

DATES: This notice is effective May 7, 1997.

FOR FURTHER INFORMATION CONTACT:

Ms. Karen FitzGerald, Staff Officer, Immigration and Naturalization Service, Adjudications and Nationality Division, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION:

Background

Under 8 CFR 103.2(a), applications submitted to the Service must be executed and filed in accordance with the instructions on the application form. By eliminating specific reference to filing location, this regulation provides service center directors with the authority to accept and process applications designated for Direct Mail. It also provides the Service with the flexibility to shift filings to the service centers as the Direct Mail Program continues to expand.

Recent legislation and the publication of an interim rule on March 26, 1996, at 59 FR 13061 have led the Service to conclude that expansion of the use of the direct mail program to include I-360 petitions filed in accordance with the provisions of the Violence Against Women Act (VAWA) is warranted.

It is the intent of the Service to ensure sensitive and expeditious processing of the petitions filed by this class of at-risk applicants. Institution of a centralized direct mail filing process enables the Service to accomplish this and engenders uniformity in the adjudication of all applications of this type. This modification also enhances the Service's ability to be more responsive to inquiries from applicants, their representatives, and benefit-granting agencies.

Where to File

Effective May 7, 1997, Form I-360 for self-petitioning battered spouses and children residing within the United States must be mailed, with all supporting documentation, directly to the following address: USINS Vermont Service Center, 75 Lower Weldon Street, St. Albans, VT 05479. Applicants may obtain the Form I-360 by telephoning the toll-free INS Forms Request Line, 1-800-870-3676.

Special Note

This notice does not apply to I-360 petitions filed by Amerasians, widow(er)s, or special immigrants.

Transition

During the first 30 days following the effective date of this notice, district

offices and service centers will forward to the Vermont Service Center, in a timely manner, any Form I-360 filed by a self-petitioning battered spouse or child, which has been inadvertently mailed to an office other than the Vermont Service Center. Petitions filed prior to the effective date of this notice will be adjudicated at the place of initial filing.

Appeals or motions to reopen or reconsider denied I-360 petitions submitted to the Service prior to May 7, 1997 will be processed by the office where the I-360 was originally filed and adjudicated. Appeals and motions filed during the transition period, and after this notice goes into effect, should be filed with the Vermont Service Center and will be processed by that office.

During the transition period, the Service intends to work closely with community organizations and advocacy groups to provide information and assistance to the public regarding this change.

After the 30-day transition period, self-petitioning battered spouses and children will be directed to mail the Form I-360 to the Vermont Service Center for processing.

Dated: March 22, 1997.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 97-8835 Filed 4-4-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1832-97; AG Order No. 2076-97]

RIN 1115-AE26

Extension of Designation and Redesignation of Liberia Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends the designation of Liberia under the Temporary Protected Status ("TPS") program for an additional 12 months (until March 28, 1998) in accordance with sections 244(b)(3)(A) and (C) of the Immigration and Nationality Act, as amended ("the Act" or "INA"). This notice also describes the procedures with which eligible aliens, who are nationals of Liberia (or who have no nationality and who last habitually resided in Liberia), must comply to re-register for TPS. Re-registration for the TPS extension period is limited to

persons who already have registered for the initial period of TPS, which ended on March 27, 1992.

Pursuant to section 244(b)(1) of the Act, this notice concurrently designates Liberia anew ("redesignates") under the TPS program. This redesignation of Liberia makes TPS available to eligible Liberian TPS applicants who have "continuously resided in the United States" since June 1, 1996, and who have been "continuously physically present in the United States" since April 7, 1997.

EFFECTIVE DATES:

1. Extension of Designation and Re-registration

The extension of designation is effective on March 29, 1997, and will remain in effect until March 28, 1998. The primary re-registration procedures become effective on April 7, 1997, and will remain in effect until May 6, 1997.

2. Redesignation

The Liberian TPS redesignation is effective concurrently with the extension from March 29, 1997, until March 28, 1998. The registration period for the Liberian TPS redesignation program begins on April 7, 1997 and will remain in effect until October 6, 1997.

FOR FURTHER INFORMATION CONTACT:

Ronald Chirlin, Adjudications Officer, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION:

Background

Statutory Provisions for TPS

1. Designation and Extension Under the TPS Program

Section 308(a)(7) of Public Law 104-132 renumbered section 244A of the Act. Under this section renumbered as INA 244 (8 U.S.C. 1254), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designated by the Attorney General (or who have no nationality and last habitually resided in that state). The Attorney General may designate a state upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

At least 60 days before the end of a designation or extension of designation, the Attorney General, after consultation with appropriate agencies of the

Government, reviews conditions in the foreign state for which the designation is in effect. The designation is extended if the Attorney General does not determine that termination is appropriate because the foreign state no longer meets the conditions for designation. INA 244(b)(3)(C). Through such an extension of designation, however, TPS continues to be available only to aliens who have been continuously physically present in the United States from the effective date of the designation. TPS is not available to aliens who have been physically present in the United States only from the effective date of the extension but who were not physically present from the date of the designation.

2. Redesignation of Liberia Under the TPS Program

Subsection 244(b)(1) of the Act implicitly permits the Attorney General to "redesignate" (that is, to designate under the TPS program a country that has been previously designated), as well as designated for the first time, if she first finds that the required conditions are met. The act of redesignation is referenced in subsection 244(c)(1)(A)(i), which requires that "the alien has been continuously physically present since the effective date of the most recent designation of the state." (Emphasis added.) This provision thus explicitly contemplates more than one designation. This redesignation of Liberia under the TPS program is nonetheless the first time that the Attorney General has found it appropriate to exercise her discretion to redesignate a country.

One factor in determining whether redesignation is appropriate is whether it will create a "magnet effect" for nationals of the country under consideration. In cases where the Attorney General contemplates redesignation, she may consider this possible magnet effect and any other factors weighing against redesignation, together with any discretionary factors in favor of redesignation. A significant discretionary factor in favor of redesignation is the intensification of civil strife and instability in the country under consideration.

The TPS statute imposes a requirement that, in order to be eligible for TPS, an alien must have been continuously physically present in the United States since the effective date of the most recent designation. This means that, regardless of when a designation may have been extended, in order to receive TPS an alien must have been physically present in the United States from the date of initial designation or

from the date of any redesignation. INA 244(c)(1)(A)(i). The statute also authorizes the Attorney General to impose an additional requirement that an alien must have continuously resided in the United States since such date as the Attorney General may designate. INA 244(c)(1)(A)(ii). The authority to designate a separate date from which an alien must have continuously resided in the United States allows the Attorney General to tailor more narrowly the group of aliens to whom she determines it is appropriate to extend the coverage of a designation or redesignation.

The required June 1, 1996, residence date will apply to all applicants. For a small number of applicants with recent foreign travel, certain trips from the United States between June 1, 1996, and April 7, 1997 would be allowed under the definition of "continuously resided." Such trips after April 7, 1997 would be allowed within slightly narrower limits under the definition of "continuously physically present." See definitions at 8 CFR 244.1, formerly 8 CFR 240.1.

The initial registration period for this TPS redesignation continues from April 7, 1997 until October 6, 1997 in accordance with the required 180-day minimum period. INA 244(c)(1)(A)(iv).

Extension of Designation of Liberia Under the TPS Program

On March 27, 1991, the Attorney General designated Liberia for Temporary Protected Status for a period of 12 months, 56 FR 12746. The Attorney General subsequently extended the designation of Liberia under the TPS program for 5 additional 12-month periods with the last extension valid until March 28, 1997, 61 FR 8076.

The Attorney General has determined that temporary conditions continue to prevent nationals of Liberia from returning to their country in safety. Therefore, by this notice she is extending the designation of Liberia under the Temporary Protected Status program for an additional 12 months (until March 28, 1998) in accordance with sections 244(b)(3) (A) and (C) of the Act.

Redesignation of Liberia Under the TPS Program

In her discretion, the Attorney General has further determined that, in light of renewed conflict in Liberia during the first half of 1996, the temporary conditions that continue to exist in Liberia warrant redesignation. Therefore, pursuant to section 244(b)(1) of the Act, this notice concurrently grants Liberia a redesignation of TPS.

With the redesignation of Liberia, TPS is now available to otherwise eligible applicants who are ineligible for reregistration under the extension of the initial designation, either because they came to the United States after the initial designation or because they failed to register in a timely manner under the initial designation.

By operation of statute, this redesignation extends the availability of TPS only to Liberians who have been continuously physically present in the United States from the effective date of this redesignation April 7, 1997. In addition, the Attorney General is exercising her discretion under INA section 244(c)(1)(A)(ii) to select a different and earlier date of June 1, 1996, from which Liberians must have continuously resided in the United States in order to receive TPS. Although the Attorney General finds that conditions in Liberia warrant redesignation, she has determined that it is appropriate to establish a separate cut-off date that relates to the renewed conflict in Liberia during the first half of 1996. Therefore, the Attorney General is imposing an additional June 1, 1996, residence date requirement.

Notice of Extension of Designation of Liberia Under the Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244 of the Immigration and Nationality Act, as amended, (8 U.S.C. 1254), and as required by subsection 244(b)(3) (A) and (C) of the Act, I have consulted with the appropriate agencies of the U.S. Government concerning: (a) The conditions in Liberia and (b) whether permitting nationals of Liberia (and aliens having no nationality who last habitually resided in Liberia) to remain temporarily in the United States is contrary to the national interest of the United States. From these consultations, I find that:

(1) After renewed conflict in Liberia during the first half of 1996, and ongoing insecurity, there exist extraordinary and temporary conditions that prevent aliens who are nationals of Liberia (and aliens having no nationality who last habitually resided in Liberia) from returning to Liberia in safety; and

(2) Permitting nationals of Liberia (and aliens having no nationality who last habitually resided in Liberia) to remain temporarily in the United States is not contrary to the national interest of the United States.

Accordingly, extension of designation is ordered as follows:

(1) The designation of Liberia under section 244(b) of the Act is extended for an

additional 12-month period from March 29, 1997, to March 28, 1998.

(2) I estimate that there are approximately 4,000 nationals of Liberia (and aliens having no nationality who last habitually resided in Liberia) who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) In order to maintain current registration for Temporary Protected Status, a national of Liberia (or an alien having no nationality who last habitually resided in Liberia) who received a grant of TPS during the initial period of designation from March 27, 1991, to March 27, 1992, must comply with the re-registration requirements contained in 8 CFR 244.17, formerly 8 CFR 240.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Liberia (or an alien having no nationality who last habitually resided in Liberia) who previously has been granted TPS must re-register by filing a new Application for Temporary Protection Status, Form I-821, together with an Application for Employment Authorization, Form I-765, within the 30-day period beginning on April 7, 1997 and ending on May 6, 1997 in order to be eligible for Temporary Protected Status during the period from March 29, 1997, to March 28, 1998. Late re-registration applications will be allowed pursuant to 8 CFR 244.17(c), formerly 8 CFR 240.17(c).

(5) There is no fee for Form I-821 filed as part of the re-registration application. The fee prescribed in 8 CFR 103.7(b)(1), currently seventy dollars (\$70), will be charged for Form I-765, filed by an alien requesting employment authorization pursuant to the provisions of paragraph (4) of this notice (unless submitted with a fee waiver request properly documented in accordance with 8 CFR 244.20, formerly 8 CFR 240.20). An alien who does not request employment authorization must nonetheless file Form I-821 together with Form I-765, but in such cases both Form I-821 and Form I-765 should be submitted without fee.

(6) Pursuant to section 244(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before March 28, 1998, the designation of Liberia under the TPS program to determine whether the conditions for designation continue to be met. Notice of that determination, including the basis for the determination, will be published in the **Federal Register**. If there is an extension of designation, late initial registration for TSP shall be allowed only pursuant to the requirements of 8 CFR 244.2(f)(2), formerly 8 CFR 240.2(f)(2). Any such future determination will apply to the more recent Liberian TPS registrants under the TPS redesignation as well as the re-registrants for the TPS extension.

Notice of Redesignation of Liberia Under the Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244 of the Immigration and Nationality Act, as amended, (8 U.S.C. 1254), and pursuant to the discretion vested in the Attorney General under subsection 244(b)(1) of

the Act, I have consulted with the appropriate agencies of the U.S. Government concerning redesignation of Liberia under the Temporary Protected Status program. From these consultations I find that after renewed conflict in Liberia during the first half of 1996, and ongoing insecurity, there exist extraordinary and temporary conditions that prevent aliens who are nationals of Liberia (and aliens having no nationality who last habitually resided in Liberia) from returning to Liberia in safety.

In consideration of these consultations and other relevant factors, and in the exercise of my discretion, I order redesignation of Liberia as follows:

(1) Liberia is redesignated under section 244(b)(1)(C) of the Act. Nationals of Liberia (and aliens having no nationality who last habitually resided in Liberia) who have "continuously resided in the United States" since June 1, 1996, and have been "continuously physically present" since April 7, 1997 may apply for Temporary Protected Status within the registration period which begins April 7, 1997 and ends on October 6, 1997.

(2) I estimate that there are no more than 5,000 nationals of Liberia (and aliens having no nationality who last habitually resided in Liberia) who are currently in nonimmigrant or unlawful status (in addition to the earlier Liberian TPS registrants) and are, therefore, eligible for Temporary Protected Status under this redesignation.

(3) Except as specifically provided in this notice, application for TPS by nationals of Liberia (and aliens having no nationality who last habitually resided in Liberia) must be filed pursuant to the provisions of 8 CFR part 244, formerly 8 CFR 240. Aliens who wish to apply for TPS must file an Application for Temporary Protected Status, Form I-821, together with an Application for Employment Authorization, Form I-765, during the registration period, which begins on April 7, 1997 and will remain in effect until October 6, 1997.

(4) A fee of fifty dollars (\$50) will be charged for each Application for Temporary Protected Status, Form I-821, filed during the registration period.

(5) The fee prescribed in 8 CFR 103.7(b)(1), which is currently seventy dollars (\$70), will be charged for each Application for Employment Authorization Form I-765, filed by an alien requesting employment authorization. An alien who does not request employment authorization must nevertheless file Form I-765, together with Form I-821, for informational purposes, but in such cases Form I-765 should be submitted without fee. Both Forms I-821 and I-765 may be submitted without the required fees if a properly documented fee waiver request in accordance with 8 CFR 244.20, formerly 8 CFR 240.20, accompanies the forms.

(6) Information concerning the TPS redesignation program for nationals of Liberia (and aliens having no nationality who last habitually resided in Liberia) will be

available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: April 1, 1997.

Janet Reno,
Attorney General.

[FR Doc. 97-8925 Filed 4-4-97; 8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

Privacy Act of 1974; Publication of Two New Systems of Records; Amendments to an Existing System

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of two new systems of records; amendments to an existing system of records.

SUMMARY: The Privacy Act of 1974 requires that each agency publish notice of all of the systems of records that it maintains. This document adds two new systems of records to this Department's current systems of records. With the addition of these two new systems of records, the Department will be maintaining 144 systems of records. This document also proposes to amend the Routine Use Category for one of the Department's existing systems of records. The proposed amended system will permit the Department to provide important information to state unemployment insurance agencies in order to facilitate the processing of unemployment insurance claims for Department of Labor (DOL) employees. Finally, various administrative (non-substantive) amendments to this same existing system are being made at this time.

DATES: Persons wishing to comment on this new system of records and on the proposed new Routine Use may do so by May 19, 1997. Unless there is a further notice in the **Federal Register**, the two new systems of records, and the proposed amendment to the existing system, will become effective on June 2, 1997. The remaining amendments to DOL/OASAM-1 are administrative (non-substantive), and therefore, will become effective on April 7, 1997.

ADDRESSES: Written comments may be mailed or delivered to Robert A. Shapiro, Associate Solicitor, Division of Legislation and Legal Counsel, 200 Constitution Avenue, NW., Room N-2428, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Miriam McD. Miller, Co-Counsel for Administrative Law, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, NW., Room N-