



U.S. Citizenship
and Immigration
Services

September 30, 2004

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Questions and Answers

USCIS to Extend Validity of Certain Liberian Employment Authorization Documents Through October 24, 2004

Termination to be Effective October 24, 2004; Effective Date of Redesignation will Remain October 1, 2004

On October 1, 2004, U.S. Citizenship and Immigration Services (USCIS) will announce a correction to a notice published in the Federal Register on August 25, 2004 at 69 FR 52297 which announced the termination and re-designation of Liberia for Temporary Protected Status (TPS). In the supplemental information to the August notice, USCIS inadvertently misstated that the termination would be effective and benefits obtained through the TPS designation for Liberia would expire on October 1, 2004. However, section 244 of the Immigration and Nationality Act authorizes termination of a TPS designation no earlier than 60 days after publication of a notice in the Federal Register. Persons granted TPS retain that status and employment authorization through the effective date of termination.

Therefore, USCIS is notifying eligible nationals of Liberia who have TPS and their employers that termination of the TPS designation for Liberia is effective October 24, 2004, sixty (60) days after the August 25, 2004 termination notice. Accordingly, USCIS is extending through October 24, 2004 the validity of Form I-688B employment authorization documents issued to Liberian TPS beneficiaries that bear an expiration date of October 1, 2004 and a notation of "274a.12(a)(12)" or "274a.12(c)(19)." The effective date of the re-designation remains October 1, 2004.

Q. Why Is USCIS Extending the Validity of EADs From October 1, 2004, to October 24, 2004?

A. While Liberia was designated for TPS from October 1, 2003 to October 1, 2004 in 68 FR 46648 (August 6, 2003), section 244(b)(3)(B) of the Immigration and Nationality Act (INA) provides that a notice terminating TPS designation cannot be effective earlier than 60 days after the date notice is published. As the termination notice of TPS designation was published on August 25, 2004, such termination is not effective until October 24, 2004. During this 60-day period, Liberians with TPS remain in TPS status. Pursuant to section 244(a)(2) of the INA and 8 CFR 274a.12(a)(12), they also remain employment authorized. However, the EADs that were issued to Liberians whose TPS was terminated are only facially valid until October 1, 2004. USCIS determined that it would not be administratively feasible to issue new EADs or other documentation of such a short duration to cover this three-week period. Instead, USCIS is extending the validity period of the current EADs through October 24, 2004.



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Q. Who Is Eligible to Receive an Extension of His or Her Employment Authorization Document through October 24, 2004?

A. To be eligible for an extension of an EAD, an individual must be a national of Liberia (or an alien having no nationality who last habitually resided in Liberia) who previously received an EAD under the initial designation for Liberia on October 1, 2002 or who received an EAD under the late initial registration provisions pursuant to 8 CFR 244.2(f)(2), and who timely re-registered for the subsequent TPS extension (68 FR 46648 (August 6, 2003)). This extension is limited to EADs issued on Form I-688B bearing an expiration date of October 1, 2004, and the notation “274a.12(a)(12)” or 274a.12(c)(19)” on the face of the card under “Provision of Law.”

Q. Must Qualified Individuals Apply to USCIS for the Extension of Their TPS-Related EADs?

A. No. Qualified individuals do not have to apply for this extension of their EADs. However, pursuant to the re-designation of Liberia published in the Federal Register at 69 FR 52297 on August 25, 2004, qualified individuals must register for TPS between August 25, 2004 and February 21, 2005 in order to be eligible for a new EAD that is valid until October 1, 2005.

Q. What Documents May a Qualified Individual Show to His or Her Employer as Proof of Employment Authorization and Identity When Completing the Employment Eligibility Verification Form (Form I-9)?

A. For completion of the Form I-9 at the time of hire or re-verification, qualified individuals who have received this extension of employment authorization by may present to their employer a TPS-related EAD as proof of valid employment authorization and identity until through October 24, 2004. To minimize confusion over this extension at the time of hire or re-verification, qualified individuals may also present to their employer a copy of the Federal Register notice regarding the extension of employment authorization through October 24, 2004. In the alternative, any legally acceptable document or combination of documents listed in List A, List B, or List C of the Form I-9 may be presented as proof of identity and employment eligibility; it is the choice of the employee.

Q. How May Employers Determine Which EADs That Have Been Extended Through October 24, 2004, Are Acceptable for Completion of the Form I-9?

A. For purposes of verifying identity and employment eligibility or re-verifying employment eligibility on the Form I-9 until through October 24, 2004, employers of Liberians granted TPS whose employment authorization has been extended must accept a Form I-688B EAD that contains an expiration date of October 1, 2004, and that bears the notation “274a.12(a)(12)” or “274a.12(c)(19)” on the face of the card under “Provision of Law.” New EADs or extension stickers showing the October 24, 2004 expiration date will not be issued. Employers should not request proof of Liberian citizenship. Employers presented with an EAD that this Federal Register notice has extended and that appears to be genuine and to relate to the employee should accept the document as a valid “List A” document and should not ask for additional Form I-9 documentation. This action by USCIS through this Federal Register notice does not affect the right of an employee to present any legally acceptable document as proof of identity and eligibility for employment.



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Employers are reminded that the laws prohibiting unfair immigration-related employment practices remain in full force. For questions, employers may call the USCIS Office of Business Liaison Employer Hotline at 1-800-357-2099 to speak to a USCIS representative. Employers may also call the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1-800-255-8155. Employees or applicants may call the OSC Employee Hotline at 1-800-255-7688 for information regarding the extension.

Q. Does This Extension of Certain Liberian Employment Authorization Affect Any Other Portion of the August 25, 2004 Federal Register Notice Terminating and Re-Designating TPS for Liberia?

A. No. This extension of certain Liberian employment authorization does not affect any other portion of the Federal Register notice terminating the TPS designation for Liberia and re-designating TPS until October 1, 2005. All TPS requirements contained in the Federal Register notice are accurate and remain in effect.

On March 1, 2003, the USCIS became one of three former Immigration and Naturalization Service (INS) components to join the U.S. Department of Homeland Security. The USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.