

Rules and Regulations

Federal Register

Vol. 91, No. 152

Monday, August 10, 2026

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 103

Immigration Bonds; Technical Amendment

AGENCY: Department of Homeland Security.

ACTION: Final rule; technical amendment.

SUMMARY: The Department of Homeland Security (DHS) is making non-substantive technical revisions to its immigration bond regulation to remove form numbers and legacy job titles from its provisions. It also makes other non-substantive revisions to this regulation to improve the clarity of the CFR. This action is editorial in nature and does not impose any new regulatory requirements on affected parties.

DATES: This rule is effective on August 6, 2026.

FOR FURTHER INFORMATION CONTACT: Border Security and Immigration Policy, Office of Strategy, Policy, and Plans, Department of Homeland Security, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0445; telephone (202) 447-3459 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

A. Legal Authority

The Homeland Security Act of 2002, Public Law 107-296, section 102, 116 Stat. 2135 (Nov. 25, 2002), 6 U.S.C. 112, and the Immigration and Nationality Act of 1952 (INA), as amended, section 103(a)(1), 8 U.S.C. 1103(a)(1), charge the Secretary of DHS (the Secretary) with administration and enforcement of the immigration and naturalization laws. The Secretary promulgates this final rule under the broad authority to administer DHS, and the authorities provided under the Homeland Security Act of 2002, the immigration and nationality laws, and other delegated authority.

The Secretary is charged with the administration and enforcement of laws relating to the immigration and naturalization of aliens and “shall [. . .] prescribe such forms of bond” as deemed necessary for carrying out the authority under the INA. *See* INA 103(a)(1), (3), 8 U.S.C. 1103(a)(1), (3). Additionally, the Secretary “at any time may revoke a bond” authorized under INA 236(a)(2), re-arrest the alien, and detain him or her. *See* INA 236(b), 8 U.S.C. 1226(b).

B. Technical Revisions

Currently, 8 CFR 103.6 lists a form number each time a form is required by this provision. This rule removes the specific form numbers referenced in the regulatory text and replaces the number with a description of the necessary form. This rule also makes minor revision to § 103.6(c)(1) to clarify that aliens may request a cancellation of a bond using a form designated by DHS. DHS is making this change to avoid frequent amendments to the CFR when form numbers and names change.

DHS is also removing legacy Immigration and Naturalization Service job titles that are not used by all DHS components. Terms “district director,” “regional director,” and “Service officer” are referenced in § 103.6 are being replaced because not every DHS component that accepts, monitors, and cancels immigration bonds uses these job titles. DHS is replacing these titles with the phrase “designated official” and “immigration officer,” respectively. This change removes obsolete and confusing legacy job titles from the regulation.

Finally, DHS is updating the authority citation for part 103. Certain statutory citations were recently inadvertently removed, causing inconsistencies in the published versions of the Code of Federal Regulations. The changes to the authority citation reflect the updated, comprehensive list of legal authorities for part 103. These changes do not substantively impact the public nor do they alter the regulatory requirements set out in part 103, including § 103.6.

II. Administrative Procedure Act (APA)

DHS has determined that this rule is exempt from notice-and-comment rulemaking requirements under 5 U.S.C. 553(b)(A) and (b)(B). The revisions set out in this rule pertain to removing the specific form numbers for DHS

immigration bond forms and updating out of date official titles for DHS officials from the codified text of § 103.6. In light of these revisions, DHS is also updating § 103.6(c)(1) to clarify that aliens may request a cancellation of a bond using a form designated by DHS. Finally, this rule revises the authority citation for 8 CFR part 103 to reflect the comprehensive list of legal authorities for part. These revisions constitute “rules of agency organization, procedure, or practice” not subject to the APA notice and comment requirements under 5 U.S.C. 553(b)(A). The revisions set out in this rule are technical non-substantive changes, which are intended update the authority citation to part 103, to remove unnecessary references to specific form numbers and legacy job titles along with making other technical clarifying revisions to the text of § 103.6. None of the revisions included in this action will have a substantive impact on the public nor will they alter the regulatory requirements in § 103.6. Accordingly, DHS finds for good cause that this final rule is exempt from public notice-and-comment rulemaking procedures under 5 U.S.C. 553(b)(B) because such procedures are unnecessary.

For the same reasons that this rule is exempt from notice-and-comment rulemaking requirements, and because affected parties will not need time to adjust to the revisions made through this action, DHS finds that good cause exists to make this final rule effective upon publication in the **Federal Register** under 5 U.S.C. 553(d)(3).

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Fees, Freedom of information, Immigration, Privacy, Reporting and recordkeeping requirements, Surety bonds.

Accordingly, for the reasons stated in the preamble, DHS amends 8 CFR part 103 as follows:

PART 103—IMMIGRATION BENEFIT REQUESTS; USCIS FILING REQUIREMENTS; BIOMETRIC REQUIREMENTS; AVAILABILITY OF RECORDS

■ 1. The authority citation for part 103 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1101, 1103, 1184, 1185 note, 1304,

1356, 1365b, 1372, 1801–1815; 31 U.S.C. 9701; 48 U.S.C. 1806; Pub. L. 107–296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*); E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2; Pub. L. 112–45, 125 Stat. 550; 31 CFR part 223.

■ 2. In § 103.6:

■ a. Revise paragraphs (a)(1), (a)(2)(i), and (c)(1);

■ b. In paragraph (d)(1), remove the text “Forms I–352” and add in its place the text “a form designated by DHS”;

■ c. In paragraph (d)(2), remove the text “district directors” and add in its place the text “designated officials”; and

■ d. Revise paragraph (e).

The revisions read as follows:

§ 103.6 Immigration bonds.

(a) *Posting of surety bonds*—(1) *Extension agreements; consent of surety; collateral security.* All surety bonds posted in immigration cases shall be executed on a form designated by DHS, a copy of which, and any rider attached thereto, shall be furnished to the obligor. A designated official is authorized to approve a bond, a formal agreement to extension of liability of surety, a request for delivery of collateral security to a duly appointed and undischarged administrator or executor of the estate of a deceased depositor, and a power of attorney executed on a form designated by DHS. All other matters relating to bonds, including the power of attorney form designated by DHS and a request for delivery of collateral security to other than the depositor or his or her approved attorney in fact, shall be forwarded for designated official approval.

(2) *Bond riders*—(i) *General.* Bond riders shall be prepared on a form designated by DHS and attached to the bond contract form designated by DHS. If a condition to be included in a bond is not on the appropriate bond rider form designated by DHS, a rider containing the condition shall be executed.

* * * * *

(c) *Cancellation and breach*—(1) *Public charge bonds.* A public charge bond posted for an alien will be cancelled when the alien dies, departs permanently from the United States, or is naturalized, provided the alien did not breach such bond by receiving either public cash assistance for income maintenance or long-term institutionalization at government expense prior to death, permanent departure, or naturalization. USCIS may cancel a public charge bond at any time after determining that the alien is not likely at any time to become a public charge. A bond may also be cancelled to

allow substitution of another bond. A public charge bond will be cancelled by USCIS upon review following the fifth anniversary of the admission or adjustment of status of the alien, provided that the alien has requested cancellation on a form designated by DHS and USCIS finds that the alien did not receive either public cash assistance for income maintenance or long-term institutionalization at government expense prior to the fifth anniversary. If the form designated by DHS to request cancellation is not filed, the public charge bond will remain in effect until the form is filed and USCIS reviews the evidence supporting the form and renders a decision regarding the breach of the bond, or a decision to cancel the bond.

* * * * *

(e) *Breach of bond.* A bond is breached when there has been a substantial violation of the stipulated conditions. A final determination that a bond has been breached creates a claim in favor of the United States which may not be released or discharged by an immigration officer. The designated official having custody of the file containing the immigration bond executed on a form designated by DHS shall determine whether the bond shall be declared breached or cancelled, and shall notify the obligor on DHS-designated cancelled or breached immigration bonds forms of the decision, and, if declared breached, of the reasons therefor, and of the right to appeal in accordance with the provisions of this part.

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Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–16252 Filed 8–6–26; 4:15 pm]

BILLING CODE 9110–9M–P

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 106

[Docket No. USCBP–2024–0009; CBP Dec. No. 26–11]

RIN 1651–AB48

9–11 Response and Biometric Entry-Exit Fee for H–1B and L–1 Visas

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: The Department of Homeland Security (DHS) is amending the regulations concerning the 9–11

Response and Biometric Entry-Exit Fee for certain H–1B and L–1 Visas (9–11 Biometric Fee). The regulatory changes correct DHS’s interpretation of statutory language to require that covered employers submit the 9–11 Biometric Fee for all extension of status petitions, regardless of whether the related fraud prevention and detection fee applies, which includes extension of status petitions that do not involve a change of employer. The 9–11 Biometric Fee continues to apply unchanged to petitions seeking an initial grant of status. The changes also help DHS comply with its congressional mandate to implement a biometric entry-exit system.

DATES: This rule is effective on September 9, 2026.

FOR FURTHER INFORMATION CONTACT:

Larry Panetta, Office of Field Operations, U.S. Customs and Border Protection, by phone at 202–344–1253 or email at LARRY.A.PANETTA@CBP.DHS.GOV.

SUPPLEMENTARY INFORMATION:

I. Background

A. Notice of Proposed Rulemaking

On June 6, 2024, the Department of Homeland Security (DHS) published a notice of proposed rulemaking (NPRM) in the **Federal Register** (89 FR 48339) proposing to amend DHS regulations regarding the 9–11 Biometric Fee for certain H–1B and L–1 petitions. DHS received a total of 146 comments on the NPRM. Comments included support, suggestions for changes, and concerns. After review of the comments, through this final rule, DHS is adopting the proposed changes to its regulations to align with Congress’s intent for the 9–11 Biometric Fee.

B. Statutory Authorization and History

1. Initial Supplemental H–1B and L–1 Fee

H–1B and L–1 visa classifications are temporary nonimmigrant worker visa classifications. H–1B and L–1 classifications¹ are authorized under sections 101(a)(15)(H)(i)(b) and (L), respectively, of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1101(a)(15)(H)(i)(b), (L)). H–1B status is a nonimmigrant classification for aliens to perform services in a specialty occupation. L–1 status allows companies to seek a temporary intracompany transfer of certain alien

¹ Visa classifications are often referred to using shorthand such as simply “classification” or “status.” E.g. “H–1B classification” or “H–1B status.” This shorthand is used throughout this document.