RULES AND REGULATIONS

Effective date. This order shall be effective on April 4, 1973.

RAYMOND F. PARKER,
Commissioner of Immigration and Naturalization.
[FR Doc. 73-6083 Filed 4-3-73; 8:45 am]

IMMIGRATION AND NATURALIZATION REGULATIONS

Miscellaneous Amendments to Chapter I

Pursuant to 5 U.S.C. 553 and the authority contained in 5 U.S.C. 1103 and 5 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in parts 103, 312, 214, 286, 299, 312, and 490 of chapter I of title 8 of the Code of Federal Regulations.

In the light of 28 CFR 18.23(b) (2), as amended February 23, 1973 (38 FR. 4925) delegating to the Commissioner certain authority of the Attorney General to approve the production or disclosure of material or information from the Service files in response to a subpoena, order, or other demand, § 103.1 (c) is amended to delegate such authority of the Commissioner to the General Counsel.

In part 212, § 212.3(b) (4) is amended to provide that a prospective investor, in support of form I-526, may, under specified conditions, submit certified copies of documents, although unaccompanied by the originals. A minor corollary amendment is made in § 103.2(d) (1).

In part 214, § 214.2(b) is amended editorially for clarification by repositioning material from existing subparagraph (7), to create new subparagraphs (8), (9), (10), and (11), and by redesignating existing subparagraph (8) as subparagraph (12). In the newly created subparagraph (11), a sentence is added to provide that where an applicant for an extension of stay is the beneficiary of a new nonimmigrant visa petition approved for employment or training other than that previously authorized, an extension of stay may be granted on the basis of that approval.

In the new form I-134, § 214.4(a) is amended by adding a new item (6) to clarify that a school approved for the attendance of nonimmigrant students which fails to limit its advertising in accordance with the provisions of § 214.3(d) of that park is no longer entitled to such approval.

Since current form I-102 (Application by Nonimmigrant Alien for Replacement of Arizal Document or for Alien Registration) is no longer used as an application for alien registration, the title of the form has been amended to delete the reference therein to alien registration. Accordingly, other corresponding minor technical amendments are made in §§ 264.1 (b) and (f) and 289.1.

In Parts 299 and 490, §§ 200.1 and 499.1 are amended to reflect the current edition dates of the forms specified therein.

In part 312, § 312.3 is amended to permit the exercise of discretion by the field relative to the calendaring of naturalization petitions for final hearings and the opportunities afforded a petitioner for naturalization to meet the educational and literacy requirements.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.1, paragraph (c) is amended by adding a new sentence at the end thereof. As amended, § 103.1(c) reads as follows:

§ 103.1 Delegations of authority.

(a) General Counsel.—The legal advisor, legislative, litigation, and trial attorney (including appellate trial attorney at the Board of Immigration Appeals) activities of the Service. The General Counsel is authorized to approve production or disclosure in response to subpoenas or demands of courts or other authorities, as provided in 28 CFR 18.23 (b) (2) (II).

2. In § 103.2(b), the fourth sentence of subparagraph (1) is amended. As amended, § 103.2(b) (1) reads in part as follows:

§ 103.2 Applications, petitions, and other documents.

(b) Evidence.—(1) Requirements.—Each application or petition shall be accompanied by the documents required by the particular section of the regulations under which submitted. Form I-134 may be used if an affidavit of support would be helpful in resolving any public charge aspect. All accompanying documents must be submitted in the original and will not be returned unless accompanied by a copy. Except as provided in §§ 204.3(f), 212.3(b) (4), 212.3(b) (5), 212.4 (1) (2), and 214.2(c) of this chapter, a copy unaccompanied by an original will be accepted only if the accuracy of the copy has been certified by an immigration or consular officer who has examined the original.

PART 212—DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212(b), subparagraph (4) is amended by adding 2 new sentences at the end thereof. As amended, § 212(b) (4) reads as follows:

§ 212 Certification requirement of section 212(a) (14).

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(b) Aliens not required to obtain labor certifications.—The following persons are not considered to be within the purview of section 212(a)(14) of the Act and do not require a labor certification: * * * *(4) an alien who establishes on form I-526 that he is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, or is actively in the process of investing, capital totaling at least $10,000, and who establishes that he has had at least 1 year's experience or training qualifying him to engage in such enterprise. A copy of a document submitted in support of form I-526 may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, notary or other person who is authorized to engage in the practice of law in the state in which the action is begun. (10) Suspension of approval of employment.—Approval of the beneficiary's employment or training is automatically suspended while a strike or other labor dispute involving the employer or layoff of employees is in progress in the occupation and at the place the alien is being employed or trained. (11) Extension of stay.—An extension of stay may be authorized in increments of not more than 12 months each under the same terms and conditions that apply to the petition for admission, except that an applicant for a new petition for continuation of temporary stay, or the applicant, if he is maintaining status, may extend the period of stay of the alien for the period of validity of the petition for admission. A new petition shall be granted by the new petitioner who seeks to pursue employment or training other than the activity of the alien already authorized and the applicant, if he is maintaining status, may be granted an extension of stay for the period of validity of the approval for admission. Form I-725 shall be used when filing an application for a new extension. In the case of an alien defined in section 101(a)(15)(A)(i) when the application for extension shall be accompanied by a labor certification or notice that such certification cannot be made and the alien shall not be granted an extension which would result in an unbroken stay in the United States for more than 3 years. (12) Special classes.—The services of an entertain benefitary shall be restricted to the activity area, and employer specific of the approved petition. Any engagement not engaged in the original petition shall require a new petition. A new petition shall also be required if the entertainer's services are engaged by a new employer or by a new or agent or are to be performed in another area, unless that a new petition will not be required for the appearance of an alien performer on a bona fide charity show without compensation, provided the alien is already the United States on a new petition to an approved visa petition. A show shall not be considered as a "bona fide charity show" within the meaning of this paragraph if the performers are paid, or are paid performers, or other persons receive compensation, including reimbursement for expenses, for their performance therein. A petition shall be required for an appearance, interview, or demonstration, without remuneration, by any nonimmigrant alien who is not an entertainer by occupation. A separate petition and fee shall be required for each group of variety entertainers comprising a separate and distinct act. 2. In §214.4, paragraph (a) is amended by adding a new subparagraph (d) at the end thereof. As amended, §214.4(a) reads as follows: §214.4 Withdrawal of school approval. (a) General.—The approval of the Services, pursuant to section 101(f)(16) (CF of the Act and these regulations, of a petition by a school or school system for the attendance of non-foreign school or school system for the attendance of non-foreign students shall be withdrawn if the school or school system is no longer entitled to such approval for any reason including, but not limited to, the following: (1) failure to submit reports required by §214.3(g); (2) issuance of certificates of eligibility, forms I-20, to students not employed by the employing school system; (3) failure to meet the requirements of §214.3(g); (4) failure to employ qualified professional personnel; (5) failure to maintain proper facilities for instruction; or (6) failure to limit its advertising in the manner prescribed in §214.3(t). * * * * * PART 254—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES Section 264.1 is amended in the following respects: In paragraph (b), the listing of aliens to form I-102 is amended, and in paragraph (d), the second sentence is amended as follows: "... and immediately following the word "resident," and by the word "lawful," and the last sentence is amended by deleting therefrom the words "the form I-102," and replacing them in part as follows: §264.1 Registration and fingerprinting. (b) Evidence of registration.—The following forms constitute evidence of registration: Form No. Class I-94 Application by Alien for Nonimmigrant Alien, pending admission, and other aliens not in lawful permanent resident status. I-102 Application for Replacement of Arrival Document * * * * * (1) Registration and fingerprinting of children who reach age 16.—Within 30 days after reaching the age of any alien in the United States not exempt from alien registration under the Act and this chapter shall present himself to a Service office for registration in accordance with section 262(b)(2) of the act, and for fingerprinting unless fingerprinting is waived pursuant to paragraph (c) of this section. He shall submit form I-90 if he is a lawful permanent resident. If such alien is a lawful permanent resident of the United States and is temporarily absent from the United States when he reaches the age of 16, he shall comply with the foregoing within 30 days of his return to the United States. The alien, if a lawful permanent resident of the United States, shall surrender his prior evidence of alien registration and shall be issued form I-151 bearing a photograph submitted by him in accordance with the instructions on form I-90. In the case of an alien who is not a lawful permanent resident, the alien's form I-94 or I-55 shall be noted to show that he has been registered and the date of registration. * * * *
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Compliance with the provisions of section 533 of title 5 of the United States Code (50 Stat. 363), as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to § 103.1(a), and 312.1 relate to agency management; the amendments to §§ 103.2(b)(1), 299.1, and 499.1 are editorial in nature; the amendment to § 214.2(a)(4) confers a benefit on the persons affected thereby; the amendments to § 214.2(b) are editorial in nature; the amendment to § 214.4(a) is editorial in nature; and the amendments to § 299.1 relate to agency management.

Effective date. This order shall become effective on April 4, 1972.


RAYMOND F. FARRELL, Commissioner of Immigration and Naturalization.

[FR Doc. 73-3382 Filed 3-4-73; 8:15 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Approval of Extension of Time Regarding Bank Holding Companies Filing Annual Reports

In order to delegate to the Federal Reserve bank's authority to grant bank holding companies extensions of time in which to file annual reports to the Board, § 265.2(7) is amended by adding subparagraph (27) to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve banks.

(27) Under the provisions of section 5(c) of the Bank Holding Company Act, as amended (12 U.S.C. 1844(c)), to grant to a bank holding company a 90-day extension of time in which to file an annual report, and for good cause shown an additional extension of time, not to exceed 50 days, may be granted.

The provisions of section 533 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, are followed in connection with the adoption of this amendment, because the rule contained therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

Effective date. This amendment is effective as of March 23, 1973.

By order of the Board of Governors,

TYRAN SMITH, Secretary of the Board.

[FR Doc. 73-3382 Filed 3-4-73; 8:15 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 17-1372]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Miscellaneous Amendments

The Securities and Exchange Commission has adopted certain technical amendments to its rules under the Investment Company Act of 1940 (act) (15 U.S.C. 80a-1 et seq.).

The Investment Company Amendments Act of 1970 (1970 amendments) Public Law 91-647, approved December 14, 1970, 84 Stat. 1413, amended certain sections of the act which are referred to in the rules and regulations promulgated under such act. The purpose of the amendments to the rules is to conform such rules to the changes made in the act by the 1970 amendments. Adoption of the amendments made pursuant to the authority granted to the Commission in section 38(a) of the act (15 U.S.C. 80a-37(a)).

Section 38(a) of the act authorizes the Commission to make, issue, and amend such rules as are necessary or appropriate, in the exercise of the powers conferred upon the Commission, including rules prescribing the forms or forms in which information required in registration statements and reports shall be set forth.

The 1970 amendments to the act, among other things, amended sections 2(a) (52) (designated 2(a) (33)), 2(a) (59) (designated 2(a) (41)) and section 19 (designated 19 (a) and (b)) (84 Stat. 1462). These sections are referred to in rules 2a-1, 2a-2, 7d-1, 1a-1, and 30d-1 of the rules and regulations promulgated under the Investment Company Act of 1940.

Accordingly, in order to conform the language in the rules to the amended sections of the act, the Commission adopts the amendments as set forth below:

Commission action.—Part 270 of chapter II of title 17 of the Code of Federal Regulations is amended as indicated below:

Section 270.2a-1 is amended by deleting: (i) From subsection (a) after the phrase "from that prescribed by clause (A) of section" and "valuation prescribed by clause (A) of section"; and (ii) from subsection (c), after the phrase "method prescribed in clause (A) of section"; and (iii) from subsection (d) after the phrase "method prescribed in clause (A) of section", respectively, the phrase "(a) (38)" and by adding in lieu thereof, respectively, the designation "(a) (41)."