Requirements for VWPP Participation (Addition of Slovenia)

For a country to qualify as participant in the VWPP, the country must agree to waive the visa requirement for nationals of the United States entering for business or pleasure for ninety (90) days or less, must meet statutorily prescribed limits on rates of exclusion at Ports-of-Entry and on overstay rates, and must have a machine readable passport program. The Attorney General, in consultation with the Secretary of State, has determined that Slovenia has met these requirements, and Slovenia, therefore, is added, effective September 30, 1997 as a participating country in the Visa Waiver Pilot Program. (See the Department of State rule published elsewhere in this issue of the **Federal Register**.)

Good Cause Exemption

The Service's implementation of this rule as an interim rule, with a 60-day provision for post-promulgation public comments, is based upon the ''good cause'' exceptions found at 5 U.S.C. 553 (b)(B) and (d)(3). The reasons and the necessity for immediate implementation of this interim rule without prior notice and comment are as follows: This interim rule relieves a restriction and will facilitate business and tourist travel to the United States and Slovenia.

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 removes a restriction for both the traveling public and United States businesses.

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 adopted herein will not have substantial direct effects 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.

Unfunded Mandates Reform Act of 1995

This rule will not result in expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12988 Civil Justice Reform

This interim rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

List of Subjects in 8 CFR Part 217

Administrative practices and procedures, Aliens, Nonimmigrants, Passports and visas.

Accordingly, part 217 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 217—VISA WAIVER PILOT PROGRAM

1. The authority citation for part 217 continues to read as follows:

Authority: 8 U.S.C. 1103, 1187; 8 CFR part 2.

2. In § 217.2 paragraph (a) is amended by revising the definition for *''Designated country''* to read as follows:

§ 217.2 Eligibility.

(a) * * *

* * * * *

Designated country refers to Andorra, Argentina, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, San Marino, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom. The United Kingdom refers only to British citizens who have the unrestricted right of permanent abode in the United Kingdom (England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man); it does not refer to British overseas citizens, British dependent territories' citizens, or citizens of British Commonwealth countries.

* * * * *

Dated: September 25, 1997.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 97–25982 Filed 9–29–97; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

8 CFR Part 245

[EOIR No. 119I; A.G. ORDER No. 2117–97]

RIN 1125–AA20

Adjustment of Status to That of Person Admitted for Permanent Residence

AGENCY: Executive Office for Immigration Review, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule enables the Executive Office for Immigration Review to complete adjudication of timely filed section 245(i) adjustment applications after September 30, 1997.

DATES: *Effective Date:* This rule is effective September 30, 1997. *Comment Date:* Written comments must be received on or before December 1, 1997.

ADDRESSES: Please submit written comments to Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, Virginia, 22041.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, Virginia, 22041, telephone (703) 305–0470.

SUPPLEMENTARY INFORMATION: On August 26, 1994, Congress enacted the Department of Commerce, Justice, State, and the Judiciary and Related Agencies Appropriations Act of 1995, Pub. L. 103–317. Section 506(b) of this law added a new section 245(i) to the Immigration and Nationality Act (the Act) which allows certain persons already in the United States to adjust

status, despite the provisions of section 245 (a) and (c) of the Act, upon payment of a fee in addition to the base filing fee for an adjustment of status application.

On July 23, 1997, the Immigration and Naturalization Service (Service) published an interim rule with request for comments (62 FR 39417) concerning adjustment of status applications filed pursuant to section 245(i) of the Act. The supplementary information to the interim rule reiterates that the provisions of section 245(i) apply only to applications filed on or after October 1, 1994, and before October 1, 1997. *See* section 506(c) of Pub. L. 103–317. By law, benefits may not be granted pursuant to section 245(i) of the Act to aliens who attempt to file anew application for adjustment of status under that subsection after September 30, 1997. All applications for adjustment of status filed pursuant to section 245 of the Act which are submitted after September 30, 1997, must be adjudicated pursuant to section 245(a) of the Act.

This interim rule is published in order that all applications for adjustment of status filed pursuant to section 245(i) be adjudicated in a consistent manner. Since applications for adjustment of status may be adjudicated by either the Service or the Executive Office for Immigration Review (EOIR) (which includes the Immigration Courts and the Board of Immigration Appeals), this interim rule enables the Executive Office for Immigration Review to complete adjudication of timely filed section 245(i) adjustment applications after September 30, 1997, and makes it clear that neither the Service nor EOIR may approve an application for adjustment of status pursuant to section 245(i) of the Act if such application was filed either before October 1, 1994, or after September 30, 1997. However, both the Service and EOIR may complete adjudication of timely filed section 245(i) adjustment applications after September 30, 1997.

The implementation of this rule as an interim rule, with provisions for post-promulgation public comment, is based upon the ''good cause'' exceptions found at 5 U.S.C. 553 (b)(B) and (d)(3). The reasons and the necessity for immediate implementation of this interim rule without prior notice and comment are as follows: Immediate implementation of this rule will ensure that all applications for adjustment of status filed pursuant to section 245(i) are adjudicated in the same manner and will avoid any delay in the processing of these applications.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule affects only those aliens who are applying to adjust their status under section 245(i) of the Immigration and Nationality Act. Therefore, this rule does not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $110 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

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.

Executive Order 12612

This rule has no federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612.

Executive Order 12988

This rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order No. 12988.

List of Subjects in 8 CFR Part 245

Aliens, Immigration, Reporting and recordkeeping requirements.

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

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

1. The authority citation for part 245 continues to read as follows:

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

§ 245.10 [Amended]

2. In § 245.10 paragraphs (c) and (f) are revised to read as follows:

* * * * *

(c) *Application period.* Neither the Service nor the Executive Office for Immigration Review may approve an application for adjustment of status pursuant to section 245(i) of the Act if such application was filed either before October 1, 1994, or after September 30, 1997. If an alien attempts to file an adjustment of status application under the provisions of section 245(i) after September 30, 1997, the Service will accept the application and base filing fee, as set forth in § 103.7(b)(1) of this chapter, return the additional sum of $1,000 to the alien, and either the Service or the Executive Office for Immigration Review will adjudicate the application pursuant to section 245(a) of the Act. If the alien, in such a case, is not eligible for adjustment of status, either the Service will issue a written notice advising the alien of the denial of the application for adjustment of status, or the Executive Office for Immigration Review will deny the application for adjustment of status.

* * * * *

(f) *Completion of processing of pending applications.* (1) An application for adjustment of status filed subsequent to September 30, 1994, and prior to October 1, 1997, shall be adjudicated to completion by an officer of the Service or by the Executive Office for Immigration Review, regardless of whether the final decision is made after September 30, 1997. The provisions of paragraph (d) of this section regarding amended applications shall apply to all such applications. The Service or the Executive Office for Immigration Review may consider a motion to reopen or reconsider an application for adjustment of status on the basis of section 245(i) of the Act only if:

(i) The application for adjustment of status was filed on or after October 1, 1994, and before October 1, 1997, and

(ii) Prior to October 1, 1997, the applicant submitted Supplement A to Form I-485, any additional sum required by section 245(i), and any other required documentation.

(2) Any application for adjustment of status submitted pursuant to section 245(i) and considered in deportation or

removal proceedings must be filed between October 1, 1994, and October 1, 1997.

* * * * *

Dated: September 24, 1997.

Janet Reno,

Attorney General.

[FR Doc. 97–25931 Filed 9–29–97; 8:45 am]

BILLING CODE 4410–30–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 274a

[INS NO. 1818–96]

RIN 1115–AE94

Interim Designation of Acceptable Documents for Employment Verification

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) amended existing law by removing certain documents from the list of acceptable documents for use in the employment eligibility verification process. By law, those changes take effect no later than September 30, 1997, and this rule implements those changes. Although the Immigration and Naturalization Service (Service) is in the process of developing proposed rules to revise and streamline the employment verification process, together with revised forms and guidance, those rules are not yet ready to be promulgated. Thus, in promulgating this interim rule to implement the changes striking certain documents from the statutory list, the Service is also exercising available regulatory authority to restore many of the existing documents, insofar as possible, by designating them to be retained on the list of acceptable documents until further notice. This notice is intended to retain the status quo as much as possible at this time, pending the completion of action on the document reduction program, which will be accomplished in a separate rulemaking action.

DATES: This interim rule is effective September 30, 1997.

Comment date: Written comments must be submitted on or before December 1, 1997.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS No. 1818–96 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: Marion Metcalf, Special Assistant, HQIRT, 425 I Street NW., Washington, DC, 20536; (202) 307–6596; or email at metcalfm@justice.usdoj.gov. Please note that the email address is for further information only and may not be used for the submission of comments.

SUPPLEMENTARY INFORMATION: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104–208, enacted on September 30, 1996, amended the employer sanctions provisions of section 274A of the Immigration and Nationality Act (Act) to require a reduction in the number of documents acceptable for completion of the Employment Eligibility Verification form (Form I–9). These amendments must be in effect no later than September 30, 1997. This interim rule is necessary to implement the changes required by IIRIRA.

The Service is currently developing a document reduction initiative which will result in a number of changes in this area, including eliminating various documents from the existing lists, revising the Form I–9, and developing new guidance for employers and employees regarding the employment verification process. Those changes, when finalized, will implement the changes enacted by IIRIRA as well as respond to other concerns about the present process. However, that initiative, which the Service intends to publish as a proposed rule in a separate rulemaking action within the next 6 months, is not yet ready for promulgation.

At this time, the Service must amend its rules to take account of the statutory changes that take effect September 30, 1997. However, although IIRIRA deleted certain documents from the statutory list of acceptable documents, the Act also retained (in amended form) the authority of the Attorney General to designate specific documents as acceptable in addition to the statutory list. Accordingly, in amending existing regulations to take account of these statutory changes, the Service at the same time is also acting to restore the use of some of those documents by exercising available authority (as amended by IIRIRA) to continue to designate certain documents as acceptable for employment verification until completion of the separate document reduction initiative.

By this means, as discussed in more detail below, the Service is acting to designate foreign passports with specified Service work authorization stamps in two instances as ''List A'' documents—that is, as documents evidencing both identity and work authorization. This rule also expands the existing receipt rule to ensure that certain refugees and lawful permanent residents will still be able to meet the employment verification requirements even though they do not yet have a required document. Finally, even though IIRIRA eliminates birth certificates as a specific statutory ''List C'' document—this is, as a document evidencing employment authorization—this rule reflects a determination (as a matter of discretionary regulatory authority) to designate birth certificates as an acceptable document for this purpose. (This designation of birth certificates will continue only until completion of the separate rulemaking proceeding. The Service intends to propose elimination of the use of birth certificates, as well as certain other existing documents, in that proposed rule.)

The result of the statutory changes and the new designations embodied in this interim rule is that all of the existing ''List A'' documents will be retained, except for the following three kinds of documents: a Certificate of U.S. Citizenship; a Certificate of Naturalization; and a foreign passport not meeting the standards set forth in this interim rule, as discussed below. As to those three documents, there is no statutory authority to retain them on ''List A.'' In addition, there will be no change at all at this time with respect to either ''List B'' documents (evidencing identity) or ''List C'' documents (evidencing employment authorization).

The purpose of this interim rule is to maintain the status quo as much as possible during this transitional period so as to avoid confusion and disruption in the employment verification process at this time. Although some changes are required by law, the Service recognizes that these changes are necessarily being implemented with little advance public notice, and without any revisions to the existing Form I–9 and the published Handbook for Employers (Form M–274). Accordingly, as explained below, in order to minimize confusion and disruption, the Service will exercise its discretion to forgo enforcement actions against employers who continue to act in reliance upon and in compliance with existing employment verification