

on September 4, 2001) and also timely re-registered under the extension of the re-designation. Certain nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) who previously have not applied for TPS may be eligible to apply under the late initial registration provisions.

EFFECTIVE DATES: The extension of Somalia's TPS designation is effective September 17, 2003, and will remain in effect until September 17, 2004. The 60-day re-registration period begins July 21, 2003 and will remain in effect until September 19, 2003.

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SUPPLEMENTARY INFORMATION:

What Authority Does the Secretary of the Department of Homeland Security Have To Extend the Designation of Somalia 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 determine that a

foreign state (or part thereof) no longer meets the conditions for designation at least 60 days before the designation or extension is due to expire, 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 Somalia?

On September 16, 1991, the Attorney General published a notice in the **Federal Register** designating Somalia under the TPS program based upon ongoing armed conflict occurring within the country. 56 FR 46804. The Attorney General extended this TPS designation annually and re-designated Somalia by publishing a notice on September 4, 2001, determining in each instance that the conditions warranting such designation continued to be met. 67 FR 48950.

Since the date of the last extension, the Departments of Homeland Security and State have continued to review conditions in Somalia. It is determined that a 12-month extension is warranted due to ongoing armed conflict within Somalia that would pose a serious threat to the personal safety of returning nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia). 8 U.S.C. 1254a(b)(1)(A).

The Department of State has observed that, more than seven years after the withdrawal of the United Nations Operation in Somalia (UNOSOM) and twelve years after the fall of Mohammed Said Barre's regime, Somalia still lacks a central authority. DOS Recommendation (June 4, 2003). In July 2000, the president of Djibouti convened a conference that adopted a charter for a three-year Transnational National Government (TNG) for Somalia and selected a 245-member Transitional Assembly. *Id.* In October 2002, virtually all warring factions, the TNG, and civil society held peace talks and agreed to a ceasefire. *Id.*

Despite these developments, real change on the ground has not yet occurred. BCIS Resource Information Center (RIC) Report (May 30, 2003). Many TNG officials have been threatened or killed; an atmosphere of lawlessness continues. DOS Recommendation. *De facto* local governments in the northern part of the country that pre-date the TNG and several local militias have strongly contested the legitimacy of the TNG. *Id.* Fighting has continued throughout the

country. *Id.* Hundreds have been killed and injured in clashes between armed factions. RIC Report. Almost the entire country, except the self-declared Republic of Somaliland, has witnessed fighting and serious insecurity. *Id.* Major regions of the country are under the control of bandits and the population is beyond the reach of the rule of law. DOS Recommendation.

In addition, the RIC reports that the humanitarian situation in Somalia remains dire. The ongoing conflict in much of the country has prevented humanitarian relief from reaching some areas where the need is greatest. RIC Report. Some 500,000 people are currently threatened by severe food shortages, 72 percent of the population has no access to health care, and 77 percent lack access to clean, potable water. *Id.* An estimated 400,000 people are displaced within the country. *Id.* As of the end of 2001, approximately 300,000 Somali refugees lived in about two dozen countries. *Id.* The current situations in southern and northeast Somalia continue to pose a significant risk of harm for Somalis who would be returning from the United States. *Id.*

Somalia's institutions are not able to adequately address the demands of a ravaged population, nor would they be able to document or accommodate a large volume of returns. DOS Recommendation. Somalis within the country rely on family connections and collective security for survival. *Id.* New arrivals, outside this network, would be extremely vulnerable. *Id.*

Based upon this review, the Secretary of DHS, after consultation with appropriate Government agencies, finds that the conditions that prompted designation of Somalia under the TPS program continue to be met. 8 U.S.C. 1254a(b)(3)(A). There is an ongoing armed conflict within Somalia and, due to such conflict, requiring the return of aliens who are nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) would pose a serious threat to their personal safety. 8 U.S.C. 1254a(b)(1)(A). On the basis of these findings, the Secretary of DHS concludes that the TPS designation for Somalia should be extended for an additional 12-month period. 8 U.S.C. 1254a(b)(3)(C).

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

Yes. If you already have received TPS benefits through the Somalia TPS program, your benefits will expire on September 17, 2003. Accordingly, individual TPS beneficiaries must comply with the re-registration