

PUBLICATION UPDATE

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Bender's Immigration Regulations Service

Publication 695 Release 218

July 2012

HIGHLIGHTS

DOL Final H-2B Rule (Feb. 21, 2012); Injunction Against Implementation; Pre-Rule Text Included for Reference

- This release includes substantial revisions made to 20 CFR Part 655, Subpart A, by the DOL Final H-2B Rule published at 77 FR 10038, Feb. 21, 2012. This final rule revised the process by which employers obtain a temporary labor certification from DOL for use in petitioning DHS to employ a nonimmigrant worker in H-2B status. It also created new regulations to provide for increased worker protections for both U.S. and foreign workers. However, on April 26, 2012, a preliminary injunction against implementation of the 2012 H-2B Final Rule was imposed by the U.S. District Court for the Northern District of Florida in *Bayou Lawn & Landscape Services et al. v. Solis*, Case 3:12-cv-00183-MCR-CJK, 2012 U.S. Dist. LEXIS 69297 (Apr. 26, 2012). In view of the injunction, and because the 2012 H-2B Final Rule is incorporated into the main text,

this Release also includes, for reference, the pre- 2012 H-2B Final Rule version of the regulations in a Special Unit for insertion immediately behind the DOL Regulations tab. The Department of Labor published guidance relevant to the injunction in the Federal Register at 77 FR 28764 (May 16, 2012). The content of the DOL's Federal Register guidance document is included in the Special Unit along with the pre- 2012 Final Rule version of the regulations.

Other Regulatory Developments in This Release

- Release 218 includes other regulatory changes published in the Federal Register as of May 10, 2012. Those regulatory changes are described below.

8 CFR Regulations (Vol. 1)

Reorganization of Regulations on the Adjudication of DHS Security Practitioner Disciplinary Cases (DOJ-EOIR Interim Rule, 77 FR 2011, 01-13-2012). This EOIR interim rule made amendments to 8 CFR §§ 1003.101, 1003.103, 1003.105, 1003.106, 1003.107, & 1292.3.

Establishment of Global Entry Program (DHS-CBP Final Rule, 77 FR 5681, 02-06-2012). This CBP final rule added new 8 CFR § 235.12, Global Entry program.

Syrian F-1 nonimmigrant students experiencing severe economic hardship as a direct result of the civil unrest in Syria since March 2011; suspension of certain employment authorization requirements (DHS-ICE Notice, 77 FR 20038, 04-03-2012). Memorandum citation to this ICE notice appears in the footnote at 8 CFR § 214.2(f)(9).

DOS Regulations (Vol. 2)

Schedule of Fees for Consular Services, Department of State, and Overseas Embassies and Consulates

• **DOS Final Rule (77 FR 5177, 02-02-2012).** This DOS final rule adopted as final the interim final rule published in the Federal Register at 75 FR 36522, June 28, 2010. Entries reflecting the final adoption have been made in the histories following

the affected sections, viz., 22 CFR §§ 22.1 & 51.51.

• **DOS Interim Final Rule (77 FR 18907, 03-29-2012).** This DOS interim final rule made changes to 22 CFR § 22.1, Schedule of Fees, at items 20 through 25, and 31 through 35, and also revised 22 CFR § 42.33, Diversity immigrants, subsec. (i), Diversity Visa Lottery.

Visas: Issuance of Full Validity L Visas to Qualified Applicants (DOS Final rule, 77 FR 8119, 02-14-2012). This DOS final rule revised, in its entirety, 22 CFR 41.54, Intercompany transferees (executives, managers, and specialized knowledge employees).

DOHHS Regulations (Vol. 2)

Annual Update of the HHS Poverty Guidelines for 2012 (DHHS Notice, 77 FR 4034, 01-26-2012). The Federal Register notice published by Department of Health and Human Services is set forth at the end of the material behind the DOHHS Regulations tab.

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