

21.—DEMOGRAPHIC PROFILE—Continued

	Total percent
55–64	3
65 and older	2
No answer	2
Mean	37.1
Gender:	
Male	54
Female	39
No answer	7
Annual Household Income:	
Less than \$30,000	15
\$30,000–\$44,999	17
\$45,000–\$60,000	17
More than \$60,000	41
No answer	9
Mean	\$57,600

Appendixes A–E of the Mt. Washington Valley Task Force Report could not be reprinted in the Federal Register, however, they may be inspected in Suite 25, U.S. Department of Justice, Legal Procedures Unit, 325 7th St., N.W., Washington, D.C. at (202) 514–2481 and at the Office of the Clerk of the United States Court for the District of Columbia.

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Immigration and Naturalization Service

[INS No. 1734–95]

Extension of Direct Mail Program to Applications for Adjustment of Status by Beneficiaries of Employment-Based Petitions; Filing of Employment-Based Petitions With the Texas Service Center

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The Immigration and Naturalization Service (INS) is expanding and adjusting its Direct Mail Program, under which applicants and petitioners for certain immigration benefits mail their applications directly to an INS service center for processing. This expansion of the Program is intended to improve INS service to the public by reducing the time required to process applications and petitions. In certain instances this notice affects the following applications or visa petitions: (1) Form I–129, Petition for a Nonimmigrant Worker; (2) Form I–131, Application for Travel Document; (3) Form I–140, Immigrant Petition for Alien Worker; (4) Form I–485, Application to Register Permanent Residence or Adjust Status; (5) Form I–

526, Immigrant Petition by Alien Entrepreneur; (6) Form I–765, Application for an Employment Authorization Document; and (7) Form I–829, Petition by Entrepreneur to Remove Conditions.

EFFECTIVE DATE: November 29, 1996.

FOR FURTHER INFORMATION CONTACT: Gerard Casale, Senior Adjudications Officer, Immigration and Naturalization Service, Adjudications Division, 425 I Street, N.W., Room 3214, Washington, DC 20536. Telephone: (202) 514–5014.

SUPPLEMENTARY INFORMATION:

Background

Under the INS Direct Mail Program, certain applicants and petitioners mail their applications or petitions for immigration benefits directly to an INS service center for processing instead of submitting them to a local INS office. Direct Mail improves the efficiency of service and the quality of case processing, by reducing the processing times for applications and petitions. The ultimate goal of the Direct Mail Program is to convert the filing location of applications and petitions for immigration benefits from local INS offices to the service centers in circumstances where it is practicable to do so. The purposes and strategy of the Direct Mail Program have been discussed in detail in previous rulemaking and notices, most recently on July 1, 1994, when the INS published an interim rule introducing Phase 3 of the Program (see 59 FR 33903–06) and a notice announcing the extension of Direct Mail to the Baltimore District Office as a pilot program (see 59 FR 33985–86).

The need to expand the Direct Mail Program is particularly urgent at this time. Applications and petitions for immigration benefits, particularly those

for adjustment of status under section 245 of the Immigration and Nationality Act (Act) and for naturalization, are being filed in record numbers. As a result, processing time for these applications has lengthened significantly. Expanding Direct Mail is a key element in the INS strategy to reduce that processing time.

Expansion of Direct Mail

The INS is expanding the Direct Mail Program to include all Form I–485 applications for adjustment of status under section 245 of the Act which are filed on the basis of an approved employment-based immigrant petition, including those for eligible dependents of the principal applicant. Since the supporting visa petitions are already being adjudicated at the service centers, this expansion of Direct Mail will improve consistency in the adjudication of related applications for adjustment of status.

As of November 29, 1996, the following applications and petitions must be mailed to the appropriate INS service center (see section entitled “Modification of filing instructions on relating forms”) instead of being filed with a local INS district office:

(1) Form I–485, Application to Register Permanent Residence or Adjust Status, (including adjustment applications by eligible dependents of the principal applicant), if it is being filed on the basis of any of the following approved employment based visa petitions:

- Form I–140, Immigrant Petition for Alien Worker;
- Form I–526, Immigrant Petition by Alien Entrepreneur; and
- Any Form I–360, Petition for Amerasian, Widow(er) or Special Immigrant, which classifies the

beneficiary as a "Special Immigrant Religious Worker".

Beneficiaries of an approved Form I-140 visa petition must bear in mind that their eligibility to apply for permanent residence on that basis depends on whether the visa priority date of the petition indicates immediate availability of an immigrant visa to the applicant on the date the Form I-485 is filed. Service centers therefore must reject any Form I-485 submitted on behalf of an applicant to whom an immigrant visa is not yet available on the date the service center received the application. See 8 CFR 245.1(g)(1) and 245.2(a)(2).

Under the Direct Mail Program, applicants for employment based permanent resident status submit photographs as well as a complete set of fingerprints bearing their signature to the service center for the purpose of processing their required security agency checks. Aliens whose Form I-485 adjustment of status applications have been approved by the service center director must also go to a local INS office in order to execute a Form I-89 Data Collection Card for the capture of the biometric data (photograph, index fingerprint and signature) required for the production of their Alien Registration Receipt Card. A final rule published on June 4, 1996 (at 61 FR 28003), which took effect July 5, 1996, enables applicants to select a non-INS Designated Fingerprinting Service to prepare the set of fingerprints needed to satisfy the preliminary security clearance requirements, thereby eliminating the need to appear at an INS office for that particular purpose. The INS plans to restructure Form I-485 processing to eliminate the need for a separate Form I-89 card to capture the applicant's biometric alien registration card data. However, at the present time, applicants whose Form I-485 applications have been approved must continue to appear at a local INS office for the execution of the I-89 data card. The INS will issue instructions to aliens involved in Form I-485 processing under this Direct Mail Program, regarding when and how the Form I-89 card should be executed.

The service center may transfer an I-485 application to a local INS office if the INS has determined, based on the specific facts of the particular case, that an interview is necessary. In such a case, the service center will send the applicant written notice of the transfer, with instructions that any subsequent application for related benefits based on the adjustment application, such as a Form I-765 application for employment authorization or I-131 application for

advance parole, must be filed with the local office where the I-485 application is pending.

An applicant for adjustment of status may apply concurrently for an employment authorization document (EAD) by filing Form I-765, or for advance parole authorization by filing Form I-131. Once the service center has generated a Form I-797C Notice of Action acknowledging the filing of the Form I-485 adjustment application, the Form I-797C will constitute evidence of eligibility for purposes of applying for an EAD or for advance parole authorization. This notice therefore, also affects the filing of the following applications:

(2) Form I-131, Application for a Travel Document, when filed for the purpose of obtaining advance parole authorization on the basis of one of the employment-based Form I-485 applications outlined above. An applicant may elect to apply for advance parole at the INS district office having jurisdiction over the place of qualifying employment, by including a copy of the Form I-797C receipt notice for the Form I-485 with the Form I-131 application. In the case of a Form I-485 application which has been transferred from the service center to an INS local office, the applicant must file any subsequent Form I-131 advance parole application with that local office.

(3) Form I-765, Application for an Employment Authorization Document (EAD), which is being filed either together with one of the employment-based Form I-485 applications described above or, at a later date, at the service center where such Form I-485 application is pending. Any Form I-765 submitted separately from a Form I-485 adjustment application must be accompanied with a copy of the Form I-797C receipt showing that the Form I-485 adjustment of status application has been filed.

The INS is in the process of introducing new technology for the production of all EADs at service centers. In the meantime, if the service center has transferred the Form I-485 application of an employment based immigrant to an INS local office, the applicant must file any subsequent Form I-765 with that local office, provided that it has the capability to produce a valid EAD. Any other applicant whose Form I-485 application is pending at a service center may also elect to apply for an EAD at an INS local office, provided that it has jurisdiction over the applicant's place of intended employment and has the capability to produce a valid EAD.

Jurisdiction of the Texas Service Center Over Form I-140, I-129, I-526 and I-829 Petitions in Behalf of Beneficiaries Within Its Geographical Area

A previous notice, published May 5, 1995, at 60 FR 22408-09, initiated a 6-month trial period in which petitioners filing employment-based petitions in behalf of beneficiaries who will be employed in a state within the jurisdiction of the Texas Service Center had the option of filing the petitions at the Texas Service Center. Based on field experience and customer feedback, the Texas Service Center has been successful in adjudicating employment-based petitions during the trial period. The INS has also determined that the extension of Direct Mail to employment-based adjustment applications is most efficient when employment-based petitions are filed at the service center having jurisdiction over the place where the applicant will be employed. Therefore, effective November 29, 1996, the INS will amend the filing instructions to the following forms to require that they be filed at the Texas Service Center under the conditions described below:

(1) Form I-140, Immigrant Petition for Alien Worker, when filed in behalf of an alien beneficiary who will be employed within the geographic jurisdiction of the Texas Service Center;

(2) Form I-129, Petition for a Nonimmigrant Worker, when filed in behalf of an alien beneficiary who will be employed within the geographic jurisdiction of the Texas Service Center;

(3) Form I-526, Immigrant Petition by Alien Entrepreneur, when filed by an entrepreneur whose commercial enterprise is located within the geographic jurisdiction of the Texas Service Center; and

(4) Form I-829, Petition by Entrepreneur to Remove Conditions, when filed by an entrepreneur whose commercial enterprise is located within the geographic jurisdiction of the Texas Service Center.

Transition period

The changes in filing location and expansion of the Direct Mail Program detailed in this notice are effective as of November 29, 1996. However, during the first 60 days following the effective date, local INS offices that receive any of the applications stipulated in this notice may choose to continue to accept and process them. This decision will be at the local office's discretion, taking into account pertinent factors such as whether the transition to Direct Mail will significantly delay EAD issuance and whether accepting the case is

appropriate in light of current workloads or other relevant circumstances. Applicants who believe there is a basis for a local office to exercise this option should contact that office prior to filing.

Until January 28, 1997, any local INS office that receives applications designated by this notice which it does not choose to retain for adjudication shall forward them, at no cost to the applicant or petitioner, to the appropriate service center for processing. On arrival at the service center they will be receipted, at which time they will be considered to be filed. Any application or petition designated for Direct Mail which is submitted to a local office after the expiration of this transition period will be returned to the applicant for submission to the appropriate service center.

Modification of Filing Instructions on Relating Forms

Effective November 29, 1996, the Direct Mail filing instructions contained in this notice will replace any filing instructions presently contained on Forms I-129, I-131, I-140, I-485, I-526, I-765, and I-829 which are inconsistent with this notice. The INS will issue and attach the following supplementary filing instructions to all of the aforementioned forms which it distributes to the public.

(1) Form I-129, Petition for a Nonimmigrant Worker

An attachment will be affixed to that part of Form I-129 entitled, Instructions for Completing Petition for a Nonimmigrant Worker, Form I-129 (Rev. 12/11/91)N, to read as follows:

ATTENTION APPLICANT:

Where to File.

If you are petitioning in behalf of a citizen of Mexico for TN (Treaty NAFTA) professional status under the North American Free Trade Agreement (NAFTA), you must file this petition in accordance with 8 CFR 214.6(d), with the Nebraska Service Center at the address given in the regular Instructions section of the attached petition.

Effective [Insert date 30 days from date of publication in the Federal Register], if you are petitioning in behalf of an alien beneficiary for any other nonimmigrant worker status covered by this application whose principal place of employment will be in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your petition(s) to: INS Service Center, P.O.

Box 152122, Department A, Irving, TX 75015-2122.

If you are petitioning in behalf of an alien beneficiary for a classification other than TN status whose principal place of employment will be in a state other than one of the states listed above, file your petition at the appropriate service center designated in the attached regular Instructions section entitled, Where to File.

(2) Form I-131, Application for Travel Document

An attachment will be affixed to the Instructions portion of Form I-131, (Rev. 12/10/91)N, to read as follows:

ATTENTION APPLICANT:

Fee.

Effective July 14, 1994, the fee for filing Form I-131, Application for Travel Document, has been increased to \$70.00 (Seventy Dollars).

Where to File.

Advance Parole.

Effective [Insert date 30 days from date of publication in the Federal Register], if you are filing Form I-485 Application to Register Permanent Residence or Adjust Status at a service center, you may submit at the same time a Form I-131 application to obtain advance parole authorization at the same service center. If you have already filed your Form I-485 application at a service center and have not been advised that it has been transferred to a local INS office, you may mail the Form I-131 advance parole application to the same service center, or you may choose to submit it to the local INS office having jurisdiction over your place of residence. If the service center has advised you that it has transferred your Form I-485 application to a local INS office, you must file any subsequent Form I-131 application at the office to which the Form I-485 was transferred. If you are filing an application for advance parole authorization at a local office based on your application for adjustment of status which is pending at a service center, you must provide evidence (such as a Form I-797 Notice of Action) showing that your Form I-485 application for adjustment of status is pending with the INS.

If you are submitting the Form I-131 advance parole application to the Vermont, Texas, or California Service Center, use the same address which you used to mail the Form I-485 application. For the Nebraska Service Center, use the following address: INS Service Center, P.O. Box 87131, Lincoln, NE 68501-7131.

(3) Form I-140, Immigrant Petition for Alien Worker

An attachment will be affixed to the Instructions portion of Form I-140 (Rev. 12/02/91), to read as follows:

ATTENTION APPLICANT:

Fee.

Effective July 14, 1994, the fee for filing Form I-140, Immigrant Petition for Alien Worker, has been increased to \$75.00 (Seventy-Five Dollars).

Where to File.

Effective November 29, 1996, if the petition is being filed in behalf of an alien whose principal place of employment will be in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your application(s) to: INS Service Center, P.O. Box 152122, Department A, Irving, TX 75015-2122.

For a Form I-140 petition in behalf of an alien whose principal place of employment will be in one of the states listed above, this instruction supersedes all previous instructions regarding the service center at which such petitions may be filed.

(4) Form I-485, Application to Register Permanent Residence or Adjust Status

An attachment will be affixed to the Instructions portion of Form I-485 (Rev. 09-09-92)N, to read as follows:

ATTENTION APPLICANT:

Fee.

Effective July 14, 1994, the fee for filing Form I-485, Application to Register Permanent Residence or Adjust Status, has been increased to \$130.00 (One Hundred and Thirty Dollars), except in the case of applicants under the age of 14 years, for whom the fee is \$100.00 (One Hundred Dollars).

If your eligibility for adjustment of status is based upon section 245(i) of the Immigration and Nationality Act, see also Supplement A of the Instructions to Form I-485.

Where to File.

Effective November 29, 1996, if you are filing a Form I-485 application for adjustment of your status on the basis of any of the following approved employment-based visa petitions, mail your adjustment application to the service center which approved the original petition:

- Form I-140, Immigrant Petition for Alien Worker;
- Form I-526, Immigrant Petition by Alien Entrepreneur; or
- a Form I-360, Petition for Amerasian, Widow(er) or Special

Immigrant, which classifies you as a "special immigrant religious worker".

If an INS district or suboffice approved the employment-based petition, mail your adjustment application to the service center having jurisdiction over your place of residence. If you are filing a Form I-765 application for employment authorization or a Form I-131 application for advance parole authorization along with your adjustment application, please also read the separate filing instructions for those forms.

If you live in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, or West Virginia, mail your application(s) to: INS Service Center, P.O. Box 9485, St. Albans, VT 05479-9485.

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your application(s) to: INS Service Center, P.O. Box 152122, Department A, Irving, TX 75015-2122.

If you live in Arizona, California, Guam, Hawaii, or Nevada, mail your application(s) to: INS Service Center, P.O. Box 10485, Laguna Niguel, CA 92607-0485.

If you live in Alaska, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming, mail your application(s) to: INS Service Center, P.O. Box 87485, Lincoln, NE 68501-7485.

(5) Form I-526, Immigrant Petition by Alien Entrepreneur

An attachment will be affixed to the Instructions Portion of Form I-526 (Rev. 12-02-91), to read as follows:

ATTENTION APPLICANT:

Fee.

Effective July 14, 1994, the fee for filing Form I-526, Immigrant Petition by Alien Entrepreneur, has been increased to \$155.00 (One Hundred and Fifty-Five Dollars).

Where to File.

Effective November 29, 1996, if you are an entrepreneur whose commercial enterprise is located within the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your petition to: INS Service

Center, P.O. Box 152122, Department A, Irving, TX 75015-2122.

This instruction supersedes all previous instructions regarding the address of the service center at which Form I-526 petitions may be filed by an entrepreneur whose commercial enterprise is located in one of the states listed above. If you are an entrepreneur whose commercial enterprise is located within a state other than the ones listed above, refer to the instruction portion of Form I-526.

(6) Form I-765, Application for an Employment Authorization Document (EAD)

An attachment will be affixed to the Instructions portion of Form I-765 (Rev. 04-25-95), to read as follows:

ATTENTION APPLICANT:

Fee.

Effective July 14, 1994, the basic fee for filing Form I-765, Application for an Employment Authorization Document (EAD), has been increased to \$70.00 (Seventy Dollars).

Where to File.

Effective November 29, 1996, if you are filing a Form I-485, Application to Register Permanent Residence or Adjust Status, at a service center, you may file a Form I-765 application at the same time. If you have already filed your Form I-485 application at a service center and have not been advised that it has been transferred to a local INS office, you may mail the I-765 application to the same service center; or you may choose to file the Form I-765 at the local INS office having jurisdiction over your place of residence, provided that the local INS office has the capability to issue an EAD. If the service center has advised you that it has transferred your Form I-485 application to a local INS office, you must file any subsequent Form I-765 application at that office. If you are applying for an EAD at local INS office based on your Form I-485 application for adjustment of status which is pending at a service center, you must provide evidence, such as a Form I-797 Notice of Action, showing that your Form I-485 application is pending.

For the Vermont and Texas Service Centers, use the same address to which you mailed Form I-485. For the California Service Center, use the following address: INS Service Center, P.O. Box 10765, Laguna Niguel, CA 92607-0765.

For the Nebraska Service Center, use the following address: INS Service Center, P.O. Box 87765, Lincoln, NE 68501-7765.

(7) Form I-829, Petition by Entrepreneur to Remove Conditions

An attachment will be affixed to the Instructions portion of Form I-829 (Rev. 01-07-94), to read as follows:

ATTENTION APPLICANT:

Where to File.

Effective November 29, 1996, if you are an entrepreneur whose commercial enterprise is located within the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your petition to: INS Service Center, P.O. Box 152122, Department A, Irving, TX 75015-2122.

If you are an entrepreneur whose commercial enterprise is located within one of the states listed above, this instruction supersedes all previous instructions regarding the service center at which the Form I-829 petition may be filed. If you are an entrepreneur whose commercial enterprise is located within a state other than one of those listed above, refer to the instructions portion of Form I-526.

Conversion to Direct Mail Filing of Asylum and Refugee Adjustment Applications

In order to promote consistency of processing and to improve service to the public, the INS plans to consolidate at one service center the adjustment of status processing of all persons who were granted refugee and asylum status in the United States. As a first step in this plan, the INS previously arranged that the filing of all Form I-730 alien relative petitions by persons holding refugee or asylum status in the United States would be processed at the service center in Texas. However, workload growth and the expansion of Direct Mail, combined with serious facility limitations at that center, require that this processing be shifted elsewhere. Therefore the INS plans to propose, in a separate rulemaking, to shift this workload to the service center in Nebraska, and to shift the adjustment of status processing of refugees under section 209(a) of the Act, and of asylees under section 209(b) of the Act, to the Direct Mail program and to consolidate their processing at the Nebraska Service Center.

Dated: September 20, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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