Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 235

[INS No. 1698–95]

RIN 1115–AD98

Preinspection Services for Aircraft, Vessels, and Trains Outside the United States

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the Immigration and Naturalization Service's (the Service) regulations by expanding the Service's preinspection program to permit preinspection of passengers coming from places other than foreign contiguous territory and adjacent islands. This proposed rule would also permit the preinspection of railroad passengers. These proposed actions will facilitate travel to the United States.

DATES: Written comments must be submitted on or before June 19, 1995.

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 20536. To ensure proper handling please reference INS number 1698–95 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Una Brien, Assistant Chief Inspector, Office of Inspections, 425 I Street, NW., Room 7228, Washington, DC 20536, telephone (202) 514–2681.

SUPPLEMENTARY INFORMATION: Preinspection is the procedure whereby the Service conducts, in the host country, inspection of passengers and crewmembers as required by United States immigration and public health laws and regulations for entry into the United States. First established at Toronto, Canada, in 1952, preinspection services are currently provided at 10 different sites. However, current regulations only address preinspection of aircraft and vessels in contiguous territory and adjacent islands (8 CFR part 235.5). This proposed rule would amend current regulations by allowing preinspection in any foreign territory, not just contiguous territory and adjacent islands. This proposed rule also provides for the preinspection of passengers on trains. Since the scope of this rule is primarily administrative in nature, and because these proposed changes will provide a benefit to both the travelling public and the travel industry, the Service would like to implement the program as expeditiously as possible. Therefore, the comment period has been limited to 30 days.

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 this rule will not have a significant economic impact on a substantial number of small entities. The Service's inspection and examination of persons in order to determine their admissibility to the United States is required by statute. Preinspection provides inspectional services in foreign airports outside the United States, is instituted at the request of the host government, and is considered a benefit because it facilitates passengers' admission into the United States.

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 regulations adopted 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 12606

The Commissioner of the Immigration and Naturalization Service, certifies that she has assessed this rule in light of the criteria in Executive Order 12606 and has determined that this regulation will not have an impact on family well-being.

List of Subjects in 8 CFR Part 235

Administrative practice and procedures, Air carriers, Aliens, Immigration, Reporting and record keeping requirements.

Accordingly, part 235 of chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

1. The authority citation for part 235 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252.

2. In § 235.5, paragraph (b) is revised to read as follows:

§ 235.5 Preinspection.

* * * * *

(b) *In Foreign territory*. In the case of any aircraft, vessel, or train proceeding directly, without stopping, from a port or place in foreign territory to a Port-of-Entry in the United States, the examination and inspection of passengers and crew required by the Act and final determination of admissibility may be made immediately prior to such departure at the port or place in foreign territory and shall have the same effect under the Act as though made at the destined Port-of-Entry in the United States.

Dated: April 10, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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