**8 USC Sec. 1103** 01/03/2012

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-EXPCITE-

 TITLE 8 - ALIENS AND NATIONALITY

 CHAPTER 12 - IMMIGRATION AND NATIONALITY

 SUBCHAPTER I - GENERAL PROVISIONS

-HEAD-

 Sec. 1103. Powers and duties of the Secretary, the Under Secretary,

 and the Attorney General

-STATUTE-

 (a) Secretary of Homeland Security

 (1) The Secretary of Homeland Security shall be charged with the

 administration and enforcement of this chapter and all other laws

 relating to the immigration and naturalization of aliens, except

 insofar as this chapter or such laws relate to the powers,

 functions, and duties conferred upon the President, Attorney

 General, the Secretary of State, the officers of the Department of

 State, or diplomatic or consular officers: Provided, however, That

 determination and ruling by the Attorney General with respect to

 all questions of law shall be controlling.

 (2) He shall have control, direction, and supervision of all

 employees and of all the files and records of the Service.

 (3) He shall establish such regulations; prescribe such forms of

 bond, reports, entries, and other papers; issue such instructions;

 and perform such other acts as he deems necessary for carrying out

 his authority under the provisions of this chapter.

 (4) He may require or authorize any employee of the Service or

 the Department of Justice to perform or exercise any of the powers,

 privileges, or duties conferred or imposed by this chapter or

 regulations issued thereunder upon any other employee of the

 Service.

 (5) He shall have the power and duty to control and guard the

 boundaries and borders of the United States against the illegal

 entry of aliens and shall, in his discretion, appoint for that

 purpose such number of employees of the Service as to him shall

 appear necessary and proper.

 (6) He is authorized to confer or impose upon any employee of the

 United States, with the consent of the head of the Department or

 other independent establishment under whose jurisdiction the

 employee is serving, any of the powers, privileges, or duties

 conferred or imposed by this chapter or regulations issued

 thereunder upon officers or employees of the Service.

 (7) He may, with the concurrence of the Secretary of State,

 establish offices of the Service in foreign countries; and, after

 consultation with the Secretary of State, he may, whenever in his

 judgment such action may be necessary to accomplish the purposes of

 this chapter, detail employees of the Service for duty in foreign

 countries.

 (8) After consultation with the Secretary of State, the Attorney

 General may authorize officers of a foreign country to be stationed

 at preclearance facilities in the United States for the purpose of

 ensuring that persons traveling from or through the United States

 to that foreign country comply with that country's immigration and

 related laws.

 (9) Those officers may exercise such authority and perform such

 duties as United States immigration officers are authorized to

 exercise and perform in that foreign country under reciprocal

 agreement, and they shall enjoy such reasonable privileges and

 immunities necessary for the performance of their duties as the

 government of their country extends to United States immigration

 officers.

 (10) In the event the Attorney General determines that an actual

 or imminent mass influx of aliens arriving off the coast of the

 United States, or near a land border, presents urgent circumstances

 requiring an immediate Federal response, the Attorney General may

 authorize any State or local law enforcement officer, with the

 consent of the head of the department, agency, or establishment

 under whose jurisdiction the individual is serving, to perform or

 exercise any of the powers, privileges, or duties conferred or

 imposed by this chapter or regulations issued thereunder upon

 officers or employees of the Service.

 (11) The Attorney General, in support of persons in

 administrative detention in non-Federal institutions, is authorized

 -

 (A) to make payments from funds appropriated for the

 administration and enforcement of the laws relating to

 immigration, naturalization, and alien registration for necessary

 clothing, medical care, necessary guard hire, and the housing,

 care, and security of persons detained by the Service pursuant to

 Federal law under an agreement with a State or political

 subdivision of a State; and

 (B) to enter into a cooperative agreement with any State,

 territory, or political subdivision thereof, for the necessary

 construction, physical renovation, acquisition of equipment,

 supplies or materials required to establish acceptable conditions

 of confinement and detention services in any State or unit of

 local government which agrees to provide guaranteed bed space for

 persons detained by the Service.

 (b) Land acquisition authority

 (1) The Attorney General may contract for or buy any interest in

 land, including temporary use rights, adjacent to or in the

 vicinity of an international land border when the Attorney General

 deems the land essential to control and guard the boundaries and

 borders of the United States against any violation of this chapter.

 (2) The Attorney General may contract for or buy any interest in

 land identified pursuant to paragraph (1) as soon as the lawful

 owner of that interest fixes a price for it and the Attorney

 General considers that price to be reasonable.

 (3) When the Attorney General and the lawful owner of an interest

 identified pursuant to paragraph (1) are unable to agree upon a

 reasonable price, the Attorney General may commence condemnation

 proceedings pursuant to section 3113 of title 40.

 (4) The Attorney General may accept for the United States a gift

 of any interest in land identified pursuant to paragraph (1).

 (c) Commissioner; appointment

 The Commissioner shall be a citizen of the United States and

 shall be appointed by the President, by and with the advice and

 consent of the Senate. He shall be charged with any and all

 responsibilities and authority in the administration of the Service

 and of this chapter which are conferred upon the Attorney General

 as may be delegated to him by the Attorney General or which may be

 prescribed by the Attorney General. The Commissioner may enter into

 cooperative agreements with State and local law enforcement

 agencies for the purpose of assisting in the enforcement of the

 immigration laws.

 (d) Statistical information system

 (1) The Commissioner, in consultation with interested

 academicians, government agencies, and other parties, shall provide

 for a system for collection and dissemination, to Congress and the

 public, of information (not in individually identifiable form)

 useful in evaluating the social, economic, environmental, and

 demographic impact of immigration laws.

 (2) Such information shall include information on the alien

 population in the United States, on the rates of naturalization and

 emigration of resident aliens, on aliens who have been admitted,

 paroled, or granted asylum, on nonimmigrants in the United States

 (by occupation, basis for admission, and duration of stay), on

 aliens who have not been admitted or have been removed from the

 United States, on the number of applications filed and granted for

 cancellation of removal, and on the number of aliens estimated to

 be present unlawfully in the United States in each fiscal year.

 (3) Such system shall provide for the collection and

 dissemination of such information not less often than annually.

 (e) Annual report

 (1) The Commissioner shall submit to Congress annually a report

 which contains a summary of the information collected under

 subsection (d) of this section and an analysis of trends in

 immigration and naturalization.

 (2) Each annual report shall include information on the number,

 and rate of denial administratively, of applications for

 naturalization, for each district office of the Service and by

 national origin group.

 (f) Minimum number of agents in States

 The Attorney General shall allocate to each State not fewer than

 10 full-time active duty agents of the Immigration and

 Naturalization Service to carry out the functions of the Service,

 in order to ensure the effective enforcement of this chapter.

 (g) Attorney General

 (1) In general

 The Attorney General shall have such authorities and functions

 under this chapter and all other laws relating to the immigration

 and naturalization of aliens as were exercised by the Executive

 Office for Immigration Review, or by the Attorney General with

 respect to the Executive Office for Immigration Review, on the

 day before the effective date of the Immigration Reform,

 Accountability and Security Enhancement Act of 2002.

 (2) Powers

 The Attorney General shall establish such regulations,

 prescribe such forms of bond, reports, entries, and other papers,

 issue such instructions, review such administrative

 determinations in immigration proceedings, delegate such

 authority, and perform such other acts as the Attorney General

 determines to be necessary for carrying out this section.

-SOURCE-

 (June 27, 1952, ch. 477, title I, Sec. 103, 66 Stat. 173; Pub. L.

 100-525, Sec. 9(c), Oct. 24, 1988, 102 Stat. 2619; Pub. L. 101-649,

 title I, Sec. 142, Nov. 29, 1990, 104 Stat. 5004; Pub. L. 104-208,

 div. C, title I, Secs. 102(d), 125, 134(a), title III, Secs.

 308(d)(4)(C), (e)(4), 372, 373, Sept. 30, 1996, 110 Stat. 3009-555,

 3009-562, 3009-564, 3009-618, 3009-620, 3009-646, 3009-647; Pub. L.

 107-296, title XI, Sec. 1102, Nov. 25, 2002, 116 Stat. 2273; Pub.

 L. 108-7, div. L, Sec. 105(a)(1), (2), Feb. 20, 2003, 117 Stat.

 531; Pub. L. 108-458, title V, Sec. 5505(a), Dec. 17, 2004, 118

 Stat. 3741; Pub. L. 111-122, Sec. 2(a), Dec. 22, 2009, 123 Stat.

 3480.)

-REFTEXT-

 REFERENCES IN TEXT

 This chapter, referred to in text, was in the original, "this

 Act", meaning act June 27, 1952, ch. 477, 66 Stat. 163, 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.

 The Immigration Reform, Accountability and Security Enhancement

 Act of 2002, referred to in subsec. (g)(1), was S. 2444 of the

 107th Congress, as introduced on May 2, 2002, which was not enacted

 into law. Provisions relating to the Executive Office for

 Immigration Review are contained in section 521 of Title 6,

 Domestic Security.

-COD-

 CODIFICATION

 "Section 3113 of title 40" substituted in subsec. (b)(3) for "the

 Act of August 1, 1888 (Chapter 728; 25 Stat. 357)" on authority of

 Pub. L. 107-217, Sec. 5(c), Aug. 21, 2002, 116 Stat. 1303, the

 first section of which enacted Title 40, Public Buildings,

 Property, and Works.

-MISC1-

 AMENDMENTS

 2009 - Subsec. (h). Pub. L. 111-122 struck out subsec. (h), which

 directed the Attorney General to establish within the Criminal

 Division of the Department of Justice an Office of Special

 Investigations and to consult with the Secretary of Homeland

 Security concerning the prosecution or extradition of certain

 aliens.

 2004 - Subsec. (h). Pub. L. 108-458 added subsec. (h).

 2003 - Subsec. (a). Pub. L. 108-7, Sec. 105(a)(1), amended Pub.

 L. 107-296, Sec. 1102(2). See 2002 Amendment notes below.

 Pub. L. 108-7, Sec. 105(a)(2), which directed the amendment of

 Pub. L. 107-296, was executed to section 1102(2) of Pub. L. 107-

 296, to reflect the probable intent of Congress. See 2002

 Amendment notes below.

 2002 - Pub. L. 107-296, Sec. 1102(1), amended section catchline

 generally.

 Subsec. (a). Pub. L. 107-296, Sec. 1102(2)(A), as added by Pub.

 L. 108-7, Sec. 105(a)(1), which directed the substitution of

 "Secretary of Homeland Security" for "Attorney General" in heading,

 was executed by inserting "Secretary of Homeland Security" as

 heading, to reflect the probable intent of Congress.

 Subsec. (a)(1). Pub. L. 107-296, Sec. 1102(2)(B), as added by

 Pub. L. 108-7, Sec. 105(a)(1), substituted "The Secretary of

 Homeland Security" for "The Attorney General".

 Pub. L. 107-296, Sec. 1102(2)(C), formerly Sec. 1102(2)(A), as

 redesignated by Pub. L. 108-7, Sec. 105(a)(2), inserted "Attorney

 General," after "President,". See 2003 Amendment note above.

 Subsec. (a)(8) to (11). Pub. L. 107-296, Sec. 1102(2)(D),

 formerly Sec. 1102(2)(B), as redesignated by Pub. L. 108-7, Sec.

 105(a)(2), redesignated par. (8), relating to Attorney General

 authorization of State and local law enforcement officers in event

 of mass influx of aliens arriving, and par. (9), relating to

 Attorney General authority to support administrative detention of

 persons in non-Federal institutions, as pars. (10) and (11),

 respectively. See 2003 Amendment note above.

 Subsec. (g). Pub. L. 107-296, Sec. 1102(3), added subsec. (g).

 1996 - Subsec. (a). Pub. L. 104-208, Sec. 372(1), (2), inserted

 "(1)" before first sentence and designated each sentence after the

 first sentence, which included second through ninth sentences, as a

 separate par. with appropriate consecutive numbering and initial

 indentation.

 Pub. L. 104-208, Sec. 125, inserted at end "After consultation

 with the Secretary of State, the Attorney General may authorize

 officers of a foreign country to be stationed at preclearance

 facilities in the United States for the purpose of ensuring that

 persons traveling from or through the United States to that foreign

 country comply with that country's immigration and related laws.

 Those officers may exercise such authority and perform such duties

 as United States immigration officers are authorized to exercise

 and perform in that foreign country under reciprocal agreement, and

 they shall enjoy such reasonable privileges and immunities

 necessary for the performance of their duties as the government of

 their country extends to United States immigration officers."

 Subsec. (a)(8). Pub. L. 104-208, Sec. 372(3), added at end par.

 (8) relating to Attorney General authorization of State and local

 law enforcement officers in event of mass influx of aliens

 arriving.

 Subsec. (a)(9). Pub. L. 104-208, Sec. 373(1), added at end par.

 (9) relating to Attorney General authority to support

 administrative detention of persons in non-Federal institutions.

 Subsec. (b). Pub. L. 104-208, Sec. 102(d)(1)(B), added subsec.

 (b). Former subsec. (b) redesignated (c).

 Subsec. (c). Pub. L. 104-208, Sec. 373(2), inserted at end "The

 Commissioner may enter into cooperative agreements with State and

 local law enforcement agencies for the purpose of assisting in the

 enforcement of the immigration laws."

 Pub. L. 104-208, Sec. 102(d)(1)(A), redesignated subsec. (b) as

 (c). Former subsec. (c) redesignated (d).

 Subsec. (d). Pub. L. 104-208, Sec. 102(d)(1)(A), redesignated

 subsec. (c) as (d). Former subsec. (d) redesignated (e).

 Subsec. (d)(2). Pub. L. 104-208, Sec. 308(e)(4), which directed

 amendment of subsec. (c)(2) by substituting "cancellation of

 removal" for "suspension of deportation", was executed by making

 the substitution in subsec. (d)(2) to reflect the probable intent

 of Congress and the redesignation of subsec. (c) as (d) by Pub. L.

 104-208, Sec. 102(d)(1)(A). See above.

 Pub. L. 104-208, Sec. 308(d)(4)(C), which directed amendment of

 subsec. (c)(2) by substituting "not been admitted or have been

 removed" for "been excluded or deported", was executed by making

 the substitution in subsec. (d)(2) to reflect the probable intent

 of Congress and the redesignation of subsec. (c) as (d) by Pub. L.

 104-208, Sec. 102(d)(1)(A). See above.

 Subsec. (e). Pub. L. 104-208, Sec. 102(d)(2), substituted

 "subsection (d)" for "subsection (c)" in par. (1).

 Pub. L. 104-208, Sec. 102(d)(1)(A), redesignated subsec. (d) as

 (e).

 Subsec. (f). Pub. L. 104-208, Sec. 134(a), added subsec. (f).

 1990 - Subsecs. (c), (d). Pub. L. 101-649 added subsecs. (c) and

 (d).

 1988 - Subsec. (a). Pub. L. 100-525, Sec. 9(c)(1), substituted

 "instructions" for "intructions" and amended fourth sentence

 generally. Prior to amendment, fourth sentence read as follows: "He

 is authorized, in accordance with the civil-service laws and

 regulations and the Classification Act of 1949, to appoint such

 employees of the Service as he deems necessary, and to delegate to

 them or to any officer or employee of the Department of Justice in

 his discretion any of the duties and powers imposed upon him in

 this chapter; he may require or authorize any employee of the

 Service or the Department of Justice to perform or exercise any of

 the powers, privileges, or duties conferred or imposed by this

 chapter or regulations issued thereunder upon any other employee of

 the Service."

 Subsec. (b). Pub. L. 100-525, Sec. 9(c)(2), struck out provision

 that Commissioner was to receive compensation at rate of $17,500

 per annum.

 EFFECTIVE DATE OF 2002 AMENDMENT

 Amendment by Pub. L. 107-296 effective on the date of the

 transfer of functions from the Commissioner of Immigration and

 Naturalization to officials of the Department of Homeland Security

 (Mar. 1, 2003), see section 1104 of Pub. L. 107-296, as added by

 Pub. L. 108-7, set out as an Effective Date note under section 521

 of Title 6, Domestic Security.

 EFFECTIVE DATE OF 1996 AMENDMENT

 Section 134(b) of div. C of Pub. L. 104-208 provided that: "The

 amendment made by subsection (a) [amending this section] shall take

 effect 90 days after the date of the enactment of this Act [Sept.

 30, 1996]."

 Amendment by section 308(d)(4)(C), (e)(4) of Pub. L. 104-208

 effective, with certain transitional provisions, on the first day

 of the first month beginning more than 180 days after Sept. 30,

 1996, see section 309 of Pub. L. 104-208, set out as a note under

 section 1101 of this title.