

Statutory Notes and Related SubsidiariesABOLITION 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.

§ 1377. Collection of data on detained asylum seekers**(a) In general**

The Attorney General shall regularly collect data on a nation-wide¹ basis with respect to asylum seekers in detention in the United States, including the following information:

- (1) The number of detainees.
- (2) An identification of the countries of origin of the detainees.
- (3) The percentage of each gender within the total number of detainees.
- (4) The number of detainees listed by each year of age of the detainees.
- (5) The location of each detainee by detention facility.
- (6) With respect to each facility where detainees are held, whether the facility is also used to detain criminals and whether any of the detainees are held in the same cells as criminals.
- (7) The number and frequency of the transfers of detainees between detention facilities.
- (8) The average length of detention and the number of detainees by category of the length of detention.
- (9) The rate of release from detention of detainees for each district of the Immigration and Naturalization Service.
- (10) A description of the disposition of cases.

(b) Annual reports

Beginning October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsection (a) for the fiscal year ending September 30 of that year.

(c) Availability to public

Copies of the data collected under subsection (a) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

(Pub. L. 105-277, div. A, §101(h) [title IX, §903], Oct. 21, 1998, 112 Stat. 2681-480, 2681-541.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Haitian Refugee Immigration Fairness Act of 1998, and also as part of the Treasury and General Government Appropriations Act, 1999, and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of the Immigration and Nationality Act which comprises this chapter.

¹ So in original. Probably should be “nationwide”.

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§ 1377a. Report on aliens determined to have credible or reasonable fear of persecution or torture**(a) Semimonthly updates**

Not later than 30 days after December 20, 2019, and updated semimonthly thereafter, the Director of U.S. Citizenship and Immigration Services shall make available, on a publicly accessible website in a downloadable, searchable, and sortable format, a report containing not less than the previous twelve months of semimonthly data on—

- (1) the number of aliens determined to have a credible or reasonable fear of—
 - (A) persecution, as defined in section 1225(b)(1)(B)(v) of this title; or
 - (B) torture, as defined in section 208.30 of title 8, Code of Federal Regulations (as in effect on January 1, 2018);
- (2) the total number of cases received by U.S. Citizenship and Immigration Services to adjudicate credible or reasonable fear claims, as described in paragraph (1), and the total number of cases closed.

(b) Disaggregation of data

Such report shall also disaggregate the data described in subsection (a) with respect to the following subsets—

- (1) claims submitted by aliens detained at a U.S. Immigration and Customs Enforcement family residential center;
- (2) claims submitted by aliens organized by each subdivision of legal or administrative authority under which claims are reviewed; and
- (3) the job series of the personnel reviewing the claims.

(Pub. L. 116-93, div. D, title IV, §403, Dec. 20, 2019, 133 Stat. 2524.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2020, and also as part of the Consolidated Appropriations Act, 2020, and not as part of the Immigration and Nationality Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

APPLICATION OF SECTION

Pub. L. 117-103, div. F, title IV, §403, Mar. 15, 2022, 136 Stat. 334, provided that: “The terms and conditions of section 403 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116-93) [8 U.S.C. 1377a] shall apply to this Act [div. F of Pub. L. 117-103, see Tables for classification].”

PRIOR PROVISIONS

Similar provisions were contained in the following prior appropriation act:

Pub. L. 116-260, div. F, title IV, §403, Dec. 27, 2020, 134 Stat. 1467.

§ 1378. Collection of data on other detained aliens

(a) In general

The Attorney General shall regularly collect data on a nationwide basis on aliens being detained in the United States by the Immigration and Naturalization Service other than the aliens described in section 1377 of this title, including the following information:

(1) The number of detainees who are criminal aliens and the number of detainees who are noncriminal aliens who are not seeking asylum.

(2) An identification of the ages, gender, and countries of origin of detainees within each category described in paragraph (1).

(3) The types of facilities, whether facilities of the Immigration and Naturalization Service or other Federal, State, or local facilities, in which each of the categories of detainees described in paragraph (1) are held.

(b) Length of detention, transfers, and dispositions

With respect to detainees who are criminal aliens and detainees who are noncriminal aliens who are not seeking asylum, the Attorney General shall also collect data concerning—

(1) the number and frequency of transfers between detention facilities for each category of detainee;

(2) the average length of detention of each category of detainee;

(3) for each category of detainee, the number of detainees who have been detained for the same length of time, in 3-month increments;

(4) for each category of detainee, the rate of release from detention for each district of the Immigration and Naturalization Service; and

(5) for each category of detainee, the disposition of detention, including whether detention ended due to deportation, release on parole, or any other release.

(c) Criminal aliens

With respect to criminal aliens, the Attorney General shall also collect data concerning—

(1) the number of criminal aliens apprehended under the immigration laws and not detained by the Attorney General; and

(2) a list of crimes committed by criminal aliens after the decision was made not to detain them, to the extent this information can be derived by cross-checking the list of criminal aliens not detained with other databases accessible to the Attorney General.

(d) Annual reports

Beginning on October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsections (a), (b), and (c) for the fiscal year ending September 30 of that year.

(e) Availability to public

Copies of the data collected under subsections (a), (b), and (c) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

(Pub. L. 105-277, div. A, §101(h) [title IX, §904], Oct. 21, 1998, 112 Stat. 2681-480, 2681-542.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Haitian Refugee Immigration Fairness Act of 1998, and also as part of the Treasury and General Government Appropriations Act, 1999, and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, 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.

§ 1378a. Report on aliens detained

Not later than 7 days after December 20, 2019, and updated semimonthly thereafter, the Director of U.S. Immigration and Customs Enforcement shall make available a report, on a publicly accessible website in a downloadable, searchable, and sortable format, with not less than the previous twelve months of semimonthly data as of the last date of each such reporting period; on—

(1) aliens detained by such agency, including data disaggregated by single adults and members of family units on—

(A) the average fiscal year-to-date daily populations of aliens detained;

(B) the daily count of aliens detained;

(C) the fiscal year-to-date total for bookings;

(D) the average lengths of stay, including average post-determination length of stay in the case of detainees described in subparagraph (F);

(E) the number transferred to the custody of U.S. Immigration and Customs Enforcement by U.S. Customs and Border Protection after being—

(i) deemed inadmissible at a port of entry or after being apprehended within 14 days of entering the United States; or

(ii) arrested by U.S. Immigration and Customs Enforcement;

(F) the number determined to have a credible or reasonable fear of—

(i) persecution, as defined in section 1225(b)(1)(B)(v) of this title; or

(ii) torture, as defined in section 208.30 of title 8, Code of Federal Regulations (as in effect on January 1, 2018); and

(G) the number who have been issued a Notice to Appear pursuant to section 1229 of this title, disaggregated by single adults and members of family units;¹

(2) the total number of enrollees in the Alternatives to Detention program and the average length of participation, disaggregated by—

(A) single adults and family heads of household;

¹ See Additional Reporting Requirements note below.