Certified Schools: Frequently Asked Questions, on COVID–19, Nonimmigrant Students & SEVP-Nonimmigrant students to be in compliance with Coronavirus Disease 2019 (COVID–19) guidance for to U.S. Immigration and Customs Enforcement (ICE) requirements in this notice. DHS also considers is matriculated as of September 17, 2024, provided end of any academic term for which such student engages in a reduced course load or employment (or considers an F–1 nonimmigrant student who during which the suspension is in effect, DHS this notice applies throughout an academic term 48 Because the suspension of requirements under (last visited Nov. 23, 2022). and submit a currently approved Form I–765 according to the instructions on the form. OMB has previously approved the collection of information contained on the current Form I–765, consistent with the PRA (OMB Control No. 1615–0040). Although there will be a slight increase in the number of Form I–765 filings because of this notice, the number of filings currently contained in the OMB annual inventory for Form I–765 is sufficient to cover the additional filings. Accordingly, there is no further action required under the PRA.

Alejandro Mayorkas,

[FR Doc. 2023–04737 Filed 3–7–23; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2738–22; DHS Docket No. USCIS–2013–0006]

RIN 1615–B277

Extension and Redesignation of Somalia for Temporary Protected Status


ACTION: Notice of Temporary Protected Status (TPS) extension and redesignation.

SUMMARY: Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is extending the designation of Somalia for Temporary Protected Status (TPS) for 18 months, beginning on March 18, 2023, and ending on September 17, 2024. This extension allows existing TPS beneficiaries to retain TPS through September 17, 2024, so long as they otherwise continue to meet the eligibility requirements for TPS. Existing TPS beneficiaries who wish to extend their status through September 17, 2024, must re-register during the 60-day re-registration period described in this notice. The Secretary is also redesignating Somalia for TPS. The redesignation of Somalia allows additional Somali nationals (and individuals having no nationality who last habitually resided in Somalia) who have been continuously residing in the United States since January 11, 2023, to apply for TPS for the first time during the initial registration period described under the redesignation information in this notice. In addition to demonstrating continuous residence in the United States since January 11, 2023, and meeting other eligibility criteria, applicants for TPS under this designation must demonstrate that they have been continuously physically present in the United States since March 18, 2023, the effective date of this redesignation of Somalia for TPS.

DATES: Extension of Designation of Somalia for TPS: The 18-month designation of Somalia for TPS begins on March 18, 2023, and will remain in effect for 18 months, ending on September 17, 2024. The extension impacts existing beneficiaries of TPS.

Re-Registration: The 60-day re-registration period for existing beneficiaries runs from March 13, 2023 through May 12, 2023. (Note: It is important for re-registrants to timely re-register during the registration period and not to wait until their Employment Authorization Documents (EADs) expire, as delaying re-registration could result in gaps in their employment authorization documentation.)

Redesignation of Somalia for TPS: The 18-month redesignation of Somalia for TPS begins on March 18, 2023, and will remain in effect for 18 months, ending on September 17, 2024. The redesignation impacts potential first-time applicants and others who do not currently have TPS.

First-Time Registration: The initial registration period for new applicants under the Somalia TPS redesignation begins on March 13, 2023 and will remain in effect through September 17, 2024.

FOR FURTHER INFORMATION CONTACT: You may contact Rena Cutlip-Mason, Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 800–375–5283.

For further information on TPS, including guidance on the registration process and additional information on eligibility, please visit the USCIS TPS web page at https://www.uscis.gov/tps. You can find specific information about Somalia’s TPS designation by selecting “Somalia” from the menu on the left side of the TPS web page.

If you have additional questions about TPS, please visit uscis.gov/tools. Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on
our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at uscis.gov, or visit the USCIS Contact Center at https://www.uscis.gov/contactcenter.

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

SUPPLEMENTARY INFORMATION:

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Purpose of This Action (TPS)

Through this notice, DHS sets forth procedures necessary for nationals of Somalia (or individuals having no nationality who last habitually resided in Somalia) to (1) re-register for TPS and to apply for renewal of their EADs with USCIS or (2) submit an initial registration application under the redesignation and apply for an EAD.

Re-registration is limited to individuals who have previously registered for TPS under the prior designation of Somalia and whose applications have been granted. Failure to re-register properly within the 60-day re-registration period may result in the withdrawal of your TPS following appropriate procedures. See 8 CFR 244.14.

For individuals who have already been granted TPS under Somalia’s designation, the 60-day re-registration period runs from March 13, 2023 through May 12, 2023. USCIS will issue new EADs with a September 17, 2024 expiration date to eligible Somali TPS beneficiaries who timely re-register and apply for EADs. Given the time frames involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants may receive new EADs before their current EADs expire. Accordingly, through this Federal Register notice, DHS automatically extends the validity of certain EADs previously issued under the TPS designation of Somalia through March 17, 2024. Therefore, as proof of continued employment authorization through March 17, 2024, TPS beneficiaries can show their EADs that have the notation A12 or C19 under Category and a “Card Expires” date of March 17, 2023, or September 17, 2021. This notice explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and how this affects the Form I–9, Employment Eligibility Verification, E–Verify, and USCIS Systematic Alien Verification for Entitlements (SAVE) processes.

Individuals who have a Somalia TPS application (Form I–821) and/or Application for Employment Authorization (Form I–765) that was still pending as of March 13, 2023 do not need to file either application again. If USCIS approves an individual’s pending Form I–821, USCIS will grant the individual TPS through September 17, 2024. Similarly, if USCIS approves a pending TPS-related Form I–765, USCIS will issue the individual a new EAD that will be valid through the same date. There are currently approximately 430 beneficiaries under Somalia’s TPS designation.

Under the redesignation, individuals who currently do not have TPS may submit an initial application during the initial registration period that runs from March 13, 2023 through the full length of the redesignation period, ending September 17, 2024. In addition to demonstrating continuous residence in the United States since January 11, 2023, and meeting other eligibility criteria, initial applicants for TPS under this redesignation must demonstrate that they have been continuously physically present in the United States since March 18, 2023, the effective date of this redesignation of Somalia, before USCIS may grant them TPS. DHS estimates that approximately 2,200 individuals may become newly eligible for TPS under the redesignation of Somalia.

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a foreign state designated for TPS under the INA, or to eligible individuals without nationality who last habitually resided in the designated foreign state, regardless of their country of birth.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to obtain EADs so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also apply for and be granted travel authorization as a matter of DHS discretion.
- To qualify for TPS, beneficiaries must meet the eligibility standards at INA sec. 244(c)(1)–(2), 8 U.S.C. 1254a(c)(1)–(2).
- When the Secretary terminates a foreign state’s TPS designation, beneficiaries return to one of the following:
  - The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or terminated); or
  - Any other lawfully obtained immigration status or category they received while registered for TPS, as determined.

86 FR 41863 (Aug. 3, 2021) (providing 18-mos. registration period under new TPS designation of Haiti); 86 FR 41986 (Aug. 4, 2021) (“Extension of Initial Registration Periods for New Temporary Protected Status Applicants Under the Designations for Venezuela, Syria and Burundi.) For the same reasons, the Secretary is similarly exercising his discretion to provide applicants under this TPS designation of Somalia with an 18-month initial registration period.

2 The “continuous physical presence date” (CPP) is the effective date of the most recent TPS designation of the country, which is either the publication date of the designation announcement in the Federal Register or such later date as the Secretary may establish. The “continuous residence date” (CR) is any date established by the Secretary when a country is designated (or sometime after redesignation for TPS). See INA sec. 244(b)(2)(A), 8 U.S.C. 1254a(b)(2)(A) (effective date of designation); 244(c)(1)(A)(ii), 8 U.S.C. 1252a(c)(1)(A)(ii) (discussing CR and CPP date requirements).
long as it is still valid beyond the date TPS terminates.

**When was Somalia designated for TPS?**

Somalia was initially designated for TPS on September 16, 1991, on the basis of extraordinary and temporary conditions that prevented Somali nationals from safely returning. See *Designation of Nationals of Somalia for Temporary Protected Status*, 56 FR 46804 (Sept. 16, 1991). Somalia’s designation for TPS has been consecutively extended since its initial designation. Additionally, Somalia was redesignated for TPS in 2001, again based on extraordinary and temporary conditions. See *Extension and Redesignation of Somalia under Temporary Protected Status Program*, 66 FR 46288 (Sept. 4, 2001). In 2012 Somalia was again redesignated for TPS on the basis of extraordinary and temporary conditions and under the additional basis of ongoing armed conflict. See *Extension and Redesignation of Somalia for Temporary Protected Status*, 77 FR 25723 (May 1, 2012). Most recently, DHS extended and redesignated Somalia for 18 months, from September 18, 2021, through March 17, 2023, again on the basis of ongoing armed conflict and extraordinary and temporary conditions. See *Extension and Redesignation of Somalia for Temporary Protected Status*, 86 FR 38744 (July 22, 2021).

**What authority does the Secretary have to extend the designation of Somalia for TPS?**

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate agencies of the U.S. Government, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist. The decision to designate any foreign state (or part thereof) is a discretionary decision, and there is no judicial review of any determination with respect to the designation, termination, or extension of a designation. See INA sec. 244(b)(5)(A); 8 U.S.C. 1254a(b)(5)(A). The Secretary, in his or her discretion, may then grant TPS to eligible nationals of that foreign state (or individuals having no nationality who last habitually resided in the designated foreign state). See INA sec. 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

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

**What is the Secretary’s authority to redesignate Somalia for TPS?**

In addition to extending an existing TPS designation, the Secretary, after consultation with appropriate agencies of the U.S. Government, may redesignate a country (or part thereof) for TPS. See INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1); see also INA sec. 244(c)(1)(A)(i), 8 U.S.C. 1254a(c)(1)(A)(i) (requiring that “the alien has been continuously physically present since the effective date of the most recent designation of the state”) (emphasis added). When the Secretary designates or redesignates a country for TPS, the Secretary also has the discretion to establish the date from which TPS applicants must demonstrate that they have been “continuously residing” in the United States. See INA sec. 244(c)(1)(A)(ii), 8 U.S.C. 1254a(c)(1)(A)(ii). The Secretary has determined that the “continuous residence” date for applicants for TPS under the redesignation of Somalia shall be January 11, 2023. Initial applicants for TPS under this redesignation must also show they have been “continuously physically present” in the United States since March 18, 2023, which is the effective date of the Secretary’s redesignation of Somalia. See INA sec. 244(c)(1)(A)(i), 8 U.S.C. 1254a(c)(1)(A)(i). For each initial TPS application filed under the redesignation, the final determination of whether the applicant has met the “continuous physical presence” requirement cannot be made until March 18, 2023, the effective date of this redesignation for Somalia. However, during the registration period and upon filing of the initial TPS application, USCIS will issue employment authorization documentation if the TPS applicant establishes prima facie eligibility for TPS. See 8 CFR 244.5(b).

**Why is the Secretary extending the TPS designation for Somalia and simultaneously redesignating Somalia for TPS through September 17, 2024?**

DHS has reviewed country conditions in Somalia. Based on the review, including input received from the Department of State (DOS), the Secretary has determined that an 18-month TPS extension is warranted because the ongoing armed conflict and extraordinary and temporary conditions supporting Somalia’s TPS designation remain. The Secretary has further determined that redesignating Somalia for TPS under INA sec. 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C) is warranted as is changing the “continuous residence” and “continuous physical presence” dates that applicants must meet to be eligible for TPS.

DHS conducted a thorough review of conditions in Somalia. Armed conflict involving state and non-state actors, in combination with interrelated climate, health, and food security challenges, continues to undermine the physical security and wellbeing of the Somali population. Compounding these challenges is the difficulty of providing critical humanitarian aid to affected communities. Internally displaced persons (IDPs) and other vulnerable populations have been particularly impacted.
Armed Conflict

The insurgent Islamist group al-Shabaab contests government control in Somalia and continues to conduct an armed insurgency against the Federal Government of Somalia (FGS), resulting in death, injury, and displacement of civilians.6, 7, 8

Al-Shabaab is well-organized and well-funded armed group with control over parts of Somalia.9, 10 Al-Shabaab controls substantial territory in southern Somalia, planning and conducting terrorist attacks across the country, as well as attacks in northern Kenya and eastern Ethiopia.11, 12, 13 Al-Shabaab regularly conducts suicide bombings and targeted killings, as well as organized assaisni against the Somali National Army (SNA), Somali Police Force (SPF) and the African Union Transition Mission in Somalia (ATMIS) (formerly the African Union Mission in Somalia (AMISOM)).14

Al-Shabaab’s multiple illegal funding streams, including extortion of local businesses and individuals and facilitation of illicit trades, generate around $100 million per year.15 Al-Shabaab is regarded by the Department of Defense as “al-Qaeda’s largest, wealthiest and most deadly affiliate,” nearly doubling its attacks between 2015 and 2021 and continuing to pose an acute threat.16 As recently as November 27, 2022, Al-Shabaab gunmen killed at least nine people in a Mogadishu hotel popular with government officials.17 One month earlier, Al-Shabaab claimed responsibility for two car bombs in Mogadishu that exploded at the education ministry next to a busy market intersection; President Hassan Sheikh Mohamud stated at the time that the bombings killed at least 100 people and wounded 300.18 representing Al-Shabaab’s deadliest attack in five years.19 An Al-Shabaab attack on another hotel in Mogadishu in August 2022 killed 21 people and injured 117 others.20

Somali security forces do not have the capacity to independently and consistently secure Somalia.21 When Al-Shabaab regains control of towns that had been secured previously by pro-government forces, they have punished residents they suspected of cooperating with U.S. and pro-government forces by conducting public executions including beheadings, stonings, and other deadly forms of retaliation.22 Somali women and girls are disproportionately exposed to high levels of conflict-related sexual violence.23, 24

Al-Shabaab often used suicide bombers, mortars, and IEDs to attack civilian and military targets throughout Somalia.25 It also killed prominent peace activists, community leaders, clan elders, electoral delegates, and their family members for their roles in peace building, in addition to beheading persons accused of spying for and collaborating with Somali forces and affiliated militias.26 ISIS-Somalia remains active, planning and carrying out suicide bombings, armed assaults, assassinations, and small arms attacks in the Federal Member State (FMS) of Puntland and in the capital, Mogadishu.27

Extraordinary and Temporary Conditions

Somalia faces complex climate, health, food security, and humanitarian challenges. As of December 2022, more than 7 million Somalis are in need of humanitarian assistance.28 Compounding this challenge, armed groups deliberately restrict the passage of relief supplies and access by humanitarian organizations through the use of checkpoints, roadblocks, extortion, carjackings, and bureaucratic obstacles.29

Approximately 2.9 million people are internally displaced in Somalia “due to conflict, drought, lack of livelihood opportunities, and forced evictions from...
their settlements, mostly by landlords.37 Such IDPs face challenging living conditions in crowded, informal settlements with limited access to health services, water, shelter, and food.38 The majority of IDPs are older persons, women, and children.39 Vulnerable populations face particular protection challenges. Gender-based violence is underreported but widespread,40 with IDPs and members of marginalized clans and groups particularly at risk.35 Al-Shabaab continues to carry out gender-based violence, including through child, early, and forced marriages.36 Children are often subject to recruitment by armed groups.37 Somalia’s overall health system, including its disease surveillance system, “remains fragmented, under-resourced, and ill-equipped to provide lifesaving and preventative services.”38

It is estimated that at least 6.5 million people need essential healthcare and nutrition services, with malnutrition, disease outbreaks, and conflict continuing to drive increased illness and excess deaths.39 It is estimated that only 19% of districts have adequate healthcare facilities.40 Climate change has intensified competition over declining resources, which in turn exacerbates clan divisions and inter-clan violence.41 Violence between clan militias has led to civilian casualties, destruction of civilian property, displacement, and obstruction of humanitarian assistance.42 Somalia is beset by “a culture of impunity due to clan protection of perpetrators [of abuses] and weak government capacity to hold the guilty to account.”43

As of September 2022, more than 80% of the country faced severe to extreme drought conditions.46 As of December 2022, Somalia has experienced five consecutive seasons of poor rainfall and is likely to experience a sixth such season from March to June 2023.47

Malnutrition in Somalia is driven by food insecurity, poor child feeding practices, disease, and limited access to clean water and sanitation.48 Nearly 1.8 million children under the age of five are acutely malnourished.49 Moreover, conflict and disease outbreaks have exacerbated a spike in food prices.50

The UN reports that 7.1 million people, accounting for 45 percent of the country, face at least “crisis” levels of food security, of which 2.1 million are experiencing even more serious “emergency” shortages that signify acute malnutrition and rising levels of death.51 Approximately 213,000 people are at the “catastrophe” 52 level, representing a 160 percent increase between April and June 2022, and characterized by an extreme lack of food that can result in starvation and death.53 The situation may further deteriorate if an anticipated decrease in humanitarian assistance due to insufficient funding for Somalia after March 2023 comes to pass, with the UN and its partners predicting that the number of Somalis facing “crisis” levels of food security—or worse—would grow to around 8.3 million between April and June 2023, of which 2.7 million would face


52 This designation is also referred to as “Famine” on “IPC Phase 5.” FEWS NET/FSNAU/IPC, supranote 37.

“emergency” levels and at least 727,000 would face “catastrophe.” 54

Based upon this review and after consultation with appropriate U.S. Government agencies, the Secretary has determined that:

- The conditions supporting Somalia’s designation for TPS continue to be met. See INA sec. 244(b)(3)(A) and (C), 8 U.S.C. 1254a(b)(3)(A) and (C). Any individual having no nationality who last habitually resided in Somalia would pose a serious threat to their personal safety. See INA sec. 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A).
- There continue to be extraordinary and temporary conditions in Somalia that prevent Somali nationals (or individuals having no nationality who last habitually resided in Somalia) from returning to Somalia in safety, and it is not contrary to the national interest of the United States to permit Somali TPS beneficiaries to remain in the United States temporarily. See INA sec. 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).
- The designation of Somalia for TPS should be extended for an 18-month period, beginning on March 18, 2023 and ending on September 17, 2024. See INA sec. 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).
- Due to the conditions described above, Somalia should be simultaneously extended and redesignated for TPS beginning on March 18, 2023 and ending on September 17, 2024. See INA sec. 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A) and (C) and (b)(2).
- For the redesignation, the Secretary has determined that TPS applicants must demonstrate that they have continuously resided in the United States since January 11, 2023.
- TPS applicants must demonstrate that they have been continuously physically present in the United States since March 18, 2023, the effective date of the redesignation of Somalia for TPS.
- There are approximately 430 current Somali TPS beneficiaries who are expected to be eligible to re-register for TPS under the extension.
- It is estimated that approximately 2,200 additional individuals may be eligible for TPS under the redesignation of Somalia. This population includes Somali nationals in the United States in nonimmigrant status or without lawful immigration status.

Notice of the Designation of Somalia for TPS

By the authority vested in me as Secretary under INA sec. 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate U.S. Government agencies, the statutory conditions supporting Somalia’s designation for TPS on the basis of ongoing armed conflict and extraordinary and temporary conditions are met. See INA sec. 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A) and INA sec. 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C). I estimate up to approximately 2,630 individuals may be eligible for TPS under the designation of Somalia. On the basis of this determination, I am simultaneously extending the existing designation of Somalia for TPS for 18 months, beginning on March 18, 2023, and ending on September 17, 2024, and redesignating Somalia for TPS for the same 18-month period. See INA sec. 244(b)(1)(A), (b)(1)(C) and (b)(2); 8 U.S.C. 1254a(b)(1)(A), (b)(1)(C), and (b)(2).

Alejandro N. Mayorkas,

Eligibility and Employment Authorization for TPS

Required Application Forms and Application Fees To Register for TPS

To register for TPS based on the designation of Somalia, you must submit a Form I–821, Application for Temporary Protected Status, and pay the filing fee (or request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver). You may be required to pay the biometric services fee. If you can demonstrate an inability to pay the biometric services fee, you may request to have the fee waived. Please see additional information under the “Biometric Services Fee” section of this notice.

TPS beneficiaries are eligible for an EAD, which proves their authorization to work in the United States. You are not required to submit Form I–765, Application for Employment Authorization, or have an EAD to be granted TPS, but see below for more information if you want an EAD to use as proof that you can work in the United States. Individuals who have a Somalia TPS application (Form I–821) that was still pending as of March 13, 2023 do not need to file the application again. If USCIS approves an individual’s Form I–821, USCIS will grant the individual TPS through September 17, 2024.

For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at https://www.uscis.gov/tps. Fees for the Form I–821, the Form I–765, and biometric services are also described in 8 CFR 103.7(b)(1) (Oct. 1, 2020).

How can TPS beneficiaries obtain an Employment Authorization Document (EAD)?

Everyone must provide their employer with documentation showing that they have the legal right to work in the United States. TPS beneficiaries are eligible to obtain an EAD, which proves their legal right to work. Those who want to obtain an EAD must file a Form I–765 and pay the Form I–765 fee (or request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver). TPS applicants may file this form along with their TPS application, or at a later date, provided their TPS application is still pending or has been approved. Beneficiaries with a Somalia TPS-related Form I–765 that was still pending as of March 13, 2023 do not need to file the application again. If USCIS approves a pending TPS-related Form I–765, USCIS will issue the individual a new EAD that will be valid through September 17, 2024.

Refiling an Initial TPS Registration Application After Receiving a Denial of a Fee Waiver Request

The fee waiver denial notice will contain specific instructions about resubmitting your application.

Filing Information

USCIS offers the option to applicants for TPS under Somalia’s designation to file Form I–821 and related requests for EADs online or by mail. When filing a TPS application, applicants can also request an EAD by submitting a completed Form I–765 with their Form I–821. Online filing: Form I–821 and I–765 are available for concurrent filing online. 55 To file these forms online, you must first create a USCIS online account. 56 However, if you are requesting a fee waiver, you cannot submit the applications online. You will need to file paper versions of the fee waiver request and the form for which you are requesting the fee waiver. Mail filing: Mail your application for TPS to the proper address in Table 1.

56 https://myaccount.uscis.gov/users/sign_up.
If you were granted TPS by an immigration judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD, please mail your Form I–765 application to the appropriate mailing address in Table 1. When you are requesting an EAD based on an IJ/BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your application. This will help us verify your grant of TPS and process your application.

Supporting Documents

The filing instructions on the Form I–821 list all the documents needed to establish eligibility for TPS. You may also find information on the acceptable documentation and other requirements for applying (i.e., registering) for TPS on the USCIS website at https://www.uscis.gov/tps under “Somalia.”

Travel

TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion. You must file for travel authorization if you wish to travel outside of the United States and be authorized to re-enter. If granted, travel authorization gives you permission to leave the United States and return during a specific period. To request travel authorization, you must file Form I–131, Application for Travel Document, available at https://www.uscis.gov/i-131.

Biometric Services Fee for TPS

Biometrics (such as fingerprints) are required for all applicants 14 years of age and older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay the biometric services fee, you may request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver. For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at https://www.uscis.gov/tps. If necessary, you may be required to visit an Application Support Center to have your biometrics captured. For additional information on the USCIS biometric screening process, please see the USCIS Customer Profile Management Service Privacy Impact Assessment, available at https://www.dhs.gov/publication/dhsuscispia-060-customer-profile-management-service-cpms.

General Employment-Related Information for TPS Applicants and Their Employers

How can I obtain information on the status of my TPS application and EAD request?

To get case status information about your TPS application, as well as the status of your TPS-based EAD request, you can check Case Status Online at uscis.gov, or visit the USCIS Contact Center at https://www.uscis.gov/contactcenter. If your Form I–765 has been pending for more than 90 days, and you still need assistance, you may ask a question about your case online at https://egov.uscis.gov/e-request/Intro.do or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

Am I eligible to receive an automatic extension of my current EAD through March 17, 2024, through this Federal Register notice?

Yes. Regardless of your country of birth, provided that you currently have a Somalia TPS-based EAD that has the notation A12 or C19 under Category and you register timely for TPS in accordance with the procedures described in this Federal Register notice to maintain your TPS and employment authorization.
When hired, what documentation may I show to my employer as evidence of identity and employment authorization when completing Form I–9?

You can find the Lists of Acceptable Documents on Form I–9, Employment Eligibility Verification, as well as the Acceptable Documents web page at https://www.uscis.gov/I-9-central/acceptable-documents. Employers must complete Form I–9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I–9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization) or one document from List B (which provides evidence of your identity) together with one document from List C (which provides evidence of employment authorization), or you may present an acceptable receipt as described in the Form I–9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional information about Form I–9 on the I–9 Central web page at https://www.uscis.gov/I-9Central. An EAD is an acceptable document under List A. See the section “How do my employer and I complete Form I–9 if my EAD has been automatically extended?” of this Federal Register notice for further information. If your EAD states A12 or C19 under Category A–Number, or has a “Card Expires” date of March 17, 2023, or September 17, 2021, it has been extended automatically by virtue of this Federal Register notice and you may choose to present your EAD to your employer as proof of identity and employment eligibility for Form I–9 through March 17, 2024, unless your TPS has been withdrawn or your EAD has been denied. Your country of birth noted on the EAD does not have to reflect the TPS designated country of Somalia for you to be eligible for this extension.

What documentation may I present to my employer for Form I–9 if I am already employed but my current TPS-related EAD is set to expire?

Even though we have automatically extended your EAD, your employer is required by law to ask you about your continued employment authorization. Your employer may need to re-inspect your automatically extended EAD to check the “Card Expires” date and Category code if your employer did not keep a copy of your EAD when you initially presented it. Once your employer has reviewed the Card Expiration date and Category code, your employer should update the EAD expiration date in Section 2 of Form I–9. See the section “What updates should my current employer make to Form I–9 if my EAD has been automatically extended?” of this Federal Register notice for further information. You may show this Federal Register notice to your employer to explain what to do for Form I–9 and to show that USCIS has automatically extended your EAD through March 17, 2024, but you are not required to do so. The last day of the automatic EAD extension is March 17, 2024. Before you start work on March 18, 2024, your employer is required by law to reverify your employment authorization on Form I–9. By that time, you must present any document from List A or any document from List C on Form I–9 Lists of Acceptable Documents, or an acceptable List A or List C receipt described in the Form I–9 Instructions to reverify employment authorization.

Your employer may not specify which List A or List C document you must present and cannot reject an acceptable receipt.

If I have an EAD based on another immigration status, can I obtain a new TPS-based EAD?

Yes, if you are eligible for TPS, you can obtain a new TPS-based EAD, regardless of whether you have an EAD or work authorization based on another immigration status. If you want to obtain a new TPS-based EAD valid through September 17, 2024, then you must file Form I–765, Application for Employment Authorization, and pay the associated fee (unless USCIS grants your fee waiver request).

Can my employer require that I provide any other documentation such as evidence of my status or proof of my Somali citizenship or a Form I–797 showing that I registered for TPS for Form I–9 completion?

No. When completing Form I–9, employers must accept any documentation you choose to present from the Form I–9 Lists of Acceptable Documents that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers may not request proof of Somali citizenship or proof of registration for TPS when completing Form I–9 for new hires or re-verifying the employment authorization of current employees. If you present an EAD that USCIS has automatically extended, employers should accept it as a valid List A document so long as the EAD reasonably appears to be genuine and to relate to you. Refer to the “Note to Employees” section of this Federal Register notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

How do my employer and I complete Form I–9 using my automatically extended EAD for a new job?

When using an automatically extended EAD to complete Form I–9 for a new job before March 18, 2024:

1. For Section 1, you should:
   a. Check “An alien authorized to work until” and enter March 17, 2024, as the “expiration date”; and
   b. Enter your USCIS number or A-Number where indicated. (Your EAD or other document from DHS will have your USCIS number or A-Number printed on it; the USCIS number is the same as your A-Number without the A prefix.)

2. For Section 2, employers should:
   a. Determine if the EAD is auto-extended by ensuring it is in category A12 or C19 and has a “Card Expires” date of March 17, 2023, or September 17, 2021.
   b. Write in the document title;
   c. Enter the issuing authority;
   d. Provide the document number; and
   e. Write March 17, 2024, as the expiration date.

Before the start of work on March 18, 2024, employers must reverify the employee’s employment authorization on Form I–9.

What updates should my current employer make to Form I–9 if my EAD has been automatically extended?

If you presented a TPS-related EAD that was valid when you first started your job and USCIS has now automatically extended your EAD, your employer may need to re-inspect your current EAD if they do not have a copy of the EAD on file. Your employer should determine if your EAD is automatically extended by ensuring that it contains Category A12 or C19 and has a “Card Expires” date of March 17, 2023, or September 17, 2021. Your employer may not rely on the country of birth listed on the card to determine whether you are eligible for this extension.

If your employer determines that USCIS has automatically extended your EAD, your employer should update Section 2 of your previously completed Form I–9 as follows:
1. Write EAD EXT and March 17, 2024, as the last day of the automatic extension in the Additional Information field; and
2. Initial and date the correction.

Note: This is not considered a reverification. Employers do not reverify the employee until either the automatic extension has ended, or the employee presents a new document to show continued employment authorization, whichever is sooner. By March 18, 2024, when the employee’s automatically extended EAD has expired, employers are required by law to reverify the employee’s employment authorization on Form I–9.

If I am an employer enrolled in E-Verify, how do I verify a new employee whose EAD has been automatically extended?

Employers may create a case in E-Verify for a new employee by entering the number from the Document Number field on Form I–9 into the document number field in E-Verify. Employers should use E-Verify on March 17, 2024, as the expiration date for an EAD that has been extended under this Federal Register notice.

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?

E-Verify automated the verification process for TPS-related EADs that are automatically extended. If you have employees who provided a TPS-related EAD when they first started working for you, you will receive a “Work Authorization Documents Expiring” case alert when the auto-extension period for this EAD is about to expire. Before this employee starts work on March 18, 2024, you must reverify their employment authorization on Form I–9. Employers may not use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Federal Register notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888-464-4218 (TTY 877-875-6028) or email USCIS at I-9Central@uscis.dhs.gov. USCIS accepts calls and emails in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I–9 and E-Verify), employers may call the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) Employer Hotline at 800–255–8155 (TTY 800–237–2515). IER offers language interpretation in numerous languages. Employers may also email IER at IER@usdoj.gov.

Note to Employees

For general questions about the employment eligibility verification process, employers may call USCIS at 888–897–7781 (TTY 877–875–6028) or email USCIS at I-9Central@uscis.dhs.gov. USCIS accepts calls in English, Spanish and many other languages. Employees or job applicants may also call the IER Worker Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based on citizenship, immigration status, or national origin, including discrimination related to Form I–9 and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Form I–9 Instructions. Employers may not require extra or additional documentation beyond what is required for Form I–9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of Tentative Nonconfirmation (mismatch) must promptly inform employees of the mismatch and give such employees an opportunity to take action to resolve the mismatch. A mismatch means that the information entered into E-Verify from Form I–9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold or lower pay, or take any adverse action against an employee because of a mismatch while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot confirm an employee’s employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER’s Worker Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Form I–9 and E-Verify procedures is available on the IER website at https://www.justice.gov/IER and the USCIS and E-Verify websites at https://www.uscis.gov/i-9-central and https://www.e-verify.gov.

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

For Federal purposes, if you present an automatically extended EAD referenced in this Federal Register notice, you do not need to show any other document, such as a Form I–797C, Notice of Action reflecting receipt of a Form I–765 EAD renewal application or this Federal Register notice, to prove that you qualify for this extension. While Federal Government agencies must follow the guidelines laid out by the Federal Government, State and local government agencies establish their own rules and 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. Whether you are applying for a Federal, State, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary, show you are authorized to work based on TPS or other status, or that may be used by DHS to determine if you have TPS or another immigration status. Examples of such documents are:

• Your current EAD with a TPS category code of A12 or C19, even if your country of birth noted on the EAD does not reflect the TPS designated country of Somalia;
• Your Form I–94, Arrival/Departure Record;
• Your Form I–797, Notice of Action, reflecting approval of your Form I–765; or
• Form I–797 or Form I–797C, Notice of Action, reflecting approval or receipt of a past or current Form I–821.

Check with the government agency requesting documentation regarding which document(s) the agency will accept. Some state and local government agencies use the SAVE program to confirm the current immigration status of applicants for public benefits. While SAVE can verify that an individual has TPS, each agency’s procedures govern whether they will accept an unexpired EAD, Form I–797, Form I–797C, or Form I–94, Arrival/Departure Record. If an agency accepts the type of TPS-related document you
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6359–N–01]

Administrative Guidelines: Subsidy Layering Review for Project-Based Vouchers

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This notice provides updated Administrative Guidelines (Guidelines) and requirements for Project-Based Voucher (PBV) Subsidy Layering Reviews (SLRs) and SLR requirements for Mixed-Finance projects that may or may not include PBV assistance. This updated notice provides transparency on HUD’s expectations regarding cash flow, debt service coverage ratios, net operating income, operating expense trending requirements, and expands guidance related to expense coverage ratios, when projects do not have hard debt. This notice also introduces a new mailbox (PBVSLRs@hud.gov) for SLRs requests to be performed by HUD HQ, and for SLR certifications and supporting documentation for SLRs the Housing Credit Agencies (HCAs) completed. Finally, the guidance expands the delegation of SLRs to HCAs to cases where PBV assistance is combined with other government assistance. Previously, the delegation only covered cases that included Low-Income Housing Tax Credits (LIHTCs). Otherwise SLR cases had to be completed by HUD (see overview chart in Section IV).

FOR FURTHER INFORMATION CONTACT:
Miguel A. Fontanez Sanchez, Director, Housing Voucher Financial Management Division, telephone number 202–402–4104.

SUPPLEMENTARY INFORMATION:

I. Background

In support of HUD's mission to create quality affordable housing, HUD provides funding assistance to incentivize affordable housing development. Subsidy layering reviews (SLRs) are undertaken to ensure the amount of assistance provided by HUD is not more than necessary to make the PBV project feasible in consideration of all other government assistance. SLRs prevent excessive public assistance that could result when a development proposes combining (layering) the HAP subsidy from the PBV program with other public assistance from Federal, State, or local agencies, including assistance through tax concessions or credits.

SLRs for PBV assistance are required pursuant to Section 8(o)(13) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f(o)(13)); Section 2835(a)(1)(M)(i) of the Housing and Economic Recovery Act of 2008 (HERA); and Section 102 of the Department of Housing and Urban Development Reform Act of 1989. SLRs are only for proposed PBV new construction and rehabilitation projects as defined in 24 CFR 983.3. Under the current PBV regulations at 24 CFR 983.55(b), the SLR must be completed prior to execution of the Agreement to Enter Into a Housing Assistance Payments Contract (AHAP).

SLR requirements are not applicable to existing housing. 1 PBV regulations at 24 CFR 983.3 define existing housing as units that already exist on the proposal selection date that substantially comply with Housing Quality Standards (HQS) on that date. (The units must fully comply with the HQS before execution of the HAP contract.) In addition, no SLR is required when PBV is the only government assistance provided to a project.

Pursuant to 24 CFR 983.55, public housing agencies (PHAs) must submit a request for an SLR for a proposed PBV project when the project includes other government assistance. HUD can perform the SLRs in all cases, and prior to issuance of this notice, the Department had delegated SLR authority to participating Housing Credit Agencies (HCAs) only when assistance included LIHTCs. This Notice expands the option to delegate SLR authority to HCAs for proposed PBV projects when PBV assistance is combined with other governmental assistance even if no LIHTCs are included. 2

In cases where PBV projects do not include LIHTCs, but there is a participating HCA in the project's jurisdiction, the HUD Field Office will ask the HCA whether they can perform the SLR. However, the PHAs may request that the HUD HQ perform the SLR. If PHAs do not request that HUD HQ perform the SLR, the HUD Field
