

**PUBLICATION UPDATE**

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# Bender’s Immigration Regulations Service

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Publication 695      Release 239      October 2018

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**HIGHLIGHTS**

**REGULATORY DEVELOPMENTS**

- Release 239 of Bender’s Immigration Regulations Services includes regulatory changes published in the Federal Register through August 14, 2018.
- See below for details of what is included.

§§ 655.64, 655.65 and 655.66 to 20 CFR Part 655. It is effective from May 31, 2018 through September 30, 2018, except for 20 CFR 655.66. Section 655.66 is effective from May 31, 2018 through September 30, 2021. 83 FR 24905 (May 31, 2018).

**Department of Homeland Security (Volume 1) and Department of Labor (Volume 2)**

**Department of Homeland Security (Volume 1) and Department of State (Volume 2)**

*Increase in H-2B Numerical Limitations:*  
The Secretary of Homeland Security, in consultation with the Secretary of Labor, increased the numerical limitation on H-2B nonimmigrant visas to authorize the issuance of up to an additional 15,000 through the end of Fiscal Year (FY) 2018. This increase is based on a time-limited statutory authority and does not affect the H-2B program in future fiscal years. This temporary final rule adds paragraph (h)(6)(x) to § 214.2, 8 CFR Part 214, § 214.2, and adds

*Elimination of Nonimmigrant Visa Exemption for Certain Caribbean Residents Coming to the United States as H-2A Agricultural Workers; Parallel Interim Rules Adopted as Final:* An interim final rule published by DHS at 81 FR 6430 (Feb, 8, 2016) was adopted as final, without change. The interim final rule eliminated the non-immigrant visa exemption for certain Caribbean residents seeking to come to the United States as H-2A agricultural workers and the spouses or children who accompany or follow these workers to the United States. These nonimmigrants now are required to have both a valid passport and visa. The Department of State likewise revised its regulations in a parallel interim

final rule and issued a parallel final rule to adopt all interim changes as final, 83 FR 31451 (July 6, 2018). These rules are effective August 6, 2018.

### **ICE (Volume 1)**

*Extension of Employment Authorization for Nepali F-1 Nonimmigrant Students Experiencing Severe Economic Hardship Relating to the April 25, 2015 Earthquake in the Federal Democratic Republic of Nepal:* By notice published at 83 FR 30453 (June 28, 2018), ICE extended eligibility for relief afforded under an earlier notice (81 FR 95161 (Dec. 27, 2016)). Qualified students will continue to be allowed to apply for employment authorization and work an increased number of hours while school is in session provided that they satisfy the minimum course load requirement, while continuing to maintain their F-1 student status until June 24, 2019. Notation has been added to the footnote at 8 CFR 214.2(f)(9).

### **Department of State (Volume 2)**

*Amendments to Passport and Consular Reports of Births Abroad Rules:* DOS published a final rule providing various changes and updates to the Department of State rules for passports and Consular Reports of Births Abroad at 83 FR 21872

(May 11, 2018), effective on May 11, 2018. The rule incorporates statutory passport denial and revocation requirements for certain convicted sex offenders. It notes that, notwithstanding the legal bases for denial or revocation of a passport, the Department may issue a passport for direct return to the United States. The rule sets out the procedures for denying and cancelling Consular Reports of Birth Abroad. Finally, it addresses the conduct of review hearings. DOS issued another final rule, 83 FR 22848 (May 17, 2018) staying these May 11 amendments to 22 C.F.R. §§ 50.7(d), 50.11(b), 51.4(g)(1) and (8), 51.60(h) and (i), 51.62, 51.65, 51.66, and 51.70 through 51.74, until June 10, 2018.

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Publication 695    Release 239

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