

DEPARTMENT OF JUSTICE**Immigration and Naturalization Service**

[INS No. 1966-98]

Extension of Work Authorization for Certain Haitians Previously Granted Deferred Enforced Departure (DED)

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: Since December 23, 1997, the Immigration and Naturalization Service (Service) has granted an Employment Authorization Document (EAD) to Haitian nationals on the basis of Deferred Enforced Departure (DED); those EADs bear an expiration date of December 22, 1998, and the notation "274A.12(A)(11)." By this notice, the Service is granting an automatic extension until December 22, 1999, of the validity of those EADs issued to Haitian DED beneficiaries. This action will provide ample opportunity for Haitian beneficiaries of DED to apply for adjustment of status to that of permanent resident pursuant to section 902 of the Haitian Refugee Immigration Fairness Act of 1998, allowing them to maintain their employment eligibility until they are able to apply for a new EAD in connection with their application for adjustment of status.

DATES: This notice is effective December 14, 1998.

FOR FURTHER INFORMATION CONTACT: Michael Valverde, Immigration and Naturalization Service, Adjudications Division, 425 I Street, NW, Room 3214, Washington, DC 20536, Telephone (202) 514-3228.

SUPPLEMENTARY INFORMATION:**What is the Purpose of Extending Employment Authorization to Certain Haitians?**

On December 23, 1997, the President ordered the Attorney General to grant DED for 1 year to certain Haitian nationals. On October 21, 1998, the President signed into law the Fiscal Year 1999 Omnibus Appropriations Act, Public Law 105-277. Title IX of Pub. L. 105-277 contains the Haitian Refugee Immigration Fairness Act of 1998 (HRIFA). Specifically, section 902 HRIFA allows certain Haitian nationals to adjust status to that of a lawful permanent resident. In order to provide ample opportunity for Haitian nationals covered by DED to file for a new Employment Authorization Document (EAD) based upon an application for adjustment of status under HRIFA, the Service is granting an automatic

extension until December 22, 1999, of the validity of their EADs. This automatic extension is limited to those EAD cards which bear an expiration date of December 22, 1998, and were previously issued to DED Haitians pursuant to 8 CFR 274a.12(a)(11). Affected Haitians who will need work authorization after December 22, 1999, should file applications for adjustment of status and HRIFA-based employment authorization as soon as interim regulations implementing HRIFA are published to ensure continuous employment authorization.

Who is Eligible To Receive an Automatic Extension of Employment Authorization?

To be eligible for an automatic extension of employment authorization, and individual must be a national of Haiti who previously applied for and was granted employment authorization under the December 23, 1997, Presidential order mandating DED for Haitians.

How Will Qualified Individuals be Notified?

Individuals will be notified that their EAD has been automatically extended by:

- (1) The **Federal Register** notice, and
- (2) A letter mailed to the individual's last known address.

Does a Qualified Individual Have to Apply to the Service for an Extension of Employment Authorization?

No, the extension is automatic. A qualified individual will be notified of the extension by a letter, which will be mailed to the individuals' last known address on file with the Service.

What Should an Individual Do if They Have Lost Their DED-Related EAD?

An individual who has lost his or her DED-related EAD should submit an Application for Employment Authorization, Form I-765, with fee to the Texas Service Center to obtain a replacement card. Applications should be addressed as follows: United States Immigration and Naturalization Service, Texas Service Center, P.O. Box 851041, Mesquite, Texas 75185-1041.

Can an Applicant Who is Eligible for DED Under the December 23, 1997, Presidential Order Still Apply if He or She has not Already Done So?

Yes. As long as the individuals is eligible to apply for an EAD under the original grant of DED, he or she may apply for DED-related employment authorization provided that such an application is received by the Texas

Service Center on or before December 22, 1998, the last day covered by the Presidential order. Applications for DED-related employment authorization received after December 22, 1998, will be rejected.

What Documents Should an Individual Show to His or Her Employer as Proof of Employment Authorization When Completing the Employment Eligibility Verification Form (Form I-9)?

For completion of the Form I-9 at the time of hire or re-verification, qualified Haitian nationals who have received an extension of employment authorization by virtue of this **Federal Register** notice can present to their employer their EAD as proof of valid employment authorization and identity. To minimize confusion over this extension at the time of hire or re-verification, qualified Haitian nationals may also present to their employer a copy of either this **Federal Register** notice regarding the extension of employment authorization to December 22, 1999, or the letter that will be mailed to the last known address of qualified Haitian nationals.

How can Employers Determine Which Employees Have an Additional Year of Employment Authorization?

For purposes of verifying identity and employment eligibility or re-verifying employment eligibility on the Form I-9 until December 22, 1999, employers of DED Haitians whose employment authorization is automatically extended must accept an EAD card which:

- (1) Bears an expiration date of December 22, 1998; and
- (2) Contains the notation "274A.12(A)(11)" on the face of the card under "Provision of Law."

The EAD cards or extension stickers showing the automatic December 22, 1999, expiration date will not be issued. Qualified Haitian nationals will be sent a letter to their last known address. Employers should not request proof of Haitian citizenship or any other document if the documentation presented by the employee satisfied the I-9 requirements and appears to be genuine and to relate to the employee. This action by the Service through this notice of the **Federal Register** does not affect the right of an employee to present any legally acceptable document as proof of identity and eligibility for employment. Employers are reminded that the laws prohibiting unfair immigration-related employment practices remain in full force. Employers may call the Service's Office of Business Liaison employer hotline at 1-800-357-2099 to speak to a Service representative about this Notice.

Employers can also call the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1-800-255-8155. Employees or applicants can call the OSC Employee Hotline at 1-800-255-7688.

How Should Employers Fill-out the Form I-9?

To complete the Form I-9 at the time of hire or re-verification for an employee who presents an EAD card that has been automatically extended by this **Federal Register** notice, the employer should include or add the following information under Section 2 (List A) or Section 3 of the Form I-9, as appropriate:

(1) Record the document identification information of the EAD; and

(2) Record December 22, 1999 for the document expiration date.

If the employee presents the mailed letter or a copy of this **Federal Register** notice, the employer should note on Form I-9 his or her review of these documents.

What is the First Step in Obtaining Subsequent Employment Authorization?

The Service will soon issue an interim rule which implements section 902 of HRIFA by establishing procedures for certain nationals of Haiti who have been residing in the United States to apply for lawful permanent resident status in this country. Instructions for obtaining employment authorization based upon HRIFA will be included in these procedures. In accordance with HRIFA, the interim rule will allow eligible aliens to obtain lawful permanent resident status without applying for an immigrant visa at a United States consulate abroad and will waive many of the usual requirements for this benefit.

Who is Eligible for Benefits Under HRIFA?

In order to be eligible for benefits under HRIFA, an applicant must be a national of Haiti who was present in the United States on December 31, 1995, and who was physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for adjustment of status is filed (not counting absences totaling 180 days or less). The applicant must fall within one of the five classes of persons described in section 902(b)(1) of HRIFA. Those five classes are:

(1) Haitian nationals who filed for asylum before December 31, 1995,

(2) Haitian nationals who were paroled into the United States prior to December 31, 1998, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest,

(3) Haitian national children who arrived in the United States without parents and have remained without parents in the United States since arrival,

(4) Haitian national children who became orphaned subsequent to arrival in the United States; and

(5) Haitian national children who were abandoned by their parents or guardians prior to April 1, 1998, and have remained abandoned since such abandonment.

For the last three of these classes, the applicant must have been a child at the time of his or her arrival in the United States and on December 31, 1995, but not necessarily at the time of his or her adjustment of status. In addition, the spouse, child, or unmarried son or daughter of an alien whose status is adjusted pursuant to HRIFA may be eligible to adjust under HRIFA themselves.

When do Beneficiaries of HRIFA Benefits Have To File an Application for New Work Authorization?

Once the HRIFA regulations are promulgated, HRIFA beneficiaries will not be under a deadline to file an application for a new Employment Authorization Document. However, the Service emphasizes that the adjudication of an employment authorization application and issuance of an EAD may take up to 90 days not including the round-trip mailing time. Incomplete applications will be returned requiring additional time. Therefore, Haitian DED grantees who apply for adjustment of status under HRIFA should file their work authorization applications as soon as possible in order to receive their HRIFA-based EADs before December 22, 1999, when this automatic extension of employment authorization expires.

Dated: December 9, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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NUCLEAR REGULATORY COMMISSION

Entergy Gulf States, Inc. and Entergy Operations, Inc. (River Bend Station, Unit 1); Exemption

[Docket No. 50-458]

I

Entergy Operations, Incorporated¹ (the Licensee), is the holder of Facility Operating License No. NPF-47, which authorizes operation of the River Bend Station, Unit 1 (RBS) (the facility). The license provides, among other things, that the facility is subject to all the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission now or hereafter in effect.

The RBS, is a boiling-water nuclear reactor located approximately 2 miles east of the Mississippi River in West Feliciana Parish, Louisiana, approximately 2.7 miles southeast of St. Francisville, Louisiana and approximately 18 miles northwest of the city limits of Baton Rouge, Louisiana.

II

Section 70.24 of Title 10 of the *Code of Federal Regulations*, "Criticality Accident Requirements," requires that each licensee authorized to possess special nuclear material (SNM) shall maintain a criticality accident monitoring system in each area where such material is handled, used, or stored. Subsections (a)(1) and (a)(2) of 10 CFR 70.24 specify detection and sensitivity requirements that these monitors must meet. Subsection (a)(3) of 10 CFR 70.24 requires licensees to maintain emergency procedures for each area in which this licensed SNM is handled, used, or stored and provides that (1) the procedures ensure that all personnel withdraw to an area of safety upon the sounding of a criticality accident monitor alarm, (2) the procedures must include drills to familiarize personnel with the evacuation plan, and (3) the procedures designate responsible individuals for determining the cause of the alarm and placement of radiation survey instruments in accessible locations for use in such an emergency. Subsection (b)(1) of 10 CFR 70.24 requires licensees to have a means to identify quickly personnel who have received a dose of 10 rads or more. Subsection (b)(2) of 10 CFR 70.24 requires licensees to maintain personnel decontamination

¹ Entergy Operations, Incorporated is authorized to act as agent for Entergy Gulf States, Inc. and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.