

PUBLICATION UPDATE

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Bender's Immigration Regulations Service

Publication 695 Release 199

July 2009

HIGHLIGHTS

INCLUDED IN THIS RELEASE

- Release 199 includes regulatory changes published in the Federal Register as of July 16, 2009.

DHS-DOS: Documents Required for Travelers Departing From or Arriving in the U.S. at Sea and Land Ports-of-Entry From Within the Western Hemisphere. Amendments made on April 3, 2008, by a joint DHS-DOS final rule at 73 FR 18384, effective June 1, 2009, carried in footnotes until now because of their delayed effective date, are now incorporated in to the main text. See 8 CFR § 212.0 [new section], § 212(a)(1) & (2), (c)(1); 235.1(b), (d), & (e); 22 CFR § 41.0 [new section], § 41.1 [par. (b) now reserved], § 41.2, amendments made to section heading, introductory text, and pars. (a), (b), (g)(1), and (g)(2); § 52.2 [revised in its entirety].

DHS: Removal of References to Filing Locations and Obsolete References to

Legacy Immigration and Naturalization Service; New Provision Added To Facilitate the Expansion of the Use of Approved Electronic Equivalents of Paper Forms

- By interim rule published at 74 FR 26933, June 5, 2009, the Department of Homeland Security amended its regulations in Title 8 CFR by eliminating certain references to the Immigration and Naturalization Service (INS) organizational structure and removing all references in the Code of Federal Regulations (CFR) to INS and U.S. Citizenship and Immigration Services (USCIS) Offices. This rule also removes all references in the CFR to filing locations, so that USCIS may provide such information on petition and application forms and through any other means. The amendments affected various provisions throughout 8 CFR Parts 1, 100, 103, 204, 207, 208, 211, 212, 214, 216, 236, 244,

245, 248, 264, 274a, 301, 316, 320, 322, 324, 327, 328, 329, 330, 334, and 392.

- The above interim rule also added a new definition of the term *Form* at 8 CFR § 1.1(aa). USCIS has added this definition to clarify that references to the term “form” and to form numbers throughout USCIS regulations are now intended to encompass both the traditional paper form and all approved electronic equivalents used for on-line filing with USCIS or other similar purposes.

DHS: Change of Implementation Date for Guam-CNMI Visa Waiver Program.

The implementation date of the Guam-CNMI Visa Waiver Program was changed from June 1, 2009 to November 28, 2009. See 8 CFR §§ 212.1, 215.1, & 235.5, as amended 74 FR 25387, May 28, 2009

(amending CBP interim final rule of January 16, 2009).

DOL: Final H-2A Rule of May 29, 2009, Suspending Regulations Under December 2008 Final Rule & Reinstating Prior Regulations; Preliminary Injunction of June 29, 2009, Against Implementation.

This release includes changes made by DOL’s H-2A final rule of May 29, 2009, 74 FR 25972, effective June 29, 2009, along with Notes at the beginning of each affected section to advise that the force and effect of the final rule is subject to a preliminary injunction issued on June 29, 2009, by the U.S. District Court for the Middle District of North Carolina. The affected provisions are 20 CFR §§ 655.1, 655.5, 655.81, Subpart B (§§ 655.90 et seq.), Subpart C (§§ 655.200 et seq.), and Subpart N (§§ 655.1290 et seq.) For more information, see the Editor’s Note at § 655.0.

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