

# Rules and Regulations

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 204

[INS No. 1690-95]

RIN 1115-AD91

#### Immigrant Petitions; Children of Widows or Widower

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

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This interim rule amends the Immigration and Naturalization Service ("the Service") regulations by providing clarifying language and procedures for accruing immigrant status to children of widows or widowers who were not previously eligible for immigration benefits as derivative immediate relatives. This regulation will enhance family well-being by promoting the family unity relationship between the child and his or her widowed mother or father.

**DATES:** This rule is effective July 31, 1995. Written comments must be submitted on or before September 29, 1995.

**ADDRESSES:** Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 "I" Street NW., Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS No. 1690-95 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:** Ramona Law-Hill, Senior Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 "I" Street

NW., Room 3214, Washington, DC 20536, telephone (202) 514-5014.

**SUPPLEMENTARY INFORMATION:** Section 302(a)(2) of the Miscellaneous and Technical Amendments of 1991, Public Law 102-232, dated December 12, 1991, amended the Immigration Act of 1990 and the Immigration and Nationality Act (the Act) so that certain widows and widowers of United States citizens would be considered to be immediate relatives and would be able to petition for themselves. This original language, however, did not extend to the children of widows and widowers. Section 219(b) of the Immigration and Nationality Technical Corrections Act of 1994 (Technical Corrections Act), Public Law 103-416, dated October 25, 1994, expanded the definition of the term "immediate relative" in section 201(b)(2)(A)(i) of the Act to include the child of an alien who qualifies as a widow or widower. Section 219(b) also amended section 204(a)(1)(A) of the Act so that the child of a widow or widower could be included in the petition filed by the widow or widower. Before these changes, the child of a widow or widower would only be eligible to acquire immigrant status after the acquisition of immigrant status by the widow or widower, and after the approval of a petition filed by the widow or widower for classification of the child under section 203(a)(2) of the Act. The changes in the Technical Corrections Act now enable the child to be included in the widow or widower's petition and to accompany or follow to join the widow or widower to the United States as a derivative immediate relative. Accordingly, this rule amends 8 CFR 204.2(b)(4) to reflect the changes to the Act. It should be noted that these derivative benefits do not extend to the unmarried or married sons or daughters of widows or widowers of United States citizens. This regulation reflects that exclusion.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the "good cause" exceptions found at 5 U.S.C. 533 (b)(B) and (d)(3). The reasons and the necessity for immediate implementation of this interim rule are as follows: The statutory provision addressed in this rule became effective October 25, 1994. It was clear that the Congressional intent was to implement this provision

immediately and any further delay would be contrary to this intent. Moreover, this interim rule confers an immediate benefit upon eligible persons who otherwise would not be eligible for legal admission to the United States as permanent residents. Furthermore, this rule does not impose a penalty of any kind. It is imperative that this interim rule become effective upon publication so that those persons who are entitled to the benefit may apply accordingly.

#### 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. This rule merely confers a benefit upon eligible persons and does not impose a penalty of any kind.

#### 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 will not have a substantial direct effect 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 addressed this rule in light of the criteria in Executive Order 12606 and has determined that this regulation will enhance family well-being by promoting the family unity relationship between the child and his/her mother or father.

**List of Subjects in 8 CFR Part 204**

Administrative practice and procedure, Aliens, Immigration, Petitions.

Accordingly, part 204 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

**PART 204—IMMIGRANT PETITIONS**

1. 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.

2. In § 204.2 paragraph (b)(4) is revised to read as follows:

**§ 204.2 Relative petitions.**

\* \* \* \* \*

(b) \* \* \*

(4) *Derivative beneficiaries.* A child of an alien widow or widower classified as an immediate relative is eligible for derivative classification as an immediate relative. Such a child may be included in the principal alien's immediate relative visa petition, and may accompany or follow to join the principal alien to the United States. Derivative benefits do not extend to an unmarried or married son or daughter of an alien widow or widower.

\* \* \* \* \*

Dated: July 21, 1995.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 95-18677 Filed 7-28-95; 8:45 am]

BILLING CODE 4410-10-M

**FEDERAL RESERVE SYSTEM**

**12 CFR Parts 207, 220, 221 and 224**

[Regulations G, T, U and X]

**Securities Credit Transactions; List of Marginable OTC Stocks; List of Foreign Margin Stocks**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule; determination of applicability of regulations.

**SUMMARY:** The List of Marginable OTC Stocks (OTC List) is composed of stocks traded over-the-counter (OTC) in the United States that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List of Foreign Margin Stocks (Foreign List) is composed of foreign equity securities that have met the Board's eligibility criteria under Regulation T. The OTC List and the Foreign List are published

four times a year by the Board. This document sets forth additions to and deletions from the previous OTC List. There are no additions to or deletions from the previous Foreign List.

**EFFECTIVE DATE:** August 14, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Peggy Wolfrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452-2781, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. For the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD) at (202) 452-3544.

**SUPPLEMENTARY INFORMATION:** Listed below are additions to and deletions from the OTC List, which was last published on April 24, 1995 (60 FR 20005), and became effective May 8, 1995. A copy of the complete OTC List is available from the Federal Reserve Banks.

The OTC List includes those stocks that meet the criteria in Regulations G, T and U (12 CFR Parts 207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR Part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The OTC List also includes any OTC stock designated for trading in the national market system (NMS security) under rules approved by the Securities and Exchange Commission (SEC). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable upon the effective date of their NMS designation. The names of these stocks are available at the SEC and at the National Association of Securities Dealers, Inc. and will be incorporated into the Board's next quarterly publication of the OTC List.

There are no new additions, deletions or changes to the Board's Foreign List, which was last published on April 24, 1995 (60 FR 20005), and which became effective May 8, 1995. This notice serves as republication of that List with a new effective date of August 14, 1995. The Foreign List includes those foreign securities that meet the criteria in section 220.17 of Regulation T and are eligible for margin treatment at broker-dealers on the same basis as domestic margin securities. A copy of the complete Foreign List is available from the Federal Reserve Banks.

**Public Comment and Deferred Effective Date**

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Lists specified in 12 CFR 207.6 (a) and (b), 220.17 (a), (b), (c) and (d), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of these Lists as soon as possible. The Board has responded to a request by the public and allowed approximately a two-week delay before the Lists are effective.

**List of Subjects**

*12 CFR Part 207*

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

*12 CFR Part 220*

Banks, Banking, Brokers, Credit, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

*12 CFR Part 221*

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

*12 CFR Part 224*

Banks, Banking, Borrowers, Credit, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6 (Regulation G), 12 CFR 220.2(u) and 220.17 (Regulation T), and 12 CFR 221.2(j) and 221.7 (Regulation U), there is set forth below a listing of deletions from and additions to the OTC List.