

Public Law 107–296. The responsibilities for administering the TPS program held by the Service were transferred to the Bureau of Citizenship and Immigration Services (BCIS) of the DHS.

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 Attorney General Designate El Salvador for TPS?

On March 9, 2001, the Attorney General initially designated El Salvador under the TPS program for a period of 18 months based upon a series of severe earthquakes that caused numerous fatalities and injuries and left 1.6 million people (over one-quarter of the country's population) without adequate housing. 66 FR 14214. Following the initial designation, the Departments of Justice (DOJ) and State (DOS) kept a close watch over the progress of reconstruction in El Salvador. Given the amount of reconstruction necessary, the Attorney General extended the El

Salvador TPS designation on July 11, 2002 (67 FR 46000).

Why Is the Secretary of DHS Extending the TPS Designation for El Salvador?

After the extension of El Salvador's TPS designation on July 11, 2002, DHS and DOS have continued to monitor the conditions in that country. Prior to making his decision to extend the El Salvador TPS designation, the Secretary of DHS consulted with relevant government agencies to determine whether conditions warranting the TPS designation continue to exist in El Salvador.

Although El Salvador has made progress in its post-earthquake reconstruction effort, much work remains. (DOS Recommendation (April 13, 2003)). As of April 2003, only one-third of the 170,000 homes destroyed by the earthquakes had been replaced. *Id.* More than three-quarters of the damaged roads still need repair. *Id.* As of February 2003, some rural health clinics have been rebuilt, but construction had not begun on other major health facilities. (BCIS Resource Information Center (RIC) (May 7, 2003)). The RIC reports that, in February 2003, the majority of damaged or destroyed schools targeted for reconstruction by USAID were still in the design phase. *Id.*

The economy of El Salvador is not yet stable enough to absorb returnees from the United States should TPS not be extended. (DOS Recommendation). Returning Salvadorans would tax an already overburdened infrastructure that is currently incapable of providing for them at home. *Id.* A large number of returnees from the United States would not be able to find jobs or possibly housing, creating social unrest and exacerbating a critical crime situation and already dismal living conditions. *Id.* An extension will allow the approximately 290,000 Salvadorans now with TPS to remain in the U.S. and continue sending home remittances, which have proven helpful in the recovery process. *Id.*

Based upon this review, the Secretary of DHS finds that the conditions that prompted designation of El Salvador 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 El Salvador as a result of

environmental disaster, and El Salvador 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 El Salvador should be extended for an additional 18-month period.

If I Currently Have TPS Through the El Salvador TPS Program, Do I Still Re-register for TPS?

Yes. If you already have received TPS benefits through the El Salvador TPS program, your benefits will expire on September 9, 2003. Accordingly, individual TPS beneficiaries must comply with the re-registration requirements described below in order to maintain their TPS benefits through March 9, 2005. 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 El Salvador 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 Service Center having jurisdiction over your place of residence during the 60-day re-registration period that begins July 16, 2003 and ends September 15, 2003.

If—	Then—
You are applying authorization until March 9, 2005	You must complete and file the Form I–765, Application for employment for Employment Authorization, with the \$120 fee.
You already have employment authorization or do not require employment authorization.	You must complete and file Form I–765 with no fee. ¹