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DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 264

[CIS No. 2885–26; DHS Docket No. USCIS–2026–0496]

RIN 1615–AD24

Registration of Lawful Permanent Residence for Children Born to Foreign Government Employees in the United States; Correction

AGENCY: Department of Homeland Security, U.S. Citizenship and Immigration Services.

ACTION: Correcting amendment.

SUMMARY: This document corrects the interim final rule (IFR) that published in the **Federal Register** on September 9, 2026. The IFR amends its regulations to permit children born in the United States to ''foreign government employees'' who are not U.S. citizens to register for permanent residence. DHS also made corresponding changes to Form I–485, Application to Register Permanent Residence or Adjust Status and Form G–325R, Biographic Information (Registration). This document will restore regulatory language that was unintentionally removed in the September 9, 2026 IFR, with certain conforming edits.

DATES: Effective September 16, 2026, and applicable as of September 4, 2026.

FOR FURTHER INFORMATION CONTACT: Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone 240–721–3000 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Need for Correction

On September 9, 2026, DHS published an IFR titled *Registration of Lawful Permanent Residence for Children Born to Foreign Government Employees in the United States,* 91 FR 57249. This document corrects and replaces evidentiary criteria that was inadvertently removed in our amendatory instructions in the regulatory text at 8 CFR 264.2 (c)(2).

The IFR revised and reformatted the regulatory text at 8 CFR 264.2. As part of those revisions, DHS intended to revise the introductory text of 8 CFR 264.2 (c)(2), while retaining the sub paragraphs as indicated with the colon and asterisks. However, the amendatory instructions did not make that clear and the CFR was codified by removing the sub paragraphs that contained evidentiary criteria. Therefore, this document corrects the regulatory text, 8 CFR 264.2 (c)(2) to restore the inadvertently removed text, while retaining the introductory updates made by the IFR. In addition, this documents corrects the text of 8 CFR 264.2(c)(2)(v) and (vi) to recognize that children who seek to register their permanent residence when their parents were foreign government employees, but not foreign diplomatic officers, may not be required to file Form I–508, Waiver of Rights, Privileges, Exemptions, and Immunities, and that they are required to submit evidence of their parent's foreign government employment rather than their diplomatic classification. These changes to the regulatory evidentiary requirements for a child of a foreign government employee to register as a lawful permanent resident were already made in the Form I–485 associated information collection published and approved with the IFR and are being added through this correction in the specified paragraphs.

This correction is applicable as if DHS had included this provision in the IFR that published on September 9, 2026. That rule had an effective date of September 4, 2026. Accordingly, the correction is applicable as of September 4, 2026. In other words, DHS will apply the corrected IFR to children born to foreign government employees on or after, September 4, 2026, same as the IFR.

II. Administrative Procedure Act

Section 553(b) of the Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect. 5 U.S.C. 553(b). In addition, section 553(d) of the APA requires agencies to delay the effective date of final rules by a minimum of 30 days after the date of their publication in the **Federal Register**. 5 U.S.C. 553(d). Both of these requirements can be waived if an agency finds, for good cause, that the notice and comment process and/or delayed effective date is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice. 5 U.S.C. 553(b)(B)(d)(3).

DHS believes there is good cause for publishing this document without prior notice and opportunity for public comment and with an effective date of less than 30 days because such procedures are unnecessary. This document corrects a technical error in the regulatory text and does not make substantive changes to the policies in the IFR. Therefore, DHS believes that it has good cause to waive the notice and comment and effective date requirements of section 553 of the APA.

List of Subjects in 8 CFR Part 264

Aliens, Reporting and recordkeeping requirements.

Accordingly, 8 CFR part 264 is corrected by making the following correcting amendment:

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

■ 1. The authority citation for part 264 continues to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1302–1305; 8 CFR Part 2.

■ 2. Amend § 264.2 by revising paragraph (c)(2) to read as follows:

§ 264.2 Application for creation of record of permanent residence.

* * * * *

(c) * * *

(2) *Lawful permanent residence as a person born in the United States to a foreign government employee.* An applicant who believes that he/she is eligible for lawful permanent residence as a person born in the United States to a foreign government employee under § 101.3 of this chapter shall submit the following:

(i) A completed Form I–485, with the fee required in 8 CFR 106.2 and any initial evidence required in this application form and in this section.

(ii) Form G–325A, Biographic Information.

(iii) [Reserved]

(iv) The applicant's birth certificate.

(v) An executed Form I–508, Waiver of Rights, Privileges, Exemptions, and Immunities, if applicable.

(vi) Official confirmation of the applicant's parent's foreign government employment, including occupational title and, if applicable, diplomatic classification at the time of the applicant's birth.

(vii) A list of all the applicant's arrivals in and departures from the United States.

(viii) Proof of continuous residence in the United States.

(ix) Two photographs prepared in accordance with the specifications outlined in the instructions on the application form. The immigration officer to whom the application is submitted, however, may waive the photographs for just cause.

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 165

RIN 3038–AF74

Whistleblower Award Determination

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is amending its rules implementing section 23 of the Commodity Exchange Act (''CEA''). Section 23 of the CEA and the Commission's implementing regulations provide for the payment of awards, subject to certain limitations and conditions, to whistleblowers who provide the Commission with information that aids in successful enforcement efforts. The Commission is adopting amendments, which are modeled on a similar provision in the Securities and Exchange Commission's (''SEC'') regulations, to part 165 of its regulations to increase the efficiency, transparency, and predictability of whistleblower claims process, thereby protecting and enhancing the program's effectiveness in incentivizing whistleblowers to report. The amendments also include technical corrections to the whistleblower rules to reflect the Whistleblower Office's (''WBO'') move in 2025, consistent with its adjudicatory functions, to the Office of the General Counsel (''OGC'').

DATES: This rule is effective October 16, 2026.

FOR FURTHER INFORMATION CONTACT: Tyler S. Badgley, General Counsel, *rulemaking@cftc.gov,* 202–418–5000; Stephen Andrews, Deputy General Counsel for Regulation, Office of the General Counsel, *rulemaking@cftc.gov,* 202–308–7563; Aaron Levine, Senior Advisor, Office of the General Counsel, *rulemaking@cftc.gov,* 646–746–9721; Raagnee Beri, Director, Whistleblower Office, *rberi@cftc.gov,* 202–418–5986; Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

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I. Background

The CFTC's whistleblower program (''Program'') plays an important role in promoting the fairness and integrity of the nation's derivatives markets. By rewarding individuals who come forward and provide original information about violations of the CEA or the Commission's regulations (''Regulations''), the Program enhances the Commission's enforcement efforts and helps deter illegal conduct.

Section 23 of the CEA establishes the Program,[1] while part 165 of the Regulations defines the Program's framework.[2] Part 165 of the Regulations provides for the payment of awards, subject to certain limitations and conditions, to whistleblowers who provide the Commission information that aids in successful enforcement efforts. To qualify for an award, a whistleblower must voluntarily provide original information about a violation of the CEA or the Regulations that leads to a successful Commission enforcement action (judicial or administrative) that results in monetary sanctions over $1 million (''Covered Action''), or the successful enforcement of an action brought by specified entities or organizations including the Department of Justice.

(''Related Action'').[3] The CEA and Regulations authorize an aggregate award of between 10 and 30 percent of the amount of monetary sanctions collected in the Covered Action and/or a Related Action for successful claimants, which is paid from the CFTC Customer Protection Fund (''CPF'').[4] Throughout the process, whistleblowers who make a claim for an award have a right to be represented by counsel.[5]

The Commission retains discretion in determining whistleblower award amounts.[6] In exercising this discretion, the Commission must consider certain statutorily specified factors, but it may not consider the CPF balance.[7] Rule 165.9 defines the factors the Commission considers in determining a whistleblower award amount.[8] Positive factors that may increase an award include: the significance of the information provided by the whistleblower, the degree of assistance

[1] 7 U.S.C. 26.

[2] 17 CFR part 165.

[3] *See* 7 U.S.C. 26(a)(1), (5), (b)(1); 17 CFR 165.2(e) (defining ''covered judicial or administrative action''); 165.2(m) (defining ''related action''); 165.5 (requirements for consideration of an award); 165.7 (procedures for award applications in Commission actions and related actions, and Commission award determinations); 165.11(a) (awards based on related actions).

[4] 7 U.S.C. 26(b)(2). The CPF is funded through certain monetary sanctions that the Commission collects and can receive deposits or credits when the balance is at or below $100 million. 7 U.S.C. 26(g)(3)(A). In contrast, the SEC Investor Protection Fund—the counterpart to the CPF for funding SEC whistleblower awards—has a higher $300 million threshold. 15 U.S.C. 78u–6(g)(a)(3)(A)(i). If amounts deposited or credited to the CPF are insufficient to pay a whistleblower award, additional collected monetary sanctions equal to the unsatisfied portion of the award are to be deposited or credited to the CPF. 7 U.S.C. 26(g)(3)(B). Besides funding whistleblower awards, the CPF also funds the operation of the WBO and the Office of Customer Education and Outreach. *See id.* (g)(2); U.S. Commodity Futures Trading Commission—Availability of the Customer Protection Fund, B–321788 (GAO Aug. 8, 2011).

[5] 7 U.S.C. 26(d)(1).

[6] *Id.* 26(c)(1)(A); 17 CFR 165.9.

[7] 7 U.S.C. 26(c)(1)(B)(i)(I)–(III) (specifying the following for consideration: information's significance; degree of the assistance; programmatic interest; and enhanced ability to enforce the CEA, protect customers, and encourage the submission of high-quality information); *id.* 26(c)(1)(B)(ii) (prohibiting consideration of the CPF balance); *see also id.* 26(c)(1)(B)(i)(IV) (authorizing the Commission to consider other factors established by rule or regulation).

[8] 17 CFR 165.9.