the Diversity Lottery is so large compared to the visas available that it will not be necessary to go beyond those already registered and notified of their qualification to compete in the Diversity Lottery. The Department envisions that the visas available for each region will be made available according to regional rank order numbers to natives of AA–1 qualifying countries who are determined to be ineligible to receive a DV–1 visa under section 212(a)(6)(C) or 212(e), or who could not obtain a DV–1 visa because of the regional or percentage limitation.

The situation regarding Irish Diversity Lottery applicants is rather different. The number of aliens registered for the Diversity Lottery who could compete for the 1,313 Irish visas is only 2,416-2,151 from the Republic of Ireland; 265 from Northern Ireland. [In the AA-1 program, Northern Ireland was required by law to be treated as part of Ireland. In the Diversity Program, Northern Ireland is required by law to be treated as a separate foreign state.] Given the very high percentage of natives of Ireland who were registered for visas under the AA-1 program but failed to pursue their applications, the Department believes that it is necessary to register additional Irish applicants beyond those registered for the DV-1 program for the express purpose of producing a pool of Irish applicants sufficient to ensure use of all the AA-1 visa numbers carried over from the previous fiscal years.

Accordingly, the Department is registering an additional quantity of natives of Ireland beyond those registered for competition for the Diversity visas. These applicants will not compete for Diversity visas as their rank order numbers will not justify permitting them to do so. They will, however, compete for the 1,313 AA–1 visas carried over to the current fiscal year.

#### **Interim Rule**

The implementation of this rule, with provision for post-promulgation public comments, is based upon the "good cause" exception found at 5 U.S.C. 553 (b)(B) and 553(d)(3). The amendments authorizing the Department to continue issuing visas under the Transitional Diversity Program throughout fiscal year 1995 took effect October 25, 1994.

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In addition, this rule would not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. This rule has

been reviewed as required under E.O. 12778 and certified to be in compliance therewith. This rule is exempt from review under E.O. 12866, but has been reviewed internally by the Department to ensure consistency with the objectives thereof.

# List of Subjects in 22 CFR Part 43

Aliens, Immigrants, Numerical limitations, Registration, Visas.

Accordingly, title 22, part 43 of the Code of Federal Regulations, is amended as follows:

# PART 43—[AMENDED]

1. The authority citation for part 43 is revised to read:

**Authority:** 8 U.S.C. 1104; 8 U.S.C. 1153 note, 108 Stat. 4315.

2. Part 43 is amended by adding a new subpart C to read as follows:

#### Subpart C—Documentation of Immigrants Under Section 217 of Public Law 103–416

Sec.

43.21 General.

43.22 Definitions.

43.23 Eligibility for consideration.

43.24 Order of consideration.

43.25 Numerical limitations.

43.26 Fees

43.27 Eligibility to receive a visa.

### § 43.21 General.

Except as specifically provided in this subpart, the provisions of the Immigration and Nationality Act, as amended, and of parts 40 and 42 of this chapter shall apply to application for, consideration of, and issuance or refusal of, immigrant visas under section 217 of Pub. L. 103–416.

### § 43.22 Definitions.

The definitions set forth in paragraphs (a), (c) and (d) of  $\S$  43.12 shall apply to application for, consideration of, and issuance or refusal of, immigrant visas under section 217 of Pub. L. 103–416.

## § 43.23 Eligibility for consideration.

(a) Natives of adversely affected foreign states other than Ireland.

Natives of adversely affected foreign states other than Ireland shall be eligible for consideration for issuance of a visa under this subpart only if they have been registered for consideration for issuance of a visa during fiscal year 1995 under section 203(c) of the Immigration and Nationality Act, as amended.

(b) *Natives of Ireland.* Natives of Ireland, as that country is defined in § 43.12(d) shall be eligible for consideration for issuance of a visa under this 103–416.

(1) They have been registered for consideration for issuance of a visa

under section 203(c) of the Immigration and Nationality Act, as amended; or

(2) They have been separately registered for this purpose from among those natives of Ireland who petitioned for consideration under section 203(c) of the Immigration and Nationality Act, as amended, but were not selected under the procedures established under § 42.33.

### § 43.24 Order of consideration.

- (a) Natives of Ireland. Consideration for issuance of a visa under this subpart shall be given to natives of Ireland in order of diversity rank number whose application for a visa under section 203(c) of the Immigration and Nationality Act, as amended, has been refused under section 212(a)(6)(C) or 212(e) of such Act, or both, or whose application could not be processed to a conclusion because of the applicable regional or foreign state limitation. Such consideration shall thereafter be given to natives of Ireland separately registered for this purpose as provided in § 43.23(b)(2) and such consideration shall be given in the rank order established by such registration.
- (b) Natives of adversely affected countries other than Ireland. Consideration for issuance of a visa under this subpart shall be given to natives of adversely affected countries other than Ireland in order of regional diversity rank number whose application for a visa under section 203(c) of the Immigration and Nationality Act, as amended, has been refused under section 212(a)(6)(C) or 212(e) of such Act, or both, or whose application registered for consideration for issuance of a visa under such section 203(c) could not be processed to a conclusion because of the applicable regional or foreign state limitation.

#### § 43.25. Numerical limitations.

- (a) *Centralized control*. Centralized control of the numerical limitations established pursuant to section 217 of Pub. L. 103–416 and this subpart is established in the Department.
- (b) Numerical limitation for natives of Ireland. The numerical limitation for natives of Ireland shall be determined by multiplying by 0.40 the number of immigrant visas available under section 132 of Pub. L. 101–649 during fiscal year 1994 to natives of adversely affected countries which were not used by such natives and by adding to the result of that calculation the number of visas available under such section 132 during fiscal year 1994 to natives of Ireland which were not used by such natives.