

§§ 404–406, Oct. 30, 2000, 114 Stat. 1649, 1650; Pub. L. 106–553, § 1(a)(2) [title I, § 110], Dec. 21, 2000, 114 Stat. 2762, 2762A–68; Pub. L. 107–56, title IV, § 416(c), Oct. 26, 2001, 115 Stat. 354; Pub. L. 107–173, title V, § 501(a), May 14, 2002, 116 Stat. 560.)

Editorial Notes

REFERENCES IN TEXT

The Family Educational Rights and Privacy Act of 1974, referred to in subsec. (c)(2), is section 513 of Pub. L. 93–380, title V, Aug. 21, 1974, 88 Stat. 571, which enacted section 1232g of Title 20, Education, and provisions set out as notes under sections 1221 and 1232g of Title 20. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 1221 of Title 20 and Tables.

CODIFICATION

Section was enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and also as part of the Omnibus Consolidated Appropriations Act, 1997, and not as part of the Immigration and Nationality Act which comprises this chapter.

AMENDMENTS

2002—Subsec. (a)(3), (4). Pub. L. 107–173, § 501(a)(1), added pars. (3) and (4).

Subsec. (c)(1)(E) to (H). Pub. L. 107–173, § 501(a)(2), added subpars. (E) to (H).

Subsec. (c)(5). Pub. L. 107–173, § 501(a)(3), added par. (5).

2001—Subsec. (a)(1). Pub. L. 107–56, § 416(c)(1), inserted “, other approved educational institutions,” after “higher education” in introductory provisions.

Subsec. (c)(1)(C), (D). Pub. L. 107–56, § 416(c)(2), inserted “, or other approved educational institution,” after “higher education”.

Subsec. (c)(4)(A). Pub. L. 107–56, § 416(c)(1), inserted “, other approved educational institutions,” after “higher education”.

Subsec. (d)(1). Pub. L. 107–56, § 416(c)(1), inserted “, other approved educational institutions,” after “higher education” in introductory provisions.

Subsec. (d)(1)(A). Pub. L. 107–56, § 416(c)(2), inserted “, or other approved educational institution,” after “higher education”.

Subsec. (d)(2). Pub. L. 107–56, § 416(c)(3), inserted “, other approved educational institution,” after “higher education”.

Subsec. (e)(1), (2). Pub. L. 107–56, § 416(c)(3), which directed insertion of “, other approved educational institution,” after “higher education” in pars. (1) and (2), could not be executed because the words “higher education” did not appear. See 2000 Amendment notes below.

Subsec. (h)(3). Pub. L. 107–56, § 416(c)(4), added par. (3). 2000—Subsec. (d)(1). Pub. L. 106–396, § 406(2), inserted “institutions of higher education or exchange visitor programs” after “by” in introductory provisions.

Subsec. (e)(1). Pub. L. 106–396, § 404(1), in introductory provisions, substituted “the Attorney General” for “an approved institution of higher education and a designated exchange visitor program” and “a time prior to the alien being classified under subparagraph (F), (J), or (M) of section 1101(a)(15) of this title.” for “the time—

“(A) when the alien first registers with the institution or program after entering the United States; or

“(B) in a case where a registration under subparagraph (A) does not exist, when the alien first commences activities in the United States with the institution or program.”

Subsec. (e)(2). Pub. L. 106–396, § 404(2), amended heading and text of par. (2) generally. Prior to amendment, text read as follows: “An approved institution of higher education and a designated exchange visitor program

shall remit the fees collected under paragraph (1) to the Attorney General pursuant to a schedule established by the Attorney General.”

Subsec. (e)(3). Pub. L. 106–396, § 404(3), substituted “alien who seeks” for “alien who has” and “who seeks to come” for “who has come”.

Subsec. (e)(4)(A). Pub. L. 106–553 inserted before period at end of second sentence “, except that, in the case of an alien admitted under section 1101(a)(15)(J) of this title as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed \$35” without reference to amendment made by Pub. L. 106–396, § 404(4)(A). See below.

Pub. L. 106–396, § 404(4)(A), inserted before period at end of second sentence “, except that, in the case of an alien admitted under section 1101(a)(15)(J) of this title as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed \$40”. See amendment note above.

Subsec. (e)(4)(B). Pub. L. 106–396, § 404(4)(B), inserted at end “Such expenses include, but are not necessarily limited to, those incurred by the Secretary of State in connection with the program under subsection (a).”

Subsec. (e)(5), (6). Pub. L. 106–396, § 404(5), added pars. (5) and (6).

Subsec. (g)(1). Pub. L. 106–396, § 405, amended heading and text of par. (1) generally. Prior to amendment, text read as follows:

“(A) IN GENERAL.—Not later than 6 months after the submission of the report required by subsection (f) of this section, the Attorney General, in consultation with the Secretary of State and the Secretary of Education, shall commence expansion of the program to cover the nationals of all countries.

“(B) DEADLINE.—Such expansion shall be completed not later than 1 year after the date of the submission of the report referred to in subsection (f) of this section.”

Subsec. (h)(2)(A). Pub. L. 106–396, § 406(1), substituted “Secretary of State” for “Director of the United States Information Agency”.

Statutory Notes and Related Subsidiaries

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.

FOREIGN STUDENT MONITORING PROGRAM

Pub. L. 107–56, title IV, § 416(a), (b), Oct. 26, 2001, 115 Stat. 354, provided that:

“(a) FULL IMPLEMENTATION AND EXPANSION OF FOREIGN STUDENT VISA MONITORING PROGRAM REQUIRED.—The Attorney General, in consultation with the Secretary of State, shall fully implement and expand the program established by section 641(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)).

“(b) INTEGRATION WITH PORT OF ENTRY INFORMATION.—For each alien with respect to whom information is collected under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), the Attorney General, in consultation with the Secretary of State, shall include information on the date of entry and port of entry.”

§ 1373. Communication between government agencies and the Immigration and Naturalization Service

(a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government

entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity.

(c) Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

(Pub. L. 104-208, div. C, title VI, §642, Sept. 30, 1996, 110 Stat. 3009-707.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and also as part of the Omnibus Consolidated Appropriations Act, 1997, and not as part of the Immigration and Nationality Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

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.

§ 1374. Information regarding female genital mutilation

(a) Provision of information regarding female genital mutilation

The Immigration and Naturalization Service (in cooperation with the Department of State) shall make available for all aliens who are issued immigrant or nonimmigrant visas, prior to or at the time of entry into the United States, the following information:

- (1) Information on the severe harm to physical and psychological health caused by female genital mutilation which is compiled and presented in a manner which is limited to the practice itself and respectful to the cultural values of the societies in which such practice takes place.
- (2) Information concerning potential legal consequences in the United States for (A) performing female genital mutilation, or (B) al-

lowing a child under his or her care to be subjected to female genital mutilation, under criminal or child protection statutes or as a form of child abuse.

(b) Limitation

In consultation with the Secretary of State, the Commissioner of Immigration and Naturalization shall identify those countries in which female genital mutilation is commonly practiced and, to the extent practicable, limit the provision of information under subsection (a) to aliens from such countries.

(c) “Female genital mutilation” defined

For purposes of this section, the term “female genital mutilation” means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minora, or labia majora.

(Pub. L. 104-208, div. C, title VI, §644, Sept. 30, 1996, 110 Stat. 3009-708.)

Editorial Notes

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§ 1375. Repealed. Pub. L. 109-162, title VIII, § 833(g), Jan. 5, 2006, 119 Stat. 3077

Section, Pub. L. 104-208, div. C, title VI, §652, Sept. 30, 1996, 110 Stat. 3009-712, related to mail-order bride business.

§ 1375a. Domestic violence information and resources for immigrants and regulation of international marriage brokers

(a) Information for K nonimmigrants on legal rights and resources for immigrant victims of domestic violence

(1) In general

The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop an information pamphlet, as described in paragraph (2), on legal rights and resources for immigrant victims of domestic violence and distribute and make such pamphlet available as described in paragraph (5). In preparing such materials, the Secretary of Homeland Security shall consult with nongovernmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault, and other crimes.

(2) Information pamphlet

The information pamphlet developed under paragraph (1) shall include information on the following:

- (A) The K nonimmigrant visa application process and the marriage-based immigration