

**DEPARTMENT OF HOMELAND SECURITY  
U.S. Citizenship and Immigration Services  
[CIS No. 2452-08; DHS Docket No. USCIS-  
2008-0029] RIN 1615-ZA69  
Extension of the Designation of Sudan  
for Temporary Protected Status;  
Automatic Extension of Employment  
Authorization Documentation for  
Sudanese TPS Beneficiaries**

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

**ACTION:** Notice.

**SUMMARY:** This Notice announces that the Secretary of Homeland Security has extended the designation of Sudan for temporary protected status (TPS) for 18 months, from its current expiration date of November 2, 2008 through May 2, 2010. This Notice also sets forth procedures necessary for nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) with TPS to re-register with U.S. Citizenship and Immigration Services (USCIS) and to apply for an extension of their employment authorization documents (EADs) for the additional 18-month period. Re-registration is limited to persons who have previously registered for TPS under the designation of Sudan and whose applications have been granted or remain pending. Certain nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) who have not previously applied for TPS may be eligible to apply under the late initial registration provisions. Given the timeframes involved with processing TPS re-registration applications, the Department of Homeland Security (DHS) recognizes the possibility that all re-registrants may not receive new EADs until after their current EADs expire on November 2, 2008. Accordingly, this Notice automatically extends the validity of EADs issued under the TPS designation of Sudan for six months, through May 2, 2009, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended. USCIS will issue new EADs with the May 2, 2010 expiration date to eligible TPS beneficiaries who timely re-register and apply for EADs.

**DATES:** The extension of the TPS designation of Sudan is effective November 3, 2008, and will remain in effect through May 2, 2010. The 60-day re-registration period begins August 14, 2008, and will remain in effect until October 14, 2008. To facilitate processing of applications, applicants are strongly encouraged to file as soon as possible after the start of the 60-day re-registration period beginning on August 14, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Claudia Young, Status and Family Branch, Office of Service Center Operations, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., 2nd Floor, Washington, DC 20529, telephone (202) 272-1533.

This is not a toll-free call. Further information will also be available at local USCIS offices upon publication of this Notice and on the USCIS Web site at <http://www.uscis.gov>. **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 case can check Case Status Online available at the USCIS Web site listed above, or applicants may call the USCIS National Customer Service

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1 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 which were transferred from the Attorney General or other Department of Justice official to the Department of Homeland Security by the HSA “shall be deemed to refer to the Secretary” of Homeland Security. *See* 6 U.S.C. 557 (2003) (codifying HSA, Title XV, section 1517). Center at 1-800-375-5283 (TTY 1-800-767-1833).

**SUPPLEMENTARY INFORMATION:  
Abbreviations and Terms Used in This  
Document**

Act—Immigration and Nationality Act  
ASC—USCIS Application Support Center  
DHS—Department of Homeland Security  
DOS—Department of State  
EAD—Employment Authorization Document  
IDPs—Internally Displaced Persons  
OSC—U.S. Department of Justice Office of  
Special Counsel for Immigration Related  
Unfair Employment Practices  
SAF—Sudanese Armed Forces  
Secretary—Secretary of Homeland Security  
SPLM/A—Sudanese People’s Liberation  
Movement/Army  
TPS—Temporary Protected Status  
USCIS—U.S. Citizenship and Immigration  
Services

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

Section 244(b)(1) of the Immigration  
and Nationality Act (Act), 8 U.S.C.  
1254a(b)(1), authorizes the Secretary of  
Homeland Security (Secretary), after  
consultation with appropriate agencies  
of the Government, 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). Section  
244(a)(1)(A) of the Act; 8 U.S.C.  
1254a(a)(1)(A).

At least 60 days before the expiration  
of the TPS designation, the Secretary,  
after consultations with appropriate  
agencies of the Government, must  
review the conditions in a foreign State  
designated for TPS and determine

whether the conditions for the TPS designation continue to be met and, if so, must determine the length of an extension of the TPS designation. Section 244(b)(3)(A), (C) of the Act. If the Secretary determines that the foreign State no longer meets the conditions for the TPS designation, he must terminate the designation. Section 244(b)(3)(B) of the Act.

### **Why was Sudan initially designated for TPS?**

On November 4, 1997, the Attorney General published a Notice in the **Federal Register**, at 62 FR 59737, designating Sudan for TPS based on an ongoing armed conflict and extraordinary and temporary conditions within that country. *See* Section 244(a)(b)(1)(A), (C) of the Act; 8 U.S.C. 1254a(b)(1)(A), (C).

### **When was the TPS designation for Sudan extended?**

On November 3, 1998, the Attorney General extended the designation determining that the conditions warranting such designation continued to be met. 63 FR 59337.

On November 9, 1999, the Attorney General extended and re-designated Sudan by publishing a Notice in the **Federal Register**, at 64 FR 61128, based upon the ongoing armed conflict and extraordinary and temporary conditions within Sudan which had worsened. After that date, the Attorney General and then the Secretary of Homeland Security (Secretary) extended the TPS designation of Sudan four times, determining in each instance that the conditions warranting the designation

continued to be met. 65 FR 67407 (Nov. 9, 2000); 66 FR 46031 (Aug. 31, 2001); 67 FR 55877 (Aug. 30, 2002); 68 FR 52410 (Sept. 3, 2003).

On October 7, 2004, the Secretary extended and re-designated Sudan for TPS due to the intensification of the ongoing armed conflict in the Darfur region and the extraordinary and temporary conditions resulting from the ongoing conflict. 69 FR 60168.

After October 2004, the Secretary extended the TPS designation of Sudan two times, determining in each instance that the conditions warranting the designation continued to be met. 70 FR 52429 (Sept. 2, 2005); 72 FR 10541 (May 3, 2007). Thus, since the initial designation of Sudan for TPS in 1997, the Attorney General, and later, the Secretary, have extended—or redesignated and extended—TPS for Sudan a total of ten times, including this 2008 extension.

**Why has the Secretary decided to extend the TPS designation for Sudan through May 2, 2010?**

Over the past year, DHS and the Department of State (DOS) have continued to review conditions in Sudan. Based on this review, DHS has determined that an 18-month extension is warranted because the armed conflict is ongoing, and the extraordinary and temporary conditions that prompted the October 7, 2004, re-designation persist. Armed conflict continues in the Darfur region of Western Sudan. Since early 2003, armed conflict has persisted between the government of Sudan and the Sudanese People's Liberation

Movement/Army (SPLM/A).

Furthermore, violence against civilians has continued, with reports of killings, rapes, beatings, looting and burning of property throughout the region, including at camps for internally displaced people. Deliberate targeting of civilians continues to be a hallmark of violence perpetrated by all parties to the conflict. Since the beginning of this conflict, approximately 2.45 million people have been forced to leave their homes and are internally displaced.

In Darfur and Southern Sudan, conditions remained the same or have worsened over the past year. By June 2008, implementation of the 2005 peace agreement had not advanced and key issues, particularly the status and future of Abyei, the division of oil revenues, border demarcation and deployment of armed forces remained unresolved.

There were 280,000 newly displaced Sudanese (including 80,000 displaced in the first two months of 2008), bringing the total number of internally displaced persons (IDPs) to 2,387,000. Large-scale violence by the Sudanese government and its allies directed against civilians was reported, including an attack in February 2008 that killed 115 people and forced 30,000 from their homes. Additionally, a clash between the Sudanese Armed Forces (SAF) and SPLM/A in Abyei in May 2008 has displaced over 100,000 people.

Moreover, violence has been increasingly directed against humanitarian workers, of whom 14,000 are presently in Darfur. This violence includes robberies, hijackings of

humanitarian aid vehicles, and attacks on humanitarian facilities.

Based upon this review, the Secretary has determined, after consultation with the appropriate Government agencies, that the conditions that prompted the designation of Sudan for TPS continue to be met. *See* section 244(b)(3)(A) of the Act; 8 U.S.C. 1254a(b)(3)(A). An ongoing armed conflict and extraordinary and temporary conditions in Sudan prevent aliens who are nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) from returning in safety. The Secretary also finds that it is not contrary to the national interest of the United States to permit aliens who meet the eligibility requirements of TPS to remain in the United States temporarily. *See* section 244(b)(1)(C) of the Act. On the basis of these findings and determinations, the Secretary concludes that the designation of Sudan for TPS should be extended for an additional 18-month period. *See* section 244(b)(3)(C) of the Act. There are approximately 500 nationals of Sudan

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(or aliens having no nationality who last habitually resided in Sudan) who are eligible for TPS under this extended designation.

**What actions should qualifying aliens take pursuant to this notice?**

To maintain TPS, a national of Sudan (or an alien having no nationality who last habitually resided in Sudan) who was granted TPS and who has not had

TPS withdrawn must re-register for TPS during the 60-day re-registration period from August 14, 2008 until October 14, 2008. To re-register, aliens must follow the filing procedures set forth in this Notice. An addendum to this Notice provides instructions on this extension, including filing and eligibility requirements for TPS and EADs. Information concerning the extension of the designation of Sudan for TPS also will be available at local USCIS offices upon publication of this Notice and on the USCIS Web site at *http://*

*www.uscis.gov*.

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

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 re-designation of Sudan for temporary protected status (TPS) on October 7, 2004, continue to be met. *See* section 244(b)(3)(A). Accordingly, I am extending the TPS designation of Sudan for 18 months from November 3, 2008, through May 2, 2010.

Dated: August 6, 2008.

**Michael Chertoff,**  
*Secretary.*

### **Temporary Protected Status Filing Requirements**

*Do I need to re-register for TPS if I currently have benefits through the designation of Sudan for TPS, and would like to maintain them?*

Yes. If you already have received TPS benefits through the TPS designation of

Sudan, your benefits will expire on November 2, 2008. All TPS beneficiaries must comply with the re-registration requirements described in this Notice in order to maintain TPS benefits through May 2, 2010. TPS benefits include temporary protection against removal from the United States and employment authorization during the TPS designation period. Section 244(a)(1) of the Act; 8 U.S.C. 1254a(a)(1). Failure to re-register without good cause will result in the withdrawal of your temporary protected status and possibly your removal from the United States. Section 244(c)(3)(C) of the Act; 8 U.S.C. 1254a(c)(3)(C).

*If I am currently registered for TPS or have a pending application for TPS, how do I re-register to renew my benefits for the duration of the extension period?*

Please submit the proper forms and fees according to Tables 1 and 2 below. The following are some helpful tips to keep in mind when completing your application:

All applicants are strongly encouraged to pay close and careful attention when filling out the required forms to help ensure that their dates of birth, alien registration numbers, spelling of their names, and other required information is correctly entered on the forms.

All questions on required forms should be fully and completely answered. Failure to fully complete each required form may result in a delay in processing of your application.

Aliens who have previously registered for TPS, but whose

applications remain pending, should follow the filing instructions in this Notice if they wish to renew their TPS benefits.

All TPS re-registration applications submitted without the required fees will be returned to applicants.

All fee waiver requests should be filed in accordance with 8 CFR 244.20.

If you received an EAD during the most recent registration period, please submit a photocopy of the front and back of the card.