

PUBLICATION UPDATE

Route to: _____ _____ _____ _____
 _____ _____ _____ _____

Bender’s Immigration Regulations Service

Publication 695 Release 231-232 May 2016

HIGHLIGHTS

REGULATORY DEVELOPMENTS

- Release 231-232 updates *Bender’s Immigration Regulations Service* with amendments to regulations published in the Federal Register as of February 16, 2016.
- See below for details of updates that are included in Release 231-232.

(List). The final rule enhanced the eligibility requirements for providers to be included on the List. It also authorized the Director of EOIR, or his or her designee, to place providers on the List and remove them from the List. The rule also allows the public to comment on eligible applicants and requires approved providers to certify their eligibility every 3 years. The following sections were amended: 8 CFR §§ 1003.1, 1003.61 thru 1003.66; 1240.10, 1240.32, & 1240.48; 1241.14.

8 CFR Regulations (Volume 1)

- **Separate Representation for Custody and Bond Proceedings.** See 8 CFR 1003.17(a), as amended by 80 FR 59502, October 1, 2015.

- **List of Pro Bono Legal Service Providers for Individuals in Immigration Proceedings.** An EOIR final rule published at 80 FR 59503, October 1, 2015 (effective November 30, 2015) changed the name of the “List of Free Legal Service Providers”, maintained by the Executive Office for Immigration Review (EOIR), to the “List of Pro Bono Legal Service Providers”

- **Commonwealth of the Northern Mariana Islands (CNMI)-Only Transitional Worker Numerical Limitation for Fiscal Year 2016.** See footnote at 8 CFR 214.2(w)(1)(viii)(C) for added notation of the FY 2016 determination (numerical limitation 12,999) published in the Federal Register at 80 FR 63911, October 22, 2015.

- **Employment Authorization for Nepali F–1 Students Experiencing Severe Economic Hardship as a Direct Result of the April 25, 2015 Earthquake in the Federal Democratic Republic of Nepal.** Notation has been added to the footnote at

8 CFR 214.2(f)(9) to include listing of the Federal Register notice published at 80 FR 69237, November 9, 2015.

- **Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H-2A and H-2B Nonimmigrant Worker Programs.** See newly added footnotes added at 8 CFR § 214.2, paragraphs (h)(5)(i)(F) & (h)(6)(i)(E). These footnotes identify (for reference purposes) Federal Register notices concerning identification of foreign countries whose nationals are eligible to participate in the H-2A and H-2B nonimmigrant worker programs, the most recent notice having been published at 80 FR 72079 (Nov. 18, 2015).

- **Technical Amendment to List of Field Offices: Expansion of San Ysidro, California Port of Entry To Include the Cross Border Xpress User Fee Facility.** See 8 CFR § 100.4(a), “District No. 39-San Diego, California”, subheading, “Class A”, for insertion of “(including the Cross Border Xpress (CBX) facility)” after “San Ysidro, CA”. This amendment was made by DHS-CBP final rule (technical amendment) published at 80 FR 75631, December 3, 2015, effective December 9, 2015, which was the opening date for the CBX facility.

- **Enhancing Opportunities for H-1B1, CW-1, and E-3 Nonimmigrants and EB-1 Immigrants.** DHS-CIS final rule published at 81 FR 2068, January 15, 2016, effective February 16, 2016, made amendments to 8 CFR §§ 214.1(c)(1), 248.3(a), and 274a.12 [amending pars. (b)(9) & (20), and adding par. (b)(25)].

- **Elimination of Nonimmigrant Visa Exemption for Certain Caribbean Residents Coming to the United States as H-2A Agricultural Workers.** See revised 8 CFR § 212.1(b). The revision was made by DHS-CBP interim final rule published at

81 FR 6430, February 8, 2016, effective February 19, 2016.

Department of State Regulations (Volume 2, behind “DOS Regulations” tab)

- **Procedures for Issuing Visas.** See 22 CFR § 41.113, which was revised by DOS rule published at 80 FR 67315, November 2, 2015. The revisions update the regulations regarding nonimmigrant visa format, and records retention procedures, reflecting reflect changes in technology, including the current practice of issuing machine-readable visas and the planned future practice of issuing visas electronically. Removed are an obsolete records retention provision and a visa review provision, both of which, as noted by DOS in the preamble to the rule, are now addressed in the Foreign Affairs Manual.

- **Visas: Interview Waiver Authority.** See 22 CFR § 41.102, as revised by DOS rule published at 80 FR 69588, November 10, 2015. This rule was promulgated to clarify the circumstances in which a consular officer and the Deputy Assistant Secretary for Visa Services may waive the requirement for a nonimmigrant visa interview.

- **Elimination of Visa Page Insert Service for U.S. Passport Book Holders.** Amendments were made to 22 CFR §§ 22.1 [removing and reserving item 2c], 51.20(a), and 51.56(a), by DOS final rule published at 80 72591, November 20, 2015, effective January 1, 2016.

- **Exchange Visitor Program—Teachers.** By a final rule published at 81 FR 4945, January 29, 2016, effective February 29, 2016, the Department of State amended its regulations governing the Teacher category of the Exchange Visitor Program. See 22 CFR § 62.24 (Teachers),

which was completely revised by the final rule.

- **Documentation of Nonimmigrants Under the INA.** As a result of the DOS interim final rule published at 81 FR 5906, February 4, 2016, effective February 19, 2016, a passport and a visa will be required of a British, French, or Netherlands national, or of a national of Antigua, Barbados, Grenada, Jamaica, or Trinidad and Tobago, who has residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or has residence in Antigua, Barbados, Grenada, Jamaica, or Trinidad and Tobago, if the alien is proceeding to the United States as an agricultural worker. DOS notes in the preamble to the rule that in light of past experience and to promote consistency of treatment across H-2A agricultural workers, prudent border management requires these temporary workers to obtain a visa along with most other H-2A agricultural workers. The previous rule allowing temporary workers from these countries to enter the United States without a visa presented a vulnerability. Temporary workers from these countries now require H-2A visas to enter the United States. The interim final rule removed 22 CFR § 41.2(e); re-designated former 22 CFR § 41.2(f)–(m) as 22 CFR § 41.2 (e)–(l); and in the newly re-designated 22 CFR § 41.2(e) [formerly § 41.2(f)] revised subparagraph (2)(iv). A correction to certain items in the preamble to the February 4, 2016, interim final rule was published at 81 FR 7454, February 12, 2016, and is noted in the section history for 22 CFR § 41.2.

- **Official passports for officials or employees of state, local, tribal or territorial governments traveling abroad and carrying out official duties in support of U.S. government (interim final rule adopted as final without change).** The DOS

interim final rule published at 80 FR 27857 on May 15, 2015, amending 22 CFR § 51.3, was adopted as final without change by DOS final rule published at 81 FR 6757, February 9, 2016. Notation of this regulatory action has been entered in the section history for 22 CFR § 51.3.

Department of Labor Regulations (Volume 2, behind “DOL Regulations” tab)

- **Temporary Agricultural Employment of H-2A Foreign Workers in the Herding or Production of Livestock on the Range in the United States.** See new 20 CFR §§ 655.200, 655.201, 655.205, 655.210, 655.211, 655.215, 655.220, 655.225, 655.230, and 655.235 added by DOL-ETA final rule published at 80 FR 62958, October 16, 2015, effective November 16, 2015.

Department of Health and Human Services Regulations (Volume 2, behind “DOHHS Regulations” tab)

- **Medical Examination of Aliens—Revisions to Medical Screening Process.** A final rule of Department of Health and Human Services completely revised the regulations at 42 CFR Part 34. The final rule was published at 81 FR 4191, January 26, 2016, with an effective date of March 28, 2016.

- **Annual Update of HHS Poverty Guidelines.** See the 2016 Update to the HHS Poverty Guidelines added at the end of the material in Volume 2 behind the “DOHHS” tab. The 2016 Update was published in the Federal Register at 81 FR 4036, January 25, 2016.

NEED MORE RESEARCH INFORMATION? LexisNexis has a wealth of additional material to suit your needs:

- *Lexis Advance* online research

(call Online Sales at 1-888-285-3947);

- *LexisNexis* e-Books or Digital Library (call Inbound Sales at 1-800-223-1940);
- Or ask your *LexisNexis* representative.

Matthew Bender provides continuing customer support for all its products:

- **Editorial assistance**—please consult the “Questions About This Publication” directory printed on the copyright page;
- **Customer Service**—missing pages, shipments, billing or other customer service matters (1-800-833-9844).
- **Outside the United States and Canada**, (518) 487-3000, or fax (518) 487-3584;
- **Toll-free ordering** (1-800-223-1940).



www.lexis.com

Copyright © 2016 Matthew Bender & Company, Inc., a member of the LexisNexis Group.
Publication 695, Release 231-232, May 2016

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

FILING INSTRUCTIONS

BENDER'S IMMIGRATION REGULATIONS SERVICE

Publication 695 Release 231-232

May 2016

**Check
As
Done**

- 1. Check the Title page in the front of your present Volume 1. It should indicate that your set is filed through Release Number 230. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 230, DO NOT file this release. Please call Customer Services at 1-800-833-9844 for assistance in bringing your set up to date.
- 2. This Release Number 231-232 contains only White Revision pages.
- 3. Circulate the "Publication Update" among those individuals interested in the contents of this release.

**Check
As
Done** Remove Old
Pages Numbered

Insert New
Pages Numbered

For faster and easier filing, all references are to right-hand pages only.

VOLUME 1

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	13	13 thru 14.1
<input type="checkbox"/>	18.3	18.3
<input type="checkbox"/>	113.	113 thru 114.1
<input type="checkbox"/>	121.	121 thru 122.1
<input type="checkbox"/>	197.	197 thru 198.1
<input type="checkbox"/>	203 thru 204.1	203 thru 204.1
<input type="checkbox"/>	244.1 thru 250.1	245 thru 250.5
<input type="checkbox"/>	263 thru 264.1	263 thru 264.1
<input type="checkbox"/>	281.	281 thru 282.1
<input type="checkbox"/>	287.	287 thru 288.1
<input type="checkbox"/>	365 thru 366.1	365 thru 366.1
<input type="checkbox"/>	633 thru 635	633 thru 635
<input type="checkbox"/>	681 thru 688.1	681 thru 688.1
<input type="checkbox"/>	825 thru 828.1	825 thru 828.1
<input type="checkbox"/>	833 thru 834.1	833 thru 834.1
<input type="checkbox"/>	842.1 thru 843	843 thru 844.1
<input type="checkbox"/>	860.1 thru 861	861 thru 862.5
<input type="checkbox"/>	1001 thru 1003	1001 thru 1004.1
<input type="checkbox"/>	1012.1 thru 1017	1013 thru 1018.1
<input type="checkbox"/>	1035 thru 1037	1035 thru 1037

VOLUME 2

Revision

<input type="checkbox"/>	Title page.	Title page
--------------------------	---------------------	------------

DOS Regulations

<input type="checkbox"/>	1.	1 thru 2.1
<input type="checkbox"/>	7.	7
<input type="checkbox"/>	24.1 thru 29	25 thru 30.1
<input type="checkbox"/>	61 thru 67	61 thru 68.1
<input type="checkbox"/>	98.1 thru 98.3.	98.1 thru 98.3
<input type="checkbox"/>	107 thru 108.1	107 thru 108.1
<input type="checkbox"/>	115.	115 thru 116.1
<input type="checkbox"/>	136.1 thru 137	137 thru 138.9

DOL Regulations

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
<input type="checkbox"/>	3	3 thru 4.1
<input type="checkbox"/>	54.1 thru 54.8(3)	55 thru 73

DOHHS Regulations

<input type="checkbox"/>	1 thru 7	1 thru 8.7
<input type="checkbox"/>	69	69 thru 71

FILE IN THE FRONT OF THE FIRST VOLUME
OF YOUR SET

To order missing pages log on to our self service center, www.lexisnexis.com/printcdsc or call Customer Services at 1 (800) 833-9844 and have the following information ready:

- (1) the publication title;
- (2) specific volume, chapter and page numbers; and
- (3) your name, phone number, and Matthew Bender account number.

Please recycle removed pages.

MISSING FILING INSTRUCTIONS?
FIND THEM AT www.lexisnexis.com/printcdsc

Use the search tool provided to find and download missing filing instructions, or sign on to the Print & CD Service Center to order missing pages or replacement materials. Visit us soon to see what else the Print & CD Service Center can do for you!



www.lexis.com

Copyright © 2016 Matthew Bender & Company, Inc., a member of the LexisNexis Group.
Publication 695, Release 231-232, May 2016

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.