

What Authority Does the Secretary of the Department of Homeland Security Have To Extend the Designation of Liberia 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 for administering the TPS program held by the Service were transferred to the Bureau of Citizenship and Immigration Services (BCIS).

Under section 244 of the Immigration and Nationality Act (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 Liberia?

On October 1, 2002, the Attorney General published a notice in the **Federal Register** designating Liberia under the TPS program for a period of 12 months based upon an ongoing armed conflict in Liberia. 67 FR 61665. Since the date of the designation, the Department of Homeland Security and Department of State (DOS) have continued to review conditions in Liberia. A 12-month extension is

warranted due to ongoing armed conflict within Liberia that would pose a serious threat to the personal safety of returning nationals of Liberia.

Fighting between government security forces and the Liberians United for Reconciliation and Democracy (LURD) rebels has intensified in western Liberia over the last three years and recently reached heightened levels. DOS Recommendation (June 4, 2003). The newly emerged rebel force Movement for Democracy in Liberia (MODEL) is now active in eastern Liberia, opening a second front. *Id.* Fighting has spread to 10 of Liberia's 13 counties. *Id.* Rebel groups currently control between 40 and 60 percent of the territory of Liberia. BCIS Resource Information Center (RIC) Report (June 17, 2003). The rebels, who want to oust President Charles Taylor, have stepped up their attacks and recently reached the capital, Monrovia. DOS Recommendation; United Nations News Service (July 21, 2003).

According to a February 2003 report from the United Nations (U.N.) Secretary-General, the situation in Liberia "remains extremely volatile, with the rebels reportedly in control of several towns and cities." RIC Report. The U.N. Secretary General's representative also stated that the "security situation had deteriorated progressively since the start of the year and the trend would continue unless concerted action was taken to bring about a ceasefire between government troops and rebels of the * * * LURD." *Id.*

All sides in Liberia have engaged in atrocities against civilians. DOS Recommendation. Civilians are directly threatened by the various fighting forces, all of whom continue to commit serious human rights abuses, including extrajudicial killings, disappearances, torture, forced military recruitment of children and adults, beatings, and rape. *Id.* Fighting between government and rebel forces also poses a threat. *Id.*

Civilians suffer increasingly from deteriorating humanitarian conditions related to the fighting. *Id.* Several areas of the country are inaccessible to relief organizations. *Id.* The U.N. Secretary General observed that the "security situation in Liberia has deteriorated so badly that it has become extremely difficult to reach internally displaced persons and third-country refugees who have now fallen victim to abductions, conscriptions, and various gross violations of human rights." RIC Report. Liberia's internally displaced persons (IDP) population has swelled from about 200,000 to 300,000 since January 2003. DOS Recommendation. There are now 55,000 Liberian refugees in Sierra

Leone, 130,000 in Guinea, and 30,000 in Ivory Coast. *Id.* Liberia's vital services, such as food, water, sanitation, shelter, and health, are on the verge of collapse. *Id.*

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

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

Yes. If you already have received TPS benefits through the Liberia TPS program, your benefits will expire on October 1, 2003. Accordingly, individual TPS beneficiaries must comply with the re-registration requirements described below in order to maintain their TPS benefits through October 1, 2004. TPS benefits include temporary protection against removal from the United States, as well as employment 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 Liberia 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 × 1½ inches). 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.

An application submitted without the required fee and/or photos will be returned to the applicant. Submit the