relationship and inserted in its place, with minor changes, provisions formerly contained in section 1156 of this title authorizing the Attorney General to revoke his approval of petitions for good and sufficient cause.

1961—Subsec. (b). Pub. L. 87–301, §3(a), provided that no petition for quota immigration status or a preference shall be approved if the beneficiary is an alien defined in section 1101(b)(1)(F) of this title, established requirements to be met by petitioners before a petition for nonquota immigrant status for a child as defined in section 1101(b)(1)(F) can be approved by the Attorney General, and authorized the administration of oaths by immigration officers when the petition is executed outside the United States.

Subsec. (c). Pub. L. 87–301, §§3(b), 10, substituted “section 1101(b)(1)(E)” for “section 1101(b)(1)(E)”, and provided that no petition shall be approved if the alien had previously been accorded a nonquota status under section 1101(b)(1)(F) of this title or a preference quota status under section 1153(a)(3) of this title, by reason of marriage entered into to evade the immigration laws.

1959—Subsec. (b). Pub. L. 86–363, §5(a), authorized filing of petitions by any United States citizen claiming that an immigrant is his unmarried son or unmarried daughter, by any alien lawfully admitted for permanent residence claiming that an immigrant is his unmarried son or unmarried daughter instead of child, or by any United States citizen claiming that an immigrant is his married son or married daughter instead of son or daughter, and prohibited approval of petition for quota immigrant status or preference of alien without proof of parent relationship of the petitioner to such alien.

Subsec. (c). Pub. L. 86–363, §5(b), limited approval to two petitions for one petitioner or behalf of a child as defined in section 1101(b)(1)(E) of this title unless necessary to prevent separation of brothers and sisters.

Statutory Notes and Related Subsidiaries

Effective Date of 2004 Amendment
Pub. L. 108–458 substituted “denied admission to the United States and removed” for “excluded from admission to the United States and deported”.

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.

§1157. Annual admission of refugees and admission of emergency situation refugees

(a) Maximum number of admissions; increases for humanitarian concerns; allocations

(1) Except as provided in subsection (b), the number of refugees who may be admitted under this section in fiscal year 1980, 1981, or 1982, may not exceed fifty thousand unless the President, determines, before the beginning of the fiscal year and after appropriate consultation (as defined in subsection (e)), that admission of a specific number of refugees in excess of such number is justified by humanitarian concerns or is otherwise in the national interest.

(2) Except as provided in subsection (b), the number of refugees who may be admitted under this section in any fiscal year after fiscal year 1982 shall be such number as the President determines, before the beginning of the fiscal year and after appropriate consultation, is justified by humanitarian concerns or is otherwise in the national interest.

(3) Admissions under this subsection shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation.

(4) In the determination made under this subsection for each fiscal year (beginning with fiscal year 1992), the President shall enumerate, with the respective number of refugees so determined, the number of aliens who were granted asylum in the previous year.

(b) Determinations by President respecting number of admissions for humanitarian concerns

If the President determines, after appropriate consultation, that (1) an unforeseen emergency refugee situation exists, (2) the admission of certain refugees in response to the emergency refugee situation is justified by grave humanitarian
concerns or is otherwise in the national interest, and (3) the admission to the United States of these refugees cannot be accomplished under subsection (a), the President may fix a number of refugees to be admitted to the United States during the succeeding period (not to exceed twelve months) in response to the emergency refugee situation and such admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after the appropriate consultation provided under this subsection.

(c) Admission by Attorney General of refugees; criteria; admission status of spouse or child; applicability of other statutory requirements; termination of refugee status of alien, spouse or child

(1) Subject to the numerical limitations established pursuant to subsections (a) and (b), the Attorney General may, in the Attorney General's discretion and pursuant to such regulations as the Attorney General may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this chapter.

(2)(A) A spouse or child (as defined in section 1101(b)(1)(A), (B), (C), (D), or (E) of this title) of any refugee who qualifies for admission under paragraph (1) and if not a parent applied for refugee status under this chapter shall be entitled to admission under paragraph (1) and if not a parent, as a refugee under this chapter.

(2)(B) An unmarried alien who seeks to accompany, or follow to join, a parent granted admission as a refugee under this subsection, and who was under 21 years of age on the date on which such parent applied for refugee status under this section shall be entitled to admission under paragraph (1) and if not a parent, as a refugee under this chapter.

(B) An unmarried alien who seeks to accompany, or follow to join, a parent granted admission as a refugee under this subsection, and who was under 21 years of age on the date on which such parent applied for refugee status under this section shall continue to be classified as a child for purposes of this paragraph, if the alien attained 21 years of age after such application was filed but while it was pending.

(3) The provisions of paragraphs (4), (5), and (7)(A) of section 1182(a) of this title shall not be applicable to any alien seeking admission to the United States under this subsection, and the Attorney General 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. The Attorney General shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

(4) The refugee status of any alien (and of the spouse or child of the alien) may be terminated by the Attorney General pursuant to subsections as the Attorney General may prescribe if the Attorney General determines that the alien was not in fact a refugee within the meaning of section 1101(a)(42) of this title at the time of the alien's admission.

(d) Oversight reporting and consultation requirements

(1) Before the start of each fiscal year the President shall report to the Committees on the Judiciary of the House of Representatives and of the Senate regarding the foreseeable number of refugees who will be in need of resettlement during the fiscal year and the anticipated allocation of refugee admissions during the fiscal year. The President shall provide for periodic discussions between designated representatives of the President and members of such committees regarding changes in the worldwide refugee situation, the progress of refugee admissions, and the possible need for adjustments in the allocation of admissions among refugees.

(2) As soon as possible after representatives of the President initiate appropriate consultation with respect to the number of refugee admissions under subsection (a) or with respect to the admission of refugees in response to an emergency refugee situation under subsection (b), the Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of such consultation.

(3)(A) After the President initiates appropriate consultation prior to making a determination under subsection (a), a hearing to review the proposed determination shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

(B) After the President initiates appropriate consultation prior to making a determination, under subsection (b), that the number of refugee admissions should be increased because of an unforeseen emergency refugee situation, to the extent that time and the nature of the emergency refugee situation permit, a hearing to review the proposal to increase refugee admissions shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

(e) "Appropriate consultation" defined

For purposes of this section, the term "appropriate consultation" means, with respect to the admission of refugees and allocation of refugee admissions, discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of the possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns or grave humanitarian concerns or is otherwise in the national
interest, and to provide such members with the following information:

(1) A description of the nature of the refugee situation.

(2) A description of the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came.

(3) A description of the proposed plans for their movement and resettlement and the estimated cost of their movement and resettlement.

(4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States.

(5) A description of the extent to which other countries will admit and assist in the resettlement of such refugees.

(6) An analysis of the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States.

(7) Such additional information as may be appropriate or requested by such members.

To the extent possible, information described in this section shall be provided at least two weeks in advance of discussions in person by designated representatives of the President with designated representatives of the Secretary of State, transfer of functions, and treatment of related

(f) Training

(1) The Attorney General, in consultation with the Secretary of State, shall provide all United States officials adjudicating refugee cases under this section with the same training as that provided to officers adjudicating asylum cases under section 1158 of this title.

(2) Such training shall include country-specific conditions, instruction on the internationally recognized right to freedom of religion, instruction on methods of religious persecution practiced in foreign countries, and applicable distinctions within a country between the nature of and treatment of various religious practices and believers.

Editorial Notes

References in Text

This chapter, referred to in subsec. (c)(1), (2)(A), was in the original, “this Act”, meaning act June 27, 1952, ch. 477, 66 Stat. 161, 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 under section 1101 of this title and Tables.

Prior Provisions


2005—Subsec. (a)(5). Pub. L. 109–13 struck out par. (5) which read as follows: “For any fiscal year, not more than a total of 1,000 refugees may be admitted under this subsection or granted asylum under section 1158 of this title pursuant to a determination under the third sentence of section 1161(a)(42) of this title (relating to persecution for resistance to coercive population control methods).”

2002—Subsec. (c)(2). Pub. L. 107–208 designated existing provisions as subpar. (A) and added subpar. (B).


Subsec. (c)(3). Pub. L. 101–649, §603(a)(4), substituted “(4), (5), and (7)(A)” for “(14), (15), (20), (21), (25), and (32)” and “(other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3))” for “(other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics)”.

1988—Subsec. (c)(1). Pub. L. 100–525 substituted “otherwise” for “otherwise”.

Statutory Notes and Related Subsidiaries

Effective Date of 2005 Amendment


Effective Date of 2002 Amendment


Effective Date of 1991 Amendment

Pub. L. 102–232, title III, §307(l), Dec. 12, 1991, 105 Stat. 1756, provided that the amendments made by this section [amending this section, sections 1159, 1161, 1187, 1188, 1254a, 1255a, and 1322 of this title, and provisions set out as notes under sections 1101 and 1255 of this title] are effective as if included in section 603(a) of the Immigration Act of 1990, Pub. L. 101–649.

Effective Date of 1990 Amendment

Amendment by section 104(b) of Pub. L. 101–649 effective Nov. 29, 1990, and (unless otherwise provided) applicable to fiscal year 1991, see section 161(b) of Pub. L. 101–649, set out as a note under section 1101 of this title.

Amendment by section 603(a)(4) of 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.

Effective Date

Section (with the exception of subsec. (c) which is effective Apr. 1, 1980) effective, except as otherwise provided, Mar. 17, 1980, and applicable to fiscal years beginning with the fiscal year beginning Oct. 1, 1979, see section 204 of Pub. L. 96–212, set out as an Effective Date of 1980 Amendment note under section 1101 of this title.

Abolition of Immigration and Naturalization Service and Transfer of Functions

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related
references, see note set out under section 1551 of this title.

§ 1157

IRAQ REFUGEE CRISIS


"Sec. 1241. SHORT TITLE.

"This subtitle may be cited as the ‘Refugee Crisis in Iraq Act of 2007’.

"Sec. 1242. PROCESSING MECHANISMS.

"The Secretary of State, in consultation with the Secretary of Homeland Security, shall establish or use existing refugee processing mechanisms in Iraq and in countries, where appropriate, in the region in which—

"(1) aliens described in section 1243 may apply and interview for admission to the United States as refugees; and

"(2) aliens described in section 1244(b) may apply and interview for admission to United States as special immigrants.

"Sec. 1243. SUSPENSION.

"If such is determined necessary, the Secretary of State, in consultation with the Secretary of Homeland Security, may suspend in-country processing under subsection (a) for a period not to exceed 90 days. Such suspension may be extended by the Secretary of State upon notification to the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Foreign Relations of the Senate. The Secretary of State shall submit to such committees a report outlining the basis of any such suspension and any extensions thereof.

"Sec. 1244. EMPLOYED APPLICATION PROCESS.

"(1) In general.—Not later than 120 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2014 (Dec. 26, 2013), the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall improve the efficiency by which applications for special immigrant visas under section 1244(a), are processed so that all steps under the control of the respective departments incidental to the issuance of such visas, including required screenings and background checks, should be completed not later than 9 months after the date on which an eligible alien submits all required materials to complete an application for such visa.

"(2) Construction.—Nothing in this section shall be construed to limit the ability of a Secretary referred to in paragraph (1) to take longer than 9 months to complete those steps incidental to the issuance of such visas in high-risk cases for which satisfaction of national security concerns requires additional time.

"(d) REPRESENTATION.—An alien applying for admission to the United States pursuant to this subtitle may be represented during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative. Such representation shall not be at the expense of the United States Government.

"Sec. 1245. UNITED STATES REFUGEE PROGRAM PROCESSING PRIORITIES.

"(a) In general.—Refugees of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system who may apply directly to the United States Admission Program shall include—

"(1) Iraqis who were or are employed by the United States Government, in Iraq;

"(2) Iraqis who establish to the satisfaction of the Secretary of State that they are or were employed in Iraq by—

"(A) a media or nongovernmental organization headquartered in the United States; or

"(B) an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement; and

"(3) spouses, children, and parents whether or not accompanying or following to join, and sons, daughters, and siblings of aliens described in paragraph (1), paragraph (2), or section 1244(b)(1); and

"(4) Iraqis who are members of a religious or minority community, have been identified by the Secretary of State, or the designee of the Secretary, as a persecuted group, and have close family members (as described in section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.

"(b) IDENTIFICATION OF OTHER PERSECUTED GROUPS.—

The Secretary of State, or the designee of the Secretary, is authorized to identify other Priority 2 groups of Iraqis, including vulnerable populations.

"(c) ELIGIBLE ORGANIZATIONS AND ENTITIES.—

Organizations and entities described in subsection (a)(2) shall not include any that appear on the Department of the Treasury’s list of Specially Designated Nationals or any entity specifically excluded by the Secretary of Homeland Security, after consultation with the Secretary of State and the heads of relevant elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) [now 50 U.S.C. 3030(4)]).

"(d) APPLICABILITY OF OTHER REQUIREMENTS.—

Aliens under this section who qualify for Priority 2 processing under the refugee resettlement priority system shall satisfy the requirements of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) for admission to the United States.

"(e) NUMERICAL LIMITATIONS.—In determining the number of Iraqi refugees who should be resettled in the United States under paragraphs (2), (3), and (4) of subsection (a) and subsection (b) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the President shall consult with the heads of nongovernmental organizations that have a presence in Iraq or experience in assessing the problems faced by Iraqi refugees.

"(f) ELIGIBILITY FOR ENTRANCE AS REFUGEE.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

"Sec. 1246. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

"(a) In general.—Subject to subsection (c), the Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary of State in consultation with the Secretary of Homeland Security, may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

"(1) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

"(2) is otherwise eligible to receive an immigrant visa;

"(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4))); and

"(4) cleared a background check and appropriate screening, as determined by the Secretary of Homeland Security.

"(b) ALIENS DESCRIBED.—

"(1) Principal aliens.—An alien is described in this subsection if the alien—
“(A) is a citizen or national of Iraq;

“(B) was or is employed by or on behalf of the United States Government in Iraq, on or after March 20, 2003, for not less than one year;

“(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation, subject to paragraph (4), from the employee’s senior supervisor or the person currently occupying that position, or a more senior person, if the employee’s senior supervisor has left the employer or has left Iraq; and

“(D) has experienced or is experiencing an ongoing serious threat as a consequence of the alien’s employment by the United States Government.

“(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien—

“(A) is the spouse or child of a principal alien described in clause (1); and

“(B) is accompanying or following to join the principal alien in the United States.

“(3) TREATMENT OF SURVIVING SPOUSE OR CHILD.—An alien is described in subsection (b) if the alien—

“(A) was the spouse or child of a principal alien described in paragraph (1) who had a petition for classification approved pursuant to this section or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note), which included the alien as an accompanying spouse or child; and

“(B) due to the death of the principal alien—

“(i) such petition was revoked or terminated (or otherwise rendered null); and

“(ii) such petition would have been approved if the principal alien had survived.

“(4) APPROVAL BY CHIEF OF MISSION REQUIRED.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a recommendation or evaluation required under paragraph (1)(C) shall be accompanied by approval from the Chief of Mission, or the designee of the Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to ensure the facts and inferences underlying the determination are accurate and truthful.

“(B) REVIEW PROCESS FOR DENIAL BY CHIEF OF MISSION.—

“(i) IN GENERAL.—An applicant who has been denied Chief of Mission approval required by subparagraph (A) shall—

“(I) receive a written decision that provides, to the maximum extent feasible, information describing the basis for the denial, including the facts and inferences underlying the individual determination; and

“(II) be provided not more than one written appeal—

“(aa) that shall be submitted not more than 120 days after the date that the applicant receives such decision in writing; and

“(bb) that may request reopening of such decision and provide additional information, clarify existing information, or explain any unfavorable information.

“(ii) IRAQI SPECIAL IMMIGRANT VISA COORDINATOR.—The Secretary of State shall designate, in the Embassy of the United States in Baghdad, Iraq, an Iraqi Special Immigrant Visa Coordinator responsible for overseeing the efficiency and integrity of the processing of special immigrant visas under this section, who shall be—

“(I) sufficiently high security clearance to review information supporting Chief of Mission denials if an appeal of a denial is filed; and

“(II) responsibility for ensuring that an applicant described in clause (i) receives the information described in clause (i)(II); and

“(III) responsibility for ensuring that every applicant is provided a reasonable opportunity to provide additional information, clarify existing information, or explain any unfavorable information pursuant to clause (i)(II).

“(5) EVIDENCE OF SERIOUS THREAT.—A credible sworn statement depicting dangerous country conditions, together with official evidence of such country conditions from the United States Government, should be considered as a factor in determination of whether the alien has experienced or is experiencing an ongoing serious threat as a consequence of the alien’s employment by the United States Government for purposes of paragraph (1)(D).

“(c) NUMERICAL LIMITATIONS.—

“(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed 5,000 per year for fiscal years 2008 through 2012.

“(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—

“Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

“(3) CAREY FORWARD.—

“(A) FISCAL YEARS 2008 THROUGH 2011.—If the numerical limitation specified in paragraph (1) is not reached during a given fiscal year referred to in such paragraph (with respect to fiscal years 2008 through 2011), the numerical limitation specified in such paragraph for the following fiscal year shall be increased by a number equal to the difference between—

“(i) the numerical limitation specified in paragraph (1) for the given fiscal year; and

“(ii) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

“(B) FISCAL YEARS 2012 AND 2013.—If the numerical limitation specified in paragraph (1) is not reached in fiscal year 2012, the total number of principal aliens who may be provided special immigrant status under this section for fiscal year 2013 shall be equal to the difference between—

“(i) the numerical limitation specified in paragraph (1) for fiscal year 2012; and

“(ii) the number of principal aliens provided such status under this section during fiscal year 2012.

“(C) LIMITATION ON NUMBER OF VISAS.—

“(i) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section after January 1, 2014, shall be not more than 2500.

“(ii) EMPLOYMENT PERIOD.—The 1-year period during which the principal alien is required to have been employed by or on behalf of the United States Government in Iraq under subsection (b)(1)(B) shall begin on or after March 20, 2003, and end on or before September 30, 2013.

“(iii) APPLICATION DEADLINE.—The principal alien seeking special immigrant status under this subsection shall apply to the Chief of Mission in accordance with subsection (b)(4) not later than September 30, 2014.

“(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

“(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq, if possible, of such alien if the
Secretary determines after consultation that such alien is in imminent danger.

(1) Eligibility for Admission Under Other Classifications.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(2) resettlement support.—Aliens granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(27)) shall be eligible for resettlement assistance, employment programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.


Title 8—aliens and nationality

§1157

Senior Coordinator for Iraqi Refugees and Internally Displaced Persons.

(a) Designation in Iraq.—The Secretary of State shall designate in the embassy of the United States in Baghdad, Iraq, a Senior Coordinator for Iraqi Refugees and Internally Displaced Persons (referred to in this section as the ‘Senior Coordinator’). (b) Responsibilities.—The Senior Coordinator shall be responsible for the oversight of processing for the resettlement in the United States of refugees of special humanitarian concern, special immigrant visa programs in Iraq, and the development and implementation of other appropriate policies and programs concerning Iraqi refugees and internally displaced persons. The Senior Coordinator shall have the authority to refer persons to the United States refugee resettlement program.

(c) Designation of Additional Senior Coordinators.—The Secretary of State shall designate in the embassy of the United States in Cairo, Egypt, Amman, Jordan, Damascus, Syria, and Beirut, Lebanon, a Senior Coordinator to oversee resettlement in the United States of refugees of special humanitarian concern in those countries to ensure their applications to the United States refugee resettlement program are processed in an orderly manner and without delay.

Title 8—aliens and nationality

§1246. COUNTRIES WITH SIGNIFICANT POPULATIONS OF IRAQI REFUGEES.

Aliens from each country with a significant population of Iraqi refugees, including Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary of State shall—

(1) as appropriate, consult with the appropriate government officials of such countries and other countries and the United Nations High Commissioner for Refugees regarding resettlement of the most vulnerable members of such refugee populations; and

(2) as appropriate, except where otherwise prohibited by the laws of the United States, develop mechanisms and provide assistance to countries with a significant population of Iraqi refugees to ensure the well-being and safety of such populations in their host environments.

Title 8—aliens and nationality

§1247. Motion to Reopen Denial or Termination of Asylum.

An alien who applied for asylum or withholding of removal and whose claim was denied on or after March 1, 2003, by an asylum officer or an immigration judge solely, or in part, on the basis of changed country conditions may, notwithstanding any other provision of law, file a motion to reopen such claim in accordance with subparagraphs (A) and (B) of section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)) not later than six months after the date of the motion to reopen, or interview programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

(b) President.—Not later than 120 days after the date of the enactment of this Act [Jan. 28, 2008], and annually thereafter through 2013, the President shall submit to Congress an unclassified report, with a classified annex if necessary, which includes—

(1) an assessment of the financial, security, and personnel considerations and resources necessary to carry out the provisions of this subtitle;

(2) the number of aliens described in section 1243(a)(1);

(3) the number of such aliens who have applied for special immigrant visas;

(4) the date of such applications; and

(5) in the case of applications pending for longer than six months, the reasons that such visas have not been expeditiously processed.

(c) Report on Iraqi Citizens and Nationals Employed by the United States Government or Federal Contractors in Iraq.

(1) in General.—Not later than 120 days after the date of the enactment of this Act [Jan. 28, 2008], the Secretary of Defense, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security shall—

(A) review internal records and databases of their respective agencies for information that can be used to verify employment of Iraqi nationals by the United States Government; and

(B) request from each prime contractor or grantee that has performed work in Iraq since March 20, 2003, under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of $100,000 information that can be used to verify the employment of Iraqi nationals by such contractor or grantee.

(2) Information Required.—To the extent data is available, the information referred to in paragraph (1) shall include the name and dates of employment of each and any other data that can be used to verify the employment of each Iraqi citizen or national who has performed work in Iraq since March 20, 2003, under a contract, grant, or cooperative agreement with an executive agency.

(3) Executive Agency Defined.—In this subsection, the term ‘executive agency’ has the meaning...

10. REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 120 days after the date of the enactment of this Act [Jan. 28, 2008], the Secretary of Defense, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security, shall submit to Congress a report examining the options for establishing a unified, classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Iraq since March 20, 2003, including the information described and collected under subsection (c), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(1) NONCOMPLIANCE REPORT.—Not later than 180 days after the date of the enactment of this Act [Jan. 28, 2008], the President shall submit a report to Congress that describes—

(1) the inability or unwillingness of any contractor or grantee to provide the information requested under subsection (c)(1)(B); and

(2) the reasons for failing to provide such information.

11. REPORT ON IMPROVEMENTS.—

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014 [Dec. 26, 2013], the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit a report, with a classified annex, if necessary, to—

(A) the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Armed Services of the Senate; and

(B) the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Armed Services of the House of Representatives.

(b) CONTENTS.—The report submitted under paragraph (1) shall describe the implementation of improvements to the processing of applications for special immigrant visas under section 1244(a), including information relating to—

(1) enhancing existing systems for conducting background and security checks of persons applying for special immigrant status, which shall—

(i) support immigration security; and

(ii) provide for the orderly processing of such applications without significant delay;

(2) the financial, security, and personnel considerations and resources necessary to carry out this subtitle;

(3) the number of aliens who have applied for special immigrant visas under section 1244 during each month of the preceding fiscal year;

(4) the reasons for the failure to process any applications that have been pending for longer than 9 months;

(5) the total number of applications that are pending due to the failure—

(i) to receive approval from the Chief of Mission;

(ii) of U.S. Citizenship and Immigration Services to complete the adjudication of the Form I–360;

(iii) to conduct a visa interview; or

(iv) to issue the visa to an eligible alien;

(6) the average wait times for an applicant at each of the stages described in subparagraph (E);

(7) the number of denials or rejections at each of the stages described in subparagraph (E); and

(8) the reasons for denials by the Chief of Mission based on the categories already made available to denied special immigrant visa applicants in the denial letter sent to them by the Chief of Mission.

12. PUBLIC QUARTERLY REPORTS.—Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014 [Dec. 26, 2013], and every 3 months thereafter, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall publish a report on the website of the Department of State that describes the efficiency improvements made in the process by which applications for special immigrant visas under section 1244 are processed, including information described in subparagraphs (C) through (H) of subsection (f)(2).

13. SENIOR COORDINATING OFFICIALS.—

(a) REQUIREMENT TO DESIGNATE.—The Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall each designate a senior coordinating official, with sufficient expertise, authority, and resources, to carry out the duties described in paragraph (2), with regard to the issuance of special immigrant visas under this subtitle and the Afghan Allies Protection Act of 2009 [title VI of div. P of Pub. L. 111–8] (8 U.S.C. 1101 note).

(b) DUTIES.—Each senior coordinating official designated under paragraph (1) shall—

(1) develop proposals to improve the efficiency and effectiveness of the process for issuing special immigrant visas under this subtitle and the Afghan Allies Protection Act of 2009;

(2) coordinate and monitor the implementation of such proposals;

(3) include such proposals in the report required by subsection (f) and in each quarterly report required by subsection (g); and

(4) implement appropriate actions as authorized by law to carry out the improvements described in the report required by subsection (f).

14. SUBMISSION TO CONGRESS.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014 [Dec. 26, 2013], the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall each submit to committees in each House a report on the improvements described under paragraph (1) by each such Secretary, along with a description of the relevant expertise, authority, and resources of such official.

1299. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this subtitle."

[Pub. L. 110–242, § 1(1), which directed amendment of section 1244(c)(1) of Pub. L. 110–181, set out above, by substituting "fiscal years 2008 through 2012" for "each of the five fiscal years beginning after the date of the enactment of this Act", was executed by making the substitution for "each of the five fiscal years beginning after the date of the enactment of this Act" to reflect the probable intent of Congress.]

Bring Them Home Alive Program


"SECTION 1. SHORT TITLE."

"This Act may be cited as the 'Bring Them Home Alive Act of 2000'."

"SEC. 2. AMERICAN VIETNAM WAR POW/MIA ASYLUM PROGRAM."

"(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

(1) any alien who—

(A) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union; and

(B) personally delivered into the custody of the United States Government a living American Vietnam War POW/MIA; and
"(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) Definitions.—In this section:

"(1) American Vietnam War POW/MIA.—

"(A) In General.—Except as provided in subparagraph (B), the term ‘American Vietnam War POW/MIA’ means an individual—

"(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 5561(2) of such title and this subsection) as a result of the Vietnam War; or

"(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Vietnam War.

"(B) Exclusion.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual’s post of duty without authority.

"(2) Missing Status.—The term ‘missing status’, with respect to the Vietnam War, means the status of an individual as a result of the Vietnam War if immediately before that status began the individual—

"(A) was performing service in Vietnam; or

"(B) was performing service in Southeast Asia in direct support of military operations in Vietnam.

"(C) Vietnam War.—The term ‘Vietnam War’ means the conflict in Southeast Asia during the period that began on February 28, 1961, and ended on May 7, 1975.

"SEC. 3. American Korean War POW/MIA Asylum Program.

"(A) Asylum for Eligible Aliens.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

"(B) Eligibility.—Refugee status shall be granted under subsection (a) to—

"(1) any alien—

"(A) who is a national of North Korea, China, or any of the independent states of the former Soviet Union; and

"(B) who personally delivers into the custody of the United States Government a living American Korean War POW/MIA; and

"(2) any parent, spouse, or child of an alien described in paragraph (1).

"(c) Definitions.—In this section:

"(1) American Korean War POW/MIA.—

"(A) In General.—Except as provided in subparagraph (B), the term ‘American Korean War POW/MIA’ means an individual—

"(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 5561(2) of such title and this subsection) as a result of the Korean War; or

"(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Korean War.

"(B) Exclusion.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual’s post of duty without authority.

"(2) Missing Status.—The term ‘missing status’, with respect to the Korean War, means the status of an individual as a result of the Korean War if immediately before that status began the individual—

"(A) was performing service in Korea in direct support of military operations in the Korean peninsula; or

"(B) was performing service in Asia in direct support of military operations in the Korean peninsula.


"(A) Asylum for Eligible Aliens.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

"(B) Eligibility.—

"(1) In General.—Except as provided in paragraph (2), an alien described in this subsection is—

"(A) any alien who—

"(i) is a national of Iraq or a nation of the Greater Middle East Region (as determined by the Secretary of State); and

"(ii) personally delivers into the custody of the United States Government a living American Persian Gulf War POW/MIA; and

"(B) any parent, spouse, or child of an alien described in subparagraph (A).

"(2) Exceptions.—An alien described in this subsection does not include a terrorist, a persecutor, a person who has been convicted of a serious criminal offense, or a person who presents a danger to the security of the United States, as set forth in clauses (i) through (v) of section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)).

"(c) Definitions.—In this section:

"(1) American Persian Gulf War POW/MIA.—

"(A) In General.—Except as provided in subparagraph (B), the term ‘American Persian Gulf War POW/MIA’ means an individual—

"(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 5561(2) of such title and this subsection) as a result of the Persian Gulf War, or any successor conflict, operation, or action; or

"(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Persian Gulf War, or any successor conflict, operation, or action.

"(B) Exclusion.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual’s post of duty without authority.

"(2) Missing Status.—The term ‘missing status’, with respect to the Persian Gulf War, or any successor conflict, operation, or action, means the status of an individual as a result of the Persian Gulf War, or such conflict, operation, or action, if immediately before that status began the individual—

"(A) was performing service in Kuwait, Iraq, or another nation of the Greater Middle East Region; or

"(B) was performing service in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq.

"(3) Persian Gulf War.—The term ‘Persian Gulf War’ means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.


"(a) Requirement.—

"(1) In General.—The International Broadcasting Bureau shall broadcast, through WORLDNET Television and Film Service and Radio, VOA-TV, VOA Radio, or otherwise, information that promotes the ‘Bring Them Home Alive’ refugee program under this Act to foreign countries covered by paragraph (2).

"(2) Covered Countries.—The foreign countries covered by paragraph (1) are—
“(A) Vietnam, Cambodia, Laos, China, and North Korea;

“(B) Russia and the other independent states of the former Soviet Union;

“(C) Iraq, Kuwait, or any other country of the Greater Middle East Region (as determined by the International Broadcasting Bureau in consultation with the Attorney General and the Secretary of State).

“(b) LEVEL OF PROGRAMMING.—The International Broadcasting Bureau shall broadcast—

“(1) at least 20 hours of the programming described in subsection (a)(1) during the 30-day period that begins 15 days after the date of enactment of this Act (Nov. 9, 2000); and

“(2) at least 10 hours of the programming described in subsection (a)(1) in each calendar quarter during the period beginning with the first calendar quarter that begins after the date of enactment of this Act and ending five years after the date of enactment of this Act.

“(c) AVAILABILITY OF INFORMATION ON THE INTERNET.—The International Broadcasting Bureau shall ensure that information regarding the ‘Bring Them Home Alive’ refugee program under this Act is readily available on the World Wide Web sites of the Bureau.

“SEC. 5. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

“In this Act, the term ‘independent states of the former Soviet Union’ has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).”

“GENDER-RELATED PERSECUTION TASK FORCE


“(a) ESTABLISHMENT OF TASK FORCE.—The Secretary of State, in consultation with the Attorney General and other appropriate Federal agencies, shall establish a task force with the goal of determining eligibility guidelines for women seeking refugee status overseas due to gender-related persecution.

“(b) DURATION.—Not later than one year after the date of the enactment of this Act (Nov. 9, 1999), the Secretary of State shall prepare and submit to the Congress a report outlining the guidelines determined by the task force

“Establishing Categories of Aliens for Purposes of Refugee Determinations


“(a) IN GENERAL.—In the case of an alien who is within a category of aliens established under subsection (b), the alien may establish, for purposes of admission as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), that the alien has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution.

“(b) ESTABLISHMENT OF CATEGORIES.—

“(1) For purposes of subsection (a), the Attorney General, in consultation with the Secretary of State and the Coordinator for Refugee Affairs, shall establish—

“(A) one or more categories of aliens who are or were nationals and residents of an independent state of the former Soviet Union; or of Estonia, Latvia, or Lithuania and who share common characteristics that identify them as targets of persecution in that state on account of race, religion, nationality, membership in a particular social group, or political opinion,

“(B) one or more categories of aliens who are or were nationals and residents of the Islamic Republic or Iran who, as members of a religious minority in Iran, share common characteristics that identify them as targets of persecution in that state on account of race, religion, nationality, membership in a particular social group, or political opinion,

“(C) one or more categories of aliens who are or were nationals and residents of Cambodia and who share common characteristics that identify them as targets of persecution in that state on account of race, religion, nationality, membership in a particular social group, or political opinion.

“(2) Aliens who are (or were) nationals and residents of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania and who are Jews or Evangelical Christians shall be deemed a category of alien established under paragraph (A).

“(B) Aliens who are (or were) nationals of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania and who are members of, and demonstrate public, active, and continuous participation in the religious activities of, the Ukrainian Catholic Church or the Ukrainian Orthodox Church, shall be deemed a category of alien established under paragraph (A).

“(C) Aliens who are (or were) nationals and residents of Vietnam, Laos, or Cambodia and who are...
members of categories of individuals determined, by the Attorney General in accordance with ‘Immigration and Naturalization Service Worldwide Guidance on Overseas Refugee Processing’ (issued by the Immigration and Naturalization Service in August 1983) shall be deemed a category of alien established under paragraph (1)(B).


(3) a note under section 2651a of Title 22.

(b) Written Reasons for Denials of Refugee Status.—Each decision to deny an application for refugee status of an alien who is within a category established under this section shall be in writing and shall state, to the maximum extent feasible, the reason for the denial.

(2) Permitting Certain Aliens Within Categories to Reapply for Refugee Status.—Each alien who is within a category established under this section and who (after August 14, 1988, and before the date of the enactment of this Act [Nov. 21, 1989]) was denied refugee status shall be permitted to reapply for such status. Such an application shall be determined taking into account the application of this section.

(c) Period of Application.—

(1) Subsections (a) and (b) shall take effect on the date of the enactment of this Act [Nov. 21, 1989] and shall apply to applications for refugee status submitted before October 1, 2021.

(2) Subsection (c) shall apply to decisions made after the date of the enactment of this Act and before October 1, 2021.

(3) Subsection (d) shall take effect on the date of the enactment of this Act and shall only apply to a reapplication for refugee status submitted before October 1, 2021.

[Pub. L. 109–102, § 1157, provided that: ‘‘Notwithstanding section 207(a) of the Immigration and Nationality Act (as added by section 201(b) of this title [subsec. (a) of this section], the President may make the determination described in the first sentence of such section not later than forty-five days after the date of the enactment of this Act [Mar. 17, 1980] for fiscal year 1980.’’]

Executive Documents

Delegation of Functions

For delegation of Congressional reporting functions of President under subsection (d) of this section, see section 1 of Ex. Ord. No. 13133, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.
§ 1158. Asylum

(a) Authority to apply for asylum

(1) In general

Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien’s status, may apply for asylum in accordance with this section or, where applicable, section 222(b) of this title.

(2) Exceptions

(A) Safe third country

Paragraph (1) shall not apply to an alien if the Attorney General determines that the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the country of the alien’s nationality or, in the case of an alien having no nationality, the country of the alien’s last habitual residence) in which the alien’s life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General finds that it is in the public interest for the alien to receive asylum in the United States.

(B) Time limit

Subject to subparagraph (D), paragraph (1) shall not apply to an alien unless the alien demonstrates by clear and convincing evidence that the application has been filed within 1 year after the date of the alien’s arrival in the United States.

(C) Previous asylum applications

Subject to subparagraph (D), paragraph (1) shall not apply to an alien if the alien has previously applied for asylum and had such application denied.

(D) Changed circumstances

An application for asylum of an alien may be considered, notwithstanding subparagraphs (B) and (C), if the alien demonstrates to the satisfaction of the Attorney General either the existence of changed circumstances which materially affect the applicant’s eligibility for asylum or extraordinary circumstances relating to the delay in filing an application within the period specified in subparagraph (B).

(E) Applicability

Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child (as defined in section 279(g) of title 6).

(3) Limitation on judicial review

No court shall have jurisdiction to review any determination of the Attorney General under paragraph (2).