

**PUBLICATION UPDATE**

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# Bender’s Immigration Regulations Service

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Publication 695      Release 257      December 2023

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**HIGHLIGHTS**

**DEVELOPMENTS**

- Release 257 of Bender’s Immigration Regulations Service includes regulatory changes published in the Federal Register from May 10, 2023 through August 31, 2023.
- The release updates the list of countries whose nationals may be eligible for hardship waivers of F-1 work guidelines. In addition, it incorporates final rules, interim final rules, and other material relating to immigration bonds, asylum and related relief, ESTA, immigrant and non-immigrant visas, I-9 processes, and Consular Reports of Birth Abroad.

Release 257 updates the regulations in light of the following final and temporary rules:

- DHS’s and DOJ’s *Circumvention of Lawful Pathways*, 88 FR 31314–31452 (May 16, 2023, effective May 11, 2023), revising 8 CFR §§ 208.13, 208.30, 208.33, 1003.42, 1208.13, 1208.30, and 1208.33 to “encourage[]” migrants to use “lawful, safe, and orderly pathways into the United States, or otherwise to seek asylum or other protection in another country through which they travel.”
- DHS’s *Immigration Bond Notifications*, 88 FR 53358–53371 (IFR August

8, 2023, effective September 7, 2023), revising 8 CFR § 103.6 to permit electronic notifications.

- DHS’s *Removal of Obsolete Procedures and Requirements Related to F, J, and M Nonimmigrants; Corrections*, 88 FR 53761 (August 9, 2023, effective the same day), made technical corrections in 8 CFR §§ 214.1 to 214.4 to a regulation covered in release 265. The original “Removal of Obsolete Provisions” regulation is at 87 FR 75891 (Dec. 12, 2022).
- DHS’s final rule, *Optional Alternatives to the Physical Document Examination Associated With Employment Eligibility Verification (Form I-9)*, 88 FR 47990–48022 (July 25, 2023, effective August 1, 2023), and a related authorization published at 88 FR 47749–47754 (July 25, 2023), both found at 8 CFR § 274a.2.
- DOS’s *Schedule of Fees for Consular Services—Nonimmigrant and Special Visa Fees*, 88 FR 34084, delaying until June 2023 the effective date of *Schedule of Fees for Consular Services—Nonimmigrant and Special Visa Fees*, 88 FR 18243–48 (Mar. 28, 2023), which increased four fees in 22 C.F.R. § 22.1.
- DOS’s *Visas: Immigrant Vi-*

*sas; Certain Afghan Applicants*, 88 FR 35738–35741 (June 1, 2023, effective until December 31, 2024), amending 22 CFR §§ 22.1 and 42.71 regarding fees.

- DOS’s *Visas: Nonimmigrant Visas; Immigrant Visas*, 88 FR 45068–45077, amending 22 CFR §§ 41.12 (classification symbols), 41.84 (trafficking victims), and 42.11 (classification symbols).
- DOS’s *Passports: Consular Reports of Birth Abroad (CRBA)*, 88 FR 41024–41025 (June 23, 2023, effective July 24, 2023), which affected 22 CFR § 51.28 by removing from the list of acceptable documents a CRBA that lists only the parent who is applying.
- DHS’s *Interpretation of the Term Kiosk for Global Entry*, 88 FR 59,439 (Aug. 29, 2023), defining “kiosk” for the purposes of 8 CFR § 235.12, cited in a new footnote to that section.

Also updated are:

- 8 CFR § 214.2’s list of countries whose F-1 students may receive emergency work authorization.

In CFR § 217.5, this release adds information about reduction of access to the Electronic System for Travel Authorization for nationals of Hungary and Brunei.

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Publication 695 Release 257

December 2023

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