

Rules and Regulations

Federal Register

Vol. 63, No. 106

Wednesday, June 3, 1998

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103 and 209

[INS No. 1829-96]

RIN 1115-AD73

Adjustment of Status of Refugees and Asylees: Processing Under Direct Mail Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the Immigration and Naturalization Service (Service or INS) regulations regarding the filing and processing of applications by alien refugees and asylees to adjust their status to that of lawful permanent residents. This rule expands the Service's Direct Mail Program to require refugees and asylees to file their applications for adjustment of status directly with an INS service center for processing. This procedural change is designed to improve customer service to these applicants.

DATES: *Effective date:* This interim rule is effective July 6, 1998.

Comment Date: Written comments must be submitted on or before August 3, 1998.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20563. To ensure proper handling, please reference INS No. 1829-96 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514-3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT:

Gerard Casale, Staff Officer, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, Telephone: (202) 514-5014, or Ronald E. Johnson, Center Adjudications Officer, California Service Center, Immigration and Naturalization Service, 24000 Avila Road, Laguna Niguel, CA 92677, Telephone: (714) 360-2872.

SUPPLEMENTARY INFORMATION:

Authority

Section 209(b) of the Immigration and Nationality Act (Act) provides that refugees and asylees in the United States may be adjusted to the status of permanent residents.

Background

What Are the Current Procedures for the Adjustment of Refugees and Asylees to Permanent Resident Status?

A. Refugees

The procedure by which refugees acquire permanent resident status is an inspection process divided into three stages, as follows:

(1) A personal interview of each refugee applicant is conducted by an immigration officer outside the United States to determine eligibility for refugee status and admissibility to the United States. Each applicant is questioned under oath and signs a sworn statement concerning admissibility. A medical examination is performed, and security checks, when required, are conducted prior to travel to the United States. Remaining questions of identity, eligibility for refugee status, and admissibility to the United States are resolved at this time.

(2) The applicant is admitted to the United States as a refugee.

(3) Following a personnel appearance at a local Service office 1 year after the date of admission to the United States, the refugee is inspected, interviewed, and adjusted to the status of a lawful permanent resident.

Refugees are currently required to submit fingerprints and biographic forms which are processed prior to determining their admissibility to permanent resident status. The fingerprints are referred to the Federal Bureau of Investigation (FBI) and the biographic data circulated to the FBI and other agencies to determine if any information exists which would bar the

applicant from permanent residence. Responses to these agency checks, positive or negative, must be received prior to admitting the refugee to permanent residence. Once the responses have been received, the inspection and examination interview is conducted (if the applicant has not already been interviewed prior to that receipt). Upon successful completion of the inspection and examination interview, the refugee applicant is granted lawful permanent residence in the United States.

B. Asylees

The adjustment process for asylee is similar to that for a refugee, with some exceptions. The process by which asylees acquire permanent resident status in the United States has two stages, as follows:

(1) An alien in the United States applies for asylum, followed by an interview before an asylum officer or a hearing before an immigration judge. On the application and during the interview or hearing, the applicant must establish his or her eligibility for status as a refugee.

(2) After 1 year since the grant of asylum, the asylee applies for permanent resident status by filing Form I-485, Application to Register Permanent Residence or Adjust Status, which the Service officer uses to determine the applicant's continuing eligibility for benefits under section 209(b) of the Act. Required fingerprints are generally collected and processed before the applicant appears for interview at a Service office, if an interview is required.

How Can the Service Improve and Streamline This Adjustment Process?

Applications and petitions for immigration benefits, particularly those for adjustment of status and for naturalization, are being filed in record numbers. As a result, processing time for these applications has lengthened significantly. The processing of refugees and asylees for permanent residence consumes a large amount of resources. The Service believes that the refugee adjustment process will be improved by requiring applicants to submit the written information concerning themselves on a single prescribed form, the I-485, as asylees already do. Use of the Form I-485 will help to ensure a more orderly and efficient process of

their applications for permanent resident status; it will also enable the Service to track cases more effectively, respond more quickly to status inquiries, and provide better overall service to these applicants.

The Service also believes that the processing of refugee and asylee adjustment applications can be more efficiently managed at a centralized location through the Direct Mail Program. Under the Direct Mail Program, applicants for certain designated immigration benefits mail their applications or petitions directly to an INS service center for processing instead of submitting them to an INS local office. The Service is incrementally expanding the Direct Mail Program to include all applications and petitions, except where it is impracticable to do so. Expansion to Direct Mail is a key element in the Service's strategy to reduce processing times and improve customer service. It is also consistent with the Service's current adjustment of status interview policy, which encourages field personnel to focus resources on interviewing those cases in which in-person examinations are actually needed. The types of adjustment applications selected for the Direct Mail Program have been those with the lowest known fraud risk. However, as an indicator of adjudication quality, the statistical evidence of denial rates for adjustment cases currently being adjudicated by the service centers compares favorably with the overall denial rates for those adjudicated at district offices. Including applications for adjustment of status by refugees and asylees in the Direct Mail Program allows the Service to redirect resources to improve service at local offices while moving closer to the goal of full Direct Mail implementation.

What Does This Interim Rule do?

This interim rule streamlines the processing of request for adjustment of status submitted by refugees and asylees to one centralized location. Under this rule, refugees or asylees are required to mail their Form I-485 applications for adjustment of status directly to the designated service center, at this time the Nebraska Service Center (NSC), for processing. It is believed that the initial filing and data entry for all refugee and asylee adjustment applications can best be accomplished at a single service center having the personnel, training, and technical resources to process them efficiently and consistently.

Under this new Direct Mail procedure, the service center will evaluate each application and determine

whether an interview is necessary. The Service may decide to adjudicate an application without an interview in cases where the evaluation does not indicate questions concerning the applicant's eligibility for adjustment of status. Service center adjudication officers are trained to refer to the local offices any application that appears to warrant an interview.

The service center will refer to the local offices for interview and adjudication all cases indicating higher risk or complex issues, such as criminal charges, indications of fraud, changes in the country conditions upon which a refugee or asylee's status was based, or asylees who had entered the United States without inspection. As an additional tool to monitor the integrity of the adjudications process and any emerging trends affecting the exercise of the Service's interview determination authority, the service center will refer to the local offices for interview a random sample of at least 2 percent of all other refugee or asylee adjustment applications. In all cases where a service center refers an adjustment application to a local office for adjudication, the receiving office will complete and return to the service center an interview referral processing worksheet, which will be reviewed as an indicator for any additional interview referral criteria that should be implemented. Those cases which are referred to district offices for interview will be adjudicated by the district directors of those offices.

Other statutory references in §§ 209.1 and 209.2 are being amended to reflect revised sections of the Act, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Section 341 of IIRIRA amended section 212(a)(1)(A)(ii) of the Act regarding vaccination requirements for immigrants. The Centers for Disease Control have provided the designated civil surgeons with instructions regarding the vaccination assessment and the vaccination supplement. The Service has determined that these vaccination requirements do not apply to aliens seeking admission as refugees under section 207 of the Act, but that they do apply to refugees at the time of their application for adjustment to permanent resident status under section 209(a) of the Act, as well as to asylees applying for adjustment under section 209(b) of the Act.

What are the Changes in Refugee Adjustment Processing?

Section 209(a) of the Act states that a refugee must be returned to the "custody" of the Service for inspection and examination. There is no

comparable statutory requirement for asylees applying for adjustment of status. The "custody" requirement for refugees applying for adjustment of status can be met if the Service maintains sufficient control over the applicants to make a determination of their admissibility to the United States as immigrants and to institute removal procedures if they should be found to be inadmissible. Additionally, a procedure that requires refugees to apply for adjustment of status and gives the Service the authority to compel them to appear before an officer of the Service satisfies the requirements of the Act. Although the Service may require refugees seeking adjustment of status to be interviewed by an immigration officer, the Service does not have to interview each and every refugee.

To facilitate the extension of the Direct Mail Program to include the adjustment of status of refugees, the Service is amending § 209.1 to require the submission of a Form I-485, without fee to the Service. The application and accompanying documents will be reviewed to determine whether the applicant is admissible to the United States and otherwise eligible of permanent residence, has been physically present in the United States for at least 1 year, and has not already acquired permanent resident status on some other basis.

In requiring refugees seeking permanent residence to submit a Form I-485, the Service constructively places them under its custodial control. At the same time, the direct filing of a Form I-485 with the service center enable the INS to exercise discretion in determining when an in-person interview with the applicant is necessary. With this streamlined process, the Service can enhance customer service and make more effective use of Service resources.

Although this streamlined Direct Mail process requires refugee applicants for permanent residence to file a Form I-485, they will continue to be exempted from a filing fee. In refraining from charging this class of applicants the normal Form I-485 filing fee, the Service is following its established policy of assisting refugees in their settlement and assimilation into American society.

The file of a refugee generally includes the original medical examination report issued by the panel physician prior to the applicant's entry into the United States. The regulations at § 209.1(b) provide that a refugee is not required to repeat the entire medical examination if no medical grounds of inadmissibility arose during the initial

medical examination prior to entry. Such refugee applicants for adjustment of status under section 209(a) of the Act need only comply with the vaccination requirement, by submitting a vaccination supplement that has been completed by a designated civil surgeon. The Service is developing special procedures to address concerns about the difficulties encountered by some refugees in complying with the vaccination requirements.

What are the Changes in Asylee Adjustment Processing?

To facilitate the extension of the Direct Mail Program to include applications for adjustment of status filed by asylees, the Service is amending § 209.2 by replacing the phrase "district director" with "director" wherever it appears. These changes permit the Service to assign adjudicative jurisdiction for asylum-based permanent residence applications to either district directors or service center directors.

The Service is amending § 209.2(c) to require filing of an asylum-based Form I-485 with the Service office identified in the instructions accompanying the Form I-485 (which at this time will be the NSC). This amendment allows the Service to more effectively and efficiently respond as its workload changes.

Section 209.2(e) is being amended to allow the Service to review an application for asylum-based permanent residence and determine if a final decision on the application can be made without an interview. In this process, the officer will determine if there are facts or issues that need to be resolved in an interview, or whether the application meets other referral criteria developed by the Service. The application will be transferred to a local office for processing if it is determined that an interview with the applicant is necessary. If the local office discovers evidence of fraud in the original application for asylum, or determines that the applicant no longer qualifies as a refugee under section 101(a)(42) of the Act, the evidence will be referred to the Asylum Office having jurisdiction over the applicant's place of residence, for a determination whether asylee status is to be revoked. Once the Asylum Office has resolved the issues regarding revocation, the local office will complete its adjudication of the Form I-485 application.

Medical examinations are not required from aliens who apply for asylum, because they are, by that time, already in the United States and not seeking admission. However, when asylees apply under section 209(b) of

the Act for admission to permanent resident status 1 year after having been granted asylum, they must submit the results of a full medical examination, completed by a designated civil surgeon in the United States, as provided in § 209.2(d). This rule amends § 209.2(d) to include the vaccination assessment requirement as part of the civil surgeon's examination report.

What Applications are Included in the Direct Mail Process for an Adjustment Application Filed by a Refugee or Asylee?

As of June 3, 1998, the following applications must be mailed to the NSC (see section entitled "Modification of filing instructions on relating forms") instead of being filed with a local INS district office:

(1) Form I-485, Application to Register Permanent Residence or Adjust Status (including adjustment applications submitted by eligible dependents of the principal applicant), if it is being filed on the basis of refugee status or an approved asylum application (Form I-589, Application for Asylum or for Withholding of Deportation);

(2) Form I-643, Health and Human Services Statistical Data for Refugee/Asylee Adjusting Status;

(3) Form I-131, Application for Travel Document, filed on the basis of a refugee or an asylum-based Form I-485; except that an applicant who is seeking advance parole authorization may file the Form I-131 either at a service center or at a district office;

(4) Form I-602, Application by Refugee for Waiver of Grounds of Excludability, filed on the basis of a refugee or asylum-based Form I-485; and

(5) Form I-765, Application for Employment Authorization, filed on the basis of status as a refugee or an asylee.

How Will Photographs and Fingerprints be Processed Under This Rule?

A refugee or asylee applying to the NSC for adjustment of status must submit, as part of his or her Form I-485 application, the required photographs. After the application has been accepted for processing, the NSC will send those applicants who are required to be fingerprinted written instructions regarding the time and place for the taking of the prescribed set of Form FD-258 fingerprints. Applicants whose Form I-485 applications have been approved will be instructed regarding the time and place for the execution of a Form I-89, Data Collection Card to capture the biometric data (photograph, index fingerprint, and signature)

required for the production of their permanent resident card.

The Service plans to restructure Form I-485 processing to eliminate the need for a separate Form I-89 card to capture the applicant's biometric alien registration card data. Until further notice, however, applicants whose Form I-485 applications have been approved must continue to make a personal appearance for the execution of the I-89 data card. The Service will notify aliens involved in Form I-485 processing under this Direct Mail Program, regarding when and where the Form I-89 card may be executed.

How May Refugee or Asylee Adjustment Applicants Apply for an Employment Authorization Document, Advance Parole, or a Waiver of Inadmissibility?

An applicant for adjustment of status may apply concurrently to the NSC for the following:

(1) An employment authorization document (EAD) by filing a Form I-765, Application for Employment Authorization;

(2) Advance parole authorization by filing Form I-131, Application for Travel Document; or

(3) A waiver of exclusion grounds by filing Form I-602, Application by Refugee for Waiver on Grounds of Excludability.

In the event that the NSC transfers an applicant's Form I-485 to a local district office for adjudication, the NSC will send the applicant a written notice of the transfer, with instructions that any subsequent application for related benefits based on the adjustment application (such as a Form I-602, Form I-765, or Form I-131) must be filed with the local office where the I-485 application is pending.

Will There be a Transition Period?

During the first 60 days following the effective date of this rule, local Service offices that receive any of the applications designated in this rule for the Direct Mail Program must decide whether to continue to accept and process them locally, or to forward them, at no cost to the applicant or petitioner, to the Nebraska Service Center for adjudication. The local office's decision will be based on its assessment of pertinent factors such as whether the transition to Direct Mail will significantly delay EAD issuance, whether accepting the case is appropriate in light of current workloads, or other relevant circumstances. Applications forwarded to the NSC will be considered properly filed when received at the NSC with the proper signature and fee.

Any application or petition designated for Direct Mail which is submitted to a local office after the expiration of this 60 day transition period will be returned to the applicant for proper filing with the NSC. The local office cannot assume responsibility for any applicant's failure to file a timely application or petition at the NSC.

How Will This Rule Change the Filing Instructions for Form-485 and Related Forms?

The present edition of Form I-485 (Rev. 09-09-92) will be revised as soon as practicable to include instructions to refugees and asylees regarding adjustment procedures under this rule. In the meantime, the Supplementary Instructions accompanying the Form I-485 which are currently attached to all Forms I-485 distributed to the public will include the following additional information:

Fee

1. *Form I-485 base filing fee.* If you are applying for permanent resident status as a Refugee under section 209(a) of the Immigration and Nationality Act (Act), you are not required to pay the filing fee.

Where to File

2. *Applications by Refugees and Asylees.* If you are a refugee or an asylee applying for permanent residence under section 209 of the Act, you must mail your application on Form I-485 to the following address: Nebraska Service Center, P.O. Box 87485, Lincoln, NE 68501-7485.

If along with your adjustment application you are filing a Form I-131, Application for Travel Document, for the purpose of obtaining advance parole authorization, or a Form I-765, Application for Employment Authorization, or a Form I-602, Application by Refugee for Waiver on Grounds of Excludability, please follow the instructions which accompany those forms.

Good Cause Exemption

The Service's implementation of this rule as an interim rule, with provisions for post-promulgation comments, is based upon the exception found at 5 U.S.C. 553(b)(B) and (d)(3). This rule imposes no substantive change in existing requirements, but rather adjusts the Service's procedures for implementing those requirements, in order to promote efficiency of adjudication and better service to the public.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule is primarily administrative in nature and merely updates existing procedures contained in Title 8 of the Code of Federal Regulations. This rule applies to individuals and has no economic effect on small entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any 1 year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined in section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

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, 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 regulations 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.

Executive Order 12988 Civil Justice Reform

This interim rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

Paperwork Reduction Act

The information collection requirements contained in this rule have been approved for use by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. The OMB control numbers for these collections are contained in § 299.5, Display of control numbers.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of Information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 209

Aliens, Immigration, Refugees.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552(a); 8 U.S.C. 1101, 1103, 1201, 1229, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p 166; 8 CFR part 2.

2. In § 103.7, paragraph (b)(1) is amended by revising the entry for "Form I-485" to read as follows:

§ 103.7 Fees.

*	*	*	*	*
(b)	*	*	*	
(1)	*	*	*	
*	*	*	*	*

Form I-485. For filing application for permanent resident status or creation of a record of lawful permanent residence—\$130 for an applicant 14 years of age or older; \$100 for an applicant under the age of 14 years; no fee for an applicant filing as a refugee under section 209(a) of the Act.

* * * * *

PART 209—ADJUSTMENT OF STATUS OF REFUGEES AND ALIENS GRANTED ASYLUM

3. The authority citation for part 209 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1157, 1158, 1159, 1228, 1252, 1282; 8 CFR part 2.

4. Section 209.1 is revised to read as follows:

§ 209.1 Adjustment of status of refugees.

The provisions of this section shall provide the sole and exclusive procedure for adjustment of status by a refugee admitted under section 207 of the Act whose application is based on his or her refugee status.

(a) *Eligibility.* (1) Every alien in the United States who is classified as a refugee under part 207 of this chapter, whose status has not been terminated, is required to apply to the Service 1 year after entry in order for the Service to determine his or her admissibility under section 212 of the Act.

(2) Every alien processed by the Immigration and Naturalization Service abroad and paroled into the United States as a refugee after April 1, 1980, and before May 18, 1980, shall be considered as having entered the United States as a refugee under section 207(a) of the Act.

(b) *Application.* Upon admission to the United States, every refugee entrant shall be notified of the requirement to submit an application for permanent residence 1 year after entry. An application for the benefits of section 209(a) of the Act shall be filed on Form I-485, without fee, with the director of the appropriate Service office identified in the instructions which accompany the Form I-485. A separate application must be filed by each alien. Every applicant who is 14 years of age or older must submit a completed Form G-325A (Biographical Information) with the Form I-485 application. Following submission of the Form I-485 application, a refugee entrant who is 14 years of age or older will be required to execute a Form FD-258 (Applicant Fingerprint Card) at such time and place as the Service will designate.

(c) *Medical examination.* A refugee seeking adjustment of status under section 209(a) of the Act is not required to repeat the medical examination performed under § 207.2(c), unless there were medical grounds of inadmissibility applicable at the time of admission. The refugee is, however, required to establish compliance with the vaccination requirements described under section 212(a)(1)(A)(ii) of the Act, by submitting with the adjustment of status application a vaccination supplement, completed by a designated civil surgeon in the United States.

(d) *Interview.* The Service director having jurisdiction over the application will determine, on a case-by-case basis, whether an interview by an immigration

officer is necessary to determine the applicant's admissibility for permanent resident status under this part.

(e) *Decision.* The director will notify the applicant in writing of the decision of his or her application for admission to permanent residence. If the applicant is determined to be inadmissible or no longer a refugee, the director will deny the application and notify the applicant of the reasons for the denial. The director will, in the same denial notice, inform the applicant of his or her right to renew the request for permanent residence in removal proceedings under section 240 of the Act. There is no appeal of the denial of an application by the director, but such denial will be without prejudice to the alien's right to renew the application in removal proceedings under part 240 of this chapter. If the applicant is found to be admissible for permanent residence under section 209(a) of the Act, the director will approve the application and admit the applicant for lawful permanent residence as of the date of the alien's arrival in the United States. An alien admitted for lawful permanent residence will be issued Form I-551, Alien Registration Receipt Card.

§ 209.2 [Amended]

5. In § 209.2, revise the term "district director" to read "director" wherever it appears in the following places:

- a. Paragraph (a)(1) introductory text;
- b. Paragraph (a)(2);
- c. Paragraph (b); and
- d. Paragraph (f).

6. Section 209.2 is further amended by:

- a. Revising paragraphs (c) and (d); and
- b. Adding a sentence at the end of paragraph (e), to read as follows:

§ 209.2 Adjustments of status of alien granted asylum.

* * * * *

(c) *Application.* An application for the benefits of section 209(b) of the Act may be filed on Form I-485, with the correct fee, with the director of the appropriate Service office identified in the instructions to the Form I-485. A separate application must be filed by each alien. Every applicant who is 14 years of age or older must submit a completed Form G-325A (Biographical Information) with the Form I-485 application. Following submission of the Form I-485 application, every applicant who is 14 years of age or older will be required to execute a Form FD-258 (Applicant Fingerprint Card) at such time and place as the Service will designate. Except as provided in paragraph (a)(2) of this section, the

application must also be supported by evidence that the applicant has been physically present in the United States for at least 1 year. If an alien has been placed in deportation or exclusion proceedings, the application can be filed and considered only in proceedings under section 240 of the Act.

(d) *Medical examination.* An alien seeking adjustment of status under section 209(b) of the Act 1 year following the grant of asylum under section 208 of the Act shall submit the results of a medical examination to determine whether any grounds of inadmissibility described under section 212(a)(1)(A) of the Act apply. Form I-693, Medical Examination of Aliens Seeking Adjustment of Status, and a vaccination supplement to determine compliance with the vaccination requirements described under section 212(a)(1)(A)(ii) of the Act must be completed by a designated civil surgeon in the United States and submitted at the time of application for adjustment of status.

(e) * * * The Service director having jurisdiction over the application will determine, on a case-by-case basis, whether an interview by an immigration officer is necessary to determine the applicant's admissibility for permanent resident status under this part.

* * * * *

§ 209.2 [Amended]

8. In § 209.2, paragraph (f) is amended by revising the reference to "parts 242 and 236" to read "part 240".

Dated: May 28, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98-14655 Filed 6-2-98; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF ENERGY

10 CFR Part 1010

RIN 1990-AA19

Conduct of Employees

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is amending its regulations on conduct of employees to remove an exemption from application of the financial conflict of interest prohibition. The removal of this exemption is in response to publication by the Office of Government Ethics (OGE) of a superseding, executive branch-wide regulation that describes the