

**PUBLICATION UPDATE**

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# Bender's Immigration Regulations Service

Publication 695      Release 208

April 2010

## HIGHLIGHTS

**PLEASE NOTE:**

- **PLEASE NOTE: RELEASE 208 FOLLOWS IMMEDIATELY AFTER RELEASE 204. THERE IS NO GAP IN COVERAGE BETWEEN RELEASE 204 AND RELEASE 208. THE NUMBERS "205" THROUGH "207" WERE WITHDRAWN FROM THE SEQUENCE OF RELEASE NUMBERS (NO RELEASES WERE ISSUED BEARING THOSE RELEASE NUMBERS).**
- **THIS RELEASE INCLUDES REGULATORY CHANGES PUBLISHED IN THE FEDERAL REGISTER AS OF MARCH 4, 2010.**

### **8 CFR REGULATIONS (VOL. 1) Naturalization for Certain Persons in the U.S. Armed Forces**

A final rule by DHS published at 75 FR 2785, Jan. 19, 2010, effective Feb. 18, 2010, made amendments to 8 CFR Parts 328 and 329. The amendments reduced

from three years to one year the length of time a member of the U.S. Armed Forces has to serve to qualify for naturalization through service in the Armed Forces. The rule also amended the regulations by implementing a statutory amendment to include as eligible for naturalization individuals who served or are serving as members of the Selected Reserve of the Ready Reserve of the U.S. Armed Forces during specified periods of hostility. This rule also amended the regulations to remove the requirement to submit Form G-325B, Biographic Information, with Form N-400, Application for Naturalization, for applicants applying for naturalization through service in the U.S. Armed Forces. Amendments were made to the titles for 8 CFR Parts 328 and 329, and to the regulatory provisions at 8 CFR §§ 328.2, 328.4, 329.2, and 329.4.

### **Professional Conduct for Practitioners: Rules, Procedures, Representation, and Appearances**

An interim rule by DHS published at 75 FR 5225, Feb. 2, 2010, effective March 4, 2010, amended regulations in 8 CFR Parts

1 and 292 to conform the grounds of discipline and procedures regulations with those promulgated by the Department of Justice (DOJ); clarify who is authorized to represent applicants and petitioners in cases before DHS; remove duplicative rules, procedures, and authority; improve the clarity and uniformity of the existing regulations; make technical and procedural changes; and conform terminology. In the preamble, DHS states that the rule enhances the integrity of the immigration adjudication process by updating and clarifying the regulation of professional conduct of immigration practitioners who practice before DHS. Amendments were made to 8 CFR § 1.1 (Definitions), revising the definitions of “attorney”, “practice”, “preparation”, and “representation”. Amendments were also made to 8 CFR § 292.1 (Representation of others), at subsec. (a), introductory text, (a)(2), introductory text, (a)(2)(iv), (a)(3)(iv), and (a)(6). Revised in its entirety is 8 CFR § 292.3 (Professional conduct for practitioners—Rules and procedures). Also amended was 8 CFR § 292.4(a), relating to authority to appear and act. A technical amendment to 8 CFR § 292.6 revised the reference to “part 3 of this chapter” to read “8 CFR part 1003”.

**8 CFR §§ 299.1 & 299.5; correcting amendment to interim final rule 74 FR 55726, Oct. 28, 2009**

A joint DHS-DOJ correcting amendment

published at 74 FR 67969, Dec. 22, 2009, corrected the the tables of prescribed official forms and OMB control numbers at 8 CFR §§ 299.1 & 299.5, respectively, by inserting the appropriate dates and OMB control numbers for Form I-9 CNMI that were omitted in the amendments made by interim final rule at 74 FR 55726, Oct. 28, 2009.

**DOL REGULATIONS (VOL. 2)  
Temporary Agricultural Employment of  
H-2A Aliens in the United States**

A final rule of DOL published at 75 FR 6884, Feb. 12, 2010, effective March 14, 2010, revised in its entirety 20 CFR Part 655, Subpart B, with a conforming revision to 20 CFR § 655.1 (Purpose and scope of Subpart A). DOL notes in the preamble that in 2008, the Department had significantly revised the same regulations at 73 FR 77110, Dec. 18, 2008 (the 2008 Final Rule), and that the Department subsequently undertook a review of the policy decisions reflected in the 2008 Final Rule, specifically reviewing the worker protections afforded under that rule. The review resulted in a proposed rule published at 74 FR 45906, Sept. 4, 2009. The final rule of Feb. 12, 2010, producing the revised DOL regulations set forth in this Release 208, was the result of the September 2009 proposed rule and DOL’s review of public comments on that proposed rule.

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### VOLUME 1

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- 781 thru 785 . . . . . 781 thru 786.1

### VOLUME 2

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