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Washington, DC 20548

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April 4, 2001

The Honorable Orrin G. Hatch
Chairman
The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate

The Honorable F. James Sensenbrenner
Chairman
The Honorable John Conyers
Ranking Minority Member
Committee on the Judiciary
House of Representatives

Subject: Department of Justice, Immigration and Naturalization Service: Adjustment of Status to That Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Justice, Immigration and Naturalization Service (INS), entitled "Adjustment of Status to That Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility" (RIN: 1115-AF91). We received the rule on March 26, 2001. It was published in the Federal Register as an interim rule with request for comments on March 26, 2001. 66 Fed. Reg. 16383.

The interim rule amends the regulations governing eligibility for adjustment of status under section 245(i) of the Immigration and Nationality Act to conform the regulations to existing policy and procedures and to remove language that has been superseded by subsequent legislation.

Enclosed is our assessment of the INS' compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the INS complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is Norman Rabkin,

Managing Director, Tax Administration and Justice. Mr. Rabkin can be reached at (202) 512-3610.

signed

Kathleen E. Wannisky
Managing Associate General Counsel

Enclosure

cc: Mr. Richard A. Sloan
Director, Policy Directives and
Instructions Branch
Department of Justice

ENCLOSURE

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE
ENTITLED
"ADJUSTMENT OF STATUS TO THAT PERSON ADMITTED FOR
PERMANENT RESIDENCE; TEMPORARY REMOVAL OF
CERTAIN RESTRICTIONS OF ELIGIBILITY"
(RIN: 1115-AF91)

(i) Cost-benefit analysis

INS states that the interim rule will have an effect on the economy of \$178.3 million in 2001, \$99.2 million in 2002, and \$91.9 million in 2003. The increase in cost is associated with the expected increase in the number of applications for adjustment of status with the required \$1,000 penalty fee and other associated applications.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The Attorney General has certified that the interim rule will not have a significant impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The interim rule does not contain either an intergovernmental or private sector mandate, as defined in title II, of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

INS has found "good cause" under 5 U.S.C. 553(b)(3)(B) and (d)(3) to forgo prior notice and comment procedures in issuing the interim rule because of the short timeframe for applications to be filed (April 30, 2001). However, comments will be accepted until May 25, 2001.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The interim rule does not contain any information collections that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Statutory authorization for the rule

The interim rule is promulgated pursuant to the authority contained in 8 U.S.C. 1101, 1103, 1182, and 1255 and section 202 of Pub. L. 105-100 and section 902 of Pub. L. 105-277.

Executive Order No. 12866

The interim rule was reviewed by OMB and found to be an “economically significant” regulatory action under the order.

Executive Order No. 13132 (Federalism)

It has been determined that the interim rule does not have sufficient federalism implications to warrant the preparation of a federalism impact statement.