

country extends to U.S. citizens. This treatment extends to fees charged for visas and validity periods of issued visas. The amount of the fee and the duration of the visa's validity are set forth in schedules published by the Department of State. These schedules are published in Volume 9 of the Foreign Affairs Manual, Part IV, Appendix C. The schedules are developed on the basis of reciprocal agreements which seek parity in visa fees and visa validity periods between the United States and a particular foreign government. Consequently, United States nonimmigrant visa fees and periods of visa validity are based, as far as is practicable, on the visa fees and validity periods which United States citizens are accorded when applying for visas for travel to a particular country. This amendment authorizes on a reciprocal basis the use of the same fee and visa validity schedules for aliens who have obtained refugee status in a country or who have obtained permanent resident status in that country. Thus, an alien who is a refugee or permanent resident in a country may be issued a visa pursuant to the reciprocity schedule accorded nationals of that country, as long as that foreign country extends the same treatment to refugees and permanent residents of the United States. The regulation at 22 CFR 41.112(b) is amended to accommodate these changes.

#### Machine Readable Visa (MRV)

Over the past several years United States Foreign Service posts have converted from the issuance of Burroughs visas to machine readable visas (MRVs) for all nonimmigrant issuance. MRV technology was developed as an anti-counterfeiting measure to enhance the security of the visa. A MRV has a maximum life span of ten years. Therefore, effective April 1, 1994, no nonimmigrant visa, (including B visas formerly authorized for indefinite maximum validity) may be issued for more than ten years, and reciprocity schedules have been amended accordingly. The Department is, therefore, amending its regulation at 22 CFR 41.112(b) to reflect use of the machine-readable visa.

#### Final Rule

The implementation of this rule as a final rule is based upon the "good cause" exceptions established by 5 U.S.C. 553(b)(B) and 553(d)(3). The first amendment made by this rule grants or recognizes an exemption or relieves a restriction under 5 U.S.C. 553(d)(1). The second amendment is based upon the

limitations inherent in applicable technology. Both are considered beneficial to the United States Government.

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 (5 U.S.C. 605(b)). This rule imposes no reporting or record-keeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule has been reviewed as required by E.O. 12988 and certified to be in compliance therewith. This rule is exempted from E.O. 12866 but has been reviewed to ensure consistency therewith.

#### List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passports and visas, Visa validity.

In view of the foregoing, 22 CFR is amended as follows:

#### PART 41—[AMENDED]

1. The authority citation for part 41 continues to read:

**Authority:** 8 U.S.C. 1104.

2. Section 41.112 is amended by revising paragraph (b) to read as follows:

#### § 41.112 Validity of visa.

\* \* \* \* \*

(b) Validity of visa and number of applications for admission. (1) Except as provided in paragraph (c) of this section, a nonimmigrant visa shall have the validity prescribed in schedules provided to consular officers by the Department, reflecting insofar as practicable the reciprocal treatment accorded U.S. nationals, U.S. permanent residents, or aliens granted refugee status in the U.S. by the government of the country of which the alien is a national, permanent resident, refugee or stateless resident.

(2) Notwithstanding paragraph (b)(1) of this section, United States nonimmigrant visas shall have a maximum validity period of 10 years.

(3) An unexpired visa is valid for application for admission even if the passport in which the visa is stamped has expired, provided the alien is also in possession of a valid passport issued by the authorities of the country of which the alien is a national.

\* \* \* \* \*

Dated: April 22, 1997.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs.*

[FR Doc. 97-11518 Filed 5-2-97; 8:45 am]

BILLING CODE 4710-06-P

## DEPARTMENT OF STATE

### Bureau of Consular Affairs

#### 22 CFR Part 41

[Public Notice 2538]

#### Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Validity of Nonimmigrant Visas

**AGENCY:** Bureau of Consular Affairs, Department of State.

**ACTION:** Final rule.

**SUMMARY:** The Department has been developing for a number of years a machine-readable nonimmigrant visa (MRV). The MRV is a durable, long-lasting adhesive foil designed to improve security and protect against counterfeiting. MRVs are affixed in passports and contain: specific biographic data on the bearer, a digitized photograph of the alien, and specially encoded machine-readable data. MRVs are now being used exclusively at consular posts abroad, having replaced old-style mechanically-stamped visas. The Department, therefore, is modifying regulatory language to comport with the new MRV technology.

The Department also is removing an obsolete regulation relating to the issuance of visas on official identity cards produced under the auspices of the International Olympic Committee (IOC).

**DATES:** This rule is effective May 5, 1997.

**ADDRESSES:** Chief, Legislation and Regulations Division, Visa Office, Department of State, 2401 E Street, NW, Room L603-C, SA-1, Washington, D.C. 20520-0106.

**FOR FURTHER INFORMATION CONTACT:** Stephen K. Fischel, Chief, Legislation and Regulations Division, (202) 663-1203.

**SUPPLEMENTARY INFORMATION:** The practice of placing United States visas into foreign passports has progressed through three stages, the use of a simple hand stamp, to a machine-driven automated stamp, and now, to a more sophisticated machine readable visa technology that provides greater security and anti-counterfeiting features. As a result of the new MRV technology, a number of visa issuance procedures codified in the Department's regulations at 22 CFR 41.113 have become outmoded, or need updating.

#### Machine Readable Visas (MRVs)

Section 4604 of the Anti-Drug Abuse Act of 1988, (Pub. L. 100-690), enacted

November 18, 1988, mandated the development of a machine-readable travel and identity document to improve border entry and departure control using an automated data-capture system. As a result, the Department developed the Machine Readable Visa, a durable, long-lasting adhesive foil made out of Teslin.

Before MRVs, nonimmigrant visas were issued using a device called a Standard Register protectograph, otherwise known as a Burroughs certifier machine. It produced what was colloquially known as a "Burroughs visa," an indelible ink impression mechanically stamped directly onto a page in the alien's passport. Over time, Burroughs machines were gradually replaced by MRV technology, which is now used exclusively by all nonimmigrant visa issuing posts throughout the world.

22 CFR 41.113(a) prescribes that a nonimmigrant visa shall be evidenced by a "stamp" placed in the alien's passport. 22 CFR 41.113(d) defines the format that the "visa stamp" is to take. Accordingly, the Department is modifying 22 CFR 41.113(d) to encompass within the meaning of "visa stamp" the Machine Readable Visa foil. 22 CFR 41.113(d) is also being redesignated herein as 22 CFR 41.113(c), as explained below.

#### **Cessation of Indefinite Visa Validity for "B" Visas**

Prior to MRV technology, Burroughs visas were issued to alien visitors for indefinite validity periods whenever an enabling reciprocal arrangement was established between the United States and a particular foreign government. Because a Burroughs visa would last for the life of the passport containing it, consular officers were authorized to issue, where appropriate, a nonimmigrant visitor visa with an indefinite validity period. MRVs, however, have a lifespan of ten years. Consequently, in anticipation of replacing Burroughs visas with MRVs, the Department instructed all posts, effective April 4, 1994, to cease issuing visitor visas with indefinite validity. The maximum validity for a nonimmigrant visa is now ten years.

22 CFR 41.113(c) refers to the issuance of indefinite validity visas. Since this provision has been rendered obsolete with the introduction of MRV technology, it is being eliminated. Accordingly, 22 CFR 41.113(d) is being redesignated as 22 CFR 41.113(c).

22 CFR 41.113(f), which makes reference to indefinite validity, is being amended and redesignated as 22 CFR 41.113(e).

#### **Elimination of the "Bearer(s)" Annotation**

Burroughs visas contained a space in which a consular employee was required to write the name of the alien to whom the visa was being issued. An alien's passport might also include family members, such as a spouse, or children, who also had to be listed on the visa. In March 1983, in order to expedite the issuance of nonimmigrant visas and to improve operational efficiency, the Department authorized the use of a "bearer(s)" stamp for certain countries so that consular officers would not have to spend time writing in the applicant's name (and those of accompanying family members). MRVs, however, must be issued individually to qualified aliens. Consequently, the "bearer" annotation has become obsolete.

22 CFR 41.113(e) is being redesignated as 22 CFR 41.113(d), and is being amended to remove procedures relating to the "bearer" annotation, and to reflect changes in terminology brought about by MRV technology.

#### **Elimination of Signature Requirement**

As a result of the enhanced security afforded by MRVs, the signature requirement at 22 CFR 41.113(h) is being eliminated and 22 CFR 41.113 (i) and (j) are being redesignated as 22 CFR 41.113 (h) and (i), respectively.

#### **Restriction to Specific Port of Entry**

22 CFR 41.113(g) is redesignated as 22 CFR 41.113(f) and is modified to reflect changes to that section brought about by the new MRV technology.

#### **Elimination of Special Regulations for International Games**

The Department is removing its regulation at 22 CFR 41.113(k) relating to international sporting events. The regulation was created to facilitate the issuance of United States visas on official identity cards issued under the auspices of the International Olympic Committee (IOC); however, it has never been used, and the Department believes it unlikely that it ever will be.

Under 41.113(k)(2), in order to be recognized as a valid travel document (see INA 101(a)(30) and 212(a)(7)(B)(i)(I)), an IOC-issued identity card requires the signature of a competent authority of the participating government signifying that the bearer of the card will be permitted reentry rights for up to six months beyond the expiration date of the card. In practice, the above requirement has never been satisfied for any international sporting event for which it was designed, chiefly because of the enormous administrative

difficulty in securing authorization from participating governments for the use of an OIC-issued card as a valid travel document. Since the regulation has no apparent practical applicability, it is being eliminated.

#### **Conclusion**

In light of the foregoing, the Department is amending part 41 of Title 22 CFR of the Code of Federal Regulations to comport with the use of the machine-readable visa. The Department's regulations are, therefore, being amended to reflect the use of the MRV, to eliminate the use of the "bearer(s)" annotation, to limit the maximum validity of nonimmigrant visas to a maximum of ten years, and to remove the requirement of the consular officer's signature.

#### **Final Rule**

The introduction of the machine readable visa has necessitated changes in the Department's procedural regulations at 22 CFR 41.113.

The implementation of this rule as a final rule, rather than a proposed rule, is based upon the "good cause" exceptions established by 5 U.S.C. 553(b)(B) and 553(d)(3). This rule grants or recognizes an exemption or relieves a restriction and is considered beneficial to the United States Government.

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 (15 U.S.C. 605(b)). This rule imposes no reporting or record-keeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule has been reviewed as required by E.O. 12988 and certified to be in compliance therewith. This rule is exempted from E.O. 12866 but has been reviewed to ensure consistency therewith.

#### **List of Subjects in 22 CFR Part 41**

Aliens, Nonimmigrants, Passports and visas, Visa validity.

In view of the foregoing, 22 CFR is amended as follows:

#### **PART 41—[AMENDED]**

1. The authority citation for part 41 continues to read:

**Authority:** 8 U.S.C. 1104.

2. Section 41.113 is amended by removing paragraphs (c), (h), and (k) and redesignating paragraphs (d) through (g), (i) and (j) as paragraphs (c) through (h), and revising paragraphs (a), (b), and newly designated paragraphs (c) through (f) to read as follows:

**§ 41.113 Procedures in issuing visas.**

(a) Visa evidenced by stamp placed in passport. Except as provided in paragraphs (b) of this section, a nonimmigrant visa shall be evidenced by a visa stamp placed in the alien's passport. The appropriate symbol as prescribed in 41.12, showing the classification of the alien, shall be entered on the visa.

(b) Cases in which visa not placed in passport. In the following cases the visa shall be placed on the prescribed Form OF-232. In issuing such a visa, a notation shall be made on the Form OF-232 on which the visa is placed specifying the pertinent subparagraph of this paragraph under which the action is taken.

(1) The alien's passport was issued by a government with which the United States does not have formal diplomatic relations, unless the Department has specifically authorized the placing of the visa in such passport;

(2) The alien's passport does not provide sufficient space for the visa;

(3) The passport requirement has been waived; or

(4) In other cases as authorized by the Department.

(c) Visa stamp. A machine-readable nonimmigrant visa foil, or other indicia as directed by the Department, shall constitute a visa "stamp," and shall be in a format designated by the Department, and contain, at a minimum, the following data:

(1) Full name of the applicant;

(2) Visa type/class;

(3) Location of the visa issuing office;

(4) Passport number;

(5) Sex;

(6) Date of birth;

(7) Nationality;

(8) Number of applications for admission or the letter "M" for multiple entries;

(9) Date of issuance;

(10) Date of expiration;

(11) Visa control number.

(d) Insertion of name; petition and derivative status notation. (1) The surname and given name of the visa recipient shall be shown on the visa in the space provided.

(2) If the visa is being issued upon the basis of a petition approved by the Attorney General, the number of the petition, if any, the period for which the alien's admission has been authorized, and the name of the petitioner shall be reflected in the annotation field on the visa.

(3) In the case of an alien who derives status from a principal alien, the name and position of the principal alien shall be reflected in the annotation field of the visa.

(e) Period of validity. If a nonimmigrant visa is issued for an unlimited number of applications for admission within the period of validity, the letter "M" shall be shown under the word "entries". Otherwise the number of permitted applications for admission shall be identified numerically. The date of issuance and the date of expiration of the visa shall be shown at the appropriate places in the visa by day, month and year in that order. The standard three letter abbreviation for the month shall be used in all cases.

(f) Restriction to specified port of entry. If a nonimmigrant visa is valid for admission only at one or more specified ports of entry, the names of those ports shall be entered in the annotation field. In cases where there is insufficient room to list the ports of entry, they shall be listed by hand on a clean passport page. Reference shall be made in the visa's annotation field citing the passport page upon which the ports are listed.

(g) Delivery of visa and disposition of Form OF-156. In issuing a nonimmigrant visa, the consular officer shall deliver the visaed passport, or the prescribed Form OF-232, which bears the visa, to the alien or, if personal appearance has been waived, to the authorized representative. The executed Form OF-156, Nonimmigrant Visa Application, and any additional evidence furnished by the alien in accordance with 41.103(b) shall be retained in the consular files.

(h) Disposition of supporting documents. Original supporting documents furnished by the alien shall be returned for presentation, if necessary, to the immigration authorities at the port of entry, and a notation to that effect shall be made on the Form OF-156. Duplicate copies may be retained in the consular files.

Dated: April 22, 1997.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs.*

[FR Doc. 97-11519 Filed 5-2-97; 8:45 am]

BILLING CODE 4710-06-P

---

## DEPARTMENT OF STATE

### Bureau of Consular Affairs

#### 22 CFR Part 41

[Public Notice 2537]

#### Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Visa Fees

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

**SUMMARY:** This publication finalizes the Department's interim rule [59 FR 25325] published May 16, 1994 authorizing the Department to collect a processing fee for machine-readable nonimmigrant visas and machine-readable combined border crossing cards.

**EFFECTIVE DATE:** May 16, 1994.

**FOR FURTHER INFORMATION CONTACT:**

Stephen K. Fischel, Chief, Legislation and Regulations Division, Visa Services, Washington, D.C., (202) 663-1203.

**SUPPLEMENTARY INFORMATION:** Section 140 of Pub. L. 103-236, the State Department Authorization Bill for Fiscal Years 1994 and 1995, signed by the President on April 30, 1994, authorized the Secretary of State to collect a processing fee for machine-readable nonimmigrant visas and machine-readable border crossing cards. The surcharge is independent of any reciprocity fees otherwise prescribed pursuant to section 281 of the Immigration and Nationality Act (INA).

#### Final Rule

The interim rule amended the Department's regulations at 22 CFR 41.107 to provide for a visa processing surcharge for costs associated with the production of machine-readable nonimmigrant visas and machine-readable border crossing cards, and invited interested persons to submit comments. As no comments were received, the interim rule is incorporated herein as a final rule.

#### List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passport and Visas, Fees, Surcharge.

Accordingly, the interim rule amending 22 CFR part 41 which was published at 59 FR 25325 on May 16, 1994 is adopted as a final rule without change.

Dated: April 22, 1997.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs.*

[FR Doc. 97-11520 Filed 5-2-97; 8:45 am]

BILLING CODE 4710-06-P

---

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Parts 5 and 950

[Docket No. FR-4080-F-02]

RIN 2577-AB66

#### Optional Earned Income Exclusions

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

**SUMMARY:** This rule adopts as final the amendments to HUD's regulations for