



DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 264

[CIS No. 2885-26; DHS Docket No. USCIS-2026-0496]

RIN 1615-AD24

Registration of Lawful Permanent Residence for Children Born to Foreign

Government Employees in the United States; Correction

AGENCY: Department of Homeland Security, U.S. Citizenship and Immigration Services.

ACTION: Correcting amendment.

SUMMARY: This document corrects the interim final rule (IFR) that published in the Federal Register on September 9, 2026. The IFR amends its regulations to permit children born in the United States to “foreign government employees” who are not U.S. citizens to register for permanent residence. DHS also made corresponding changes to Form I-485, Application to Register Permanent Residence or Adjust Status and Form G-325R, Biographic Information (Registration). This document will restore regulatory language that was unintentionally removed in the September 9, 2026 IFR, with certain conforming edits.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], and applicable as of September 4, 2026.

FOR FURTHER INFORMATION CONTACT: Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone 240-721-3000 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Need for Correction

On September 9, 2026, DHS published an IFR titled *Registration of Lawful Permanent Residence for Children Born to Foreign Government Employees in the United States*, 91 FR 57249. This document corrects and replaces evidentiary criteria that was inadvertently removed in our amendatory instructions in the regulatory text at 8 CFR 264.2 (c)(2).

The IFR revised and reformatted the regulatory text at 8 CFR 264.2. As part of those revisions, DHS intended to revise the introductory text of 8 CFR 264.2 (c)(2), while retaining the sub paragraphs as indicated with the colon and asterisks. However, the amendatory instructions did not make that clear and the CFR was codified by removing the sub paragraphs that contained evidentiary criteria. Therefore, this document corrects the regulatory text, 8 CFR 264.2 (c)(2) to restore the inadvertently removed text, while retaining the introductory updates made by the IFR. In addition, this documents corrects the text of 8 CFR 264.2(c)(2)(v) and (vi) to recognize that children who seek to register their permanent residence when their parents were foreign government employees, but not foreign diplomatic officers, may not be required to file Form I-508, Waiver of Rights, Privileges, Exemptions, and Immunities, and that they are required to submit evidence of their parent's foreign government employment rather than their diplomatic classification. These changes to the regulatory evidentiary requirements for a child of a foreign government employee to register as a lawful permanent resident were already made in the Form I-485 associated information collection published and approved with the IFR and are being added through this correction in the specified paragraphs.

This correction is applicable as if DHS had included this provision in the IFR that published on September 9, 2026. That rule had an effective date of September 4, 2026. Accordingly, the correction is applicable as of September 4, 2026. In other words, DHS will apply the corrected IFR to children born to foreign government employees on or after, September 4, 2026, same as the IFR.

II. Administrative Procedure Act

Section 553(b) of the Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the Federal Register to provide a period for public comment before the provisions of a rule take effect. 5 U.S.C. 553(b). In addition, section 553(d) of the APA requires agencies to delay the effective date of final rules by a minimum of 30 days after the date of their publication in the Federal Register. 5 U.S.C. 553(d). Both of these requirements can be waived if an agency finds, for good cause, that the notice and comment process and/or delayed effective date is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice. 5 U.S.C. 553(b)(B), (d)(3).

DHS believes there is good cause for publishing this document without prior notice and opportunity for public comment and with an effective date of less than 30 days because such procedures are unnecessary. This document corrects a technical error in the regulatory text and does not make substantive changes to the policies in the IFR. Therefore, DHS believes that it has good cause to waive the notice and comment and effective date requirements of section 553 of the APA.

List of Subjects in 8 CFR Part 264

Aliens, Reporting and recordkeeping requirements.

Accordingly, 8 CFR part 264 is corrected by making the following correcting amendment:

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

1. The authority citation for part 264 continues to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1302-1305; 8 CFR part 2.

2. Amend § 264.2 by revising paragraph (c)(2) to read as follows:

§ 264.2 Application for creation of record of permanent residence.

* * * * *

(c) * * *

(2) *Lawful permanent residence as a person born in the United States to a foreign government employee.* An applicant who believes that he/she is eligible for lawful permanent residence as a person born in the United States to a foreign government employee under § 101.3 of this chapter shall submit the following:

(i) A completed Form I-485, with the fee required in 8 CFR 106.2 and any initial evidence required in this application form and in this section.

(ii) Form G-325A, Biographic Information.

(iii) [Reserved]

(iv) The applicant's birth certificate.

(v) An executed Form I-508, Waiver of Rights, Privileges, Exemptions, and Immunities, if applicable.

(vi) Official confirmation of the applicant's parent's foreign government employment, including occupational title and, if applicable, diplomatic classification at the time of the applicant's birth.

(vii) A list of all the applicant's arrivals in and departures from the United States.

(viii) Proof of continuous residence in the United States.

(ix) Two photographs prepared in accordance with the specifications outlined in the instructions on the application form. The immigration officer to whom the application is submitted, however, may waive the photographs for just cause.

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