

effective August 27, 2003, and will remain in effect until August 27, 2004. The 60-day re-registration period begins July 1, 2003, and will remain in effect until September 2, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Jonathan Mills, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 425 "I" Street, NW., Room 3040, Washington, DC 20536, telephone (202) 514-4754.

**SUPPLEMENTARY INFORMATION:**

**What Authority Does the Secretary of the Department of Homeland Security Have To Extend the Designation of Montserrat Under the TPS Program?**

On March 1, 2003, the functions of the Immigration and Naturalization Service (Service) transferred from the Department of Justice to the Department of Homeland Security (DHS) pursuant to the Homeland Security Act of 2002, Public Law 107-296. The responsibilities held by the Service for administering the TPS program were transferred to the Bureau of Citizenship and Immigration Services (BCIS).

Under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1254a, the Secretary of DHS, after consultation with appropriate agencies of the Government, is authorized to designate a foreign state or (part thereof) for TPS. The Secretary of DHS may then grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state).

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. (8 U.S.C. 1254a(b)(3)(A)). If the Secretary of DHS determines that the foreign state no longer meets the conditions for TPS designation, he shall terminate the designation, as provided in section 244(b)(3)(B) of the Act (8 U.S.C. 1254a(b)(3)(B)). Finally, if the Secretary of DHS does not make the required determination prior to the 60-day period prescribed by statute, section 244(b)(3)(C) of the Act provides for an automatic extension of TPS for an additional period of 6 months (or, in the discretion of the Secretary of DHS, a period of 12 or 18 months) (8 U.S.C. 1254a(b)(3)(C)).

**Why Did the Secretary of DHS Decide To Extend the TPS Designation for Montserrat?**

On August 28, 1997, the Attorney General designated Montserrat under the TPS program for a period of 12 months due to volcanic eruptions that affected the entire island and its residents. 62 FR 45685. The Attorney General extended Montserrat's TPS designation five times, determining each time that the conditions warranting such designation continued to be met. See 67 FR 47002 (July 17, 2002); 66 FR 40834 (August 3, 2001); 65 FR 58806 (October 2, 2000); 64 FR 48190 (September 2, 1999); 63 FR 45864 (August 27, 1998).

Since the date of the last extension, the Departments of Homeland Security and State have continued to review conditions in Montserrat. A 12-month extension is warranted due to the threat of further volcanic activity, serious health risks from hazardous ash, and lack of infrastructure, including no functioning airport.

Citing recommendations made by the September 2002 Montserrat Volcano Risk Assessment Panel and a late December 2002 appraisal of the situation, the Department of State reports that persons who were evacuated from their homes because of volcanic eruptions that occurred in 1997 are still unable to safely return. DOS Recommendation for the Extension of TPS (May 9, 2003). The amount of magma in the volcano continues to grow, as does its lava dome. *Id.* Volcanic threats to many areas surrounding the volcano have increased since the most recent Hazard and Risk Assessment, which occurred in October 2002. *Id.* As a result, the government of Montserrat expanded the "exclusion zone" of the island. BCIS Resource Information Center (May 5, 2003). The southern two-thirds of the island is buried in volcanic material and uninhabitable. *Id.*

The Department of State further notes that emergency measures remain in place in Montserrat. DOS Recommendation for Extension of TPS. A lack of infrastructure, including no functioning airport, continues to exist. *Id.* Two-thirds of the pre-eruption population of 12,000 has left the island. *Id.* Unemployment is high and few jobs remain outside of construction, most of which is aimed at making the north end of the island habitable for those who remain. *Id.* A *de facto* capital has been built in the village of Salem, but the government continues to operate out of makeshift quarters. BCIS Resource Information Center.

Based upon this review, the Secretary of DHS, after consultation with appropriate Government agencies, finds that the conditions that prompted designation of Montserrat under the TPS program continue to be met (8 U.S.C. 1254a(b)(3)(C)). There continues to be a substantial, but temporary, disruption of living conditions in Montserrat as the result of an environmental disaster, and Montserrat continues to be unable, temporarily, to handle adequately the return of its nationals (8 U.S.C. 1254a(b)(1)(B)(i)-(ii)). On the basis of these findings, the Secretary of DHS concludes that the TPS designation for Montserrat should be extended for an additional 12-month period.

**If I Currently Have TPS Through the Montserrat TPS Program, Do I Still Re-Register for TPS?**

Yes. If you already have received TPS benefits through the Montserrat TPS program, your benefits will expire on August 27, 2003. Accordingly, individual TPS beneficiaries must comply with the re-registration requirements described below in order to maintain their TPS benefits through August 27, 2004. TPS benefits include temporary protection against removal from the United States, as well as work authorization, during the TPS designation period and any extension thereof (8 U.S.C. 1254a(a)(1)).

**If I am Currently Registered for TPS, How Do I Re-Register for an Extension?**

All persons previously granted TPS under the Montserrat program who wish to maintain such status must apply for an extension by filing (1) a Form I-821, Application for Temporary Protected Status, without the filing fee; (2) a Form I-765, Application for Employment Authorization; and (3) two identification photographs (1½ inches x 1½ inches). Applications submitted without the required fee and/or photos will be returned to the applicant. See the chart below to determine whether you must submit the one hundred and twenty dollar (\$120) filing fee with Form I-765. Applicants for an extension of TPS benefits do not need to be re-fingerprinted and thus need not pay the \$50 fingerprint fee. Children beneficiaries of TPS who have reached the age of fourteen (14) but were not previously fingerprinted must pay the fifty dollar (\$50) fingerprint fee with the application for extension.

Submit the completed forms and applicable fee, if any, to the BCIS district office having jurisdiction over your place of residence during the 60-day re-registration period that begins