise specifically provided therein, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certificate of citizenship, warrant of arrest, order or warrant of deportation, order of exclusion, or other document or proceeding which shall be valid at the time this Act [this chapter] shall take effect; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any status, condition, right in process of acquisition, act, thing, liability, obligation, or matter, civil or criminal done or existing, at the time this Act [this chapter] shall take effect; but as to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters the statutes or parts of statutes repealed by this Act [this chapter] are, unless otherwise specifically provided therein, hereby continued in force and effect. When an immigrant, in possession of an unexpired immigrant visa issued prior to the effective date of this Act [this chapter], makes application for admission, his admissibility shall be de-

termined under the provisions of law in effect on the date of the issuance of such visa. An application for suspension of deportation under section 19 of the Immigration Act of 1917, as amended [former section 155 of this title], or for adjustment of status under section 4 of the Displaced Persons Act of 1948, as amended [former section 1953 of Appendix to Title 50], which is pending on the date of enactment of this Act [June 27, 1952], shall be regarded as a proceeding within the meaning of this subsection.

“(b) Except as otherwise specifically provided in title III [subchapter III of this chapter], any petition for naturalization heretofore filed which may be pending at the time this Act [this chapter] shall take effect shall be heard and determined in accordance with the requirements of law in effect when such petition was filed.

“(c) Except as otherwise specifically provided in this Act [this chapter], the repeal of any statute by this Act [this chapter] shall not terminate nationality heretofore lawfully acquired nor restore nationality heretofore lost under any law of the United States or any treaty to which the United States may have been a party.

“(d) Except as otherwise specifically provided in this Act [this chapter], or any amendment thereto, fees, charges and prices for purposes specified in title V of the Independent Offices Appropriation Act, 1952 (Public Law 137, Eighty-second Congress, approved August 31, 1951), may be fixed and established in the manner and by the head of any Federal Agency as specified in that Act.

“(e) This Act [this chapter] shall not be construed to repeal, alter, or amend section 231(a) of the Act of April 30, 1946 (60 Stat. 148; [section 1281(a) of title 22]), the Act of June 20, 1949 (Public Law 110, section 8, Eighty-first Congress, first session; 63 Stat. 208 [section 403h of title 50]), the Act of June 5, 1950 (Public Law 535, Eighty-first Congress, second session [former section 1501 et seq. of title 22]), nor title V of the Agricultural Act of 1949, as amended (Public Law 78, Eighty-second Congress, first session [former sections 1461 to 1468 of title 7]).”

SEPARABILITY

Section 406 of act June 27, 1952, provided that: “If any particular provision of this Act [this chapter], or the application thereof to any person or circumstance, is held invalid, the remainder of the Act [this chapter] and the application of such provision to other persons or circumstances shall not be affected thereby.”

ADMISSION OF ALASKA AS STATE

Effectiveness of amendment of this section by Pub. L. 85-508 as dependent on admission of State of Alaska into the Union, see section 8(b) of Pub. L. 85-508, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 25, 1959, 25 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding former section 491 of Title 48, Territories and Insular Possessions.

APPROPRIATIONS

Section 404 of act June 27, 1952, as amended by acts Dec. 29, 1981, Pub. L. 97-116, §18(s), 95 Stat. 1621; Nov. 6, 1986, Pub. L. 99-603, title I, §113, 100 Stat. 3383; Nov. 29, 1990, Pub. L. 101-649, title VII, §705(a), 104 Stat. 5087; Dec. 12, 1991, Pub. L. 102-232, title III, §308(d), 105 Stat. 1757, provided that:

“(a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [this chapter] (other than chapter 2 of title IV) [subchapter IV of this chapter].

“(b)(1) There are authorized to be appropriated (for fiscal year 1991 and any subsequent fiscal year) to an

immigration emergency fund, to be established in the Treasury, an amount sufficient to provide for a balance of \$35,000,000 in such fund, to be used to carry out paragraph (2) and to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency, except that no amounts may be withdrawn from such fund with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate.

“(2)(A) Funds which are authorized to be appropriated by paragraph (1), subject to the dollar limitation contained in subparagraph (B), shall be available, by application for the reimbursement of States and localities providing assistance as required by the Attorney General, to States and localities whenever—

“(i) a district director of the Service certifies to the Commissioner that the number of asylum applications filed in the respective district during a calendar quarter exceeds by at least 1,000 the number of such applications filed in that district during the preceding calendar quarter,

“(ii) the lives, property, safety, or welfare of the residents of a State or locality are endangered, or

“(iii) in any other circumstances as determined by the Attorney General.

In applying clause (i), the providing of parole at a point of entry in a district shall be deemed to constitute an application for asylum in the district.

“(B) Not more than \$20,000,000 shall be made available for all localities under this paragraph.

“(C) For purposes of subparagraph (A), the requirement of paragraph (1) that an immigration emergency be determined shall not apply.

“(D) A decision with respect to an application for reimbursement under subparagraph (A) shall be made by the Attorney General within 15 days after the date of receipt of the application.”

[Section 705(b) of Pub. L. 101-649 provided that: “Section 404(b)(2)(A)(i) of the Immigration and Nationality Act [act June 27, 1952, set out above], as added by the amendment made by subsection (a)(5), shall apply with respect to increases in the number of asylum applications filed in a calendar quarter beginning on or after January 1, 1989. The Attorney General may not spend any amounts from the immigration emergency fund pursuant to the amendments made by subsection (a) [amending section 404 of act June 27, 1952, set out above] before October 1, 1991.”]

DEFINITIONS; APPLICABILITY OF SECTION 1101(a) AND (b) OF THIS TITLE

Section 14 of Pub. L. 85-316 provided that: “Except as otherwise specifically provided in this Act, the definitions contained in subsections (a) and (b) of section 101 of the Immigration and Nationality Act [8 U.S.C. 1101(a), (b)] shall apply to sections 4, 5, 6, 7, 8, 9, 12, 13, and 15 of this Act [enacting sections 1182b, 1182c, 1201a, 1205, 1251a, 1255a, and 1255b of this title and provisions set out as notes under section 1153 of this title and section 1971a of the Appendix to Title 50, War and National Defense.]”

ADDITIONAL DEFINITIONS

Many of the terms listed in this section are similarly defined in section 782 of Title 50, War and National Defense.

PHILIPPINE TRADERS AS NONIMMIGRANTS

Philippine traders classifiable as nonimmigrants under subsec. (a)(15)(E) of this section, see section 1184a of this title.

IMPROVING BORDER CONTROLS

Section 130006 of Pub. L. 103-322 provided that:

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Immigration and

Naturalization Service to increase the resources for the Border Patrol, the Inspections Program, and the Deportation Branch to apprehend illegal aliens who attempt clandestine entry into the United States or entry into the United States with fraudulent documents or who remain in the country after their nonimmigrant visas expire—

“(1) \$228,000,000 for fiscal year 1995;

“(2) \$185,000,000 for fiscal year 1996;

“(3) \$204,000,000 for fiscal year 1997; and

“(4) \$58,000,000 for fiscal year 1998.

“Of the sums authorized in this section, all necessary funds shall, subject to the availability of appropriations, be allocated to increase the number of agent positions (and necessary support personnel positions) in the Border Patrol by not less than 1,000 full-time equivalent positions in each of fiscal years 1995, 1996, 1997, and 1998 beyond the number funded as of October 1, 1994.

“(b) REPORT.—By September 30, 1996 and September 30, 1998, the Attorney General shall report to the Congress on the programs described in this section. The report shall include an evaluation of the programs, an outcome-based measurement of performance, and an analysis of the cost effectiveness of the additional resources provided under this Act [see Tables for classification].”

VISAS FOR OFFICIALS OF TAIWAN

Section 221 of Pub. L. 103-416 provided that: “Whenever the President of Taiwan or any other high-level official of Taiwan shall apply to visit the United States for the purposes of discussions with United States Federal or State government officials concerning—

“(1) trade or business with Taiwan that will reduce the United States-Taiwan trade deficit;

“(2) prevention of nuclear proliferation;

“(3) threats to the national security of the United States;

“(4) the protection of the global environment;

“(5) the protection of endangered species; or

“(6) regional humanitarian disasters.

The official shall be admitted to the United States, unless the official is otherwise excludable under the immigration laws of the United States.”

CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS

Section 225 of Pub. L. 103-416 provided that: “No amendment made by this Act [see Tables for classification] and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.”

REPORT ON ADMISSION OF CERTAIN NONIMMIGRANTS

Section 202(b) of Pub. L. 102-232 directed Comptroller General, by not later than Oct. 1, 1994, to submit to Committees on the Judiciary of Senate and of House of Representatives a report containing information relating to the admission of artists, entertainers, athletes, and related support personnel as nonimmigrants under 8 U.S.C. 1101(a)(15)(O), (P), and information on the laws, regulations, and practices in effect in other countries that affect United States citizens and permanent resident aliens in the arts, entertainment, and athletics, in order to evaluate the impact of such admissions, laws, regulations, and practices on such citizens and aliens, directed Chairman of the Committee on the Judiciary of Senate to make the report available to interested parties and to hold a hearing respecting the report and directed such Committee to report to Senate its findings and any legislation it deems appropriate.

DELAY UNTIL APRIL 1, 1992, IN IMPLEMENTATION OF PROVISIONS RELATING TO NONIMMIGRANT ARTISTS, ATHLETES, ENTERTAINERS, AND FASHION MODELS

Section 3 of Pub. L. 102-110 provided that: “Section 214(g)(1)(C) of the Immigration and Nationality Act [8

U.S.C. 1184(g)(1)(C)] shall not apply to the issuance of visas or provision of status before April 1, 1992. Aliens seeking nonimmigrant admission as artists, athletes, entertainers, or fashion models (or for the purpose of accompanying or assisting in an artistic or athletic performance) before April 1, 1992, shall not be admitted under subparagraph (O)(i), (O)(ii), (P)(i), or (P)(iii) of section 101(a)(15) of such Act [8 U.S.C. 1101(a)(15)], but may be admitted under the terms of subparagraph (H)(i)(b) of such section (as in effect on September 30, 1991)."

COMMISSION ON IMMIGRATION REFORM

Section 141 of Pub. L. 101-649, as amended by Pub. L. 102-232, title III, §302(c)(1), Dec. 12, 1991, 105 Stat. 1744, provided that:

"(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) Effective October 1, 1991, there is established a Commission on Immigration Reform (in this section referred to as the 'Commission') which shall be composed of 9 members to be appointed as follows:

"(A) One member who shall serve as Chairman, to be appointed by the President.

"(B) Two members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the Chairman of the Committee on the Judiciary of the House of Representatives.

"(C) Two members to be appointed by the Minority Leader of the House of Representatives who shall select such members from a list of nominees provided by the ranking minority member of the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary of the House of Representatives.

"(D) Two members to be appointed by the Majority Leader of the Senate who shall select such members from a list of nominees provided by the Chairman of the Subcommittee on Immigration and Refugee Affairs of the Committee on the Judiciary of the Senate.

"(E) Two members to be appointed by the Minority Leader of the Senate who shall select such members from a list of nominees provided by the ranking minority member of the Subcommittee on Immigration and Refugee Affairs of the Committee on the Judiciary of the Senate.

"(2) Initial appointments to the Commission shall be made during the 45-day period beginning on October 1, 1991. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

"(3) Members shall be appointed to serve for the life of the Commission, except that the term of the member described in paragraph (1)(A) shall expire at noon on January 20, 1993, and the President shall appoint an individual to serve for the remaining life of the Commission.

"(b) FUNCTIONS OF COMMISSION.—The Commission shall—

"(1) review and evaluate the impact of this Act and the amendments made by this Act [see Tables for classification], in accordance with subsection (c); and

"(2) transmit to the Congress—

"(A) not later than September 30, 1994, a first report describing the progress made in carrying out paragraph (1), and

"(B) not later than September 30, 1997, a final report setting forth the Commission's findings and recommendations, including such recommendations for additional changes that should be made with respect to legal immigration into the United States as the Commission deems appropriate.

"(c) CONSIDERATIONS.—

"(1) PARTICULAR CONSIDERATIONS.—In particular, the Commission shall consider the following:

"(A) The requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members and the impact which

the establishment of a national level of immigration has upon the availability and priority of family preference visas.

"(B) The impact of immigration and the implementation of the employment-based and diversity programs on labor needs, employment, and other economic and domestic conditions in the United States.

"(C) The social, demographic, and natural resources impact of immigration.

"(D) The impact of immigration on the foreign policy and national security interests of the United States.

"(E) The impact of per country immigration levels on family-sponsored immigration.

"(F) The impact of the numerical limitation on the adjustment of status of aliens granted asylum.

"(G) The impact of the numerical limitations on the admission of nonimmigrants under section 214(g) of the Immigration and Nationality Act [8 U.S.C. 1184(g)].

"(2) DIVERSITY PROGRAM.—The Commission shall analyze the information maintained under section 203(c)(3) of the Immigration and Nationality Act [8 U.S.C. 1153(c)(3)] and shall report to Congress in its report under subsection (b)(2) on—

"(A) the characteristics of individuals admitted under section 203(c) of the Immigration and Nationality Act, and

"(B) how such characteristics compare to the characteristics of family-sponsored immigrants and employment-based immigrants.

The Commission shall include in the report an assessment of the effect of the requirement of paragraph (2) of section 203(c) of the Immigration and Nationality Act on the diversity, educational, and skill level of aliens admitted.

"(d) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, pay at the daily equivalent of the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule. Each member of the Commission who is such an officer or employee shall serve without additional pay.

"(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

"(e) MEETINGS, STAFF, AND AUTHORITY OF COMMISSION.—The provisions of subsections (e) through (g) of section 304 of the Immigration Reform and Control Act of 1986 [Pub. L. 99-603, set out as a note under section 1160 of this title] shall apply to the Commission in the same manner as they apply to the Commission established under such section, except that paragraph (2) of subsection (e) thereof shall not apply.

"(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

"(2) Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

"(g) TERMINATION DATE.—The Commission shall terminate on the date on which a final report is required to be transmitted under subsection (b)(2)(B), except that the Commission may continue to function until January 1, 1998, for the purpose of concluding its activities, including providing testimony to standing committees of Congress concerning its final report under this section and disseminating that report.

"(h) CONGRESSIONAL RESPONSE.—(1) No later than 90 days after the date of receipt of each report transmitted under subsection (b)(2), the Committees on the Judiciary of the House of Representatives and of the Senate shall initiate hearings to consider the findings and recommendations of the report.

“(2) No later than 180 days after the date of receipt of such a report, each such Committee shall report to its respective House its oversight findings and any legislation it deems appropriate.

“(i) **PRESIDENTIAL REPORT.**—The President shall conduct a review and evaluation and provide for the transmittal of reports to the Congress in the same manner as the Commission is required to conduct a review and evaluation and to transmit reports under subsection (b).”

[References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.]

SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS EMPLOYED AT UNITED STATES MISSION IN HONG KONG (D SPECIAL IMMIGRANTS)

Section 152 of Pub. L. 101-649, as amended by Pub. L. 102-232, title III, § 302(d)(1), Dec. 12, 1991, 105 Stat. 1744, provided that:

“(a) **IN GENERAL.**—Subject to subsection (c), an alien described in subsection (b) shall be treated as a special immigrant described in section 101(a)(27)(D) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(27)(D)].

“(b) **ALIENS COVERED.**—An alien is described in this subsection if—

“(1) the alien is—

“(A) an employee at the United States consulate in Hong Kong under the authority of the Chief of Mission (including employment pursuant to section 5913 of title 5, United States Code) and has performed faithful service as such an employee for a total of three years or more, or

“(B) a member of the immediate family (as defined in 6 Foreign Affairs Manual 117k as of the date of the enactment of this Act [Nov. 29, 1990]) of an employee described in subparagraph (A) who has been living with the employee in the same household;

“(2) the welfare of the employee or such an immediate family member is subject to a clear threat due directly to the employee's employment with the United States Government or under a United States Government official; and

“(3) the principal officer in Hong Kong, in the officer's discretion, has recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status.

“(c) **EXPIRATION.**—Subsection (a) shall only apply to aliens who file an application for special immigrant status under this section by not later than January 1, 2002.

“(d) **LIMITED WAIVER OF NUMERICAL LIMITATIONS.**—The first 500 visas made available to aliens as special immigrants under this section shall not be counted against any numerical limitation established under section 201 or 202 of the Immigration and Nationality Act [8 U.S.C. 1151 or 1152].”

INAPPLICABILITY OF AMENDMENT BY PUB. L. 101-649

Amendment by section 203(c) of Pub. L. 101-649 not to affect performance of longshore work in United States by citizens or nationals of United States, see section 203(a)(2) of Pub. L. 101-649, set out as a note under section 1288 of this title.

APPLICATION OF TREATY TRADER FOR CERTAIN FOREIGN STATES

Section 204(b) of Pub. L. 101-649 provided that: “Each of the following foreign states shall be considered, for purposes of section 101(a)(15)(E) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(E)], to be a foreign state described in such section if the foreign state ex-

tends reciprocal nonimmigrant treatment to nationals of the United States:

“(1) The largest foreign state in each region (as defined in section 203(c)(1) of the Immigration and Nationality Act [8 U.S.C. 1153(c)(1)]) which (A) has 1 or more dependent areas (as determined for purposes of section 202 of such Act [8 U.S.C. 1152]) and (B) does not have a treaty of commerce and navigation with the United States.

“(2) The foreign state which (A) was identified as an adversely affected foreign state for purposes of section 314 of the Immigration Reform and Control Act of 1986 [Pub. L. 99-603, set out as a note under section 1153 of this title] and (B) does not have a treaty of commerce and navigation with the United States, but (C) had such a treaty with the United States before 1925.”

CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING FIRMS

Section 206(a) of Pub. L. 101-649, as amended by Pub. L. 102-232, title III, § 303(a)(9), Dec. 12, 1991, 105 Stat. 1748, provided that: “In applying sections 101(a)(15)(L) and 203(b)(1)(C) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(L), 1153(b)(1)(C)] and section 124(a)(3)(A) of this Act [set out as a note under section 1153 of this title], in the case of a partnership that is organized in the United States to provide accounting services and that markets its accounting services under an internationally recognized name under an agreement with a worldwide coordinating organization that is owned and controlled by the member accounting firms, a partnership (or similar organization) that is organized outside the United States to provide accounting services shall be considered to be an affiliate of the United States partnership if it markets its accounting services under the same internationally recognized name under the agreement with the worldwide coordinating organization of which the United States partnership is also a member.”

ADMISSION OF NONIMMIGRANTS FOR COOPERATIVE RESEARCH, DEVELOPMENT, AND COPRODUCTION PROJECTS

Section 222 of Pub. L. 101-649, as amended by Pub. L. 102-232, title III, § 303(b)(3), Dec. 12, 1991, 105 Stat. 1748, provided that:

“(a) **IN GENERAL.**—Subject to subsection (b), the Attorney General shall provide for nonimmigrant status in the case of an alien who—

“(1) has a residence in a foreign country which the alien has no intention of abandoning, and

“(2) is coming to the United States, upon a basis of reciprocity, to perform services of an exceptional nature requiring such merit and ability relating to a cooperative research and development project or a coproduction project provided under a government-to-government agreement administered by the Secretary of Defense, but not to exceed a period of more than 10 years,

or who is the spouse or minor child of such an alien if accompanying or following to join the alien.

“(b) **NUMERICAL LIMITATION.**—The number of aliens who may be admitted as (or otherwise be provided the status of) a nonimmigrant under this section at any time may not exceed 100.”

ESTABLISHMENT OF SPECIAL EDUCATION EXCHANGE VISITOR PROGRAM

Section 223 of Pub. L. 101-649, as amended by Pub. L. 102-232, title III, § 303(b)(4), Dec. 12, 1991, 105 Stat. 1748, provided that:

“(a) **IN GENERAL.**—Subject to subsection (b), the Attorney General shall provide for nonimmigrant status in the case of an alien who—

“(1) has a residence in a foreign country which the alien has no intention of abandoning, and

“(2) is coming temporarily to the United States (for a period not to exceed 18 months) as a participant in a special education training program which provides

for practical training and experience in the education of children with physical, mental, or emotional disabilities.

or who is the spouse or minor child of such an alien if accompanying or following to join the alien.

“(b) NUMERICAL LIMITATION.—The number of aliens who may be admitted as (or otherwise be provided the status of) a nonimmigrant under this section in any fiscal year may not exceed 50.”

EXTENSION OF H-1 IMMIGRATION STATUS FOR CERTAIN NONIMMIGRANTS EMPLOYED IN COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS AND COPRODUCTION PROJECTS

Pub. L. 101-189, div. A, title IX, §937, Nov. 29, 1989, 103 Stat. 1538, provided that: “The Attorney General shall provide for the extension through December 31, 1991, of nonimmigrant status under section 101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) for an alien to perform temporarily services relating to a cooperative research and development project or a coproduction project provided under a government-to-government agreement administered by the Secretary of Defense in the case of an alien who has had such status for a period of at least five years if such status has not expired as of the date of the enactment of this Act [Nov. 29, 1989] but would otherwise expire during 1989, 1990, or 1991, due only to the time limitations with respect to such status.”

EXTENSION OF H-1 STATUS FOR CERTAIN REGISTERED NURSES THROUGH DECEMBER 31, 1989

Pub. L. 100-658, §4, Nov. 15, 1988, 102 Stat. 3909, provided that: “The Attorney General shall provide for the extension through December 31, 1989, of nonimmigrant status under section 101(a)(15)(H)(i) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(H)(i)] for an alien to perform temporarily services as a registered nurse in the case of an alien who has had such status for a period of at least 5 years if—

“(1) such status has not expired as of the date of the enactment of this Act [Nov. 15, 1988] but would otherwise expire during 1988 or 1989, due only to the time limitation with respect to such status; or

“(2)(A) the alien’s status as such a nonimmigrant expired during the period beginning on January 1, 1987, and ending on the date of the enactment of this Act, due only to the time limitation with respect to such status,

“(B) the alien is present in the United States as of the date of the enactment of this Act,

“(C) the alien has been employed as a registered nurse in the United States since the date of expiration of such status, and

“(D) in the case of an alien whose status expired during 1987, the alien’s employer has filed with the Immigration and Naturalization Service, before the date of the enactment of this Act, an appeal of a petition filed in connection with the alien’s application for extension of such status.”

RESIDENCE WITHIN UNITED STATES CONTINUED DURING PERIOD OF ABSENCE

Section 2(o)(2) of Pub. L. 100-525 provided that: “Only for purposes of section 101(a)(27)(I) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(27)(I)], an alien who is or was an officer or employee of an international organization (or is the unmarried son or daughter or surviving spouse of such an officer or employee or former officer or employee) is considered to be residing and physically present in the United States during a period in which the alien is residing in the United States but is absent from the United States because of the officer’s or employee’s need to conduct official business on behalf of the organization or because of customary leave, but only if during the period of the absence the officer or employee continues to have a duty station in the United States and, in the case of such an unmarried son or daughter, the son or daughter is not enrolled in a school outside the United States.”

NONIMMIGRANT TRADERS AND INVESTORS UNDER UNITED STATES-CANADA FREE-TRADE AGREEMENT

For provisions allowing Canadian citizens to be classifiable as nonimmigrants under subsec. (a)(15)(E) of this section upon a basis of reciprocity secured by the United States-Canada Free-Trade Agreement, see section 307(a) of Pub. L. 100-449, set out in a note under section 2112 of Title 19, Customs Duties.

AMERASIAN IMMIGRATION

Pub. L. 100-461, title II, Oct. 1, 1988, 102 Stat. 2268-15, as amended by Pub. L. 101-167, title II, Nov. 21, 1989, 103 Stat. 1211; Pub. L. 101-302, title II, May 25, 1990, 104 Stat. 228; Pub. L. 101-513, title II, Nov. 5, 1990, 104 Stat. 1996, provided: “That the provisions of subsection (c) of section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as contained in section 101(e) of Public Law 100-202 [set out below], shall apply to an individual who (1) departs from Vietnam after the date of the enactment of this Act [Oct. 1, 1988], and (2) is described in subsection (b) of such section, but who is issued an immigrant visa under section 201(b) or 203(a) of the Immigration and Nationality Act [8 U.S.C. 1151(b), 1153(a)] (rather than under subsection (a) of such section), or would be described in subsection (b) of such section if such section also applied to principal aliens who were citizens of the United States (rather than merely to aliens)”.

Pub. L. 100-202, §101(e) [title V, §584], Dec. 22, 1987, 101 Stat. 1329-183, as amended by Pub. L. 101-167, title II, Nov. 21, 1989, 103 Stat. 1211; Pub. L. 101-513, title II, Nov. 5, 1990, 104 Stat. 1996; Pub. L. 101-649, title VI, §603(a)(20), Nov. 29, 1990, 104 Stat. 5084; Pub. L. 102-232, title III, §307(d)(8), Dec. 12, 1991, 105 Stat. 1757, provided that:

“(a)(1) Notwithstanding any numerical limitations specified in the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], the Attorney General may admit aliens described in subsection (b) to the United States as immigrants if—

“(A) they are admissible (except as otherwise provided in paragraph (2)) as immigrants, and

“(B) they are issued an immigrant visa and depart from Vietnam on or after March 22, 1988.

“(2) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(4), (5), and (7)(A)] shall not be applicable to any alien seeking admission to the United States under this section, and the Attorney General on the recommendation of a consular officer may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation by a consular officer.

“(3) Notwithstanding section 221(c) of the Immigration and Nationality Act [8 U.S.C. 1201(c)], immigrant visas issued to aliens under this section shall be valid for a period of one year.

“(b)(1) An alien described in this section is an alien who, as of the date of the enactment of this Act [Dec. 22, 1987], is residing in Vietnam and who establishes to the satisfaction of a consular officer or an officer of the Immigration and Naturalization Service after a face-to-face interview, that the alien—

“(A)(i) was born in Vietnam after January 1, 1962, and before January 1, 1976, and (ii) was fathered by a citizen of the United States (such an alien in this section referred to as a ‘principal alien’);

“(B) is the spouse or child of a principal alien and is accompanying, or following to join, the principal alien; or

“(C) subject to paragraph (2), either (i) is the principal alien’s natural mother (or is the spouse or child of such mother), or (ii) has acted in effect as the principal alien’s mother, father, or next-of-kin (or is the

spouse or child of such an alien), and is accompanying, or following to join, the principal alien.

“(2) An immigrant visa may not be issued to an alien under paragraph (1)(C) unless the officer referred to in paragraph (1) has determined, in the officer’s discretion, that (A) such an alien has a bona fide relationship with the principal alien similar to that which exists between close family members and (B) the admission of such an alien is necessary for humanitarian purposes or to assure family unity. If an alien described in paragraph (1)(C)(ii) is admitted to the United States, the natural mother of the principal alien involved shall not, thereafter, be accorded any right, privilege, or status under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] by virtue of such parentage.

“(3) For purposes of this section, the term ‘child’ has the meaning given such term in section 101(b)(1)(A), (B), (C), (D), and (E) of the Immigration and Nationality Act [8 U.S.C. 1101(b)(1)(A)–(E)].

“(c) Any alien admitted (or awaiting admission) to the United States under this section shall be eligible for benefits under chapter 2 of title IV of the Immigration and Nationality Act [8 U.S.C. 1521 et seq.] to the same extent as individuals admitted (or awaiting admission) to the United States under section 207 of such Act [8 U.S.C. 1157] are eligible for benefits under such chapter.

“(d) The Attorney General, in cooperation with the Secretary of State, shall report to Congress 1 year, 2 years, and 3 years, after the date of the enactment of this Act [Dec. 22, 1987] on the implementation of this section. Each such report shall include the number of aliens who are issued immigrant visas and who are admitted to the United States under this section and number of waivers granted under subsection (a)(2) and the reasons for granting such waivers.

“(e) Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] shall apply in the administration of this section and nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.”

[Section 307(l)(8) of Pub. L. 102-232 provided that the amendment made by that section to section 101(e) [title V, §584(a)(2)] of Pub. L. 100-202, set out above, is effective as if included in section 603(a) of the Immigration Act of 1990, Pub. L. 101-649.]

[Pub. L. 101-513, title II, Nov. 5, 1990, 104 Stat. 1996, provided that the amendment made by Pub. L. 101-513 to Pub. L. 100-202, §101(e) [title V, §584(b)(2)], set out above, is effective Dec. 22, 1987.]

AUTHORIZATION OF APPROPRIATIONS FOR ENFORCEMENT AND SERVICE ACTIVITIES OF IMMIGRATION AND NATURALIZATION SERVICE

Section 111 of Pub. L. 99-603 provided that:

“(a) TWO ESSENTIAL ELEMENTS.—It is the sense of Congress that two essential elements of the program of immigration control established by this Act [see Short Title of 1986 Amendments note above] are—

“(1) an increase in the border patrol and other inspection and enforcement activities of the Immigration and Naturalization Service and of other appropriate Federal agencies in order to prevent and deter the illegal entry of aliens into the United States and the violation of the terms of their entry, and

“(2) an increase in examinations and other service activities of the Immigration and Naturalization Service and other appropriate Federal agencies in order to ensure prompt and efficient adjudication of petitions and applications provided for under the Immigration and Nationality Act [this chapter].

“(b) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR INS AND EOIR.—In addition to any other amounts authorized to be appropriated, in order to carry out this Act there are authorized to be appropriated to the Department of Justice—

“(1) for the Immigration and Naturalization Service, for fiscal year 1987, \$422,000,000, and for fiscal year 1988, \$419,000,000; and

“(2) for the Executive Office of Immigration Review, for fiscal year 1987, \$12,000,000, and for fiscal year 1988, \$15,000,000.

Of the amounts authorized to be appropriated under paragraph (1) sufficient funds shall be available to provide for an increase in the border patrol personnel of the Immigration and Naturalization Service so that the average level of such personnel in each of fiscal years 1987 and 1988 is at least 50 percent higher than such level for fiscal year 1986.

“(c) USE OF FUNDS FOR IMPROVED SERVICES.—Of the funds appropriated to the Department of Justice for the Immigration and Naturalization Service, the Attorney General shall provide for improved immigration and naturalization services and for enhanced community outreach and in-service training of personnel of the Service. Such enhanced community outreach may include the establishment of appropriate local community taskforces to improve the working relationship between the Service and local community groups and organizations (including employers and organizations representing minorities).

“(d) SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR WAGE AND HOUR ENFORCEMENT.—There are authorized to be appropriated, in addition to such sums as may be available for such purposes, such sums as may be necessary to the Department of Labor for enforcement activities of the Wage and Hour Division and the Office of Federal Contract Compliance Programs within the Employment Standards Administration of the Department in order to deter the employment of unauthorized aliens and remove the economic incentive for employers to exploit and use such aliens.”

ELIGIBILITY OF H-2 AGRICULTURAL WORKERS FOR CERTAIN LEGAL ASSISTANCE

Section 305 of Pub. L. 99-603 provided that: “A non-immigrant worker admitted to or permitted to remain in the United States under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) for agricultural labor or service shall be considered to be an alien described in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20)) for purposes of establishing eligibility for legal assistance under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), but only with respect to legal assistance on matters relating to wages, housing, transportation, and other employment rights as provided in the worker’s specific contract under which the nonimmigrant was admitted.”

DENIAL OF CREW MEMBER NONIMMIGRANT VISA IN CASE OF STRIKES

Section 315(d) of Pub. L. 99-603 provided that:

“(1) Except as provided in paragraph (2), during the one-year period beginning on the date of the enactment of this Act [Nov. 6, 1986], an alien may not be admitted to the United States as an alien crewman (under section 101(a)(15)(D) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(D)) for the purpose of performing service on board a vessel or aircraft at a time when there is a strike in the bargaining unit of the employer in which the alien intends to perform such service.

“(2) Paragraph (1) shall not apply to an alien employee who was employed before the date of the strike concerned and who is seeking admission to enter the United States to continue to perform services as a crewman to the same extent and on the same routes as the alien performed such services before the date of the strike.”

SENSE OF CONGRESS RESPECTING CONSULTATION WITH
MEXICO

Section 407 of Pub. L. 99-603 provided that: "It is the sense of the Congress that the President of the United States should consult with the President of the Republic of Mexico within 90 days after enactment of this Act [Nov. 6, 1986] regarding the implementation of this Act [see Short Title of 1986 Amendments note above] and its possible effect on the United States or Mexico. After the consultation, it is the sense of the Congress that the President should report to the Congress any legislative or administrative changes that may be necessary as a result of the consultation and the enactment of this legislation."

COMMISSION FOR THE STUDY OF INTERNATIONAL
MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

Section 601 of Pub. L. 99-603, as amended by Pub. L. 100-525, §2(r), Oct. 24, 1988, 102 Stat. 2614, provided for establishment, membership, etc., of a Commission for the Study of International Migration and Cooperative Economic Development to examine, in consultation with governments of Mexico and other sending countries in Western Hemisphere, the conditions which contribute to unauthorized migration to United States and mutually beneficial reciprocal trade and investment programs to alleviate conditions leading to such unauthorized migration and to report to President and Congress, not later than 3 years after appointment of members of Commission, on results of Commission's examination with recommendations on providing mutually beneficial reciprocal trade and investment programs to alleviate such unauthorized migration.

TREATMENT OF DEPARTURES FROM GUAM

Section 2 of Pub. L. 99-505 provided that: "In the administration of section 101(a)(15)(D)(ii) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(15)(D)(ii)] (added by the amendment made by section 1 of this Act), an alien crewman shall be considered to have departed from Guam after leaving the territorial waters of Guam, without regard to whether the alien arrives in a foreign state before returning to Guam."

ALIEN EMPLOYEES OF AMERICAN UNIVERSITY OF BEIRUT

Priv. L. 98-53, Oct. 30, 1984, 98 Stat. 3437, provided: "That an alien lawfully admitted to the United States for permanent residence shall be considered, for purposes of section 101(a)(27)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(A)), to be temporarily visiting abroad during any period (before or after the date of the enactment of this Act [Oct. 30, 1984]) in which the alien is employed by the American University of Beirut."

STUDY AND EVALUATION OF EXCHANGE PROGRAMS FOR
GRADUATE MEDICAL EDUCATION OF ALIEN GRADUATES
OF FOREIGN MEDICAL SCHOOLS; REPORT TO CONGRESS
NOT LATER THAN JANUARY 15, 1983

Section 5(e) of Pub. L. 97-116 provided that: "The Secretary of Health and Human Services, after consultation with the Attorney General, the Secretary of State, and the Director of the International Communication Agency, shall evaluate the effectiveness and value to foreign nations and to the United States of exchange programs for the graduate medical education or training of aliens who are graduates of foreign medical schools, and shall report to Congress, not later than January 15, 1983, on such evaluation and include in such report such recommendations for changes in legislation and regulations as may be appropriate."

ADJUSTMENT OF STATUS OF NONIMMIGRANT ALIENS RESIDING IN THE VIRGIN ISLANDS TO PERMANENT RESIDENT ALIEN STATUS

Upon application during the one-year period beginning Sept. 30, 1982, by an alien who was inspected and

admitted to the Virgin Islands of the United States either as a nonimmigrant alien worker under subsec. (a)(15)(H)(ii) of this section or as a spouse or minor child of such worker, and has resided continuously in the Virgin Islands since June 30, 1975, the Attorney General may adjust the status of such nonimmigrant alien to that of an alien lawfully admitted for permanent residence, provided certain conditions are met, and such alien is not to be deported for failure to maintain nonimmigrant status until final action is taken on the alien's application for adjustment, see section 2(a), (b) of Pub. L. 97-271, set out as a note under section 1255 of this title.

LIMITATION ON ADMISSION OF ALIENS SEEKING
EMPLOYMENT IN THE VIRGIN ISLANDS

Notwithstanding any other provision of law, the Attorney General not to be authorized, on or after Sept. 30, 1982, to approve any petition filed under section 1184(c) of this title in the case of importing any alien as a nonimmigrant under subsec. (a)(15)(H)(ii) of this section for employment in the Virgin Islands of the United States other than as an entertainer or as an athlete and for a period not exceeding 45 days, see section 3 of Pub. L. 97-271, set out as a note under section 1255 of this title.

LIMITATION ON ADMISSION OF SPECIAL IMMIGRANTS

Section 3201(c) of Pub. L. 96-70 provided that notwithstanding any other provision of law, not more than 15,000 individuals could be admitted to the United States as special immigrants under subparagraphs (E), (F), and (G) of subsec. (a)(27) of this section, of which not more than 5,000 could be admitted in any fiscal year, prior to repeal by Pub. L. 103-416, title II, §212(a), Oct. 25, 1994, 108 Stat. 4314.

EX. ORD. NO. 12711. POLICY IMPLEMENTATION WITH
RESPECT TO NATIONALS OF PEOPLE'S REPUBLIC OF CHINA

Ex. Ord. No. 12711, Apr. 11, 1990, 55 F.R. 13897, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, the Attorney General and the Secretary of State are hereby ordered to exercise their authority, including that under the Immigration and Nationality Act (8 U.S.C. 1101-1557), as follows:

SECTION 1. The Attorney General is directed to take any steps necessary to defer until January 1, 1994, the enforced departure of all nationals of the People's Republic of China (PRC) and their dependents who were in the United States on or after June 5, 1989, up to and including the date of this order (hereinafter "such PRC nationals").

SEC. 2. The Secretary of State and the Attorney General are directed to take all steps necessary with respect to such PRC nationals (a) to waive through January 1, 1994, the requirement of a valid passport and (b) to process and provide necessary documents, both within the United States and at U.S. consulates overseas, to facilitate travel across the borders of other nations and reentry into the United States in the same status such PRC nationals had upon departure.

SEC. 3. The Secretary of State and the Attorney General are directed to provide the following protections:

(a) irrevocable waiver of the 2-year home country residence requirement that may be exercised until January 1, 1994, for such PRC nationals;

(b) maintenance of lawful status for purposes of adjustment of status or change of nonimmigrant status for such PRC nationals who were in lawful status at any time on or after June 5, 1989, up to and including the date of this order;

(c) authorization for employment of such PRC nationals through January 1, 1994; and

(d) notice of expiration of nonimmigrant status (if applicable) rather than the institution of deportation proceedings, and explanation of options available for such PRC nationals eligible for deferral of enforced departure whose nonimmigrant status has expired.

SEC. 4. The Secretary of State and the Attorney General are directed to provide for enhanced consideration under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or coerced sterilization, as implemented by the Attorney General's regulation effective January 29, 1990.

SEC. 5. The Attorney General is directed to ensure that the Immigration and Naturalization Service finalizes and makes public its position on the issue of training for individuals in F-1 visa status and on the issue of reinstatement into lawful nonimmigrant status of such PRC nationals who have withdrawn their applications for asylum.

SEC. 6. The Departments of Justice and State are directed to consider other steps to assist such PRC nationals in their efforts to utilize the protections that I have extended pursuant to this order.

SEC. 7. This order shall be effective immediately.

GEORGE BUSH.

DETERRING ILLEGAL IMMIGRATION

Memorandum of President of the United States, Feb. 7, 1995, 60 F.R. 7885, provided:

Memorandum for the Heads of Executive Departments and Agencies

It is a fundamental right and duty for a nation to protect the integrity of its borders and its laws. This Administration shall stand firm against illegal immigration and the continued abuse of our immigration laws. By closing the back door to illegal immigration, we will continue to open the front door to legal immigrants.

My Administration has moved swiftly to reverse the course of a decade of failed immigration policies. Our initiatives have included increasing overall Border personnel by over 50 percent since 1993. We also are strengthening worksite enforcement and work authorization verification to deter employment of illegal aliens. Asylum rules have been reformed to end abuse by those falsely claiming asylum, while offering protection to those in genuine fear of persecution. We are cracking down on smugglers of illegal aliens and reforming criminal alien deportation for quicker removal. And we are the first Administration to obtain funding to reimburse States for a share of the costs of incarcerating criminal illegal aliens.

While we already are doing more to stem the flow of illegal immigration than has any previous Administration, more remains to be done. In conjunction with the Administration's unprecedented budget proposal to support immigration initiatives, this directive provides a blueprint of policies and priorities for this Administration's continuing work to curtail illegal immigration. With its focus on strong border deterrence backed up by effective worksite enforcement, removal of criminal and other deportable aliens and assistance to states, this program protects the security of our borders, our jobs and our communities for all Americans—citizens and legal immigrants alike.

COMPREHENSIVE BORDER CONTROL STRATEGY

A. *Detering Illegal Immigration At Our Borders*

I have directed the Attorney General to move expeditiously toward full implementation of our comprehensive border control strategy, including efforts at the southwest border. To support sustained long-term strengthening of our deterrence capacity, the Administration shall seek funding to add new Border Patrol agents to reach the goal of at least 7,000 agents protecting our borders by the year 2000.

Flexible Border Response Capacity

To further this strategy, the Department of Justice shall implement the capacity to respond to emerging situations anywhere along our national borders to deter buildups of illegal border crossers, smuggling operations, or other developing problems.

Strategic Use of High Technology

Through the strategic use of sensors, night scopes, helicopters, light planes, all-terrain vehicles, fingerprinting and automated recordkeeping, we have freed many Border Patrol agents from long hours of bureaucratic tasks and increased the effectiveness of these highly-trained personnel. Because these tools are essential for the Immigration and Naturalization Service (INS) to do its job, I direct the Attorney General to accelerate to the greatest extent possible their utilization and enhancement to support implementation of our deterrence strategy.

Strong Enforcement Against Repeat Illegal Crossers

The Department of Justice shall assess the effectiveness of efforts underway to deter repeat illegal crossers, such as fingerprinting and dedicating prosecution resources to enforce the new prosecution authority provided by the Violent Crime Control and Law Enforcement Act of 1994 [Pub. L. 103-322, see Tables for classification].

The Department of Justice shall determine whether accelerated expansion of these techniques to additional border sectors is warranted.

B. *Detering Alien Smuggling*

This Administration has had success deterring large ship-based smuggling directly to United States shores. In response, smugglers are testing new routes and tactics. Our goal: similar success in choking off these attempts by adjusting our anti-smuggling initiatives to anticipate shifting smuggling patterns.

To meet new and continuing challenges posed along transport routes and in foreign locations by smuggling organizations, we will augment diplomatic and enforcement resources at overseas locations to work with host governments, and increase related intelligence gathering efforts.

The Departments of State and Justice, in cooperation with other relevant agencies, will report to the National Security Council within 30 days on the structure of interagency coordination to achieve these objectives.

Congressional action will be important to provide U.S. law enforcement agencies with needed authority to deal with international smuggling operations. I will propose that the Congress pass legislation providing wiretap authority for investigation of alien smuggling cases and providing authorization to seize the assets of groups engaged in trafficking in human cargo.

In addition, I will propose legislation to give the Attorney General authority to implement procedures for expedited exclusion to deal with large flows of undocumented migrants, smuggling operations, and other extraordinary migration situations.

C. *Visa Overstay Deterrence*

Nearly half of this country's illegal immigrants come into the country legally and then stay after they are required by law to depart, often using fraudulent documentation. No Administration has ever made a serious effort to identify and deport these individuals. This Administration is committed to curtailing this form of illegal immigration.

Therefore, relevant departments and agencies are directed to review their policies and practices to identify necessary reforms to curtail visa overstayers and to enhance investigations and prosecution of those who fraudulently produce or misuse passports, visas, and other travel related documents. Recommendations for administrative initiatives and legislative reform shall be presented to the White House Interagency Working Group on Immigration by June 30, 1995.

REDUCING THE MAGNET OF WORK OPPORTUNITIES, WORKSITE ENFORCEMENT, AND DETERRENCE

Border deterrence cannot succeed if the lure of jobs in the United States remains. Therefore, a second major component of the Administration's deterrence

strategy is to toughen worksite enforcement and employer sanctions. Employers who hire illegal immigrants not only obtain unfair competitive advantage over law-abiding employers, their unlawful use of illegal immigrants suppresses wages and working conditions for our country's legal workers. Our strategy, which targets enforcement efforts at employers and industries that historically have relied upon employment of illegal immigrants, will not only strengthen deterrence of illegal immigration, but better protect American workers and businesses that do not hire illegal immigrants.

Central to this effort is an effective, nondiscriminatory means of verifying the employment authorization of all new employees. The Administration fully supports the recommendation of the Commission on Legal Immigration Reform to create pilot projects to test various techniques for improving workplace verification, including a computer database test to validate a new worker's social security number for work authorization purposes. The Immigration and Naturalization Service (INS) and Social Security Administration are directed to establish, implement, monitor, and review the pilots and provide me with an interim report on the progress of this program by March 1, 1996.

In addition, the INS is directed to finalize the Administration's reduction of the number of authorized documents to support work verification for noncitizens. Concurrently, the Administration will seek further reduction legislatively in the number of documents that are acceptable for proving identity and work authorization. The Administration will improve the security of existing documents to be used for work authorization and seek increased penalties for immigration fraud, including fraudulent production and use of documents.

The Department of Labor shall intensify its investigations in industries with patterns of labor law violations that promote illegal immigration.

I also direct the Department of Labor, INS, and other relevant Federal agencies to expand their collaboration in cracking down on those who subvert fair competition by hiring illegal aliens. This may include increased Federal authority to confiscate assets that are the fruits of that unfair competition.

The White House Interagency Working Group on Immigration shall further examine the link between immigration and employment, including illegal immigration, and recommend to me other appropriate measures.

DETENTION AND REMOVAL OF DEPORTABLE ILLEGAL ALIENS

The Administration's deterrence strategy includes strengthening the country's detention and deportation capability. No longer will criminals and other high risk deportable aliens be released back into communities because of a shortage of detention space and ineffective deportation procedures.

A. *Comprehensive Deportation Process Reform*

The Department of Justice, in consultation with other relevant agencies, shall develop a streamlined, fair, and effective procedure to expedite removal of deportable aliens. As necessary, additional legislative authority will be sought in this area. In addition, the Department of Justice shall increase its capacity to staff deportation and exclusion hearings to support these objectives.

B. *National Detention and Removal Plan*

To address the shortage of local detention space for illegal aliens, the Administration shall devise a National Detention, Transportation, and Removal Policy that will permit use of detention space across the United States and improve the ability to remove individuals with orders of deportation. The Department of Justice, in consultation with other agencies as appropriate and working under the auspices of the White House Interagency Working Group on Immigration, shall finalize this plan by April 30, 1995.

The Administration will seek support and funding from the Congress for this plan and for our efforts to double the removal of illegal aliens with final orders of deportation.

C. *Identification and Removal of Criminal Aliens*

The Institutional Hearing Program is successfully expediting deportation of incarcerated criminal aliens after they serve their sentences.

To further expedite removal of criminal aliens from this country and reduce costs to Federal and State governments, the Department of Justice is directed to develop an expanded program of verification of the immigration status of criminal aliens within our country's prisons. In developing this program, the viability of expanding the work of the Law Enforcement Support Center should be assessed and all necessary steps taken to increase coordination and cooperative efforts with State, and local law enforcement officers in identification of criminal aliens.

TARGETED DETERRENCE AREAS

Many of the Administration's illegal immigration enforcement initiatives are mutually reinforcing. For example, strong interior enforcement supports border control. While there have been efforts over the years at piecemeal cooperation, this Administration will examine, develop, and test a more comprehensive coordinated package of deterrence strategies in selected metropolitan areas by multiple Federal, State, and local agencies.

The White House Interagency Working Group on Immigration shall coordinate the development of this interagency and intergovernmental operation.

VERIFICATION OF ELIGIBILITY FOR BENEFITS

The law denies most government benefits to illegal aliens. The government has a duty to assure that taxpayer-supported public assistance programs are not abused. As with work authorization, enforcement of eligibility requirements relies upon a credible system of verification. The INS, working with the White House Interagency Working Group on Immigration as appropriate, shall review means of improving the existing benefits verification program. In addition, we will seek new mechanisms—including increased penalties for false information used to qualify for benefits—to protect the integrity of public programs.

ANTI-DISCRIMINATION

Our efforts to combat illegal immigration must not violate the privacy and civil rights of legal immigrants and U.S. citizens. Therefore, I direct the Attorney General, the Secretary of Health and Human Services, the Chair of the Equal Employment Opportunity Commission, and other relevant Administration officials to vigorously protect our citizens and legal immigrants from immigration-related instances of discrimination and harassment. All illegal immigration enforcement measures shall be taken with due regard for the basic human rights of individuals and in accordance with our obligations under applicable international agreements.

ASSISTANCE TO STATES

States today face significant costs for services provided to illegal immigrants as a result of failed policies of the past. Deterring illegal immigration is the best long-term solution to protect States from growing costs for illegal immigration. This is the first Administration to address this primary responsibility squarely. We are targeting most of our Federal dollars to those initiatives that address the root causes that lead to increased burdens on States.

The Federal Government provides States with billions of dollars to provide for health care, education, and other services and benefits for immigrants. This Administration is proposing increases for immigration and immigration-related spending of 25 percent in 1996 compared to 1993 levels. In addition, this Administra-

tion is the first to obtain funding from the Congress to reimburse States for a share of the costs of incarcerated illegal aliens.

This Administration will continue to work with States to obtain more Federal help for certain State costs and will oppose inappropriate cost-shifting to the States.

INTERNATIONAL COOPERATION

This Administration will continue to emphasize international cooperative efforts to address illegal immigration.

Pursuant to a Presidential Review Directive (PRD), the Department of State is now coordinating a study on United States policy toward international refugee and migration affairs. I hereby direct that, as part of that PRD process, this report to the National Security Council include the relationship of economic development and migration in the Western Hemisphere and, in particular, provide recommendations for further foreign economic policy measures to address causes of illegal immigration.

The Department of State shall coordinate an inter-agency effort to consider expanded arrangements with foreign governments for return of criminal and deportable aliens.

The Department of State also shall seek to negotiate readmission agreements for persons who could have sought asylum in the last country from which they arrived. Such agreements will take due regard of U.S. obligations under the Protocol Relating to the Status of Refugees.

The Department of State further shall implement cooperative efforts with other nations receiving smuggled aliens or those used as transshipment points by smugglers. In particular, we will look to countries in our hemisphere to join us by denying their territory as bases for smuggling operations.

The Department of State shall initiate negotiations with foreign countries to secure authority for the United States Coast Guard to board source country vessels suspected of transporting smuggled aliens.

This directive shall be published in the Federal Register.

WILLIAM J. CLINTON.

CROSS REFERENCES

Definition of the terms—

- Alien enemies, see section 21 of Title 50, War and National Defense.
- Crew list visa, see section 1201 of this title.
- Order of deportation, see section 1252 of this title.
- Permits to enter, see section 1185 of this title.
- Person, see sections 1185 and 1322 of this title.
- Religious training and belief, see section 1448 of this title.
- Transportation line and transportation company, see section 1228 of this title.
- United States, see section 1185 of this title.
- Immigration and Naturalization Service, see section 1551 et seq. of this title.
- Peace Corps programs, nonimmigrant status of foreign participants, see section 2508 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1102, 1151, 1152, 1153, 1154, 1157, 1158, 1159, 1160, 1181, 1182, 1184, 1184a, 1186, 1187, 1201, 1251, 1252a, 1254, 1254a, 1255, 1255a, 1255b, 1257, 1258, 1281, 1282, 1288, 1303, 1356, 1365, 1433 of this title; title 2 section 441e; title 7 section 2015; title 10 sections 1060a, 2864; title 18 sections 831, 1091, 1119, 1203, 2280, 2281, 2331, 2332a, 3077, 3142; title 19 sections 58c, 3401; title 22 sections 1474, 2128, 2395, 2508, 3508, 5001; title 26 sections 871, 872, 1441, 3121, 3231, 3306, 7701; title 29 sections 1506, 1802; title 42 sections 408, 410, 1436a; title 45 sections 231, 351; title 46 section 2101; title 50 sections 424, 1801; title 50 App. sections 453, 456.

§ 1102. Diplomatic and semidiplomatic immunities

Except as otherwise provided in this chapter, for so long as they continue in the non-immigrant classes enumerated in this section, the provisions of this chapter relating to ineligibility to receive visas and the exclusion or deportation of aliens shall not be construed to apply to nonimmigrants—

(1) within the class described in paragraph (15)(A)(i) of section 1101(a) of this title, except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish their qualifications under such paragraph (15)(A)(i), and, under such rules and regulations as the President may deem to be necessary, the provisions of subparagraphs (A) through (C) of section 1182(a)(3) of this title;

(2) within the class described in paragraph (15)(G)(i) of section 1101(a) of this title, except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish their qualifications under such paragraph (15)(G)(i), and the provisions of subparagraphs (A) through (C) of section 1182(a)(3) of this title; and

(3) within the classes described in paragraphs (15)(A)(ii), (15)(G)(ii), (15)(G)(iii), or (15)(G)(iv) of section 1101(a) of this title, except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish their qualifications under such paragraphs, and the provisions of subparagraphs (A) through (C) of section 1182(a)(3) of this title.

(June 27, 1952, ch. 477, title I, § 102, 66 Stat. 173; Oct. 24, 1988, Pub. L. 100-525, § 9(b), 102 Stat. 2619; Nov. 29, 1990, Pub. L. 101-649, title VI, § 603(a)(2), 104 Stat. 5082; Dec. 12, 1991, Pub. L. 102-232, title III, § 307(i), 105 Stat. 1756.)

AMENDMENTS

1991—Pars. (1) to (3). Pub. L. 102-232 substituted “subparagraphs (A) through (C) of section 1182(a)(3) of this title” for “paragraph (3) (other than subparagraph (E)) of section 1182(a) of this title”.

1990—Pars. (1) to (3). Pub. L. 101-649 substituted “(3) (other than subparagraph (E))” for “(27)” in pars. (1) and (2), and “paragraph (3) (other than subparagraph (E))” for “paragraphs (27) and (29)” in par. (3).

1988—Par. (2). Pub. L. 100-525 substituted “documentation” for “documentaion”.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-232 effective as if included in the enactment of the Immigration Act of 1990, Pub. L. 101-649, see section 310(1) of Pub. L. 102-232, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-649 applicable to individuals entering United States on or after June 1, 1991, see section 601(e)(1) of Pub. L. 101-649, set out as a note under section 1101 of this title.

DENIAL OF VISAS TO CERTAIN REPRESENTATIVES TO UNITED NATIONS

Pub. L. 101-246, title IV, § 407, Feb. 16, 1990, 104 Stat. 67, provided that: