

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-525 effective as if included in enactment of Immigration Reform and Control Act of 1986, Pub. L. 99-603, see section 2(s) of Pub. L. 100-525, set out as a 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.

DATE OF SUBMISSION OF FIRST REPORT

Pub. L. 114-113, div. O, title II, §205(b), Dec. 18, 2015, 129 Stat. 2993, provided that: “The Secretary of Homeland Security shall submit the first report described in subclause (V) of section 217(c)(5)(A)(i) of the Immigration and Nationality Act (8 U.S.C. (c)(5)(A)(i)), as added by subsection (a), not later than 90 days after the date of the enactment of this Act [Dec. 18, 2015].”

MODERNIZING AND STRENGTHENING OF SECURITY OF VISA WAIVER PROGRAM

Pub. L. 110-53, title VII, §711(b), Aug. 3, 2007, 121 Stat. 338, provided that: “It is the sense of Congress that—

“(1) the United States should modernize and strengthen the security of the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by simultaneously—

“(A) enhancing program security requirements; and

“(B) extending visa-free travel privileges to nationals of foreign countries that are partners in the war on terrorism—

“(i) that are actively cooperating with the United States to prevent terrorist travel, including sharing counterterrorism and law enforcement information; and

“(ii) whose nationals have demonstrated their compliance with the provisions of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] regarding the purpose and duration of their admission to the United States; and

“(2) the modernization described in paragraph (1) will—

“(A) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

“(B) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

“(C) strengthen bilateral relationships.”

MACHINE READABLE PASSPORTS

Pub. L. 107-56, title IV, §417(a), (b), Oct. 26, 2001, 115 Stat. 355, required the Secretary of State to perform annual audits and submit reports relating to machine readable, counterfeit, and tamper-resistant passports until Sept. 30, 2007.

REPORT REQUIRED

Pub. L. 106-396, title IV, §403(e), Oct. 30, 2000, 114 Stat. 1649, provided that: “Not later than two years after the date of the enactment of this Act [Oct. 30, 2000], the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate assessing the effectiveness of the program implemented under the amendments made by this section [amending this section] for simplifying the admission of business travelers from visa waiver program countries and compliance with the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] by such travelers under that program.”

TRANSITION PROVISIONS

Pub. L. 104-208, div. C, title VI, §635(c)(2), Sept. 30, 1996, 110 Stat. 3009-703, provided that: “A country des-

ignated as a pilot program country with probationary status under section 217(g) of the Immigration and Nationality Act [8 U.S.C. 1187(g)] (as in effect on the day before the date of the enactment of this Act [Sept. 30, 1996]) shall be considered to be designated as a pilot program country on and after such date, subject to placement in probationary status or termination of such designation under such section (as amended by paragraph (1)).”

OPERATION OF AUTOMATED DATA ARRIVAL AND DEPARTURE CONTROL SYSTEM; REPORT TO CONGRESS

Pub. L. 101-649, title II, §201(c), Nov. 29, 1990, 104 Stat. 5014, provided that: “By not later than January 1, 1992, the Attorney General, in consultation with the Secretary of State, shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report on the operation of the automated data arrival and departure control system for foreign visitors and on admission refusals and overstays for such visitors who have entered under the visa waiver program.”

REPORT ON VISA WAIVER PILOT PROGRAM

Pub. L. 99-603, title IV, §405, Nov. 6, 1986, 100 Stat. 3442, provided that the Attorney General and the Secretary of State would jointly monitor the pilot program established under this section and report to the Congress not later than two years after the beginning of the program.

§ 1187a. Provision of assistance to non-program countries

The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide assistance in a risk-based manner to countries that do not participate in the visa waiver program under section 1187 of this title to assist those countries in—

(1) submitting to Interpol information about the theft or loss of passports of citizens or nationals of such a country; and

(2) issuing, and validating at the ports of entry of such a country, electronic passports that are fraud-resistant, contain relevant biographic and biometric information (as determined by the Secretary of Homeland Security), and otherwise satisfy internationally accepted standards for electronic passports.

(Pub. L. 114-113, div. O, title II, §208, Dec. 18, 2015, 129 Stat. 2995.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, and also as part of the Consolidated Appropriations Act, 2016, and not as part of the Immigration and Nationality Act which comprises this chapter.

§ 1188. Admission of temporary H-2A workers**(a) Conditions for approval of H-2A petitions**

(1) A petition to import an alien as an H-2A worker (as defined in subsection (i)(2)) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition, and