

765, filed by an alien requesting employment authorization. An alien who already has employment authorization or who does not wish to request employment authorization must nevertheless file Form I-765, together with Form I-821, for data gathering purposes. In such cases, however, no fee needs to be submitted with Form I-765.

(6) A fee prescribed 8 CFR 103.7(b)(1) (twenty-five dollars (\$25)) for fingerprinting must be submitted with the Form I-821.

(7) Pursuant to section 244(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before July 5, 2000, the conditions in Honduras to determine whether the conditions for designation of Honduras under the TPS program continue to exist. Notice of that determination, including the basis for the determination, will be published in the **Federal Register**. If there is an extension of designation, late initial registration for TPS shall be allowed only pursuant to the requirements of 8 CFR 244.2(f)(2).

#### **Where Can I Find Information About the TPS Program?**

Information concerning the TPS program for nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) will be available at the Service Internet Website, located at [www.ins.usdoj.gov](http://www.ins.usdoj.gov), the Application Support Center Information Line, at 1-888-557-5398, and at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: December 31, 1998.

**Janet Reno,**

*Attorney General.*

[FR Doc. 98-34849 Filed 12-31-98; 3:02 pm]

BILLING CODE 4410-10-P

#### **DEPARTMENT OF JUSTICE**

#### **Immigration and Naturalization Service**

[INS No. 1965-98; AG Order No. 2202-98]

RIN 1115-AE26

#### **Designation of Nicaragua Under Temporary Protected Status**

**AGENCY:** Immigration and Naturalization Service, Justice.

#### **ACTION: Notice.**

**SUMMARY:** This notice designates Nicaragua for the Temporary Protected Status (TPS) program. Under section 244(b)(1) of the Immigration and Nationality Act, as amended (the Act), the Attorney General is authorized to grant TPS in the United States to eligible nationals of designated foreign states or parts of such states (or to eligible aliens who have no nationality and who last habitually resided in such designated states) upon finding that such states are experiencing ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions.

**EFFECTIVE DATES:** This designation is effective on January 5, 1999 and will remain in effect until July 5, 2000.

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

#### **SUPPLEMENTARY INFORMATION:**

#### **What Is Temporary Protected Status?**

The TPS statute (section 244 of the Immigration and Nationality Act) grants eligible nationals of designated countries temporary immigration status. TPS beneficiaries are granted a stay of removal and work authorization for the designated TPS period and for any extensions of the designation. TPS does not lead to permanent resident status.

#### **Why Is Nicaragua Being Designated for the TPS Program?**

Hurricane Mitch swept through Central America causing severe flooding and associated damage in Nicaragua. Based on a thorough review by the Departments of State and Justice, the Attorney General finds that, due to the environmental disaster and substantial disruption of living conditions caused by Hurricane Mitch, Nicaragua is unable, temporarily, to handle adequately the return of Nicaraguan nationals.

#### **Who Is Eligible for Nicaraguan TPS?**

Nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) who

have been "continuously physically present" since January 5, 1999 and have "continuously resided" in the United States since December 30, 1998, may apply for TPS within the registration period which begins on January 5, 1999 and ends on July 5, 1999.

Any national of Nicaragua who has already applied for, or plans to apply for, asylum, but whose asylum application has not yet been approved, may also apply for TPS. An application for TPS does not preclude or adversely affect an application for asylum or any other immigration benefit. Denial of an application for asylum or any other immigration benefit does not affect an alien's ability to register for TPS, although the grounds of denial may also lead to denial of TPS. For example, an alien who has been convicted of an aggravated felony is not eligible for asylum or TPS.

An alien who is granted TPS is eligible to register for any extension of the TPS program that may be made. However, nationals of Nicaragua who do not file a TPS application during the initial registration period will have to satisfy the requirements for late initial registration under 8 CFR 244.2(f)(2) in order to be eligible for TPS registration during any extension of designation. The requirements for late initial registration specify:

(1) that the applicant must have been in valid immigrant or nonimmigrant status during the initial registration period, or

(2) had an application for relief from removal or change of status pending or under review during the initial registration period, and

(3) must register no later than sixty (60) days from the expiration of such status or pendency of such application.

#### **How Do I register for TPS?**

If	Then
You are a national of Nicaragua (or an alien having no nationality who last habitually resided in Nicaragua) registering for TPS and employment authorization.	You must complete and file: (1) Form I-821, Application for Temporary Protected Status (\$50 filing fee), (2) Form I-765, Application for Employment Authorization (\$100 filing fee), and (3) \$25 Fingerprint Fee
You already have employment authorization or do not require employment authorization.	You must complete and file: (1) Form I-821 with \$50 filing fee, (2) Form I-765, Application for Employment with no filing fee, and (3) \$25 Fingerprint Fee

If	Then
You are registering for TPS and employment authorization and are requesting a fee waiver.	You must complete and file: (1) Appropriately documented fee waiver request and requisite affidavit (and any other information) in accordance with 8 CFR 244.20, (2) Form I-821, and (3) Form I-765. (4) \$25 Fingerprint Fee. There is no fee waiver for the Fingerprint Fee.

To register for TPS for all conditions described in the above chart, you must include two identification photographs (1½" x 1½") and supporting evidence as provided in 8 CFR 244.9 (evidence of identity and nationality, and proof of residence).

#### Where Should I Register for TPS?

Nationals of Nicaragua (or eligible aliens who have no nationality and who last habitually resided in Nicaragua) must register for TPS by submitting an application to the INS Service Center that has jurisdiction over where the applicant lives.

If you live in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia, or in the U.S. Virgin Islands, mail your application to:

Vermont Service Center, ATTN: TPS, 75 Lower Welden Street, St. Albans, VT 05479.

If you live in Arizona, California, Guam, Hawaii or Nevada, mail your application to:

California Service Center, ATTN: TPS, 24000 Avila Road, 2nd Floor, Laguna Niguel, CA 92677-8111.

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your application to:

Texas Service Center, P.O. Box 850997, Mesquite, TX 75185-0997.

If you live elsewhere in the United States, please mail your application to: Nebraska Service Center, P.O. Box 87821, Lincoln, NE 68501-7821.

#### As a Nicaraguan National, Can I File an Application for Adjustment of Status to That of Lawful Permanent Resident Under the Nicaraguan Adjustment and Central American Relief Act (NACARA), and Also File an Application for TPS?

Yes. Nicaraguans can apply for either TPS or adjustment under section 202 of NACARA, or both. The filing of an application for TPS or a grant of TPS status will not have any adverse effect on applications for relief under NACARA.

#### What Is the Difference Between These Two Programs?

Temporary Protected Status is, as its name implies, temporary protection from removal during the designation period(s). It is not a permanent entitlement to remain in the country or permanent relief from removal. Under section 244(b)(1) of the Act, the publication of this notice permits nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) who have been "continuously physically present" since January 5, 1999 and have "continuously" resided in the United States since December 30, 1998 to apply for TPS within the registration period which begins on January 5, 1999 and ends on July 5, 1999. A national of Nicaragua granted TPS can lawfully remain in the United States during the designated period and is entitled to employment authorization.

In contrast to TPS, section 202 of NACARA provides an avenue for certain Nicaraguans and their Nicaraguan and Cuban national dependents to apply for permanent relief from removal. The interim rule governing applications for adjustment to permanent resident status under section 202 of NACARA was published in the **Federal Register** on May 21, 1998, at 63 FR 27823. A Nicaraguan is eligible to adjust his or her status to that of lawful permanent resident if:

(1) it can be established that he or she has been continuously physically present in the United States since December 1, 1995 (not counting absences totaling 180 days or less);

(2) he or she is not inadmissible to the United States under all provisions of section 212(a) of the Act not excepted by section 202(a)(1)(B) of NACARA; and

(3) he or she applies for such adjustment prior to April 1, 2002.

If an adjustment application under section 202 of NACARA is approved, the applicant will receive lawful permanent resident (LPR) status. A person who is an LPR may apply to become a United States citizen after the requisite time.

Nicaraguans who are interested in either or both programs are urged to review the specific eligibility and filing requirements for those programs before applying.

#### Notice of Designation of Nicaragua Under Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244 of the Immigration and Nationality Act, as amended (8 U.S.C. 1254a), I find, after consultation with the appropriate agencies of the Government, that:

(1) There exists an environmental disaster in Nicaragua, and, due to this disaster, which has substantially disrupted living conditions, Nicaragua is unable, temporarily, to handle adequately the return of Nicaraguan nationals (or aliens having no nationality who last habitually resided in Nicaragua);

(2) Nicaragua officially has requested that it be granted a TPS designation; and

(3) Permitting nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) to remain temporarily in the United States is not contrary to the national interest of the United States.

Accordingly, it is ordered as follows:

(1) Nicaragua is designated for TPS under section 244(b)(1)(B) of the Act. Nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) who have been "continuously physically present" since January 5, 1999 and have "continuously resided" in the United States since December 30, 1998, may apply for TPS within the registration period which begins on January 5, 1999 and ends on July 5, 1999.

(2) I estimate that there are no more than 45,000 to 70,000 nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) in the United States who are eligible for TPS.

(3) Except as may otherwise be provided, applications for TPS by nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) must be filed pursuant to the provisions of 8 CFR part 244. Aliens who wish to apply for TPS must file an Application for Temporary Protected Status, Form I-821, together with an Application for Employment Authorization, Form I-765, during the registration period, which begins on January 5, 1999 and will remain in effect until July 5, 1999.

(4) A fee prescribed in 8 CFR 103.7(b)(1) (fifty dollars (\$50)) will be

charged for each Application for Temporary Protected Status, Form I-821, filed during the registration period.

(5) A fee prescribed in 8 CFR 103.7(b)(1) (one hundred dollars (\$100)) will be charged for each Application for Employment Authorization, Form I-765, filed by an alien requesting employment authorization. An alien who already has employment authorization or who does not wish to request employment authorization must nevertheless file Form I-765, together with Form I-821, for data gathering purposes. In such cases, however, no fee needs to be submitted with Form I-765.

(6) A fee prescribed in 8 CFR 107.7(b)(1) (twenty-five dollars (\$25)) for fingerprinting must be submitted with the Form I-821.

(7) Pursuant to section 244(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before July 5, 2000, the conditions in Nicaragua to determine whether the conditions for designation of Nicaragua under the TPS program continue to exist. Notice of that determination, including the basis for the determination, will be published in the **Federal Register**. If there is an extension of designation, late initial registration for TPS shall be allowed only pursuant to the requirements of 8 CFR 244.2(f)(2).

#### **Where Can I Obtain Information About the TPS program?**

Information concerning the TPS program for nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) will be available at the Service Internet Website, located at [www.ins.usdoj.gov](http://www.ins.usdoj.gov), the Application Support Center Information Line, at 1-888-557-5398, and at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: December 31, 1998.

**Janet Reno,**

*Attorney General.*

[FR Doc. 98-34848 Filed 12-31-98; 3:02 pm]

BILLING CODE 4410-10-P

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#### **PAROLE COMMISSION**

##### **Sunshine Act Meeting**

**AGENCY HOLDING MEETING:** Department of Justice, United States Parole Commission.

**DATE AND TIME:** 9:30 a.m., Wednesday, January 6, 1999.

**PLACE:** 5550 Friendship Boulevard, Suite 400, Chevy Chase, Maryland 20815.

**STATUS:** Closed—Meeting.

**MATTERS CONSIDERED:** The following matter will be considered during the closed portion of the Commission's Business Meeting: Appeals to the Commission involving approximately two cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.27. These cases were originally heard by an examiner panel wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

**AGENCY CONTACT:** Tom Kowalski, Case Operations, United States Parole Commission, (301) 492-5962.

Dated: December 30, 1998.

**Michael A. Stover,**

*General Counsel, U.S. Parole Commission.*

[FR Doc. 98-34838 Filed 12-31-98; 10:27am]

BILLING CODE 4410-31-M

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#### **PAROLE COMMISSION**

##### **Sunshine Act Meeting**

**AGENCY HOLDING MEETING:** Department of Justice, United States Parole Commission.

**TIME AND DATE:** 10:30 a.m., Wednesday, January 6, 1999.

**PLACE:** 5550 Friendship Boulevard, Suite 400, Chevy Chase, Maryland 20815.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of minutes of previous Commission meeting.
2. Reports from the Chairman, Commissioners, Legal, Chief of Staff, Case Operations, and Administrative Sections.
3. Proposed Amendments to the Interim Regulations for D.C. Code Prisoners. Amendments to the following regulations will be discussed:

- (a) § 2.76: Reduction in minimum sentence.
- (b) D.C. Youth Rehabilitation Act:

§ 2.71: Application for parole;

§ 2.75: Reconsideration proceedings;

§ 2.87: Reparole.

(c) "Attempted murder" in Category III of the D.C. Guidelines.

(d) § 2.80: "Current offense" for probation violators.

(e) Medical and geriatric parole:

§ 2.77: Medical parole;

§ 2.78: Geriatric parole;

(f) § 2.63: Rewarding Assistance to Law Enforcement.

**AGENCY CONTACT:** Tom Kowalski, Case Operations, United States Parole Commission, (301) 492-5962.

Dated: December 30, 1998.

**Michael A. Stover,**

*General Counsel, U.S. Parole Commission.*

[FR Doc. 98-34839 Filed 12-31-98; 10:31 am]

BILLING CODE 4410-31-M

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#### **FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

##### **Sunshine Act Meeting**

December 29, 1998.

**Time and Date:** 11:00 a.m., Wednesday, January 6, 1999

**Place:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

**Status:** Open

**Matters to be Considered:** The Commission will consider and act upon the following:

1. *Secretary of Labor v. Capitol Cement Corp.*, Docket Nos. WEVA 95-194-M, etc. (Issues include whether the judge denied Capitol due process by conducting a hearing when a witness asserted the Fifth Amendment privilege against self-incrimination; properly concluded that violations of 30 C.F.R. §§ 56.12016 and 56.15005 by Capital resulted from its unwarrantable failure to comply with the standards; and properly concluded that the negligence of two supervisors is imputable to Capitol for civil penalty purposes.)

Any person attending an open meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 C.F.R. § 2706.150(a)(3) § 2706.160(d).

**CONTACT PERSON FOR MORE INFO:** Jean Ellen (202) 653-5629/202 708-9300 for TDD Rely/1-800-877-8339 for toll free.

**Jean H. Ellen,**

*Chief Docket Clerk.*

[FR Doc. 98-34845 Filed 12-31-98; 1:38 am]

BILLING CODE 6735-01-M

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#### **FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

##### **Sunshine Act Meeting**

December 29, 1998.

**Time and Date:** 10:00 a.m., Wednesday, February 3, 1999

**Place:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, DC

**Status:** Open

**Matters to be Considered:** The Commission will hear oral argument on the following:

1. *Secretary of Labor v. Windsor Coal Co.*, Docket No. WEVA 97-95 (Issues include whether substantial evidence supports the judge's determination that Windsor's violation of 30 CFR § 75.400 was not the result of its unwarrantable failure.)

**Time and Date:** 2:00 p.m., Wednesday, February 3, 1999

**Place:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, DC