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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 282, 299 and 499

[INS No. 1638-95]

RIN 1115-AD58

Immigration and Nationality Forms

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Immigration and Naturalization Service's (Service) regulations by updating the listing of forms currently in use by the Service. This revision is necessary to ensure that only current editions of forms listed in the regulations are used and the public has access to correct information concerning public use forms that have been approved for use by the Office of Management and Budget, and forms available for purchase from the Superintendent of Documents. This rule also provides approved Service standards which, when followed, will allow the public to electronically generate Service forms.

EFFECTIVE DATE: September 11, 1996.

FOR FURTHER INFORMATION CONTACT: Richard A. Sloan, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 "I" Street NW., Washington, DC 20536, Telephone: (202) 514-3291.

SUPPLEMENTARY INFORMATION: On May 17, 1994, the Service published an interim rule with request for comments in the Federal Register at 58 FR 25555-25561. The interim rule:

(1) Revised §§ 299.1 and 499.1 by updating the listing of the prescribed forms to be used in compliance with the provisions of Title 8 of the Code of Federal Regulations;

(2) Revised § 299.3 by updating the listing of forms that could be purchased from the Superintendent of Documents, their stock numbers, and prices;

(3) Provided standards in § 299.4 which, when followed, would allow the public to take advantage of the automated technology available in the marketplace to electronically generate Service forms that would be deemed acceptable for processing; and

(4) Revised § 299.5 to reflect current public use forms and their respective Office of Management and Budget (OMB) control numbers.

The comment period for the interim rule ended on July 18, 1994. The Service received comments from five commenters. The following is a discussion of those comments along with the Service's response.

Acceptance of Computer-Generated Form I-20

A majority of the commenters expressed enthusiastic appreciation for the opportunity to utilize laser printed I-20 Forms. One commenter stated that, during peak periods, the computerized forms saved 15 staff hours of processing time per week, and another commenter stated that the productivity of school office staff increased dramatically.

Still another commenter offered congratulations to the Service for addressing the needs and desires of those using our forms and could find nothing to change in the interim rule.

The Service is encouraged by these comments and will continue to try to accommodate the needs of the public while still maintaining our proposed standards.

Non-Acceptance of Computer-Generated Form I-20

One commenter urged the Service to reconsider its utilization of computer-generated Form I-20. The commenter opined that the use of such documents encouraged fraud and suspicion.

The Service appreciates these comments and feels it necessary to reassure this commenter that the computer-generated Form I-20 will be processed by officers of the Service, who are highly trained in detecting fraudulent documents. However, to alleviate these fears, the Service has issued policy guidance to the field which states that those private entities that electronically generate Form I-20 in single page format rather than double

sided format, will be required to include the student's name, school, and date of birth in a shaded box on the top of page 4, using the same type size and font style as the body of the form. This policy has been included in § 299.4(b)(1) of this final rule and will continue to allow the private sector to electronically produce the Form I-20 while providing the latest safeguards against fraudulent Form I-20's being submitted.

Other Topics Addressed

Another commenter was very complimentary about the entire change in policy concerning the acceptance of electronically generated forms and suggested that the Service revise the language contained in § 299.4(d) concerning the use of laser printers or near-letter-quality printers. Specifically, this commenter felt that the Service needed to address future changes in printer technologies. The Service concurs with this suggestion and is revising the language in § 299.4(d) to allow for the use of electronic printers that provide near-letter-quality documents to generate electronic forms.

Final Rule

In addition to the changes being incorporated into § 299.4 (b)(1) and (d) of this final rule, the Service is also:

(1) Removing 8 CFR part 282 which includes certain language that is already contained in section 282 of the Immigration and Nationality Act and which will be included in 8 CFR 299.3;

(2) Amending § 299.3 by updating the listing of forms that could be purchased from the Superintendent of Documents, the related stock numbers, and prices;

(3) Amending §§ 299.1 and 299.4 by updating the listing of the prescribed forms to be used in compliance with the provisions of Title 8 of the Code of Federal Regulations;

(4) Amending § 299.4(b)(3) and (e) to remove the office title "Records Systems Division"; and by

(5) Amending § 299.5 to reflect current public use forms and their respective OMB control numbers.

The new actions to remove 8 CFR part 282 and amending § 299.4(b)(3) and (e) as described above are based on the "good cause" exception found at 5 U.S.C. 553(d)(3). These actions will not affect the public and are being done purely for administrative purposes.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with 5 U.S.C. 605(b), has reviewed this regulation and, by approving it, certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule is primarily administrative in nature and merely updates the existing forms listings currently contained in Title 8 of the Code of Federal Regulations. In addition, this rule is intended to benefit small entities by providing them with specific standards which, if followed, will enable them to take advantage of existing computer technology available in the marketplace to electronically reproduce Service forms.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulation proposed herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects**8 CFR Part 282**

Forms, Immigration.

8 CFR Part 299

Immigration, Reporting and recordkeeping requirements.

8 CFR Part 499

Citizenship and naturalization, Nationality forms.

Accordingly, the interim rule amending 8 CFR parts 299 and 499 which was published at 59 FR 25555-25561 on May 17, 1994, is adopted as a final rule with the following changes:

PART 282—FORMS FOR SALE TO PUBLIC

1. Part 282 is removed.

PART 299—IMMIGRATION FORMS

2. The authority citation for part 299 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103; 8 CFR part 2.

3. Section 299.1 is amended by: a. Removing the entries for Forms "I-328" and "I-591"; and by b. Revising the entries for Forms "FD-258", "G-639", "I-102", "I-104", "I-246", "I-551", "I-586", "I-589", "I-602", "I-607", "I-688", "I-688B", "I-765", and "I-775" to read as follows:

§ 299.1 Prescribed forms.

Form No.	Edition date	Title
FD-258 ...	12-29-82	Applicant Fingerprint Card.
G-639	03-21-94	Freedom of Information Act/Privacy Act Request.
I-102	06-13-95	Application for Replacement/Initial Nonimmigrant Arrival/Departure Document.
I-104	11-01-84	Alien Address Report Card.
I-246	01-15-86	Application for Stay of Deportation.
I-551	01-31-77	Alien Registration Receipt Card.
I-586	04-30-77	Nonresident Alien Border Crossing Card.
I-589	11-16-94	Application for Asylum and for Withholding of Deportation.
I-602	10-01-85	Application by Refugee for Waiver on Grounds of Excludability.
I-607	02-01-72	Order Re Waiver of Excludability Pursuant to Section 212(h), (i) and Permission to Reapply.
I-688	01-01-89	Temporary Resident Card.

Form No.	Edition date	Title
I-688B	08-07-93	Employment Authorization Card.
I-765	04-25-95	Application for Employment Authorization.
I-775	05-12-94	Visa Waiver Pilot Program Agreement.

4. The introductory text for § 299.3 is revised to read as follows:

§ 299.3 Forms available from Superintendent of Documents.

The Immigration and Naturalization Service forms listed in this section may be obtained, upon prepayment, from the Superintendent of Documents, who is authorized to print these forms for sale to the public. Prices are set by the Superintendent of Documents, Government Printing Office, and are subject to change without notice. A small supply of these forms shall be set aside by immigration officers for free distribution and official use.

§ 299.3 [Amended]

5. Section 299.3 is amended by removing the entries for Forms "I-102", "I-526", "I-600" and "I-600A".

6. Section 299.3 is amended by adding the entries for Forms "I-765" and "I-817" in proper numerical sequence, to the listing of forms, to read as follows:

§ 299.3 Forms available from the Superintendent of Documents.

Form No.	GPO stock No. (S/N)	Price per 100/pd
I-765	027-002-00441-8	49.00
I-817	027-002-00415-9	36.00

7. Section 299.3 is amended by revising the entries for forms "I-20MN", "I-94 (English)", "I-129F", and "I-693", to read as follows:

§ 299.3 Forms available from Superintendent of Documents.

* * * * *

Form No.	GPO stock No. (S/N)	Price per 100/pd
I-20MN	027-002-00403-5	26.00
I-94(English)	027-002-00318-7	11.00
I-129F	027-002-00389-6	26.00
I-693	027-002-00355-1	43.00

* * * * *

8. Section 299.4 is amended by:
a. Revising the introductory text in paragraph (b);
b. Revising paragraph (b)(1);
c. Revising paragraph (b)(3);
d. Revising paragraph (d); and by
e. Revising paragraph (e), to read as follows:

§ 299.4 Reproduction of Public Use Forms by public and private entities.

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(b) *Requirements for electronic generation.* Public or private entities may electronically generate forms required for applying for a specific benefit, in compliance with the immigration and naturalization regulations, at their own expense. This includes forms that have been made available for purchase by the Superintendent of Documents, as listed in § 299.3 provided that each form satisfies the following requirements:

(1) An electronic reproduction must be complete, containing all questions which appear on the official form. The wording and punctuation of all data elements and identifying information must match exactly. No data elements may be added or deleted. The sequence and format for each item on the form must be replicated to mirror the authorized agency form. Each item must be printed on the same page in the same location. Likewise, multiple-part sets may be printed as single sheets provided that the destination of the carbon copy is clearly identified on the bottom of the form. Private entities must reproduce forms on the same colored paper that is used on the official form. In the case of the Form I-20 A-B/I-20ID, Certificate of Eligibility for Nonimmigrant (F-1) Student Status—For Academic and Language Students, private entities may generate this form in single-page format rather than double-sized format, provided that the student's name, school, and date of birth is printed in a shaded box on the top of page 4 of the form, using the same type

size and font style as the body of the form.

* * * * *

(3) The final form must be approved for use by the Director, Policy Directives and Instructions Branch. The form should be mailed to the address listed in paragraph (e) of this section for approval.

* * * * *

(d) Electronic printers that provide for near-letter-quality documents should be used to generate electronic forms. Dot matrix printers that are only capable of producing draft quality documents should not be used for form generation, but may be used for the entry of data in a preprinted form where appropriate.

(e) Any form with poor print quality or other defect which renders it illegible, difficult to read, or displays added or missing data elements, will be rejected by the Service. Any problems regarding the acceptability of a specific electronic version of a particular Service form may be brought to the attention of the Director, Policy Directives and Instructions Branch, 425 "I" Street, NW., Room 5307, Washington, DC 20536, telephone number (202) 514-3048.

§ 299.5 [Amended]

9. Section 299.5 is amended by removing the entries for Forms "I-591" and "G-897".

10. Section 299.5 is amended by:

a. Adding the entries for Forms "I-847" and "I-855", to the listing of forms, in proper numerical sequence; and by

b. Adding the entries for the "Telephone Verification System (TVS) Pilot Phase II" and the "Generic Clearance of Customer Service Surveys" immediately after the last entry in the second column, "INS form title" to read as follows:

§ 229.5 Display of control numbers.

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INS form No.	INS form title	Currently assigned OMB control No.
I-847	Report of Complaint.	1115-0191
I-855	ABC Change of Address Form.	1115-0197
	Telephone Verification System (TVS) Pilot Phase II.	1115-0192

INS form No.	INS form title	Currently assigned OMB control No.
	Generic Clearance of Customer Service Surveys.	1115-0195

PART 499—NATIONALITY FORMS

11. The authority citation for part 499 continues to read as follows:

Authority: 8 U.S.C. 1103; 8 CFR part 2.

12. Section 499.1 is amended by revising the entries for Forms "M-288", "M-289", "M-290", "M-291", "N-4", "N-565", and "N-643" to read as follows:

§ 499.1 Prescribed forms.

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Form No.	Edition date	Title and description
M-288	12-30-87	United States History 1600-1987, Level II.
M-289	12-31-87	United States History 1600-1987, Level I.
M-290	01-01-90	U.S. Government Structure, Level II.
M-291	12-31-87	U.S. Government Structure, Level I.
N-4	12-14-93	Monthly Report—Naturalization Papers Forwarded.
N-565	11-18-93	Application for Replacement Naturalization/Citizenship Document.
N-643	05-10-93	Application for Certificate of Citizenship on Behalf of an Adopted Child.

Dated: August 7, 1996.

Doris Meissner,
Commissioner, Immigration and Naturalization Service.

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