

(Pub. L. 87-297, title V, § 504, formerly § 64, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1856; renumbered § 65 and amended Pub. L. 102-228, title IV, § 402(a)(2), (b)(1), Dec. 12, 1991, 105 Stat. 1699; renumbered § 504 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(20), (21), Oct. 21, 1998, 112 Stat. 2681-772.)

AMENDMENTS

1998—Par. (1). Pub. L. 105-277, § 1223(20), inserted “of America” after “United States”.

1991—Pars. (3), (4). Pub. L. 102-228, § 402(a)(2), added pars. (3) and (4).

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

CHAPTER 36—MIGRATION AND REFUGEE ASSISTANCE

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2275, 2318 of this title.

§ 2601. Refugees and migration

(a) United States membership in International Organization for Migration; contributions to Organization

(1) The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with the constitution of such organization approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on November 24, 1998, upon entry into force of such amendments.

(2) For the purpose of assisting in the movement of refugees and migrants, there are au-

thorized to be appropriated to the President such amounts as may be necessary from time to time for payment by the United States of its contributions to the International Organization for Migration and all necessary salaries and expenses incidental to United States participation in such organization.

(b) Appropriations for assistance to refugees

There are authorized to be appropriated such amounts as may be necessary from time to time—

(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or persons on behalf of whom he is exercising his good offices, and for contributions to the International Organization for Migration, the International Committee of the Red Cross, and to other relevant international organizations; and

(2) for assistance to or on behalf of refugees who are outside the United States designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the foreign policy interests of the United States.

(c) United States Emergency Refugee and Migration Assistance Fund; appropriations

(1) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this chapter for the purpose of meeting unexpected urgent refugee and migration needs.

(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed \$100,000,000. Amounts appropriated hereunder shall remain available until expended.

(3) Whenever the President requests appropriations pursuant to this authorization he shall justify such requests to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, as well as to the Committees on Appropriations.

(d) Information to Congressional committees

The President shall keep the appropriate committees of Congress currently informed of the use of funds and the exercise of functions authorized in this chapter.

(e) Continued availability of certain funds

Unexpended balances of funds made available under authority of the Mutual Security Act of 1954, as amended, and of the Foreign Assistance Act of 1961, as amended, [22 U.S.C. 2151 et seq.], and allocated or transferred for the purposes of sections 405(a), 405(c), 405(d) and 451(c)¹ of the

¹ See References in Text note below.

Mutual Security Act of 1954, as amended [22 U.S.C. 1925(a), (c), (d), 1951(c)], are authorized to be continued available for the purposes of this section and may be consolidated with appropriations authorized by this section.

(f) Restrictions on foreign assistance not applicable to migration and refugee assistance

The President may furnish assistance and make contributions under this chapter notwithstanding any provision of law which restricts assistance to foreign countries.

(Pub. L. 87-510, § 2, June 28, 1962, 76 Stat. 121; Pub. L. 88-634, title II, § 201, Oct. 7, 1964, 78 Stat. 1021; Pub. L. 94-141, title V, § 501(a), Nov. 29, 1975, 89 Stat. 771; Pub. L. 96-212, title III, § 312(b), Mar. 17, 1980, 94 Stat. 116; Pub. L. 99-93, title I, § 111, Aug. 16, 1985, 99 Stat. 410; Pub. L. 103-236, title IV, § 430(a), Apr. 30, 1994, 108 Stat. 459; Pub. L. 107-228, div. A, title II, § 242, Sept. 30, 2002, 116 Stat. 1374.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c)(1), (d), and (f), was in the original “this Act”, meaning Pub. L. 87-510, June 28, 1962, 76 Stat. 121, as amended, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1404 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under this section, and amended a provision set out as a note under section 1182 of Title 8. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

The Foreign Assistance Act of 1961, as amended, referred to in subsec. (e), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Mutual Security Act of 1954, as amended, referred to in subsec. (e), is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§2-11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§101-103, ch. II, §§201-205, ch. III, §301, ch. IV, §401, ch. V, §501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, §2, ch. 1, §101, ch. II, §§201-205(a)-(i), (k)-(n), ch. III, §301, ch. IV, §401(a)-(k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, §8(m), 70 Stat. 559, Pub. L. 85-141, §§2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, §§205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, §642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, §212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104-127, title II, §228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

Sections 405(a), 405(c), 405(d), and 451(c) of the Mutual Security Act of 1954, as amended, referred to in subsec. (e), were sections of act Aug. 26, 1954, ch. 937, 68 Stat. 832, and were repealed by section 6 of Pub. L. 87-510.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-228 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on May 20, 1987. For the purpose of assisting in the movement of refugees

and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Organization and all necessary salaries and expenses incident to United States participation in the Organization.”

1994—Subsec. (a). Pub. L. 103-236, §430(a)(1)-(3), substituted “the International Organization for Migration” for “the Intergovernmental Committee for European Migration”, inserted “, as amended in Geneva, Switzerland, on May 20, 1987” before period at end of first sentence, and substituted “the Organization” for “the Committee” in two places.

Subsec. (b)(1). Pub. L. 103-236, §430(a)(1), substituted “the International Organization for Migration” for “the Intergovernmental Committee for European Migration”.

Subsec. (c)(2). Pub. L. 103-236, §430(a)(4), substituted “\$100,000,000” for “\$50,000,000”.

1985—Subsec. (f). Pub. L. 99-93 added subsec. (f).

1980—Subsec. (b). Pub. L. 96-212, §312(b)(1), in par. (1) inserted provisions respecting contributions to the Intergovernmental Committee for European Migration, etc., in par. (2) inserted provisions requiring refugees to be outside of the United States, and struck out requirement that the assistance contribute to the defense or security of the United States, and struck out pars. (3) to (6), which related to assistance when determined by the President to be in the interest of the United States, assistance to State and local agencies, assistance for transportation and resettlement, and assistance for employment and professional refresher training projects, respectively.

Subsec. (c)(2). Pub. L. 96-212, §312(b)(2), inserted provisions increasing amount from \$25,000,000 to \$50,000,000.

1975—Subsec. (c). Pub. L. 94-141 designated existing provision as par. (1), substituted provisions authorizing the President to furnish assistance on such terms and conditions as he determines, for provisions authorizing President to transfer not more than \$10,000,000 in any fiscal year of the funds made available under the Foreign Assistance Act of 1961 for the purposes of this chapter, and added pars. (2) and (3).

1964—Subsec. (e). Pub. L. 88-634 struck out last sentence “Funds appropriated for the purposes of this section shall remain available until expended.”

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-212 effective with respect to fiscal years beginning on and after Oct. 1, 1979, see section 313 of Pub. L. 96-212, set out as an Effective Date note under section 1522 of Title 8, Immigration and Nationality.

SHORT TITLE

Section 1 of Pub. L. 87-510 provided: “That this Act [enacting this chapter, amending sections 1925 and 1951 of this title and section 1104 of Title 8, Aliens and Nationality, enacting provisions set out as a note under this section, and amending provisions set out as a note under section 1182 of Title 8] may be cited as the ‘Migration and Refugee Assistance Act of 1962’.”

UNITED STATES POLICY REGARDING INVOLUNTARY RETURN OF REFUGEES

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §251], Nov. 29, 1999, 113 Stat. 1536, 1501A-431, provided that:

“(a) IN GENERAL.—None of the funds made available by this Act [see Short Title of 1999 Amendment note set out under section 2651 of this title] or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political

opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

“(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees [Committee on International Relations of the House of Representatives and Committee on Foreign Relations of the Senate], except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

“(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term ‘to effect the involuntary return’ means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person’s will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.”

Similar provisions were contained in the following prior act:

Pub. L. 105-277, div. G, subdiv. B, title XXII, §2241, Oct. 21, 1998, 112 Stat. 2681-821.

UNITED STATES POLICY CONCERNING OVERSEAS ASSISTANCE TO REFUGEES AND DISPLACED PERSONS

Section 501 of Pub. L. 103-236 provided that:

“(a) STANDARDS FOR REFUGEE WOMEN AND CHILDREN.—The United States Government, in providing for overseas assistance and protection of refugees and displaced persons, shall seek to address the protection and provision of basic needs of refugee women and children who represent 80 percent of the world’s refugee population. As called for in the 1991 United Nations High Commissioner for Refugees (UNHCR) ‘Guidelines on the Protection of Refugee Women’, whether directly, or through international organizations and nongovernmental voluntary organizations, the Secretary of State shall seek to ensure—

“(1) specific attention on the part of the United Nations and relief organizations to recruit and employ female protection officers;

“(2) implementation of gender awareness training for field staff including, but not limited to, security personnel;

“(3) the protection of refugee women and children from violence and other abuses on the part of governments or insurgent groups;

“(4) full involvement of women refugees in the planning and implementation of (A) the delivery of services and assistance, and (B) the repatriation process;

“(5) incorporation of maternal and child health needs into refugee health services and education, specifically to include education on and access to services in reproductive health and birth spacing;

“(6) the availability of counseling and other services, grievance processes, and protective services to victims of violence and abuse, including but not limited to rape and domestic violence;

“(7) the provision of educational programs, particularly literacy and numeracy, vocational and income-generation skills training, and other training efforts promoting self-sufficiency for refugee women, with special emphasis on women heads of household;

“(8) education for all refugee children, ensuring equal access for girls, and special services and family tracing for unaccompanied refugee minors;

“(9) the collection of data that clearly enumerate age and gender so that appropriate health, education, and assistance programs can be planned;

“(10) the recruitment, hiring, and training of more women program professionals in the international humanitarian field; and

“(11) gender-awareness training for program staff of the United Nations High Commissioner for Refugees (UNHCR) and nongovernmental voluntary organizations on implementation of the 1991 UNHCR ‘Guidelines on the Protection of Refugee Women’.

“(b) PROCEDURES.—The Secretary of State should adopt specific procedures to ensure that all recipients of United States Government refugee and migration assistance funds implement the standards outlined in subsection (a).

“(c) REQUIREMENTS FOR REFUGEE AND MIGRATION ASSISTANCE.—The Secretary of State, in providing migration and refugee assistance, should support the protection efforts set forth under this section by raising at the highest levels of government the issue of abuses against refugee women and children by governments or insurgent groups that engage in, permit, or condone—

“(1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person;

“(2) the blockage of humanitarian relief assistance;

“(3) gender-specific persecution such as systematic individual or mass rape, forced pregnancy, forced abortion, enforced prostitution, any form of indecent assault or act of violence against refugee women, girls, and children; or

“(4) continuing violations of the integrity of the person against refugee women and children on the part of armed insurgents, local security forces, or camp guards.

“(d) INVESTIGATION OF REPORTS.—Upon receipt of credible reports of abuses under subsection (c), the Secretary of State should immediately investigate such reports through emergency fact-finding missions or other means of investigating such reports and help identify appropriate remedial measures.

“(e) MULTILATERAL IMPLEMENTATION OF THE 1991 UNHCR ‘GUIDELINES ON THE PROTECTION OF REFUGEE WOMEN’.—The Secretary of State should work to ensure that multilateral organizations fully incorporate the needs of refugee women and children into all elements of refugee assistance programs and work to encourage other governments that provide refugee assistance to adopt refugee assistance policies designed to encourage full implementation of the 1991 UNHCR’s ‘Guidelines on the Protection of Refugee Women’.”

UNITED STATES MEMBERSHIP IN INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

Pub. L. 100-204, title VII, §745, Dec. 22, 1987, 101 Stat. 1396, authorized President to continue United States membership in Intergovernmental Committee for European Migration and, upon entry into force of amendments to constitution of such body approved May 20, 1987, to continue membership under the name International Organization for Migration in accordance with such constitution and amendments, and authorized appropriation of necessary amounts for payment of United States contributions to such body and salaries and expenses incidental to United States participation in such body, prior to repeal by Pub. L. 103-236, title IV, §430(b), Apr. 30, 1994, 108 Stat. 459.

INDOCHINA MIGRATION AND REFUGEE ASSISTANCE

Pub. L. 94-23, May 23, 1975, 89 Stat. 87, as amended by Pub. L. 94-313, June 21, 1976, 90 Stat. 691; Pub. L. 95-145, title II, §§201, 202, Oct. 28, 1977, 91 Stat. 1224, 1225; Pub. L. 95-549, title II, §201, Oct. 30, 1978, 92 Stat. 2066; Pub. L. 96-110, §3(a), Nov. 13, 1979, 93 Stat. 844, which set forth provisions respecting appropriations, etc., for migration and refugee assistance for aliens who fled from Cambodia, Laos, and Vietnam, was repealed by Pub. L. 96-212, title III, §312(c), Mar. 17, 1980, 94 Stat. 117.

AVAILABILITY OF FUNDS FOR CONTINUATION OF ACTIVITIES

Section 7 of Pub. L. 87-510 provided that: “Until the enactment of legislation appropriating funds for activi-

ties under this Act [see Short Title note above], such activities may be conducted with funds made available under section 451(a) of the Foreign Assistance Act of 1961, as amended [section 2261(a) of this title].”

EXECUTIVE ORDER NO. 12244

Ex. Ord. No. 12244, Oct. 3, 1980, 45 F.R. 66443, which provided exemptions from certain statutory requirements for temporary housing for Haitian and Cuban refugees at Fort Allen in Puerto Rico for the period beginning Oct. 2, 1980, and ending Oct. 1, 1981, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

EXECUTIVE ORDER NO. 12327

Ex. Ord. No. 12327, Oct. 1, 1981, 46 F.R. 48893, which provided for temporary housing of Haitian refugees at Fort Allen in Puerto Rico and exempted Fort Allen from certain statutory requirements, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

DELEGATION OF AUTHORITY

Determination of President of the United States, No. 02-25, July 9, 2002, 67 F.R. 47437, provided:

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, I hereby delegate the functions and authorities conferred upon the President by sections 2(d) and 2(f) of the Migration and Refugee Assistance Act (MRAA) of 1962, as amended, 22 U.S.C. §2601, insofar as they relate to actions taken under the authority of section 2(b)(2) of the MRAA, to the Secretary of State, who should insure timely performance of any duties and obligations of the delegated authority and who is authorized to redelegate these functions and authorities consistent with applicable law. The Secretary of State, or his or her delegate, is directed to provide notice to the President of any use of the functions and authorities delegated by this determination.

This delegation of authority supplements Presidential Determination No. 99-6, Delegation of Authority Under Section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended (November 30, 1998) [set out below].

Any reference in this memorandum to section 2 of the MRAA, as amended, shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this Determination in the Federal Register.

GEORGE W. BUSH.

Determination of President of the United States, No. 99-6, Nov. 30, 1998, 34 Weekly Compilation of Presidential Documents 2398, Dec. 7, 1998, provided:

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate the functions and authorities conferred upon the President by section 2(b)(2) of the Migration and Refugee Assistance Act (MRAA) of 1962, as amended, 22 U.S.C. 2601(b)(2), to the Secretary of State, who is authorized to redelegate these functions and authorities consistent with applicable law. The Secretary of State, or his or her delegate, is directed to provide notice to the President of any use of the functions and authorities delegated by this determination.

Any reference in this memorandum to section 2(b)(2) of the MRAA, as amended, shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2730 of this title.

§ 2602. Presidential authorization

(a) Authority of President to make loans, advances, grants, contracts, etc.; authority to use money, funds, property, services, etc.

In carrying out the purpose of this chapter, the President is authorized—

(1) to make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, government or government agency, whether within or without the United States, and international and intergovernmental organizations;

(2) to accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purposes.

(b) Performance of functions without regard to specified provisions of law

Whenever the President determines it to be in furtherance of the purposes of this chapter, the functions authorized under this chapter may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951), as amended [50 App. U.S.C. 1211 et seq.], regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

(Pub. L. 87-510, §3, June 28, 1962, 76 Stat. 123.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 87-510, June 28, 1962, 76 Stat. 121, as amended, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out as a note under section 1182 of Title 8. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

The Renegotiation Act of 1951, as amended, referred to in subsec. (b), is act Mar. 23, 1951, ch. 15, 65 Stat. 7, as amended, which was classified principally to section 1211 et seq. of Title 50, Appendix, War and National Defense, prior to its omission from the Code. See Codification note preceding section 1211 of Title 50, Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2603 of this title; title 26 section 6103.

§ 2603. Delegation of powers

The President is authorized to designate the head of any department or agency of the United States Government, or any official thereof who is required to be appointed by the President by and with the advice and consent of the Senate, to perform any functions conferred upon the President by this chapter. If the President shall so specify, any individual so designated under this section is authorized to redelegate to any of his subordinates any functions authorized to be performed by him under this section, except the function of exercising the waiver authority specified in section 2602(b) of this title.

(Pub. L. 87-510, §4(a)(1), June 28, 1962, 76 Stat. 123.)