

Issued: July 19, 2002.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

[INS No. 2215-02; AG Order No. 2602-2002]

RIN 1115-AE26

#### Extension of the Designation of Somalia Under the Temporary Protected Status Program

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

**ACTION:** Notice.

**SUMMARY:** The designation of Somalia under the Temporary Protected Status (TPS) Program will expire on September 17, 2002. This notice extends the Attorney General's designation of Somalia for 12 months until September 17, 2003, and sets forth procedures necessary for nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) with TPS to re-register for the additional 12-month period. Re-registration is limited to persons who both registered under the initial designation and also timely re-registered under each subsequent extension of designation, or who registered under the re-designation (which ends September 17, 2002). Nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) who previously have not applied for TPS may be eligible to apply under the late initial registration provisions.

**EFFECTIVE DATES:** The extension of the TPS designation for Somalia is effective September 17, 2002, and will remain in effect until September 17, 2003. The 60-day re-registration period begins July 26, 2002 and will remain in effect until September 24, 2002.

**FOR FURTHER INFORMATION CONTACT:** Emily Crowder Frazelle, Program Analyst, Residence and Status Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 3040, Washington, DC 20536, telephone (202) 514-4754.

#### SUPPLEMENTARY INFORMATION:

#### What Authority Does the Attorney General Have To Extend the Designation of Somalia Under the TPS Program?

Section 244(b)(3)(A) of the Immigration and Nationality Act (the

Act) states that at least 60 days before the end of a designation, or any extension thereof, the Attorney General must review conditions in the foreign state for which the designation is in effect. 8 U.S.C. 1254a(b)(3)(A). If the Attorney General does not determine that the foreign state no longer continues to meet the conditions for designation, the period of designation is extended automatically for 6 months pursuant to section 244(b)(3)(C) of the Act, although the Attorney General may exercise his discretion to extend the designation for a period of 12 or 18 months. 8 U.S.C. 1254a(b)(3)(C).

#### Why Did the Attorney General Decide To Extend the TPS Designation for Somalia?

On September 16, 1991, the Attorney General designated Somalia under the TPS program (56 FR 46804). Since that time, the Departments of Justice and State have continuously reviewed conditions in Somalia, most recently extending and re-designating Somalia under the TPS program on September 4, 2001 (66 FR 46288).

A recent Department of State report found that "[o]pen conflict remains a fact of life in southern Somalia, where numerous actors compete for land and power. While the two northern regions of Somalia are more stable, their security is jeopardized by the instability in the south." State Department Report (May 16, 2001) (State Department Report). There has been no central authority controlling Somalia since 1991. Immigration and Naturalization Service's (INS) Resource Information Center (RIC) Report (May 14, 2002). Although a peace process led to the establishment of a Transitional National Government (TNG), the "legitimacy of the transitional administration \* \* \* has been strongly contested by several local militias, as well as by the de facto governments that pre-date the TNG in the northern part of the country. Leaders in Puntland have publicly stated that they do not recognize the TNG, while Somaliland has openly sought international recognition on its own since 1991. Many TNG officials have been threatened or killed; an atmosphere of lawlessness continues." State Department Report.

Fighting in the Gedo region in southern Somalia has continued throughout 2002. The Department of State reports that "[f]ighting in April result[ed] in a new outflow of an estimated 5,000 refugees into Kenya. The use of landmines in the region is also increasing. Hundreds of families were displaced in February in this region as a result of fighting between the

Somali Restoration and Reconciliation Council and the Juba Valley Alliance. There is also reporting that Puntland, previously considered to be relatively stable, is becoming increasing [sic] insecure." State Department Report.

The United Nations Secretary-General reported in February 2002 that "Somalia remains one of the most dangerous environments in which the United Nations operates," and concluded that the conditions do not currently exist to re-establish a comprehensive peace-building programme in Somalia. Report of the Secretary-General on the situation in Somalia (February 21, 2002). Such reports indicate that ongoing, armed conflict continues to threaten seriously the personal safety of those living and working in Somalia.

Based on this review, the Attorney General, after consultation with appropriate government agencies, finds that the conditions that prompted designation of Somalia under the TPS program continue to be met. 8 U.S.C. 1254a(b)(3)(A). There is an ongoing armed conflict within Somalia and, due to such conflict, requiring the return of aliens who are nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) would pose a serious threat to their personal safety. 8 U.S.C. 1254a(b)(1)(A). Furthermore, there exist extraordinary and temporary conditions in Somalia that prevent nationals of Somalia (and aliens having no nationality who last habitually resided in Somalia) from returning home in safety. 8 U.S.C. 1254a(b)(1)(C). Finally, permitting nationals of Somalia to remain temporarily in the United States is not contrary to the national interest of the United States. *Id.* On the basis of these findings, the Attorney General concludes that the TPS designation for Somalia should be extended for an additional 12-month period. 8 U.S.C. 1254a(b)(3)(C).

#### If I Currently Have TPS Benefits Through the Somalia TPS Program, Do I Still Re-Register for TPS?

Yes. If you have already have TPS benefits through the Somalia TPS program, your benefits will expire on September 17, 2002. Accordingly, you must re-register for TPS in order to maintain your benefits through September 17, 2003. See the following re-registration instructions. TPS benefits include temporary protection against removal from the United States, as well as work authorization, during the TPS designation period and any extension thereof. 8 U.S.C. 1254a(a)(1).

**If I Am Currently Registered for TPS, How Do I Re-Register for an Extension?**

All persons previously granted benefits under the Somalia TPS program who wish to maintain such benefits must apply for an extension by filing (1) a Form I-821, Application for Temporary Protected Status, without the \$50 filing fee; (2) a Form I-765, Application for Employment

Authorization; and (3) two identification photographs (1½ inches × 1½ inches). See the chart below to determine whether you must submit the one hundred and twenty dollar (\$120) filing fee with Form I-765. Applicants for an extension of TPS benefits do not need to be re-fingerprinted and thus need not pay the fifty dollar (\$50) fingerprint fee. Children beneficiaries of TPS who have reached the age of

fourteen (14) but were not previously fingerprinted must pay the \$50 fingerprint fee with the application for extension.

Submit the completed forms and applicable fee, if any, to the INS district office having jurisdiction over your place of residence during the 60-day re-registration period that begins on July 26, 2002 and ends on September 24, 2002 (inclusive of such end date).

If	Then
You are applying for an Employment Authorization Document that is valid through September 17, 2003.	You must complete and file the Form I-765, Application for Employment Authorization, with the \$120 fee.
You already have an Employment Authorization Document or do not require such a document.	You must complete and file Form I-765 with no fee.
You are applying for an Employment Authorization Document and are requesting a fee waiver.	You must complete and file: (1) Form I-765 with no fee, and (2) a fee waiver request and affidavit (and any other information) in accordance with 8 CFR 244.20.

**How Does an Application for TPS Affect My Application for Asylum or Other Immigration Benefits?**

An application for TPS does not affect an application for asylum or any other immigration benefit. A national of Somalia (or alien having no nationality who last habitually resided in Somalia) who is otherwise eligible for TPS and has applied for, or plans to apply for asylum but who has not yet been granted asylum or withholding of removal, may also apply for TPS. Denial of an application for asylum or any other immigration benefit does not affect an applicant's eligibility to apply for TPS, although the grounds for denying one form of relief may also be grounds for denying TPS. For example, a person who has been convicted of a particularly serious crime is not eligible for asylum or TPS. 8 U.S.C. 1158(b)(2); 8 U.S.C. 1254a(c)(2)(B)(i).

**Does This Extension Allow Nationals of Somalia (or Aliens Having no Nationality Who Last Habitually Resided in Somalia) Who Entered the United States After September 4, 2001, to Apply for TPS?**

No. This is a notice of an extension of the TPS designation for Somalia, not a notice of re-designation of Somalia under the TPS program. An extension of TPS does not change the required dates of continuous residence and continuous physical presence in the United States. This extension does not expand TPS availability to include nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) who have not been continuously physically present in, and have not continuously resided in, the United States since September 4, 2001.

**Is Late Initial Registration Possible?**

Yes. Some persons may be eligible for late initial registration under 8 CFR 244.2. To apply for late initial registration an applicant must:

- (1) Be a national of Somalia (or alien who has no nationality and who last habitually resided in Somalia);
- (2) Have been continuously physically present in the United States since September 4, 2001;
- (3) Have continuously resided in the United States since September 4, 2001; and
- (4) Be both admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that during the registration period from September 4, 2001, through September 17, 2002, he or she:

- (1) Was a nonimmigrant or had been granted voluntary departure status or any relief from removal;
- (2) Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal or change of status pending or subject to further review or appeal;
- (3) Was a parolee or had a pending request for re-parole; or
- (4) Was the spouse or child of an alien currently eligible to be a TPS registrant. 8 CFR 244.2(f)(2).

An applicant for late initial registration must file an application for late registration within a 60-day period immediately following the expiration or termination of the conditions described above. 8 CFR 244.2(g).

**Notice of Extension of Designation of Somalia Under the TPS Program**

By the authority vested in me as Attorney General under sections 244(b)(1), (b)(3)(A), and (b)(3)(C) of the Act, I have consulted with the appropriate government agencies and determine that the conditions that prompted designation of Somalia for TPS continue to be met. 8 U.S.C. 1254a(b)(3)(A). Accordingly, I order as follows:

(1) The designation of Somalia under section 244(b) of the Act is extended for an additional 12-month period from September 17, 2002, to September 17, 2003. 8 U.S.C. 1254a(b)(3)(C).

(2) As of July 12, 2002, there are approximately 250 nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) who are eligible for re-registration.

(3) To maintain TPS, a national of Somalia (or an alien having no nationality who last habitually resided in Somalia) who previously has applied for or received TPS benefits must re-register for TPS during the 60-day re-registration period from July 26, 2002 until September 24, 2002.

(4) To re-register, the applicant must file the following: (1) Form I-821, Application for Temporary Protected Status; (2) Form I-765, Application for Employment Authorization; and (3) two identification photographs (1½ inches by 1½ inches). There is no fee for a Form I-821 filed as part of the re-registration application. If the applicant requests employment authorization documentation, he or she must submit one hundred and twenty dollars (\$120) or a properly documented fee waiver request, pursuant to 8 CFR 244.20, with the Form I-765. An applicant who does not request employment authorization

documentation must nonetheless file Form I-765 along with Form I-821, but is not required to submit the fee. The fifty-dollar (\$50) fingerprint fee is required only for children beneficiaries of TPS who have reached the age of 14 but were not previously fingerprinted. Failure to re-register without good cause will result in the withdrawal of TPS. 8 CFR 244.17(c). Some persons who had not previously applied for TPS may be eligible for late initial registration under 8 CFR 244.2.

(5) At least 60 days before this extension terminates on September 17, 2003, the Attorney General will review the designation of Somalia under the TPS program and determine whether the conditions for designation continue to be met. 8 U.S.C. 1254a(b)(3)(A). Notice of that determination, including the basis for the determination, will be published in the **Federal Register**. 8 USC 1254a(b)(3)(A).

(6) Information concerning the extension of designation of Somalia under the TPS program will be available at local INS offices upon publication of this notice and the INS National Customer Service Center at 1-800-375-5283. This information will also be published on the INS Web site at <http://www.ins.usdoj.gov>.

Dated: July 19, 2002.

**John Ashcroft,**

*Attorney General.*

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## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931,

as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions, thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor,

Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

#### Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

##### Volume I

None

##### Volume II

District of Columbia  
DC020001 (Mar. 1, 2002)  
DC020003 (Mar. 1, 2002)

##### Volume III

Florida  
FL020001 (Mar. 1, 2002)  
FL020014 (Mar. 1, 2002)  
FL020017 (Mar. 1, 2002)

##### Volume IV

Wisconsin  
WI02001 (Mar. 1, 2002)  
WI02002 (Mar. 2, 2002)  
WI02005 (Mar. 1, 2002)  
WI02008 (Mar. 1, 2002)  
WI02010 (Mar. 1, 2002)  
WI02011 (Mar. 1, 2002)  
WI02013 (Mar. 1, 2002)  
WI02019 (Mar. 1, 2002)

##### Volume V

Kansas  
KS020009 (Mar. 1, 2002)  
KS020019 (Mar. 1, 2002)  
KS020025 (Mar. 1, 2002)  
KS020026 (Mar. 1, 2002)  
KS020063 (Mar. 1, 2002)

##### Texas

TX020007 (Mar. 1, 2002)  
TX020018 (Mar. 1, 2002)  
TX020019 (Mar. 1, 2002)  
TX020063 (Mar. 1, 2002)  
TX020069 (Mar. 1, 2002)

##### Volume VI

Oregon  
OR020001 (Mar. 1, 2002)  
Washington  
WA010001 (Mar. 1, 2002)  
WA020005 (Mar. 1, 2002)  
WA020008 (Mar. 1, 2002)

##### Volume VII

None

#### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be