

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 Sudan?

On November 4, 1997, the Attorney General published a notice in the **Federal Register** designating Sudan under the TPS program based upon ongoing armed conflict occurring within the country. 62 FR 59735. The Attorney General extended this TPS designation annually and re-designated Sudan by publishing a notice on November 9, 1999, determining in each instance that the conditions warranting such designation continued to be met. 64 FR 61123.

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

The Department of State observes that civil war continues to endanger thousands of Sudanese civilians. DOS Recommendation (June 19, 2003). Despite the signing of an October 2002 agreement, fighting between government and rebel forces has continued in several regions, especially those rich in oil. *Id.* In July 2002, warring parties signed the Machakos Protocol, a general framework for peace. *Id.* Peace talks continue in Kenya. *Id.* It remains to be seen whether a working peace agreement will be achieved; past efforts have failed. *Id.*

The BCIS Resource Information Center (RIC) notes that, despite a period of relative peace and stability in southern Sudan, there is a general consensus among human rights monitors and other close observers of

Sudan that there the human rights situation in Sudan has not improved significantly. RIC Report (July 16, 2003). The lessening of conflict following the October 2002 agreement appears to have resulted in fewer war-related human rights violations. *Id.* However, human rights abuses, including massacres and the targeting and displacement of civilians, have continued in the South and in other conflicted areas, including the Upper Nile and Darfur regions. *Id.* Detention and harassment of human rights advocates and political opponents remains in the North despite increased organization by civil society groups. *Id.*

The government's human rights record remains extremely poor and includes extrajudicial killings, disappearances, arbitrary arrest and detention, rape, slavery, forced labor, and forced conscription of male children. DOS Recommendation. Rebel groups are also responsible for serious abuses, including killings, beatings, rapes, arbitrary detention, and forced conscription of boys. *Id.*

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

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

Yes. If you already have received TPS benefits through the Sudan TPS program, your benefits will expire on November 2, 2003. Accordingly, individual TPS beneficiaries must comply with the re-registration requirements described below in order to maintain their TPS benefits through November 2, 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 Sudan 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). 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 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 September 3, 2003 and ends November 3, 2003.

If	Then
You are applying for employment authorization until November 2, 2004	You must complete and file the Form I-765, Application 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
You are applying for employment authorization and are requesting a fee waiver.	You must complete and file: 1) Form I-765 and 2) a fee waiver request and affidavit (and any other information) in accordance with 8 CFR 244.20.

¹ An applicant who does not seek employment authorization documentation does not need to submit the \$120 fee, but must still complete and submit Form I-765 for data gathering purposes.