

# Proposed Rules

Federal Register

Vol. 86, No. 89

Tuesday, May 11, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

#### 8 CFR Parts 103, 212 and 274

[CIS No. 2572-15; DHS Docket No. USCIS-2015-0006]

RIN 1615-AC04

#### Removal of International Entrepreneur Parole Program

**AGENCY:** U.S. Citizenship and Immigration Services, DHS.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The U.S. Department of Homeland Security (DHS) is withdrawing a proposed rule that published on May 29, 2018. The NPRM had proposed removing DHS regulations pertaining to the international entrepreneur parole program. Those regulations guide the adjudication of significant public benefit parole requests made by certain noncitizen entrepreneurs of start-up entities in the United States.

**DATES:** DHS withdraws the proposed rule published May 29, 2018 at 83 FR 24415 as of May 11, 2021.

**ADDRESSES:** The docket for this withdrawn proposed rule is available at <http://www.regulations.gov>. Please search for docket number USCIS-2015-0006.

**FOR FURTHER INFORMATION CONTACT:** Charles Nimick, Business and Foreign Workers Division Chief, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, DHS, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone 240-721-3000 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1-877-889-5627 (TTY/TDD).

**SUPPLEMENTARY INFORMATION:** On May 29, 2018, DHS published a notice of

proposed rulemaking (NPRM or proposed rule) titled “Removal of International Entrepreneur Parole Program” in the **Federal Register** (83 FR 24415). That rule proposed to revise DHS regulations governing adjudication of significant public benefit parole requests made by certain noncitizen entrepreneurs of start-up entities in the United States. Specifically, if finalized, the rule would have removed the international entrepreneur parole program (IE parole program) from DHS regulations. In response to the May 2018 NPRM, DHS received 892 comments during the 30-day public comment period. The overwhelming majority of commenters opposed the proposed removal of the IE parole program.

Approximately 8 percent of commenters expressed support for the rule’s removal of the IE parole program from the regulations and/or offered suggestions for improvement. Nearly 87 percent of commenters expressed general opposition to the rule that would have removed the IE parole program, without suggestions for improvement. Around 3 percent of commenters expressed mixed opinions on the rule and 2 percent were out of scope. Comments may be reviewed at the Federal Docket Management System (FDMS) at <http://www.regulations.gov>, docket number USCIS-2015-0006.

Commenters who opposed the rule did so primarily on the basis that removing the IE parole program would lead to unrealized economic benefits, damage U.S. innovation and entrepreneurship, and harm noncitizen startup founders. Additionally, commenters disagreed with DHS’s assertion that parole is not an appropriate mechanism for a program promoting entrepreneurs, and they further argued that IE parole is within the scope of DHS parole authority. Commenters also stated that DHS should not, as one of the proposed means of winding down the program, automatically terminate IE parole granted to individuals, arguing this would lead to a significant burden to entrepreneurs, their startup entities, and the individuals employed by their businesses. In addition, commenters believed the May 2018 NPRM’s statutory and regulatory reviews, required by Executive Orders 12866 and 13563, did not take into account the full costs of removing the IE parole program.

They argued that there would be significant costs from losing additional funding from current and future investors, as well as costs related to the viability and continued operation of the start-up entity. Commenters also felt the May 2018 NPRM did not fully consider costs to small businesses, nor did it provide less onerous alternatives, as required by the Regulatory Flexibility Act (RFA).

The NPRM was issued subsequent to Executive Order 13767, “Border Security and Immigration Enforcement Improvements,” issued on January 25, 2017. This Executive Order had directed Federal agencies to “ensure that parole authority under section 212(d)(5) of the INA is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.”

On February 2, 2021, President Biden issued Executive Order 14010, “Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border.” This Executive Order revoked Executive Order 13767. In addition, on February 2, 2021, President Biden issued Executive Order 14012, “Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans.” This Executive Order directed Federal Agencies to “identify any agency actions that fail to promote access to the legal immigration system.”

In light of the recent Executive Orders, DHS has reviewed the May 2018 NPRM and public comments that were overwhelmingly in opposition to the NPRM and has decided to withdraw that NPRM. DHS believes that the existing regulations in 8 CFR 212.19 appropriately guide the exercise of discretion, on a case-by-case basis, when considering requests for parole filed by noncitizen entrepreneurs. Such applications will continue to be decided consistent with the Secretary’s statutory authority to grant parole on a case-by-case basis when it is determined that the applicant will provide a significant public benefit and that the applicant merits a favorable exercise of discretion.

DHS further believes that continuing to administer the IE parole program, in accordance with 8 CFR 212.19, and withdrawing the May 2018 NPRM, is consistent with the Administration's goal of better ensuring that all avenues available under the law remain viable options for those seeking to come to the United States, including qualified entrepreneurs who would substantially benefit the United States by growing new businesses and creating jobs for U.S. workers. Therefore, for all the reasons discussed above, DHS is withdrawing the May 29, 2018, NPRM that would have removed the IE parole program from DHS regulations.

#### Authority

Executive Order 14010, "Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border"; 8 U.S.C. 1182(d)(5).

Executive Order 14012, "Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans."

**Alejandro N. Mayorkas,**

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2021-09609 Filed 5-10-21; 8:45 am]

BILLING CODE 9111-97-P

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0350; Project Identifier MCAI-2020-01633-T]

RIN 2120-AA64

#### Airworthiness Directives; Airbus SAS Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A318, A319, A320, A321, A330-200, A330-300, A330-300, A330-800, A330-900, A340-200, A340-300, A340-500, A340-600, and A380-800 series airplanes. This proposed AD was prompted by a report that repetitive disconnection and reconnection of certain batteries during airplane parking or storage could lead to a reduction in capacity of those batteries. This proposed AD would

require replacing certain nickel-cadmium (Ni-Cd) batteries with serviceable Ni-Cd batteries, or maintaining the electrical storage capacity of those Ni-Cd batteries during airplane storage or parking, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by June 25, 2021.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** 202-493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0350.

#### Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0350; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3225; email [dan.rodina@faa.gov](mailto:dan.rodina@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2021-0350; Project Identifier MCAI-2020-01633-T" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

##### Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3225; email [dan.rodina@faa.gov](mailto:dan.rodina@faa.gov). Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

##### Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0274, dated December 10, 2020 (EASA AD 2020-0274) (also referred to as the