

**PUBLICATION UPDATE**

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# Bender's Immigration Regulations Service

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Publication 695    Release 191

October 2008

## HIGHLIGHTS

### RECENT CHANGES

- This release includes changes to the regulations published in the Federal Register through October 6, 2008.

### VOLUME 1 (DHS & DOJ REGULATIONS; 8 CFR)

#### **Adjusting Program Fees and Establishing Procedures for Out- of-Cycle Review and Recertification of Schools Certified by the Student and Exchange Visitor Program To Enroll F and/ or M Nonimmigrant Students (DHS/ICE Final Rule, 73 FR 55683, Sept. 26, 2008)**

- The text of the regulations has been updated to reflect the amendments made by this Final Rule. The rule adjusts the Student and Exchange Visitor Program (SEVP) school certification petition fees and the application fees for nonimmigrants seeking to become academic (F visa) or vocational (M visa) students, or exchange visitors (J visa). It also establishes procedures for the oversight and

recertification of schools attended by F and/or M students, establishes procedures for schools to submit recertification petitions, adds a provision allowing a school to voluntarily withdraw from its certification, and clarifies procedures for school operation with regard to F and M students during recertification and following a denial of recertification or a withdrawal of certification. The rule removes obsolete provisions used prior to implementation of the Student and Exchange Visitor Information System (SEVIS).

- Provisions affected by the final rule include the following:
- — § 103.7, **Fees**. Subsec. (a) was amended by revising the entries for Form I-17 and Form I-901.
- — § 214.3, **Approval of schools for enrollment of F and M nonimmigrants**. Amendments were made to subsecs. (a) thru (i), (k), and (l).
- — § 214.4, **Denial of certification, denial of recertification or withdrawal of SEVP certification**. The section heading was re-

vised. Revisions were made to subsecs. (a), (b), (g), and (h). A new par. (i) is added.

- — § 214.13, SEVIS fee for certain F, J, and M nonimmigrants. Revisions were made to subsecs. (a) and (b)(1).

**Issuance of a Visa and Authorization for Temporary Admission into the United States for Certain Nonimmigrant Aliens Infected with HIV (DHS-CBP Final Rule, Oct. 6, 2008, 73 FR 58023)**

- The above Final Rule amended 8 CFR§ 212.4 (Applications for the exercise of discretion under section 212(d)(1) and 212(d)(3)) by adding a new par. (f) entitled “Inadmissibility under section 212(a)(1) for aliens inadmissible due to HIV”, by making related changes in par. (e), and by redesignating pars. (f) thru (i) as (g) thru (j). In its preamble to the regulatory changes, DHS explained that it was amending its regulations to provide, on a limited and categorical basis, a more streamlined process for nonimmigrant aliens infected with the human immunodeficiency virus (HIV) to enter the United States as visitors on temporary visas (for business or

pleasure) for up to 30 days. The preamble further explained that nonimmigrant aliens who do not meet the specific requirements of the rule or who do not wish to consent to the conditions imposed by this rule may elect to seek admission under current procedures and obtain a case-by-case determination of their eligibility for a waiver of the nonimmigrant visa requirements concerning inadmissibility for aliens who are infected with HIV.

**VOLUME 2 (DOS, DOL, DOJ, & DHHS Regulations)**

**Visas: Documentation of Nonimmigrants; Travel Restrictions Under the Tom Lantos Block Burmese JADE Act (DOS final rule, 73 FR 56729, Sept. 30, 2008)**

- This final rule added 22 CFR § 41.21(d)(4) allowing DOS to exempt certain Burmese diplomats and officials from travel restrictions established under the Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2008, Pub. L. 110-286.

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Publication 695 Release 191

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