

Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3886.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of New York is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 13, 2011.

Herkimer County for Individual Assistance and Public Assistance.

Schoharie County for Individual Assistance (already designated for Public Assistance).

Schenectady County for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2011-28599 Filed 11-3-11; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Internal Agency Docket No. FEMA-4030-DR; Docket ID FEMA-2011-0001]

**Pennsylvania; Amendment No. 5 to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the Commonwealth of Pennsylvania (FEMA-4030-DR), dated September 12, 2011, and related determinations.

**DATES:** *Effective Date:* October 27, 2011.

**FOR FURTHER INFORMATION CONTACT:** Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3886.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the Commonwealth of Pennsylvania is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 12, 2011.

Monroe County for Individual Assistance. Huntingdon County for Individual Assistance (already designated for Public Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Internal Agency Docket No. FEMA-4031-DR; Docket ID FEMA-2011-0001]

**New York; Amendment No. 10 to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of New York (FEMA-4031-DR), dated September 13, 2011, and related determinations.

**DATES:** *Effective Date:* October 27, 2011.

**FOR FURTHER INFORMATION CONTACT:** Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3886.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of New York is hereby amended to include the following area among those areas determined to have been adversely

affected by the event declared a major disaster by the President in his declaration of September 13, 2011.

Oneida County for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2011-28600 Filed 11-3-11; 8:45 am]

**BILLING CODE 9111-23-P**

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Citizenship and Immigration Services**

[CIS No. 2508-11; DHS Docket No. USCIS 2007-0026]

**RIN 1615-ZB04**

**Extension of the Designation of Honduras for Temporary Protected Status and Automatic Extension of Employment Authorization Documentation for Honduran TPS Beneficiaries**

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** This Notice announces that the Secretary of Homeland Security (Secretary) has extended the designation of Honduras for temporary protected status (TPS) for 18 months from its current expiration date of January 5, 2012 through July 5, 2013. The Secretary has determined that an extension is warranted because the conditions in Honduras that prompted the TPS designation continue to be met. There continues to be a substantial, but temporary, disruption of living conditions in Honduras resulting from Hurricane Mitch, and Honduras remains unable, temporarily, to handle adequately the return of its nationals.

This Notice also sets forth procedures necessary for nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) with TPS to re-register and to apply for an extension of their Employment Authorization Documents (EADs) (Forms I-766) with U.S. Citizenship and Immigration Services (USCIS). Re-registration is limited to persons who previously registered for TPS under the designation of Honduras and whose applications have been granted or remain pending. Certain nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) who have not previously applied for TPS may be eligible to apply under the late initial registration provisions.

USCIS will issue new EADs with a July 5, 2013 expiration date to eligible Honduran TPS beneficiaries who timely re-register and apply for EADs under this extension. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that all re-registrants may not receive new EADs until after their current EADs expire on January 5, 2012. Accordingly, this Notice automatically extends the validity of EADs issued under the TPS designation of Honduras for 6 months, through July 5, 2012, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and their impact on Form I-9 and E-Verify processes.

**DATES:** The 18-month extension of the TPS designation of Honduras is effective January 6, 2012 and will remain in effect through July 5, 2013. The 60-day re-registration period begins November 4, 2011 and will remain in effect until January 5, 2012.

*Further Information:*

- For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the TPS Web page at <http://www.uscis.gov/tps>. You can find specific information about this extension and about TPS for Honduras by selecting “TPS Designated Country—Honduras” from the menu on the left of the TPS Web page. From the Honduras page, you can select the Honduras TPS Questions & Answers Section from the menu on the right for further information.

- You can also contact the TPS Operations Program Manager at Status and Family Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20529–

2060; or by phone at (202) 272–1533 (this is not a toll-free number). **Note:** The phone number provided here is solely for questions regarding this TPS notice. It is not for individual case status inquiries.

- Applicants seeking information about the status of their individual cases can check Case Status Online available at the USCIS Web site at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at 1–(800) 375–5283 (TTY 1–(800) 767–1833).

- Further information will also be available at local USCIS offices upon publication of this Notice.

**SUPPLEMENTARY INFORMATION:**

**Abbreviations and Terms Used in This Document**

Act—Immigration and Nationality Act  
 DHS—Department of Homeland Security  
 DOS—Department of State  
 EAD—Employment Authorization Document  
 Government—U.S. Government  
 OSC—U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices  
 Secretary—Secretary of Homeland Security  
 TPS—Temporary Protected Status  
 USCIS—U.S. Citizenship and Immigration Services

**What is Temporary Protected Status (TPS)?**

- TPS is an immigration status granted to eligible nationals of a country designated for TPS under the Act (or to persons having no nationality who last habitually resided in the designated country).

- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States and may obtain work authorization, so long as they continue to meet the requirements of TPS status.

- The granting of TPS does not lead to permanent resident status.

- When the Secretary of Homeland Security (Secretary) terminates a country’s TPS designation, beneficiaries return to the same immigration status they maintained before TPS (unless that status has since expired or been terminated) or to any other lawfully obtained immigration status they received while registered for TPS.

**When was Honduras designated for TPS?**

On January 5, 1999, the Attorney General designated Honduras for TPS based on an environmental disaster within that country, specifically the devastation resulting from Hurricane Mitch. See 64 FR 524 and section 244(a)(b)(1)(B) of the Immigration and Nationality Act (Act), 8 U.S.C.

1254a(b)(1)(B). The last extension of TPS for Honduras was announced on May 5, 2010, based on the Secretary’s determination that the conditions warranting the designation continued to be met. This announcement is the tenth extension of TPS for Honduras.

**What authority does the Secretary of Homeland Security have to extend the designation of Honduras for TPS?**

Section 244(b)(1) of the Act, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate Government agencies, to designate a foreign state (or part thereof) for TPS.<sup>1</sup> The Secretary may then grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state). See Section 244(a)(1)(A) of the Act, 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a country’s TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in a foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. See Section 244(b)(3)(A) of the Act, 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that a foreign state continues to meet the conditions for TPS designation, the designation is extended for an additional 6 months (or in the Secretary’s discretion for 12 or 18 months). See Section 244(b)(3)(C) of the Act, 8 U.S.C. 1254a(b)(3)(C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. See Section 244(b)(3)(B) of the Act, 8 U.S.C. 1254a(b)(3)(B).

**Why is the Secretary extending the TPS designation for Honduras through July 5, 2013?**

Over the past year, the Department of Homeland Security (DHS) and the Department of State (DOS) have continued to review conditions in Honduras. Based on this review and after consulting with DOS, the Secretary has determined that an 18-month extension is warranted because there continues to be a substantial, but temporary, disruption of living

<sup>1</sup> As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002 (HSA), Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the Immigration and Nationality Act describing functions transferred from the Department of Justice to the Department of Homeland Security “shall be deemed to refer to the Secretary” of Homeland Security. See 6 U.S.C. 557 (codifying HSA, tit. XV, sec. 1517).

conditions in Honduras resulting from Hurricane Mitch and Honduras remains unable, temporarily, to handle adequately the return of its nationals.

In October 1998, Hurricane Mitch resulted in the loss of thousands of lives, displacement of thousands more, collapse of physical infrastructure, and severe damage to the country's economic system. *See* 64 FR 524 (Jan. 5, 1999) (discussing the devastation caused by Hurricane Mitch). Despite some recovery, the government and people of Honduras continue to rely heavily on international assistance, and recovery from Hurricane Mitch is still incomplete.

Hurricane Mitch brought heavy rainfall that caused severe flooding and mudslides in Honduras, affecting all eighteen of its departments. Honduras is ranked by the United Nations Development Programme as one of the poorest, most vulnerable countries in the world. In 2008, the national commissioner of the Honduran emergency response center observed that Hurricane Mitch weakened the country to such an extent that subsequent smaller scale disasters have had a much greater impact. In 2009, Oxfam International ranked Honduras number one world-wide amongst countries most affected by extreme weather events from 1998 to 2007.

Beginning with Hurricane Mitch in 1998, there have been a series of natural disasters in Honduras, the most recent being flooding from Tropical Storm Agatha in May 2010, a strong earthquake in May 2009, and severe flooding in October 2008. As a result of these natural disasters, Honduras has suffered severe, continuing, and sustained damage to its infrastructure. Although the global aid that poured into the reconstruction effort for Honduras set records in terms of funding and speed of reaction, Honduras still faces long-term development challenges as a result of Hurricane Mitch and subsequent natural disasters.

Estimates of severely damaged or destroyed dwellings as a result of Hurricane Mitch ranged from 80,000 to over 200,000. As of September 2005, available information indicates that a majority of Hondurans who lost their homes to the hurricane had moved to new communities and were benefiting from the investment in infrastructure and social programs. Schools and health facilities were among the buildings damaged or destroyed by Hurricane Mitch. All health centers were fully operational and almost all schools had reopened by the end of 1999. Fuel supplies, electricity, and communications were disrupted by

Hurricane Mitch. Currently, only half of the rural population has access to electricity, with better access in urban areas.

Hurricane Mitch destroyed an estimated 70 percent of what transportation infrastructure existed. The road network had returned to its pre-hurricane state by early 2004. According to a January 2008 Economist Intelligence Unit report, transportation infrastructure was "patchy but improving," and, while the road network had been restored, transport infrastructure remained basic and vulnerable to further damage from adverse climactic conditions. Those vulnerabilities were exposed in October 2008 when half the country's roads were damaged or destroyed in flooding caused by heavy continuous rains brought by Tropical Depression Sixteen. In May 2009, the World Bank approved \$25 million for a program designed to improve the quality of the road network and road management. As of April 1, 2011, the World Bank's official Web site indicated there was no projected completion date for this project.

Following Hurricane Mitch, critical shortages of food and water were reported. Hunger and near-starvation were widespread in many villages and 4.2 million people lost access to running water. Honduras is currently almost self-sufficient in food production but still imports certain foodstuffs in large quantities. The World Bank approved a \$35 million project in June 2007 to improve the sustainability, efficiency and reliability of Honduras's water supply and sanitation services. As of April 20, 2011, the World Bank's official Web site indicated that the project is ongoing and scheduled to be completed in December 2013. Honduras's largest source of fresh water, the Lago de Yojoa, remains heavily polluted.

DOS has also informed DHS that Honduras was hit hard by the recent global economic downturn. Although the economy has begun a moderate recovery, the pace of growth has not been rapid enough to absorb large numbers of young people entering the labor force. The addition of tens of thousands of unemployed persons returning from the United States could fuel social tensions and cause an escalation in violence. The country's security situation is critical, and its infrastructure remains fragile, which negatively affects Honduras' ability to re-assimilate Hondurans currently in the United States with TPS.

Based on this review and after consultation with the appropriate Government agencies, the Secretary finds that:

- The conditions that prompted the January 5, 1999 designation of Honduras for TPS continue to be met. *See* section 244(b)(3)(A) of the Act, 8 U.S.C. 1254a(b)(3)(A).
- There continues to be a substantial, but temporary, disruption in living conditions in Honduras as a result of an environmental disaster. *See* section 244(b)(1)(B) of the Act, 8 U.S.C. 1254a(b)(1)(B).
- Honduras continues to be unable, temporarily, to handle adequately the return of its nationals (or aliens having no nationality who last habitually resided in Honduras). *See* section 244(b)(1)(B) of the Act, 8 U.S.C. 1254a(b)(1)(B).
- The designation of Honduras for TPS should be extended for an additional 18-month period. *See* section 244(b)(3)(C) of the Act, 8 U.S.C. 1254a(b)(3)(C).
- There are approximately 64,000 nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) who may be eligible to re-register for TPS under this extended designation.

#### **Notice of Extension of the TPS Designation of Honduras**

By the authority vested in me as Secretary of Homeland Security under section 244 of the Act, 8 U.S.C. 1254a, I have determined after consultation with the appropriate Government agencies, that the conditions that prompted the designation of Honduras for temporary protected status (TPS) on January 5, 1999 continue to be met. *See* section 244(b)(3)(A) of the Act, 8 U.S.C. 1254a(b)(3)(A). On the basis of this determination, I am extending the TPS designation of Honduras for 18 months from its current expiration of January 5, 2012 through July 5, 2013.

**Janet Napolitano,**  
*Secretary.*

#### **Required Application Forms and Application Fees To Register or Re-register for TPS**

To register or re-register for TPS for Honduras, an applicant must submit:

1. Application for Temporary Protected Status, Form I-821.
  - You only need to pay the Form I-821 application fee if you are filing an application for late initial registration. *See* 8 CFR 244.2(f)(2) and information on late initial filing on the USCIS TPS Web page at [www.uscis.gov/tps](http://www.uscis.gov/tps).
  - You do not need to pay the Form I-821 fee for a re-registration. and
2. Application for Employment Authorization, Form I-765.

- If you are applying for re-registration, you must pay the Form I-765 application fee only if you want an Employment Authorization Document (EAD) (Form I-766).

- If you are applying for late initial registration and want an EAD, you must pay the Form I-765 fee only if you are age 14 through 65. No EAD fee is required if you are under the age of 14 or over the age of 65 and applying for late initial registration.

- You do not pay the Form I-765 fee if you are not requesting an EAD.

You must submit both completed application forms together. If you are unable to pay, you may apply for application and/or biometrics fee waivers by completing a Request for Fee Waiver (Form I-912) or submitting a personal letter requesting a fee waiver, and providing satisfactory supporting documentation. For more information on the application forms and fees for TPS, please visit the USCIS TPS Web page at <http://www.uscis.gov/tps> and click on Temporary Protected Status for

Honduras. Fees for Form I-821, Form I-765, and biometric services are also described in 8 CFR 103.7(b).

**Biometric Services Fee**

Biometrics (such as fingerprints) are required for all applicants 14 years of age or older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay, you may apply for a biometrics fee waiver by completing Form I-912, or a personal letter requesting a fee waiver, and providing satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS Web site at <http://www.uscis.gov>. If necessary, you may be required to visit an Application Support Center to have your biometrics captured.

**Refiling After Receiving a Denial of a Fee Waiver Request**

USCIS urges all re-registering applicants to file as soon as possible within the 60-day re-registration period so that USCIS can promptly process the

applications and issue EADs. Filing early will also allow those applicants who may receive denials of their fee waiver requests to have time to refile their applications *before* the re-registration deadline. If, however, an applicant receives a denial of his or her fee waiver request and is unable to refile by the re-registration deadline, the applicant may still refile his or her application. We will consider this situation as showing good cause for late re-registration. Applicants are, however, urged to refile within 45 days of the date on the USCIS fee waiver denial notice, if at all possible. See section 244(c)(3)(A)(iii) of the Act, 8 U.S.C. 1254a(c)(3)(A)(iii); 8 CFR 244.17(c). For more information on good cause for late re-registration, please look at the Questions & Answers for Honduras TPS found on the USCIS TPS Web page for Honduras.

**Mailing Information**

Mail your application for TPS to the proper address in Table 1:

TABLE 1—MAILING ADDRESSES

If . . .	Mail to . . .
You are applying for re-registration through U.S. Postal Service, or .....	USCIS, Attn: TPS Honduras, P.O. Box 6943, Chicago, IL 60680-6943.
You were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD or are re-registering for the first time following a grant by the IJ or BIA.	
You are applying for the first time as a late initial registrant through US Postal Service	USCIS, Attn: TPS Honduras, P.O. Box 8631, Chicago, IL 60680-8631.
You are using a Non-US Postal Service delivery service when applying for any of the above.	USCIS, Attn: TPS Honduras, 131 S. Dearborn—3rd Floor, Chicago, IL 60603-5517.

**E-Filing**

If you are re-registering for TPS during the re-registration period and you do not need to submit any supporting documents or evidence, you are eligible to file your applications electronically. For more information on e-filing, please visit the USCIS E-Filing Reference Guide at the USCIS Web site at <http://www.uscis.gov>.

**Employment Authorization Document (EAD)**

*May I request an interim EAD at my local USCIS office?*

No. USCIS will not issue interim EADs to TPS applicants and re-registrants at local offices.

*Am I eligible to receive an automatic 6-month extension of my current EAD from January 5, 2012 through July 5, 2012?*

You will receive an automatic 6-month extension of your EAD if you:

- Are a national of Honduras (or an alien having no nationality who last habitually resided in Honduras);
- Received an EAD under the last extension of TPS for Honduras; and
- Have not had TPS withdrawn or denied.

This automatic extension is limited to EADs with an expiration date of January 5, 2012. These EADs must also bear the notation “A-12” or “C-19” on the face of the card under “Category.”

*When hired, what documentation may I show to my employer as proof of employment authorization and identity when completing Employment Eligibility Verification, Form I-9?*

You can find a list of acceptable document choices on page 5 of the Employment Eligibility Verification, Form I-9. Employers are required to verify the identity and employment authorization of all new employees by using Form I-9. Within three days of hire, an employee must present proof of

identity and employment authorization to his or her employer.

You may present any document from List A (reflecting both your identity and employment authorization), or one document from List B (reflecting identity) together with one document from List C (reflecting employment authorization). An EAD is an acceptable document under “List A.”

If you received a 6-month automatic extension of your EAD by virtue of this **Federal Register** notice, you may choose to present your automatically extended EAD, as described above, to your employer as proof of identity and employment authorization for Form I-9 through July 5, 2012 (see the subsection below titled “*How do I and my employer complete Form I-9 (i.e., verification) using an automatically extended EAD for a new job?*” for further information). To minimize confusion over this extension at the time of hire, you may also show your employer a copy of this **Federal Register**

notice confirming the automatic extension of employment authorization through July 5, 2012. As an alternative to presenting your automatically extended EAD, you may choose to present any other acceptable document from List A, or List B plus List C.

*What documentation may I show my employer if I am already employed but my current TPS-related EAD is set to expire?*

You must present any document from List A or any document from List C on Form I-9 to reverify employment authorization. Employers are required to reverify on Form I-9 the employment authorization of current employees upon the expiration of a TPS-related EAD.

If you received a 6-month automatic extension of your EAD by virtue of this **Federal Register** notice, your employer does not need to reverify until after July 5, 2012. You and your employer, however, *must* make corrections to the employment authorization expiration dates in section 1 and section 2 of the Form I-9 (see the subsection below titled “*What corrections should I and my employer at my current job make to Form I-9 if my EAD has been automatically extended?*” for further information). In addition, you may also show this **Federal Register** notice to your employer to avoid confusion about whether or not your expired TPS-related document is acceptable. After July 5, 2012, when the automatic extension expires, your employer must reverify your employment authorization. You may show any document from List A or List C on Form I-9 to satisfy this reverification requirement.

*What happens after July 5, 2012 for purposes of employment authorization?*

After July 5, 2012, employers may not accept the EADs that were automatically extended by this **Federal Register** notice. USCIS will issue new EADs to TPS re-registrants. These EADs will have an expiration date of July 5, 2013, and can be presented to your employer as proof of employment authorization and identity. The EAD will bear the notation “A-12” or “C-19” on the face of the card under “Category.” Alternatively, you may choose to present any other legally acceptable document or combination of documents listed on the Form I-9 to prove identity and employment authorization.

*How do I and my employer complete Form I-9 (i.e., verification) using an automatically extended EAD for a new job?*

When using an automatically extended EAD to fill out Form I-9 for a new job prior to July 5, 2012, you and your employer should do the following:

- (1) For Section 1, you should:
  - a. Check “An alien authorized to work”;
  - b. Write your alien number (A-number) in the first space (your EAD or other document from DHS will have your A-number printed on it); and
  - c. Write the automatic extension date in the second space.
- (2) For Section 2, employers should:
  - a. Record the document title;
  - b. Record the document number; and
  - c. Record the automatically extended EAD expiration date.

After July 5, 2012, employers must reverify the employee’s employment authorization in Section 3 of Form I-9.

*What corrections should I and my employer at my current job make to Form I-9 if my EAD has been automatically extended?*

If you are an existing employee who presented a TPS EAD that was valid when you first started your job, but that EAD has now been automatically extended, you and your employer should correct your previously completed Form I-9 as follows:

- (1) For Section 1, you should:
  - a. Draw a line through the expiration date in the second space;
  - b. Write “July 5, 2012” above the previous date;
  - c. Write “TPS Ext.” in the margin of Section 1; and
  - d. Initial and date the correction in the margin of Section 1.
- (2) For Section 2, employers should:
  - a. Draw a line through the expiration date written in Section 2;
  - b. Write “July 5, 2012” above the previous date;
  - c. Write “TPS Ext.” in the margin of Section 2; and
  - d. Initial and date the correction in the margin of Section 2.

After July 5, 2012, when the automatic extension of EADs expires, employers must reverify the employee’s employment authorization in Section 3.

*If I am an employer enrolled in E-Verify, what do I do when I receive a “Work Authorization Documents Expiring” alert for an automatically extended EAD?*

If you are an employer who participates in E-Verify, you will receive a “Work Authorization Documents

Expiring” case alert when a TPS beneficiary’s EAD is about to expire. Usually, this message is an alert to complete Section 3 of Form I-9 to reverify an employee’s employment authorization. For existing employees with TPS EADs that have been automatically extended, employers should disregard the E-Verify case alert and follow the instructions above explaining how to correct Form I-9. After July 5, 2012, employment authorization needs to be reverified in Section 3. You should never use E-Verify for reverification.

*Can my employer require that I produce any other documentation to prove my status, such as proof of my Honduran citizenship?*

No. When completing the Form I-9, employers must accept any documentation that appears on the lists of acceptable documentation, and that reasonably appears to be genuine and that relates to you. Employers may not request documentation that does not appear on Form I-9. Therefore, employers may not request proof of Honduran citizenship when completing Form I-9. If presented with EADs that have been automatically extended pursuant to this **Federal Register** notice or EADs that are unexpired on their face, employers should accept such EADs as valid “List A” documents so long as the EADs reasonably appear to be genuine and to relate to the employee. See below for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you because of your citizenship or immigration status, or national origin.

#### **Note to All Employers**

Employers are reminded that the laws requiring employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This notice does not supersede, or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For questions, employers may call the USCIS Customer Assistance Office at 1-(800) 357-2099. The USCIS Customer Assistance Office accepts calls in English and Spanish only. Employers may also call the Department of Justice (DOJ) Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) Employer Hotline at 1-(800) 255-8155.

### Note to Employees

Employees or applicants may call the DOJ OSC Worker Information Hotline at 1-(800) 255-7688 for information regarding employment discrimination based upon citizenship or immigration status and national origin, unfair documentary practices related to the Form I-9, and discriminatory practices related E-Verify. Employers must accept any document or combination of documents acceptable for Form I-9 completion if the documentation reasonably appears to be genuine and to relate to the employee. Employers may not require extra or additional documentation beyond what is required for Form I-9 completion. Further, employees who receive an initial mismatch via E-Verify must be given an opportunity to challenge the mismatch, and employers are prohibited from taking adverse action against such employees based on the initial mismatch unless and until E-Verify returns a final non-confirmation. The Hotline accepts calls in multiple languages. Additional information is available on the OSC Web site at <http://www.justice.gov/crt/osc/>.

### Note Regarding Federal, State and Local Government Agencies (Such as Departments of Motor Vehicles)

State and local government agencies are permitted to create their own guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. If you are applying for a state or local government benefit, you may need to provide the state or local government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples are:

- (1) Your expired EAD that has been automatically extended, or your EAD that has a valid expiration date;
- (2) A copy of this **Federal Register** notice if your EAD is automatically extended under this notice;
- (3) A copy of your Application for Temporary Protected Status, Form I-821 Receipt Notice (Form I-797), for this re-registration;
- (4) A copy of your past or current Form I-821 Approval Notice (Form I-797), if you receive one from USCIS; and
- (5) If there is an automatic extension of work authorization, a copy of the fact sheet from the USCIS TPS Web site that provides information on the automatic extension.

Check with the state or local agency regarding which document(s) the agency will accept.

Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements Program (SAVE) to verify the current immigration status of applicants for public benefits. If such an agency has denied your application based solely or in part on a SAVE response following completion of all required SAVE verification steps, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has completed all SAVE verification and you do not believe the response is correct, you may make an Info Pass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request can be found at the SAVE Web site at <http://www.uscis.gov/save>, then by choosing "How to Correct Your Records" from the menu on the right.

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## DEPARTMENT OF HOMELAND SECURITY

### Citizenship and Immigration Services

[CIS No. 2509-11; DHS Docket No. USCIS 2007-0027]

RIN 1615-ZB05

### Extension of the Designation of Nicaragua for Temporary Protected Status and Automatic Extension of Employment Authorization Documentation for Nicaraguan TPS Beneficiaries

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** This Notice announces that the Secretary of Homeland Security (Secretary) has extended the designation of Nicaragua for temporary protected status (TPS) for 18 months from its current expiration date of January 5, 2012 through July 5, 2013. The Secretary has determined that an extension is warranted because the conditions in Nicaragua that prompted the TPS designation continue to be met. There continues to be a substantial, but temporary, disruption of living conditions in Nicaragua resulting from Hurricane Mitch, and Nicaragua remains unable, temporarily, to handle adequately the return of its nationals.

This Notice also sets forth procedures necessary for nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) with TPS to re-register and to apply for an extension of their Employment Authorization Documents (EADs) (Forms I-766) with U.S. Citizenship and Immigration Services (USCIS). Re-registration is limited to persons who previously registered for TPS under the designation of Nicaragua and whose applications have been granted or remain pending. Certain nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) who have not previously applied for TPS may be eligible to apply under the late initial registration provisions.

USCIS will issue new EADs with a July 5, 2013 expiration date to eligible Nicaraguan TPS beneficiaries who timely re-register and apply for EADs under this extension. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that all re-registrants may not receive new EADs until after their current EADs expire on January 5, 2012. Accordingly, this Notice automatically extends the validity of EADs issued under the TPS designation of Nicaragua for 6 months, through July 5, 2012, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and their impact on Form I-9 and E-Verify processes.

**DATES:** The 18-month extension of the TPS designation of Nicaragua is effective January 6, 2012 and will remain in effect through July 5, 2013. The 60-day re-registration period begins November 4, 2011 and will remain in effect until January 5, 2012.

### Further Information

- For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the TPS Web page at <http://www.uscis.gov/tps>. You can find specific information about this extension and about TPS for Nicaragua by selecting "TPS Designated Country—Nicaragua" from the menu on the left of the TPS Web page. From the Nicaragua page, you can select the Nicaragua TPS Questions & Answers Section from the menu on the right for further information.

- You can also contact the TPS Operations Program Manager at Status and Family Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20529-