Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 576]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 29–May 5, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on April 26, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Agricultural Marketing Service, Marketing agreements and orders, California, Arizona, Oranges (navel).

1. Section 907.876 is added as follows:

§ 907.876 Navel orange regulation 576.

The quantities of navel oranges grown in California and Arizona which may be handled during the period April 29, 1983 through May 5, 1983, are established as follows:

(1) District 1: 1,700,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 27, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-11586 Filed 4-27-83; 1:12 pm]

BILLING CODE 3410-02-M

7 CFR Part 1126

[Milk Order No. 126; Docket No. AO-231-A49]

Milk in the Texas Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action implements on an emergency basis a temporary reduction of 40 cents per hundredweight in the price for producer milk used to produce butter, nonfat dry milk and cheddar cheese. The adopted change, which will apply only through June 30, 1983, is based on industry proposals considered at a public hearing in February 1983.

The price reduction is necessary to reflect current marketing conditions and will result in a more equitable sharing among all producers on the market of the cost of disposing of unusually large supplies of surplus milk that are expected this spring. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and the opportunity to file exceptions thereto were omitted. Cooperative associations representing more than two-thirds of the producers who supply the market have approved the issuance of the amended order.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued December 27, 1982; published January 3, 1983 (48 FR 28).

Notice of Rescheduled Hearing: Issued January 14, 1983; published January 19, 1983 (48 FR 2337).

Emergency Final Decision: Issued April 11, 1983; published April 15, 1983 (48 FR 16286).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the **Federal Register.** Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Deputy Assistant Secretary containing all amendment provisions of this order was issued April 11, 1983. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the **Federal Register**, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1126

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1126—MILK IN THE TEXAS MARKETING AREA.

1. In § 1126.60, a new paragraph (h) is added to read as follows:

§ 1126.60 Handler's value of milk for computing uniform price.

* * * * *

(h) From the effective date of this amendatory action through June 30, 1983, subtract an amount determined by multiplying the pounds of producer milk used to make butter, nonfat dry milk and cheddar cheese by 40 cents per hundredweight.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 28, 1983.

Signed at Washington, D.C., on April 22, 1983.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-11400 Filed 4-27-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records; Revisions to Service Fee Schedule

Correction

In FR Doc. 83–8723, beginning on page 14572, in the issue of Tuesday, April 5, 1983, on page 14573 at the bottom of the third column and at the top of page 14574, Form I–17 and Form G–641 should read as follows:

Form G-641.	For filing application for verification of information contained in Service records.	$15.00
	For certification of true copies, each.	$2.00
	For attestation under seal.	$2.00
Form I-17.	For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof.	$50.00

BILLING CODE 1505-01-M

8 CFR Parts 103, 204, 205, 212 and 214

Powers and Duties of Service Officers; Availability of Service Records; Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Revocation of Approval of Petitions; Documentary Requirements: Nonimmigrants, Waivers, Admission of Certain Inadmissible Aliens, Parole; and Nonimmigrant Classes; Certain Amerasians Fathered by United States Citizens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule establishes procedures for the immigration to the United States of certain Amerasian children of United States citizen fathers based upon Pub. L. 97–359, which amended the Immigration and Nationality Act to provide preferential treatment in the immigration of these individuals. The rule provides opportunity to certain aliens born in Korea, Vietnam, Laos, Kampuchea, and Thailand who were fathered by United States citizens to immigrate to the United States and to ensure their safety and well-being after they arrive.

EFFECTIVE DATE: April 28, 1983. Comments must be received on or before: May 30, 1983.

ADDRESS: Please submit written comments in duplicate to the Commissioner of Immigration and Naturalization, Room 7100 425 I Street, NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I St. NW., Washington, D.C. 20536. Telephone: (202) 633–3048.

For General Information: Alice Strickler, Immigration Examiner, Immigration and Naturalization Service, 425 I St. NW., Washington, D.C. 20536, Telephone: (202) 633–5015.

SUPPLEMENTARY INFORMATION: On October 22, 1982, Pub. L. 97–359 (96 Stat. 1716) was enacted to provide for the immigration to the United States of certain Amerasian children of United States citizen fathers. In order to qualify for benefits under this law, an alien must have been born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950 and before October 22, 1982 and have been fathered by a United States citizen. Aliens who come to the United States as a result of this legislation will immigrate as numerically unrestricted immediate relatives of United States citizens if they are unmarried children under the age of twenty-one, as numerically restricted unmarried sons and daughters of United States citizens if they are unmarried and twenty-one years of age or older, and numerically restricted married sons and daughters of United States citizens.

Public Law 97–359 was enacted for humanitarian reasons. As Chairman Peter W. Rodino of the House Committee on the Judiciary stated on October 1, 1982:

> Enactment of this legislation is certainly long overdue and it responds in an effective and practical manner to a most difficult humanitarian problem. In my judgment, it recognizes a moral responsibility that we have to these children who have been fathered by Americans abroad. (128 Cong. Rec. H8351, daily ed. Oct. 1, 1982, statement of Rep. Rodino)

In view of the plight of many of the beneficiaries of this legislation, it will be the policy of the Immigration and Naturalization Service to expedite their cases to the greatest extent possible. It was not intended, however, that the mothers of children under eighteen years of age accompany them to the United States. This would be contrary to the requirement in Public Law 97–359 that a United States citizen or lawful permanent resident sponsor agree to "assume legal custody" of a beneficiary under eighteen.

Public Law 97–359 adds a new section 204(g) to the Immigration and Nationality Act (8 U.S.C. 1154(g)) to permit the immigration to the United States of certain illegitimate Amerasian children of United States citizen fathers who are unable to immigrate under other sections of law. Prior to its enactment, the illegitimate children of United States citizen fathers were unable to gain any immigration benefits as a result of their relationship to their fathers. Section 204(g) of the Act now enables certain of them to do so, but without requiring that their fathers file petitions in their behalf. Under other sections of immigration law, a legitimate child, a legitimated child, or a stepchild can gain immigration benefits through the child's relationship with either parent or stepparent. An illegitimate child, on the other hand, normally can obtain immigration benefits only through the relationship with his or her mother.

As a result of *Matter of McMillan*, 17 I. & N. Dec. 605 (BIA 1981), a precedent decision of this Service, however, an illegitimate child can gain immigration benefits as the stepchild of his or her father's United States citizen or lawful permanent resident alien wife provided that the marriage creating the stepparent-stepchild relationship occurred prior to the child's eighteenth birthday. It is therefore expected that some Amerasian children eligible for benefits under Pub. L. 97–359 may immigrate to the United States instead as the beneficiaries of relative petitions filed under *McMillan*.

It is also expected that some aliens under sixteen years of age eligible for benefits under Pub. L. 97–359 may immigrate to the United States instead as the beneficiaries of orphan petitions. In order for an orphan petition to be approved, the beneficiary must be adopted abroad by a United States citizen and spouse or an unmarried United States citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings. Otherwise, the beneficiary must be coming to the United States for adoption by a United States citizen and spouse or a United States citizen at least twenty-five years of age, who have or has complied with the preadoption requirements, if any, of the state of the child's proposed residence. Unlike an orphan petition, a petition filed under Pub. L. 97–359 has no provision relating to adoption.

A new petition, Form I–360, Petition to Classify Pub. L. 97–359 Amerasian as the Child, Son, or Daughter of a United States Citizen, will be used, supported by a newly devised Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, as well as necessary documentary evidence. If, after admission to the United States, a beneficiary requires enforcement of the guarantee of financial support and intent to petition for legal custody, the newly devised Form I–363, Request to Enforce Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, may be filed. In order not to delay the admission of eligible beneficiaries, Form I–139, Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa, and Form I–130, Affidavit of Support, will be used in place of Form I–360 and Form I–361 respectively until the new forms are available to the public.

There are various requirements regarding the sponsorship process which are being instituted, in accordance with the legislative intent, out of concern for the safety and well-being of beneficiaries under eighteen years of age. On October 1, 1982, Chairman Romano L. Mazzoli of the House Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, when referring to his

amendment to the legislation which was adopted, stated, "It * * * tightens the sponsorship system for these Amerasians so that we can be sure that they can be placed with proper sponsors when they come to our country." (128 Cong. Rec. H8352, daily ed. Oct. 1, 1982). On that same date, Chairman Rodino stated, "There is certainly a concensus that every possible step should be taken to insure that the sponsorship process is legitimate." (128 Cong. Rec. H8351 daily ed. Oct. 1, 1982)

If the petitioner so desires, the petition may be adjudicated in two stages. During the first stage, a determination must be made as to whether there is reason to believe that the beneficiary was fathered by a United States citizen. During the second stage, a determination will be made concerning the adequacy of the sponsor's guarantee of legal custody if the beneficiary is under eighteen years of age and the adequacy of the sponsor's guarantee of financial responsibility, as well as other requirements. The two-stage adjudication will permit completion of the part of the petition on the beneficiary first so that the sponsor will not need to complete the complex procedures regarding sponsorship and, in the case of a beneficiary under eighteen years of age, placement and legal custody, unless the beneficiary is found tentatively qualified for the benefit sought. If, on the other hand, the petitioner wants to have all parts of the petition adjudicated at the same time, the case may be done that way.

A new 8 CFR 103.1(l)(2)(xxiv) is being added to permit those petitions which are denied to be appealed to the regional commissioners. The provisions relating to petitions for Pub. L. 97-359 Amerasians are included in 8 CFR 204.1(c) and 8 CFR 204.2(g). Provisions relating to enforcement of an affidavit of financial support and intent to petition for legal custody are included in 8 CFR 204.2(h). 8 CFR Part 205 is revised to include provisions relating to revocation of petitions for Pub. L. 97-359 Amerasians. In 8 CFR 103.2(b)(1), 8 CFR 212.8(b)(4), 8 CFR 214.2(h)(5), 8 CFR 214.2(k), 8 CFR 212.2(1)(2), technical changes are being made because of a change in paragraph designation in this rule.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because these requirements are mandated by law and delay would be contrary to the public interest.

Public comments are invited with respect to all aspects of this rulemaking. The Service would appreciate public comments particularly with respect to 8 CFR 204.2(g)(1)(i)(B) relating to the requirement that the beneficiary's father must have been a United States citizen at the time of the beneficiary's birth or at the time of the father's death if the father died prior to the beneficiary's birth.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegation, Organization and functions.

8 CFR Part 204

Administrative practice and procedure, Aliens.

8 CFR Part 205

Administrative practice and procedure, Immigration, Revocation.

8 CFR Part 212

Administrative practice and procedure.

8 CFR Part 214

Administrative practice and procedure.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended to read as follows:

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

1. The following new 8 CFR 103.1(l)(2)(xxiv) is added:

§ 103.1 Delegations of authority.

* * * * *

(l) * * *

(2) * * *

(xxiv) Decisions on petitions to classify Pub. L. 97-359 Amerasians as the children, sons, and daughters of United States citizens.

* * * * *

§ 103.2 [Amended]

2. In § 103.2, paragraph (b)(1) is amended to change the citation "204.2(h)" to read "204.2(j)."

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

3. The existing § 204.1(c) is redesignated as § 204.1(d), and the following new § 204.1(c) is added:

§ 204.1 Petition.

* * * * *

(c) *Public Law 97-359 Amerasian*—(1) *Eligibility.* An alien is eligible for classification under section 201(b), 203(a)(1) or 203(a)(4) of the Act as the Amerasian child, son, or daughter of a United States citizen pursuant to section 204(g) of the Act if there is reason to believe that the alien—

(i) Was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950 and before October 22, 1982; and

(ii) Was fathered by a United States citizen.

(2) *Filing petition.* Any alien claiming to be eligible for benefits as a Pub. L. 97-359 Amerasian, or any person on the alien's behalf, may file a petition, Form I-360, Petition to Classify Pub. L. 97-359 Amerasian as the Child, Son, or Daughter of a United States Citizen, without fee. A natural person filing the petition must be eighteen years of age or older or an emancipated minor. In addition, a corporation incorporated in the United States may file the petition. The petition must be filed with the office of the Service having jurisdiction over the place of the alien's intended residence in the United States or with the overseas Service office having jurisdiction over the alien's residence abroad.

(3) *Two-stage processing of petition*—(i) *Preliminary processing.* Upon initial submission of a petition with the documentary evidence required by § 204.2(g)(1)(i), the district director or officer-in-charge shall adjudicate the petition to determine whether there is reason to believe the beneficiary was fathered by a United States citizen. If the preliminary processing is completed in a satisfactory manner, the district director or officer-in-charge shall advise the petitioner to submit the documentary evidence required by § 204.2(g)(1)(ii) and (iii) and the fingerprints of the sponsor on Form FD-258 as required by § 204.2(g)(1)(iv) if they have not already been submitted. The petitioner must submit all requested documents within one year of the date of the request or the petition will be considered abandoned. To reactivate an abandoned petition, the petioner must submit a new petition, Form I-360, without the previously submitted documentation, to the Service office having jurisdiction over the prior petition.

(ii) *Final processing.* Upon submission of the documentary evidence required by § 204.2(g)(1)(ii) and (iii) and, if applicable, § 204.2(g)(1)(iv), the district director or officer-in-charge shall

complete the adjudication of the petition.

(4) *One-stage processing of petition.* If all documentary evidence required by § 204.2(g)(1)(ii), (iii), and (iv) is available when the petition is initially filed, the petitioner may submit it at that time. In that case, the district director or officer-in-charge shall consider all evidence without using the two-stage processing procedure under paragraph (c)(3) of this section.

(5) *Decision*—(i) *General.* The district director or officer-in-charge shall notify the petitioner of the decision and, if the petition is denied, of the reasons for the denial.

(ii) *Denial upon completion of preliminary processing.* The district director or officer-in-charge may deny the petition upon completion of the preliminary processing under paragraph (c)(3) of this section for—

(A) Failure to establish that there is reason to believe the alien was fathered by a United States citizen; or

(B) Failure to meet the sponsorship requirements if the fingerprints of the sponsor, required by § 204.2(g)(1)(iv), were submitted during the preliminary processing and the completed background check of the sponsor discloses adverse information resulting in a finding that the sponsor is not of good moral character.

(iii) *Denial upon completion of final processing.* The district director or officer-in-charge may deny the petition upon completion of the final processing for failure to establish that the sponsorship requirements or one or more of the other applicable requirements have been met.

(iv) *Denial upon completion of one-stage processing.* The district director or officer-in-charge may deny the petition upon completion of all processing for failure to meet any of the applicable requirements in a case being processed under the one-stage processing described in paragraph (c)(4) of this section.

(v) *Appeal.* If the petition is denied, the petitioner may appeal the decision under Part 103 of this chapter.

(5) *Classification of Pub. L. 97–359 Amerasian.* If the petition is approved the beneficiary is classified as follows:

(i) An unmarried beneficiary under the age of twenty-one is classified as the child of a United States citizen under section 201(b) of the Act.

(ii) An unmarried beneficiary twenty-one years of age or older is classified as the unmarried son or daughter of a United States citizen under section 203(a)(1) of the Act.

(iii) A married beneficiary is classified as the married son or daughter of a United States citizen under section 203(a)(4) of the Act.

* * * * *

4. The existing § 204.2 (g) and (h) are redesignated as § 204.2 (i) and (j) respectively, and the following new § 204.2 (g) and (h) are added:

§ 204.2 Documents.

* * * * *

(g) *Evidence required to accompany petition for Amerasian child of a United States citizen*—(1) *Two-stage processing of petition*—(i) *Preliminary processing.* A petition filed by or on behalf of an Amerasian under § 204.1(c) must be accompanied by the following:

(A) Evidence that the beneficiary was born in Korea, Vietnam, Laos, Kampuchea or Thailand after December 31, 1950 and before October 22, 1982. If the beneficiary was born in Vietnam, the beneficiary's I.D. card must be submitted, if available. If it is not available, the petitioner must submit an affidavit explaining why the beneficiary's I.D. card is not available.

(B) Evidence that the beneficiary was fathered by a United States citizen. The putative father must have been a United States citizen at the time of the beneficiary's birth or a United States citizen at the time of his death if he died prior to the beneficiary's birth. Submit as many documents as may be obtained, including, but not limited to:

(*1*) The beneficiary's birth and baptismal certificates or other religious documents;

(*2*) Local civil records;

(*3*) Affidavits from knowledgeable witnesses;

(*4*) Letters from, or evidence of financial support from the beneficiary's putative father;

(*5*) Photographs of the beneficiary's putative father, especially with the beneficiary; and

(*6*) Evidence of the putative father's United States citizenship.

(C) The beneficiary's photograph.

(D) The beneficiary's marriage certificate, if married, and evidence of termination of any previous marriages, if applicable.

(E) If the beneficiary is under eighteen years of age, an irrevocable release in writing for emigration from the beneficiary's mother or legal guardian. The mother or guardian must authorize the placing agency or agencies to make necessary decisions for the child's immediate care until the sponsor receives custody. Interim costs incurred are the responsibility of the sponsor. The mother or guardian must show an understanding of the effects of the release and state whether any money was paid or any coercion was used prior to signing the release. The signature of the mother or guardian must be authenticated by the local registrar, the court of minors, or a United States immigration or consular officer. The release must include the full name, date and place of birth, and present or permanent address of the mother or guardian.

(ii) *Final processing.* If the district director or officer-in-charge notifies the petitioner that all preliminary processing has been completed in a satisfactory manner, the petitioner must then submit the following:

(A) Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, executed by the beneficiary's sponsor with the documentary evidence of the sponsor's financial ability required by that form. If the beneficiary is under eighteen years of age, the sponsor must agree to petition the court having jurisdiction within thirty days of the beneficiary's arrival in the United States to be awarded legal custody in accordance with the laws of the state where the beneficiary will reside until the beneficiary is eighteen years of age. The term "legal custody" means the assumption of responsibility for a minor by an adult under the laws of the state in a court of law. The sponsor must be a United States citizen or lawful permanent resident twenty-one years of age or older who is of good moral character.

(B) Evidence of the age of the beneficiary's sponsor.

(C) Evidence of the United States citizenship of the beneficiary's sponsor as provided in paragraph (a) of this section or evidence of the lawful permanent residence of the sponsor as provided in paragraph (b) of this section.

(D) If the beneficiary is under eighteen years of age, evidence that a public, private, or state agency licensed in the United States to place children and actively involved, with recent experience, in the intercountry placement of children has arranged the beneficiary's placement in the United States and that the sponsor with whom the beneficiary is being placed is able to accept the beneficiary for care in the sponsor's home under the laws of the state of the beneficiary's intended residence. The agency must demonstrate a capability, including financial capability, to arrange the placement, as described in paragraph (g)(1)(iii) of this section, directly, or through cooperative agreement, with other suitable provider(s) of service.

(iii) *Arrangements for placement of a beneficiary under eighteen.* If the

beneficiary is under eighteen years of age, the petitioner must submit the following evidence of the placement arrangement required by paragraph (g)(ii)(D) of this section:

(A) A favorable home study of the sponsor to be conducted by an agency legally authorized to conduct that study in the jurisdiction of placement.

(B) A plan from the agency to provide follow-up services including mediation and counseling as required to assure a satisfactory adjustment of the sponsor and the beneficiary to the placement and to determine whether the terms of the sponsorship are being upheld.

(C) A report from the agency of the placement including information regarding any family separation or dislocation abroad that results from the placement. In addition, the agency must submit to the Director, Outreach Program, Immigration and Naturalization Service, Washington, DC, within ninety days of each occurrence, reports of any breakdowns in sponsorship that occur, and reports of the steps taken to remedy these breakdowns.

(D) A statement from the agency—

(*1*) Indicating that the sponsor, before signing the sponsorship agreement, has been provided a report covering pre-placement screening and evaluation, including health evaluation, of the beneficiary;

(*2*) Describing the agency's orientation of both the sponsor and the beneficiary on the legal and cultural aspects of the placement;

(*3*) Describing the initial facilitation of the placement through introduction, translation, and similar services; and

(*4*) Describing the contingency plans to place the beneficiary in another suitable home if the initial placement fails. The new sponsor must execute and submit a Form I–361 to the Service office having jurisdiction over the beneficiary's residence in the United States. The original sponsor nonetheless retains financial responsibility for the beneficiary under the terms of the guarantee of financial support and intent to petition for legal custody which that sponsor executed unless that responsibility is assumed by a new sponsor. In the event that the new sponsor does not comply with the terms of the new guarantee of financial support and intent to petition for legal custody and, for one reason or another, that guarantee is not enforced, the original sponsor again becomes financially responsible for the beneficiary.

(iv) *Fingerprints of sponsor.* The petitioner must submit the fingerprints of the sponsor on Form FD–258. The petitioner may submit Form FD–258 at any time during the processing of the petition. The Form FD–258 must reflect the ORI number (originating agency number), or special office code, relating to the Service office where the petition is filed if that office has forms FD–258 with the relating ORI number.

(2) *One-stage processing of petition.* If the petitioner chooses to have the petition processed under the one-stage processing procedure described in § 204.1(c)(4), the petitioner must submit all evidence required by paragraph (g)(1) of this section.

(h) *Enforcement of affidavit of financial support and intent to petition for legal custody.* A guarantee of financial support and intent to petition for legal custody on Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, may be enforced against the alien's sponsor in a civil suit brought by the Attorney General in the United States district court for the district in which the sponsor resides, except that the sponsor's estate is not liable under the guarantee if the sponsor dies or is adjudicated a bankrupt under Title 11, United States Code. If, after admission to the United States, the beneficiary of a petition for a Pub. L. 97–359 Amerasian requires enforcement of the guarantee of financial support and intent to petition for legal custody executed by the beneficiary's sponsor, the beneficiary may file Form I–363, Request to Enforce Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, with the office of the Service having jurisdiction over the beneficiary's residence in the United States. If the beneficiary is under eighteen years of age, any agency or individual (other than the sponsor) having legal custody of the beneficiary or a guardian ad litem may file Form I–363.

* * * * *

PART 205—REVOCATION OF APPROVAL OF PETITIONS

5. The existing § 205.1(b) and (c) are redesignated as § 205.1(c) and (d) respectively, and the following new § 205.1(b) is added:

§ 205.1 Automatic revocation.

* * * * *

(b) *Petition for Pub. L. 97–359 Amerasian*—(1) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition.

(2) Upon the death of the beneficiary.

(3) Upon the death or bankruptcy of the sponsor who executed Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian. In that event, a new petition may b filed in the beneficiary's behalf with the documentary evidence relating to sponsorship and, in the case of a beneficiary under eighteen years of age, placement. If the new petition is approved, it will be given the priority date of the previously approved petition.

(4) Upon the death or substitution of the petitioner if other than the beneficiary or sponsor. However, if the petitioner dies or no longer desires or is able to proceed with the petition, and another person eighteen years of age or older, an emancipated minor, or a corporation incorporated in the United States desires to be substituted for the deceased or original petitioner, a written request may be submitted to the Service or American consular office where the petition is located to reinstate the petition and restore the original priority date.

(5) Upon the beneficiary's reaching the age of twenty-one when the beneficiary has been accorded classification under section 201(b) of the Act. Provided that all requirements of section 204(g) of the Act continue to be met, however, the petition is to be considered valid for purposes of according the beneficiary preference classification under section 203(a)(1) of the Act if the beneficiary remains unmarried or under section 203(a)(4) if the beneficiary marries.

(6) Upon the beneficiary's marriage when the beneficiary has been accorded classification under section 201(b) or section 203(a)(1) of the Act. Provided that all requirements of section 204(g) of the Act continue to be met, however, the petition is to be considered valid for purposes of according the beneficiary preference classification under section 203(a)(4) of the Act.

* * * * *

6. Section 205 is revised to read as follows:

§ 205.2 Revocation on notice.

(a) *General.* Any Service officer authorized to approve a petition under section 204 of the Act may revoke the approval of that petition upon notice to the petitioner on any ground other than those specified in § 204.1 when the necessity for the revocation comes to the attention of this Service.

(b) *Procedure.* Revocation of the approval of a petition under paragraph (a) of this section will be made only on notice to the petitioner who must be given an opportunity to offer evidence in support of the petition and in opposition

to the grounds alleged for revocation of the approval. If, upon reconsideration, the approval previously granted is revoked, the district director shall notify the petitioner of the decision and of the reasons for the revocation. The petitioner may appeal the decision within fifteen days after the service of notice. Except in the case of a petition filed under section 204(g) of the Act, if the petition was approved for a preference under section 203(a) (1), (2), (4), or (5) of the Act or for immediate relative classification under section 201(b) of the Act other than for a child as defined in section 101(b)(1)(F) of the Act, the petitioner must file the appeal as provided in Part 3 of this chapter. If the petition was approved for a preference under section 203(a) (3) or (6) of the Act, for a child as defined in section 101(b)(1)(F) of the Act, or for a Pub. L. 97-359 Amerasian, the petitioner must file the appeal as provided in Part 103 of this Chapter. The district director shall notify the consular officer having jurisdiction over the visa application, if applicable, of the revocation of an approval.

§ 205.3 [Removed]

7. Section 205.3 is removed.

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

§ 212.8 [Amended]

8. In § 212.8, paragraph (b)(4) is amended to change the citation "204.2(h)" to read "204.2(j)."

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

9. In § 214.2, paragraphs (h)(5), (k) and (l)(2) are amended to change the citations "204.2(h)" to read "204.2(j)."

(Secs. 103, 201(b), 203(a)(1), 203(a)(4), 204(g), 205, 212, and 214 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103, 1151(b); 1153(a)(1), 1153(a)(4), 1154(g), 1155, 1182, and 1184)

Dated: April 6, 1983.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 83-11200 Filed 4-27-83; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 238

Contracts With Transportation Lines; Addition of Wardair Canada, Ltd.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Wardair Canada, Ltd. to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3(b) is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Wardair Canada, Ltd. on April 19, 1983, to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportational lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

Accordingly, 8 CFR Part 238 is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3, Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b), Signatory lines is amended by adding in alphabetical sequence, "Wardair Canada, Ltd."

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: April 22, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-11343 Filed 4-27-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-48-AD; Amdt. 39-4637]

Airworthiness Directives; Beech Models 60, A60 and B60 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Beech Models 60, A60 and B60 airplanes which requires modification of the air conditioning compressor installation by incorporating improved clutch pulley retention and a pulley guard. Failures or loss of the screw securing the air conditioner compressor clutch pulley assembly have occurred. This permits the loose pulley to contact and damage an adjacent fuel line. Inflight fires and loss of engine power have resulted. This action will improve the retention of the pulley on the shaft and prevent a loose pulley from contacting the fuel line.

DATES: Effective May 3, 1983.

Compliance: Within the next 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Beechcraft Class I Service Instructions No. SI-1236 applicable to this Airworthiness Directive may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, Office of the Regional