



U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Citizenship and Immigration Services

www.immigration.gov

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Office of Public Affairs
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Questions and Answers
Conclusion of TPS for Nationals of Sierra Leone

Q. What authority does the Secretary of the Department of Homeland Security (DHS) have to conclude the designation of Sierra Leone under the TPS Program?

A. Section 244(b)(3)(A) of the Act requires the Secretary of DHS to review, at least 60 days before the end of the TPS designation or any extension thereof, the conditions in a foreign state designated under the TPS program to determine whether the conditions for a TPS designation continue to be met and, if so, the length of an extension of TPS. If the Secretary of DHS determines that the foreign state no longer meets the conditions for TPS designation, INA §244(b)(3)(B) requires the Secretary of DHS to conclude the designation, but such conclusion may not take effect earlier than 60 days after the date the Federal Register notice of conclusion is published. Under INA §244(d)(3), the Secretary of DHS may determine the appropriate effective date of the conclusion in order to provide for an orderly transition.

Q. Why did the Secretary of DHS decide to conclude the TPS designation for Sierra Leone as of May 3, 2004?

A. Since the date of the last extension, the Departments of Homeland Security and State have continued to review conditions in Sierra Leone. Based upon this review, the Secretary of DHS, after consultation with appropriate government agencies, has determined that the conclusion of the TPS designation of Sierra Leone is warranted because there is no longer an ongoing armed conflict within Sierra Leone that would pose a serious threat to the personal safety of returning nationals of Sierra Leone (or aliens having no nationality who last habitually resided in Sierra Leone).

Nationals of Sierra Leone (and aliens having no nationality who last habitually resided in Sierra Leone) who have been granted TPS under the Sierra Leone designation or redesignation will automatically retain TPS status and have their current Employment Authorization Documents (EADs) extended until the May 3, 2003 conclusion date. These persons are urged to use the time before the conclusion of their TPS to apply for any other immigration benefits they are eligible for or, in the alternative, prepare for and arrange their return to Sierra Leone.

Q. If I currently have TPS through the Sierra Leone TPS Program, do I need to re-register to keep my TPS until May 3, 2004, the conclusion date?

A. No. If you already have been granted TPS benefits through the Sierra Leone TPS program, you do not have to re-register to keep your TPS benefits. You will automatically retain TPS until the conclusion date. However, your TPS status may still be withdrawn pursuant to section 244(c)(3) of the Act because of ineligibility for TPS, prior failure to timely re-register if there was not good cause for such failure, or failure to maintain continuous physical presence in the United States. When the conclusion occurs on May 3, 2004, you will no longer have TPS.

Q. Why is the Secretary of DHS automatically extending the validity of Employment Authorization Documents (EADs) from November 2, 2003 to May 3, 2004?

A. The Secretary of DHS has decided to extend automatically the validity of EADs to provide for an orderly transition leading up to the effective date for the conclusion of the Sierra Leone TPS designation. Therefore, the validity of the applicable EADs is extended for a period of 6 months, to May 3, 2004.

Q. Who is eligible to receive an automatic extension of his or her EAD?

A. To receive an automatic extension of his or her EAD, an individual must be a national of Sierra Leone (or an alien having no nationality who last habitually resided in Sierra Leone) who has applied for and received an EAD under the TPS designation or redesignation of Sierra Leone. This automatic extension is limited to EADs issued on either Form I-766, Employment Authorization Document, or Form I-688B, Employment Authorization Card, bearing an expiration date of November 2, 2003. The EAD must also be either (1) a Form I-766 bearing the notation "A-12" or "C-19" on the face of the card under "Category"; or (2) a Form I-688B bearing the notation "274A.12(A)(12)" or "274A.12(C)(19)" on the face of the card under "Provision of Law".

Q. Must qualified individuals apply for the automatic extension of their TPS-related EADs until May 3, 2004?

A. No. Qualified individuals do not have to apply for this extension of their TPS-related EADs to May 3, 2004.

Q. What documents may a qualified individual show to his or her employer as proof of employment authorization and identity when completing the employment eligibility verification form (Form I-9)?

A. For completion of the Form I-9 at the time of hire or re-verification, qualified individuals who have received an extension of their EADs by virtue of this Federal Register notice may present to

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their employer a TPS-related EAD as proof of identity and employment authorization until May 3, 2004. To minimize confusion over this extension at the time of hire or re-verification, qualified individuals may also present to their employer a copy of this Federal Register notice regarding the automatic extension of employment authorization documentation to May 3, 2004. In the alternative, any legally acceptable document or combination of documents listed in List A, List B, or List C of the Form I-9 may be presented as proof of identity and employment eligibility; it is the choice of the employee.

Q. How may employers determine whether an EAD has been automatically extended through May 3, 2004 and is therefore acceptable for completion of the Form I-9?

A. For purposes of verifying identity and employment eligibility or re-verifying employment eligibility on the Form I-9 until May 3, 2004, employers of Sierra Leone TPS class members whose EADs have been automatically extended by this notice must accept such EAD if presented. An EAD that has been automatically extended by this notice will contain an expiration date of November 2, 2003, and must be either (1) a Form I-766 bearing the notation "A-12" or "C-19" on the face of the card under "Category", or (2) a Form I-688B bearing the notation "274A.12(A)(12)" or "274A.12(C)(19)" on the face of the card under "Provision of Law." New EADs or extension stickers showing the May 3, 2004 expiration date will not be issued.

Employers should not request proof of Sierra Leone citizenship. Employers presented with an EAD that (1) this Federal Register notice has extended automatically, (2) that appears to be genuine, and (3) appears to relate to the employee, should accept the document as a valid "List A" document and should not ask for additional Form I-9 documentation. This action by the Secretary of the DHS through this Federal Register notice does not affect the right of an employee to present any legally acceptable document as proof of identity and eligibility for employment.

Employers are reminded that the laws prohibiting unfair immigration-related employment practices remain in full force. For questions, employers may call the BCIS Office of Business Liaison Employer Hotline at 1-800-357-2099 to speak to a BCIS representative. Also, employers may call the U.S. Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1-800-255-8155 or 1-800-362-2735 (TDD). Employees or applicants may call the OSC Employee Hotline at 1-800-255-7688 or 1-800-237-2515 (TDD) for information regarding the automatic extension. Additional information is available on the OSC Web site at <http://www.usdoj.gov/crt/osc/index.html>.

Q. What may I do if I believe that returning to Sierra Leone would be unsafe?

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A. For nationals of Sierra Leone (and aliens having no nationality who last habitually resided in Sierra Leone) in the United States who believe that their particular circumstances make return to Sierra Leone unsafe, there may be avenues of immigration relief and protection available. Such avenues may include, but are not limited to, asylum, withholding of removal, or protection under Article 3 of the Torture Convention.

Eligibility for these and other immigration benefits is determined individually on a case-by-case basis. For information on eligibility and how to apply, visit the BCIS web site at <http://www.bcis.gov> or call the BCIS National Customer Service Center at 1-800-375-5283.

Q. How does the conclusion of TPS affect former TPS beneficiaries?

A. After the designation of Sierra Leone for TPS is concluded on May 3, 2004, former TPS beneficiaries will maintain the same immigration status they held prior to TPS (unless that status has since expired or been concluded) or any other status they may have acquired while registered for TPS. Accordingly, if an alien held no lawful immigration status prior to receiving TPS benefits and did not obtain any other status during the TPS period, he or she will maintain that unlawful status upon the conclusion of the TPS designation.

As of the effective conclusion date of the TPS designation for Sierra Leone, former TPS beneficiaries will no longer be eligible for a stay of removal or an EAD pursuant to the TPS program. TPS-related EADs will expire on May 3, 2004, and will not be renewed. Termination of the TPS designation for Sierra Leone does not necessarily affect pending applications for other forms of immigration relief or protection. However, former TPS beneficiaries will begin to accrue unlawful presence as of May 3, 2004 if they have not been granted any other immigration status or protection or if they have no pending application for certain benefits.

Q. Where can I find information about the termination of TPS for nationals of Sierra Leone?

A. Information concerning the termination of the TPS program for nationals of Sierra Leone (and aliens having no nationality who last habitually resided in Sierra Leone) will be available at local BCIS offices and through the BCIS National Customer Service Center at 1-800-375-5283. This information will also be available on the BCIS web site at <http://www.bcis.gov>.

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