

# Rules and Regulations

Federal Register

Vol. 60, No. 126

Friday, June 30, 1995

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 3, 103, 204, 208, 212, 236, 240, 242, 245, 292**

[EOIR No. 105F; AG Order No. 1973-95]

RIN 1125-AA08

### Immigration Court Designation

**AGENCY:** Immigration and Naturalization Service, Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends 8 CFR 3, 103, 204, 208, 212, 236, 240, 242, 245, and 292 by replacing the tribunal name "Office of the Immigration Judge" with the tribunal name "Immigration Court." This rule codifies current usage of the term "Immigration Court" in reference to deportation and exclusion proceedings conducted before Immigration Judges throughout the United States. The rule makes no substantive changes in Immigration Judge proceedings.

**EFFECTIVE DATE:** This final rule is effective on June 30, 1995 except that the amendment to § 242.1(a) as revised at 59 FR 42414, August 17, 1994, is effective August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** Margaret M. Philbin, Associate Counsel to the Director, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone: (703) 305-0470.

**SUPPLEMENTARY INFORMATION:** The final rule is a nomenclature change. The rule changes the name of the administrative tribunal which initially hears deportation and exclusion proceedings from "Office of the Immigration Judge" to "Immigration Court."

This change reflects the current usage of the term "Immigration Court" by the legal community. The term is already in such common usage that the federal

circuit courts refer to this tribunal as the "Immigration Court" in their published opinions. *See, e.g., Campos v. Nail*, 43 F.3d 1285, 1289 (9th Cir. 1994); *Margalli-Olvera v. INS*, 43 F.3d 345, 349 (8th Cir. 1994); *Palciauskas v. INS*, 939 F.2d 963, 964 (11th Cir. 1991); *Garcia-Ortega v. INS*, 862 F.2d 564, 566 (5th Cir. 1989); *Gumbol v. INS*, 815 F.2d 406, 407 (6th Cir. 1987).

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866, and accordingly this rule has not been reviewed by the Office of Management and Budget. This rule has no Federalism implications warranting the preparation of a Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612. The rule meets the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778.

### List of Subjects

#### 8 CFR Part 3

Administrative practice and procedure, Immigration, Immigration and Naturalization Service, Organization and functions (Government agencies).

#### 8 CFR Part 103

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

#### 8 CFR 204

Administrative practice and procedure, Immigration, Immigration and Naturalization Service, Reporting and recordkeeping requirements.

#### 8 CFR 208

Administrative practice and procedure, Aliens, Immigration, Immigration and Naturalization Service, Reporting and recordkeeping requirements.

#### 8 CFR 212

Administrative practice and procedure, Aliens, Immigration,

Immigration and Naturalization Service, Passports and visas, Reporting and recordkeeping requirements.

#### 8 CFR 236

Administrative practice and procedure, Aliens, Immigration, Immigration and Naturalization Service.

#### 8 CFR 240

Administrative practice and procedure, Immigration, Immigration and Naturalization Service.

#### 8 CFR 242

Administrative practice and procedure, Aliens, Immigration and Naturalization Service.

#### 8 CFR 245

Aliens, Immigration, Immigration and Naturalization Service, Reporting and recordkeeping requirements.

#### 8 CFR 292

Administrative practice and procedure, Immigration, Immigration and Naturalization Service, Lawyers, Reporting and recordkeeping requirements.

Accordingly, 8 CFR Chapter 1 is amended as set forth below:

## PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

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

**Authority:** 5 U.S.C. 301; 8 U.S.C. 1103, 1252 note, 1252b, 1362; 28 U.S.C. 509, 510, 1746; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949-1953 Comp., p. 1002.

2. In 8 CFR part 3 remove the words "Office of the Immigration Judge" each time they appear and add, in their place, the words "Immigration Court" in the following places:

- a. Section 3.3(a)
- b. Section 3.7
- c. Section 3.13, in the definition for "Filing"
- d. Section 3.14(a)
- e. Section 3.15(b)(6), (b)(7), (c)(1), and (c)(2)
- f. Section 3.17(a)
- g. Section 3.18
- h. Section 3.19(c)(1), (c)(2), (c)(3), and (g)
- i. Section 320 (a) and (b)
- j. Section 3.23(b)(1)
- k. Section 3.31(a)
- l. Section 3.36
- m. Section 3.38(b)

n. Section 3.40 introductory text  
o. Section 3.40(b)

3. In 8 CFR part 3 remove the words "Immigration Judge office" and add, in their place, the words "Immigration Court" in the following place: Section 3.11.

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

4. The authority citation for part 103 is revised to read as follows:

**Authority:** 5 U.S.C. 552, 552(a); 8 U.S.C. 1101, 1103, 1201, 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.

5. In 8 CFR part 103 remove the words "Office of the Immigration Judge" and add, in their place, the words "Immigration Court" in the following place: Section 103.7(a).

#### **PART 204—IMMIGRANT PETITIONS**

6. The authority citation for part 204 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255; 8 CFR part 2.

7. In 8 CFR part 204 remove the words "Office of the Immigration Judge" and add, in their place, the words "Immigration Court" in the following place: Section 204.2(a)(1)(iii)(A)(2).

#### **PART 208—PROCEDURES FOR ASYLUM AND WITHHOLDING OF DEPORTATION**

8. The authority citation for part 208 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1158, 1226, 1252, 1282; 31 U.S.C. 9701; 8 CFR part 2.

9. In 8 CFR part 208 remove the words "Office of the Immigration Judge" and "Offices of Immigration Judges" each time they appear and add, in their place, the words "Immigration Court" in the following places:

- a. Section 208.2(b)
- b. Section 208.3(a)
- c. Section 208.4(c) introductory text, (c)(1), (c)(2), (c)(3)
- d. Section 208.7(c)(2)
- e. Section 208.19(b)(2)

#### **PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE**

10. The authority citation for part 212 is revised to read as follows:

**Authority:** 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1187, 1225, 1226, 1227, 1228, 1252; 8 CFR part 2.

11. In 8 CFR part 212 remove the words "Office of the Immigration Judge"

and add, in their place, the words "Immigration Court" in the following places: Section 212.3(a)(2).

#### **PART 236—EXCLUSION OF ALIENS**

12. The authority citation for part 236 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1182, 1224, 1225, 1226, 1362.

13. In 8 CFR part 236 remove the words "Office of the Immigration Judge" and add, in their place, the words "Immigration Court" in the following place: Section 236.3(b).

#### **PART 240—TEMPORARY PROTECTED STATUS FOR NATIONALS OF DESIGNATED STATES**

14. The authority citation for part 240 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1254a, 1254a note.

15. In 8 CFR part 240 remove the words "Office of the Immigration Judge" and add, in their place, the words "Immigration Court" in the following places:

- a. Section 240.10 (d)(2) and (d)(3)
- b. Section 240.18 (b) and (c)

#### **PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL**

16. The authority citation for part 242 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1182, 1186a, 1251, 1252, 1252 note, 1252b, 1254, 1362; 8 CFR part 2.

17. In 8 CFR part 242 remove the words "Office of the Immigration Judge" each time they appear and add, in their place, the words "Immigration Court" in the following places:

- a. Section 242.1 (a) introductory text and (b)
- b. Section 242.2(i)
- c. Section 242.17(c)(3)

18. In addition to the previous amendment, §242.1(a) introductory text, as revised at 59 FR 42414, August 17, 1994 is amended by removing the words "Office of the Immigration Judge" and adding, in their place, the words "Immigration Court", effective August 17, 1995.

#### **PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE**

19. The authority citation for part 245 is revised to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1182, 1255; 8 CFR part 2.

20. In 8 CFR part 245 remove the words "Office of the Immigration Judge" and add, in their place, the words "Immigration Court" in the following place: Section 245.1(c)(7)(i)(B).

#### **PART 292—REPRESENTATION AND APPEARANCES**

21. The authority citation for part 292 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1252b, 1362.

22. In 8 CFR part 292 remove the words "office of the Immigration Judge" and add in their place, the words "Immigration Court" in the following place: Section 292.3(b)(1)(vi).

Dated: June 21, 1995.

**Janet Reno,**

*Attorney General.*

[FR Doc. 95-16046 Filed 6-29-95; 8:45 am]

BILLING CODE 4410-01-M

#### **FARM CREDIT ADMINISTRATION**

##### **12 CFR Parts 611, 618, and 620**

##### **RIN 3052-AB43**

#### **Organization; General Provisions; Disclosure to Shareholders; Technical Assistance and Financially Related Services; Member Insurance**

**AGENCY:** Farm Credit Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Farm Credit Administration (FCA or Agency), by the Farm Credit Administration Board (Board), issues a final regulation governing Technical Assistance and Financially Related Services and Member Insurance. Subpart A of the final regulation defines technical assistance, financial assistance and financially related services and clarifies what types of services the Farm Credit System (System or FCS) institutions are authorized to provide. The final regulation maintains the FCA's ability to regulate safety and soundness risks while allowing FCS institutions greater flexibility to exercise statutory authorities. The existing prior approval requirement is replaced with a list of authorized services, a post-review process for all services that have been authorized by the FCA, and a procedure for obtaining FCA authorization to offer a new service that has not been previously reviewed and authorized. The final rule replaces the FCA Board Policy Statement on Out-Of-Territory Financially Related Services (FCA-PS-50 BM-10-June-93-03) and the FCA Booklet on Out-Of-Territory Financially Related Services dated