

PUBLICATION UPDATE

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Bender’s Immigration Regulations Service

Publication 695 Release 240 February 2019

HIGHLIGHTS

REGULATORY DEVELOPMENTS

- Release 240 of Bender’s Immigration Regulations Services includes regulatory changes published in the Federal Register through November 14, 2018.
- See below for details of what is included.

Under Certain Presidential Proclamations; Procedures for Protection Claims,” was effective on November 9, 2018, the same day it was published, 83 FR 55934 (Nov. 9, 2018).

According to DHS and DOJ, the adopted interim final rule governs “asylum claims in the context of aliens who are subject to, but contravene, a suspension or limitation on entry into the United States through the southern border with Mexico that is imposed by a presidential proclamation under INA §§ 212(f) or 215(a)(1).” They amended their regulations such that “aliens subject to such a proclamation concerning the southern border, but who contravene such a proclamation by entering the United States after the effective date of such a proclamation, are ineligible for asylum.” The interim rule, if applied through the November 9 proclamation that suspended such entry for a period of ninety days from November 9, “would bar such aliens from eligibility for asylum and thereby channel inadmissible aliens to ports of entry, where they would be processed in a controlled,

USCIS; EOIR (Volume 1; Chapters 2 and 5)

Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations; Procedures for Protection Claims: In coordination with the Presidential Proclamation “Addressing Mass Migration Through the Southern Border of the United States,” issued on November 9, 2018, U.S. Citizenship and Immigration Services, Department of Homeland Security, and the Executive Office for Immigration Review (EOIR), Department of Justice, promulgated an interim final rule with a request for comment. The rule, “Aliens Subject to a Bar on Entry

orderly, and lawful manner.” DHS regulations will “specify a screening process for aliens who are subject to this specific bar to asylum eligibility.” DOJ regulations will “ensure that aliens in this category who establish a *reasonable fear of persecution or torture* could seek withholding of removal under the INA or protection from removal under regulations implementing U.S. obligations under Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment . . . [emphasis added].”

USCIS (Volume 1; Chapter1)

Adjustment to Premium Processing Fee.
Effective October 1, 2018, USCIS in-

creased the fee for premium processing from \$1,225 to \$1,410. 83 FR 44449 (Aug. 31, 2018).

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February 2019

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