

(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) 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.

An alien inadmissible under paragraph (4) of [section 1182\(a\) of this title](#) may, if otherwise admissible, be admitted in the discretion of the Attorney General (subject to the affidavit of support requirement and attribution of sponsor's income and resources under [section 1183a of this title](#)) upon the giving of a suitable and proper bond or undertaking approved by the Attorney General, in such amount and containing such conditions as he may prescribe, to the United States, and to all States, territories, counties, towns, municipalities, and districts thereof holding the United States and all States, territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. Such bond or undertaking shall terminate upon the permanent departure from the United States, the naturalization, or the death of such alien, and any sums or other security held to secure performance thereof, except to the extent forfeited for violation of the terms thereof, shall be returned to the person by whom furnished, or to his legal representatives. Suit may be brought thereon in the name and by the proper law officers of the United States for the use of the United States, or of any State, territory, district, county, town, or municipality in which such alien becomes a public charge, irrespective of whether a demand for payment of public expenses has been made.