

Appendix III



U.S. Department of Justice

Immigration and Naturalization Service

HQ 216-C

425 Eye Street N.W.
Washington, D.C. 20536

10 DEC 1992

Paul Parsons, Esq.
704 Rio Grande
Austin, TX 78701

Dear Mr. Parsons:

This is in response to your letter of November 23, concerning submission of a request for a waiver of the joint filing requirement after termination of conditional resident status.

I have enclosed a copy of an opinion issued January 9, 1990, by the Acting General Counsel for the Immigration and Naturalization Service (Service) concerning the submission of a request for waiver of the joint filing requirement based upon extreme hardship. You may also wish to review "Matter of Lemhammad," I.D. 3151 concerning jurisdictional issues in cases involving termination of conditional resident status.

Although both the enclosed opinion and the interim decision were issued prior to the implementation of the new combined Form I-751 "Petition to Remove the Conditions on Residence," I believe that the conclusions reached in both items continue to be valid.

Neither the submission of a new Form I-751 nor of a motion to reopen or reconsider a previously adjudicated Form I-751 should be formally rejected solely because the alien's conditional resident status has been terminated and the alien placed in deportation proceedings.

Sincerely,

Edward H. Skerrett
Edward H. Skerrett
Chief, Immigrant Branch
Adjudications

Appendix IV

11612 Federal Register / Vol. 58, No. 37 / Friday, February 26, 1993 / Notices

SOCIAL SECURITY ADMINISTRATION

Finding Regarding Foreign Social Insurance or Pension System; Estonia

AGENCY: Social Security Administration, HHS.

ACTION: Notice of finding regarding Foreign Social Insurance or Pension System—Estonia.

FINDING: Section 202(t)(1) of the Social Security Act (42 U.S.C. 401(t)(1)) prohibits payment of monthly benefits to any individual who is not a United States citizen or national for any month after he or she has been outside the United States for 8 consecutive months. This prohibition does not apply to such an individual where one of the exceptions described in section 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)) affects his or her case.

Section 202(t)(2) of the Social Security Act provides that, subject to certain residency requirements of section 202(t)(11), the prohibition against payment shall not apply to any individual who is a citizen of a country which the Secretary of Health and Human Services finds has in effect a social insurance or pension system which is of general application in such country and which:

- (A) Pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death; and
- (B) Permits individuals who are United States citizens but not citizens of that country and who qualify for such

benefits to receive those benefits, or the actuarial equivalent thereof, while outside the foreign country regardless of the duration of the absence.

The Secretary of Health and Human Services has delegated the authority to make such a finding to the Commissioner of Social Security. The Commissioner has redelegated that authority to the Director of the Office of International Policy. Under that authority, the Director of the Office of International Policy has approved a finding that Estonia, beginning August 20, 1991, has a social insurance system of general application in effect which pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death, but that under this social insurance system, citizens of the United States who are not citizens of Estonia and who leave Estonia, are not permitted to receive such benefits, or their actuarial equivalent, at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Estonia has in effect, beginning August 20, 1991, a social insurance system which meets the requirements of section 202(t)(2)(A) of the Social Security Act (42 U.S.C. 402(t)(2)(A)), but not the requirements of section 202(t)(2)(B) of the Act (42 U.S.C. 402(t)(2)(B)).

This finding also affects the application of subparagraphs (A) and (B) of section 202(t)(4) of the Social Security Act (42 U.S.C. 402(t)(4)(A) and (B)). That section provides that, subject

to certain residency requirements of section 202(t)(11), section 202(t)(1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage under Social Security or who has resided in the United States for a period or periods aggregating 10 years or more. However, the provisions of subparagraphs (A) and (B) of section 202(t)(4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t)(2) but not the provisions of subparagraph (B) of section 202(t)(2).

By virtue of the finding with respect to section 202(t)(2) herein, the provisions of subparagraphs (A) and (B) of section 202(t)(4) do not apply to citizens of Estonia beginning August 20, 1991.

FOR FURTHER INFORMATION CONTACT: Donna Powers, Room 1104, West High Rise Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-3568.

(Catalog of Federal Domestic Assistance Program Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security—Survivors Insurance)

Dated: February 18, 1993.

James A. Kisski,

Director, Office of International Policy.

[FR Doc. 93-4497 Filed 2-25-93; 8:45 am]

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Appendix V

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DEPARTMENT OF JUSTICE

Information Collections Under Review

February 18, 1993.

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
- (3) How often the form must be filled out or the information is collected;
- (4) Who will be asked or required to respond, as well as a brief abstract;
- (5) An estimate of the total number of respondents and the amount of time

estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jefferson B. Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Don Wolfrey, on (202) 514-4115 or facsimile: (202) 514-1534. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the

collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Don Wolfrey, DOJ Clearance Officer, SPS/JMD/850 WCTR, Department of Justice, Washington, DC 20530.

Reinstatement of a Previously Approved Collection for Which Approval Has Expired

- (1) Application by refugee for waiver of grounds of excludability
- (2) Form I-602, Immigration and Naturalization Service
- (3) On occasion
- (4) Individuals or households. This form will be used by the Immigration and Naturalization Service to determine eligibility for waivers by refugee applicants
- (5) 2,500 annual responses at .25 hours per response