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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.

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DEPARTMENT OF HOMELAND SECURITY

8 CFR Chapter I

[CIS No. 2555–14; DHS Docket No. USCIS–2016–0006; 1615–AC07]

Ratification of Department Actions

AGENCY: Department of Homeland Security (DHS).

ACTION: Ratification.

SUMMARY: The Department of Homeland Security is publishing notification of the Secretary of Homeland Security's ratification of a rule.

DATES: The ratification was signed on March 31, 2021 and relates back to the original date of the action that it ratifies.

FOR FURTHER INFORMATION CONTACT: Leo (Chip) Boucher, Assistant General Counsel, Administrative Law, Office of the General Counsel, Department of Homeland Security, Washington, DC 20528, (202) 282–9822.

SUPPLEMENTARY INFORMATION: On March 31, 2021, the Secretary of Homeland Security ratified a final rule entitled, EB–5 Immigrant Investor Program Modernization. *See* 84 FR 35750 (July 24, 2019). The Department is now publishing the ratification in the **Federal Register** out of an abundance of caution. Neither the ratification nor the publication is a statement that the ratified action would be invalid absent the ratification, whether published or otherwise.

Adam Hunter,

Deputy Assistant Secretary for Immigration Policy, U.S. Department of Homeland Security.

Appendix

RATIFICATION

I am affirming and ratifying a prior action by Acting Secretary Kevin McAleenan, out of an abundance of caution, because of a Government Accountability Office (GAO) opinion, see B. 331650 (Comp. Gen. Aug. 14, 2020), and recent actions filed in federal court alleging that Mr. McAleenan's appointment as Acting Secretary of Homeland Security was not valid. *See, e.g., Guedes v. Bureau of Alcohol, Tobacco, Firearms and Explosives*, 920 F.3d 1 (D.C. Cir. 2019) ("We have repeatedly held that a properly appointed official's ratification of an allegedly improper official's prior action . . . resolves the claim on the merits by remedy[ing] the defect (if any) from the initial appointment") (quotation marks omitted) (second alteration in original).

I have full and complete knowledge of the following action taken by Acting Secretary McAleenan:

- Final Rule, EB-5 Immigrant Investor Program Modernization, 84 Fed. Reg. 35,750 (July 24, 2019) (the "EB-5 Final Rule").

Pursuant to my authority as Secretary of Homeland Security, and based on my review of the EB-5 Final Rule, I hereby make a detached and considered affirmation and ratification of the EB-5 Final Rule.

Alejandro N. Mayorkas — 3/31/2021

Alejandro N. Mayorkas — Date

Secretary of Homeland Security

[FR Doc. 2021–16330 Filed 7–29–21; 8:45 am]
BILLING CODE 9112–FP–P

DEPARTMENT OF HOMELAND SECURITY

8 CFR Chapter I

[CIS No. 2617–18; DHS Docket No. USCIS–2018–0001]

RIN 1615–AC19

Ratification of Department Actions

AGENCY: Department of Homeland Security (DHS).

ACTION: Ratification.

SUMMARY: The Department of Homeland Security is publishing notification of the Secretary of Homeland Security's ratification of a rule.

DATES: The ratification was signed on May 4, 2021 and relates back to the original date of each action that it ratifies.

FOR FURTHER INFORMATION CONTACT: Leo (Chip) Boucher, Assistant General Counsel, Administrative Law, Office of the General Counsel, Department of Homeland Security, Washington, DC 20528, (202) 282–9822.

SUPPLEMENTARY INFORMATION: On May 4, 2021, the Secretary of Homeland Security ratified a final rule entitled, Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I–765 Employment Authorization Applications, as well as the associated notice of proposed rulemaking. *See* 85 FR 37502 (June 22, 2020); 84 FR 47148 (Sept. 9, 2019). The Department is now publishing the ratification in the **Federal Register** out of an abundance of caution. Neither the ratification nor the publication is a statement that the ratified action would be invalid absent the ratification, whether published or otherwise.

Signed:

Adam Hunter,

Deputy Assistant Secretary for Immigration Policy, U.S. Department of Homeland Security.

APPENDIX

RATIFICATION

Out of an abundance of caution, I affirm and ratify prior delegable actions and decisions regarding the approval, issuance, signing, and publication of the Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I–765 Employment Authorization Applications rulemaking.

I have familiarized myself with the following actions:

- Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I–765 Employment Authorization Applications, Notice of Proposed Rulemaking (NPRM), 84 Fed. Reg. 47,148 (published Sept. 9, 2019) ("Timeline Repeal NPRM").

- Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I–765 Employment Authorization Applications, Final Rule, 85 Fed. Reg. 37,502 (published June 22, 2020) ("Timeline Repeal Final Rule").

Pursuant to my authority as Secretary of Homeland Security and based on my review of the actions and decisions listed above, I hereby affirm and ratify the above actions and decisions regarding the Timeline Repeal NPRM and the Timeline Repeal Final Rule.

Alejandro N. Mayorkas — MAY 4, 2021

Alejandro N. Mayorkas
Secretary of Homeland Security

Date