8 U.S.C. § 1103: US Code - Section 1103: Powers and duties of the Secretary, the Under Secretary, and the Attorney General

(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

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(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.

(h) Office of Special Investigations

(1) The Attorney General shall establish within the Criminal

Division of the Department of Justice an Office of Special

Investigations with the authority to detect and investigate, and,

where appropriate, to take legal action to denaturalize any alien

described in section 1182(a)(3)(E) of this title.

(2) The Attorney General shall consult with the Secretary of

Homeland Security in making determinations concerning the criminal

prosecution or extradition of aliens described in section

1182(a)(3)(E) of this title.

(3) In determining the appropriate legal action to take against

an alien described in section 1182(a)(3)(E) of this title,

consideration shall be given to -

(A) the availability of criminal prosecution under the laws of

the United States for any conduct that may form the basis for

removal and denaturalization; or

(B) the availability of extradition of the alien to a foreign

jurisdiction that is prepared to undertake a prosecution for such

conduct.