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 _____ _____ _____ _____

Bender's Immigration Regulations Service

Publication 695 Release 192

November 2008

HIGHLIGHTS

RECENT CHANGES

- This release includes changes to the regulations published in the Federal Register through November 4, 2008.

VOLUME 1 (DHS & DOJ REGULATIONS; 8 CFR)

Period of Admission and Extension of Stay for Canadian and Mexican Citizens Engaged in Professional Business Activities—TN Nonimmigrants

- By final rule published Oct. 16, 2008, 73 FR 61332, the regulations of DHS were amended to allow an increased period of admission and extension of stay for Canadian and Mexican citizens seeking temporary entry to the United States as professionals pursuant to the TN classification, as established by the North American Free Trade Agreement (NAFTA). The maximum allowable period of admission for TN nonimmigrants was increased from one year to three years. The new regulation allows otherwise eligible TN non-

immigrants to be granted an extension of stay in increments of up to three years instead of the current maximum of one year. The rule also grants the same periods of admission or extension to TN dependents (TD nonimmigrants). The rule removed outdated references to specific filing locations and prior requirements, and replaced outdated term "TC" with the current term "TN". DHS states in the preamble that rule will reduce the administrative burden of the TN classification on USCIS, and will ease the entry of eligible professionals to the United States.

- The final rule amended 8 CFR Parts 214 (Nonimmigrant Classes) and 248 (Change of Nonimmigrant Classification). The affected provisions include the following:
 - **§ 214.1 (Requirements for admission, extension, and maintenance of status).** Pars. (a)(2) and (c)(1) were amended to conform to the designation "TN" with that of "TC".
 - **§ 214.6 (Citizens of Canada or Mexico seeking temporary entry under NAFTA to engage in business activities at a professional**

level). In addition to updating the section title, amendments were made to subsecs. (e), Procedures for admission; (g) Readmission; (h) Extension of stay; (j) Spouse and unmarried minor children accompanying or following to join; and (k) Effect of a strike.

- **§ 248.3 (Application).** The amendment conforms to the replacement of designation “TC” with that of “TN”.

Safe Harbor Procedures for Employers Who Receive a No-Match Letter: Clarification; Final Regulatory Flexibility Analysis

- In a supplemental final rule published on October 28, 2008, 73 FR 63843, DHS-ICE reaffirmed the text of a final rule published on August 15, 2007, 72 FR 45611, which revised 8 CFR § 274a.1(l). The supplemental final rule also made a typographical correction at par. (2)(iii) of the revised 8 CFR § 274a.1(l), substituting a reference to “(1)(2)(i)(C)” for a reference to “(1)(2)(i)(B)”.

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

Interim Rules Adopted As Final Without Change

- **Board of Appellate Review; Review of Loss of Nationality.** By final rule published at 73 FR 62196, Oct. 20, 2008, the interim rule amending 22 CFR Parts 7 and 50, published at 73 FR 41256, July 18, 2008 (removing and reserving 22 CFR Part 7; amending 22 CFR § 50.51), was adopted as final without change. Histories at 22 CFR Part 7, and 22 CFR § 50.51, have been updated to reflect the additional Federal Register citations.
- **Uncertified Foreign Health-Care Workers.** By final rule published at 73 FR 62197, Oct. 20, 2008, the interim rule interim rule published at 67 FR 77158, Dec. 17, 2002, which added 22 CFR § 40.53, Uncertified Foreign Health-Care Workers, was adopted as final without change. The section history for § 40.53 has been updated to reflect the additional Federal Register citation.

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Revision

Title page. Title page

8 CFR

31 31
 238.5 thru 242.1 239 thru 242.3
 375 thru 381 375 thru 383
 634.1 thru 636.1 635
 674.1 674.1

VOLUME 2

Revision

Title page. Title page

DOS Regulations

1. 1
 19 19
 97 thru 98.1 97 thru 98.1

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