

the possibility that lawful permanent residents who apply for a replacement Form I-551, Alien Registration Receipt Card, or for naturalization have their applications adjudicated before expiration of the Form I-151 on March 20, 1996.

The final rule will remove references to the Form I-151 throughout Title 8 of the Code of Federal Regulations, including the reference to the Form I-151 as a List A document in 8 CFR 274a.2(b)(1)(v). Thus the Form I-151 will be removed as a List A document when the final rule becomes effective as anticipated on March 20, 1996.

#### **Elimination of the Form I-688B and Introduction of a More Secure Employment Authorization Document (EAD) (Form I-766)**

In another employment-related matter arising since publication of the proposed rule, the Service has determined that utilizing state-of-the-art technology at one or more of its service centers will enable the Service to produce a more secure EAD which will benefit employers, aliens who have been granted employment authorization, and the Service as well. The Service is using this supplement as a vehicle to advise the public of its intention to centralize EAD production.

Currently about one half of all EAD applications are filed and processed at the service centers through Direct Mail, and the Service plans to shift almost all remaining EAD applications to Direct Mail as a new production system becomes available in the service centers. [Direct Mail is a Service program under which the public files certain applications and petitions for benefits under the Immigration and Nationality Act (Act), as amended, at service centers instead of field offices.] This partial centralization has improved inventory control, data integrity, and overall service. It has also made the employment authorization data available for verification purposes sooner than it is from decentralized work stations.

With the introduction of the new EAD, Form I-766, Form I-688B will be eliminated. This is consistent with the overall purpose of this rule and these changes are reflected in the proposed rule. Elimination of the Form I-688A, another current version of the EAD, was previously announced in the proposed rule published at 58 FR 61846 on November 23, 1993.

It is the Service's intention to eliminate both Forms I-688A and I-688B as acceptable evidence of employment authorization as of December 31, 1996. Since all Forms I-

688A and most Forms I-688B are issued for a 1-year validity period, this elimination will be accomplished in large measure by the Service's ceasing to issue Forms I-688A and I-688B on or before December 31, 1995, at which time the I-766 will be in production.

The Service will replace any cards with validity dates beyond December 31, 1996, with Forms I-766. While the Service has directed that no Form I-688A (or sticker affixed thereto) be issued or extended to a validity date beyond December 31, 1996, an undetermined number of these documents may have been inadvertently issued or extended beyond that date. Further, the Service estimates on the basis of internal data that as of December 31, 1996, there will be approximately 30,000 Forms I-688B with validity dates beyond that date, due to exceptions to the general practice of issuance in 1-year increments.

The Service has determined that the benefits of a more secure EAD justify a requirement that still-valid Forms I-688A and I-688B alike be replaced with the Form I-766. Further, the fact that the Service's adjudications function no longer receives appropriated funds means that the cost of replacing these cards must come from user fees. In both the Independent Office Appropriation Act, 31 U.S.C. 9701(a), and legislation establishing an "Immigration Examination Fee Account," Section 286(m) of the Act, 8 U.S.C. 1356, Congress has authorized the setting of fees that recover the costs of providing services to aliens. For these reasons, the Service intends to require the standard filing fee for Form I-765 from aliens in these classes applying for replacement EADs.

Holders of Forms I-688A with expiration dates beyond December 31, 1996, will be aliens with pending applications for temporary resident status under sections 210 or 245a of the Act. Current regulations at 8 CFR 103.7(b)(1) do not address the question of fees for renewal of Forms I-688A for these persons, who applied under either section 210 on Form I-700 or under section 245a on Form I-687. However, the Service has administratively exempted this class of aliens from fees for renewal of Forms I-688A since Forms I-687 and I-700 were approved for use. For the reasons discussed above, this practice will cease with introduction of the Form I-766.

Most multiple-year Forms I-688B are issued to dependents of diplomatic, consular and international officials, as well as dependents of certain exchange visitors. Similarly, current regulations at 8 CFR 103.7(b)(1) provide no exemption

of the filing fee for the Application for Employment Authorization, Form I-765, for the dependents described above. The Service has, however, administratively exempted this class of aliens from fees since Form I-765 was approved for use. For this class, too, this practice will cease with introduction of Form I-766.

The Service will accept applications to replace with Form I-766 all Forms I-688A and I-688B carrying a validity date beyond December 31, 1996, for a specified period of time. By separate notice, the Service will inform the public of the exact dates of this application period. Further, the Service will take appropriate steps to notify holders of multiple-year Forms I-688B through the Department of State and the United States Information Agency, the government agencies with the closest liaison with the affected communities.

Other regulatory changes are also needed to reflect introduction of Form I-766. In the proposed rule published November 23, 1993, the Service proposed amending 8 CFR parts 210 and 245a to reflect replacement of Form I-688A with I-688B. Since introduction of Form I-766 will make it necessary to further amend those parts, the Service proposes to replace references to specifically numbered forms with a more general reference to "employment authorization document." Current language in those sections providing for employment authorization in 6-month increments will be made consistent with language in the new 8 CFR 274a.12(c) providing for employment authorization in increments not to exceed 1 year.

Further, to clarify the regulatory basis for work authorization in 8 CFR 274a.12 for legalization applicants under sections 210 and 245a of the Act, the Service is proposing to add a paragraph to 8 CFR 274a.12(c) to include this group in that class of aliens who must apply for employment authorization while an application is pending. A similar provision was included in the proposed rule originally published, but the language proposed in this supplement makes it clear that eligibility for employment authorization is during the period in which the legalization application is pending.

Additionally, Form I-688A is designated by existing regulation as evidence of alien registration. The Service proposes to amend 8 CFR part 264 to make Form I-766, which will replace Form I-688A, evidence of alien registration in one instance. It will be such evidence only for persons who have legalization applications under sections 210 and 245a of the Act