

PUBLICATION UPDATE

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Bender’s Immigration Regulations Service

Publication 695 Release 258 May 2024

HIGHLIGHTS

DEVELOPMENTS

- Release 258 of Bender’s Immigration Regulations Service includes regulatory changes published in the Federal Register from September 1, 2023 through January 31, 2024.
- The release updates information on humanitarian relief, including the list of countries whose nationals may be eligible for hardship waivers of F-1 work guidelines. It updates the list of countries whose nationals can receive H-2 visas. In addition, it incorporates final rules, interim final rules, and other material relating to H-2B workers, premium processing, Israel’s addition to the Visa Waiver Program, immigrant and nonimmigrant visas, civil penalties, complaints involving SWAs and

the ETA, OCAHO, programs for Guam and the CNMI, and public access to DOS and DOJ information.

Release 258 adds 22 C.F.R. Part 171, *Public Access to Information* (updated in December 2023), and 28 C.F.R. Part 16, Subpart D, *Access to and Amendment of Individual Records Pursuant to the Privacy Act of 1974, and Other Privacy Protections*. Release 258 also updates the regulations in light of the following final and temporary rules:

- DOL’s *Wagner-Peyser Act Staffing*, 88 FR 82658–733 (Nov. 24, 2023, eff. Jan. 23, 2024), revising 20 C.F.R. Part 658, Subpart E, on the Complaint System for the Wagner-Peyser Act Employment Service.
- DHS and DOL’s *Exercise of Time-Limited Authority To*

Increase the Numerical Limitation for FY2024 for the H-2B Temporary Non-agricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers, 88 FR 80394–460 (Nov. 17, 2023), as corrected at 88 FR 81341 (Nov. 20, 2023), a temporary rule with different expiration dates for different provisions in 8 C.F.R. § 214.2274a.12 and new 20 C.F.R. §§ 655.64 and 655.65.

- DHS’s *Designation of Israel for the Visa Waiver Program*, 88 FR 67063–65 (Sept. 29, 2023, implemented Nov. 30, 2023), amending the list of VWP countries in § 217.2.
- DHS’s *Adjustment to Premium Processing Fees*, 88 FR 89539–50 (Dec. 28, 2023, eff. Feb. 26, 2024), affecting 8 CFR § 106.4.
- DOS’s *Visas: Ineligibility Based on Public Charge*, 88 FR 60574–83 (Sept. 5, 2023), revising 8 C.F.R. § 40.41 in that it withdraws the 2019 IFR on public charge inadmissibility issued at 84 FR 41292 (Aug. 14, 2019, corrected at 52357 on October 2, 2019).
- DOS’s *Immigrant Visas*, 88 FR 85109–10 (Dec. 7, 2023, eff. Jan. 8, 2024), removing 22 C.F.R. § 42.68 (“Infor-

mal evaluation of family members if principal applicant precedes them”).

- DOJ’s *Office of the Chief Administrative Hearing Officer, Review Procedures*, 88 FR 70586–91 (Oct. 12, 2023), amending 28 C.F.R. §§ 68.2, 68.52, 68.55, 68.56, and 68.57 regarding review of cases brought under 8 U.S.C. § 274B.
- DOL’s *Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2024*, 89 FR 1810–22 (Jan. 14, 2024), amending the penalty amounts in 20 C.F.R. §§ 655.620, 655.801, and 655.810, and in 29 C.F.R. §§ 500.1, 501.19, and 503.23.
- DHS’s *Guam-Commonwealth of the Northern Mariana Islands (CNMI) Visa Waiver Program Automation and Electronic Travel Authorization; Creation of CNMI Economic Vitality & Security Travel Authorization Program*, 89 FR 3299–3331 (Jan. 18, 2024, eff. Sept. 30, 2024, to be implemented after 45-days’ notice), which affected 8 CFR §§ 212.1, 214.1, and 233.6.
- DHS’s *U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Require-*

ments, 89 FR 6194–6400 (Jan. 31, 2024), amending or republishing 8 CFR §§ 103.2, 103.3, 103.7, 103.17, 103.40, 106.1–106.6, 204.3, 204.5, 204.312, 204.313, 212.19, 214.1, 214.2, 214.14, 240.63, 244.6, 244.17, 245.1, 245a.2 to 245a.4,

245a.12, 264.5, and 274a.12.

Also updated are:

- 8 CFR § 214.2’s lists of countries whose F-1 students may receive emergency work authorization and whose nationals may receive H-2 authorization.

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Publication 695 Release 258

May 2024

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