

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 Sudan (or alien having no nationality who last habitually resided in Sudan) 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 Sudan (or Aliens Having No Nationality Who Last Habitually Resided in Sudan) Who Entered the United States After November 9, 1999, To File for TPS?

No. This is a notice of an extension of the TPS designation for Sudan, not a notice of redesignation of Sudan 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 Sudan availability to those who are not already TPS class members. To be eligible for benefits under this extension, nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) must have been continuously physically present and continuously resided in the United States since November 9, 1999.

Is Late Initial Registration Possible?

Yes. Some persons may be eligible for late initial registration under 8 CFR 244.2(f)(2). To apply for late initial registration an applicant must:

- (1) Be a national of Sudan (or an alien who has no nationality and who last habitually resided in Sudan);
- (2) Have been continuously physically present in the United States since November 9, 1999;
- (3) Have continuously resided in the United States since November 9, 1999; and
- (4) Be both admissible as an immigrant, except as otherwise provided under section 244(c)(2)(A) of the Act, and also not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that, during the

redesignation registration period from November 9, 1999, through November 2, 2000, 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 parole;
- (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 of termination of the conditions described above. 8 CFR 244.2(g).

Notice of Extension of Designation of Sudan 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 Sudan for TPS continue to be met. 8 U.S.C. 1254a(b)(3)(A). Accordingly, I order as follows:

(1) The designation of Sudan under section 244(b) of the Act is extended for an additional 12-month period from November 2, 2002, through November 2, 2003. 8 U.S.C. 1254a(b)(3)(C).

(2) I estimate that there are approximately 552 nationals of Sudan (or aliens who have no nationality and who last habitually resided in Sudan) who are eligible for re-registration.

(3) To maintain TPS, a national of Sudan (or an alien having no nationality who last habitually resided in Sudan) who previously has applied for or received TPS benefits must re-register for TPS during the 60-day re-registration period from August 30, 2002 until October 29, 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) Information concerning the Sudan TPS program will be available at local Service 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: August 26, 2002.

John Ashcroft,
Attorney General.

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DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program: Availability of Benefit Accuracy Measurement Program Results

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice of availability of the Unemployment Insurance (UI) Benefit Accuracy Measurement (BAM) program data for calendar year (CY) 2001.

SUMMARY: UI BAM program data for CY 2001 are published as part of the UI PERFORMS Annual Report, which is available on the ETA Office of Workforce Security Internet site—workforcesecurity.dol.gov/unemploy/pdf/ar_01.pdf. An analytical summary of BAM data is available at workforcesecurity.dol.gov/unemploy/pdf/bamcy2001.pdf.

The UI PERFORMS Annual Report also includes data from the Benefits Timeliness and Quality and Tax Performance System programs. UI PERFORMS is the Department of Labor's management system for promoting continuous improvement in UI performance. UI PERFORMS performance measures are designated either Tier I, for which minimum performance criteria have been established, or Tier II, for which no minimum performance standards have

been established. The BAM paid claims accuracy rate is a Tier II measure.

States are not required to publish their BAM program data; however, persons wanting clarification or additional information concerning a specific state's report are encouraged to contact the individuals identified in the Appendix.

FOR FURTHER INFORMATION CONTACT:

Andrew Spisak, Office of Workforce Security, Division of Performance Management, 202-693-3196 (this is not a toll free number) or e-mail: aspisak@doleta.gov.

SUPPLEMENTARY INFORMATION: State Workforce Agencies (SWA) in the 50 states, the District of Columbia, and Puerto Rico, select weekly random samples of UI benefit payments. The BAM program staff collects information about these payments by contacting claimants, employers, and third parties to determine whether the correct amounts of UI benefits were paid in accordance with state law, policy, and procedure. The results of the payment audits are recorded in automated databases in each state and in the Department of Labor's National Office in Washington, DC.

The Department of Labor publishes results from the BAM investigations annually. Five items are reported for each SWA participating in the BAM program: (1) The amount of UI benefits paid to the population of claimants; (2) the size of the BAM samples (number of completed cases); (3) the percentage of proper payments; (4) the percentage of overpayments; and (5) the percentage of underpayments in the population estimated from the BAM investigations. Ninety-five percent confidence intervals, which measure the precision of the payment accuracy estimates, are reported for each of the three percentages. CY 2001 BAM data for Colorado and Puerto Rico are not published because these SWAs did not complete a sufficient number of sample cases to produce statistically reliable estimates.

The CY 2001 UI PERFORMS Annual Report also includes background information and the data collection methodology for the BAM program. Graphs that display the distribution of overpayment rates for all states, national overpayment rates by year since CY 1988, and national cause and responsibility data for overpayments for the last nine years are also provided.

Additional BAM data are available at workforcesecurity.dol.gov/unemploy/pdf/bamcy2001.pdf. This summary includes cause and responsibility data for both overpayments and

underpayments, changes in state overpayment and underpayment rates between CY 2000 and CY 2001, and additional rates for recoverable overpayments and overpayment attributable to fraud or agency responsibility.

Readers are strongly cautioned that it may be misleading to compare one state's BAM overpayment and underpayment rates with the rates of other states. No two states' laws, regulations, and policies specifying eligibility conditions are identical. Differences among states in these conditions influence the potential for error. States with complex or strict eligibility conditions tend to have higher overpayment rates than states with simpler provisions because there is a greater chance that these conditions will not be met.

The underpayment rates estimated from BAM paid claims samples represent underpayments only for those claimants eligible for UI benefits. Underpayments also result from UI claims that have been erroneously denied. SWA BAM units began selecting samples of denied UC claims in August 2001. Because Denied Claims Accuracy (DCA) data are available for less than half of CY 2001, they are not included in the CY 2001 UI PERFORMS Annual Report. The Department plans to publish CY 2002 accuracy rates for monetary, separation, and nonseparation denials, based on a complete year of sampling and DCA investigation.

Signed at Washington, DC, on August 26, 2002.

Grace A. Kilbane,
Administrator, Office of Workforce Security.

Appendix—Unemployment Insurance Benefit Accuracy Measurement State Contacts

Alabama

Debbie C. Richbourg, Alabama Department of Industrial Relations, Benefits Unit, 649 Monroe Street, Montgomery, AL 36131. (334) 242-8133. e-mail: drichbourg@dir.state.al.us.

Alaska

Karen Van Dusseldorp, Department of Labor and Workforce Development QC Unit, P.O. Box 25509, Juneau, AK 99801. (907) 465-5946. e-mail: karen_vandusseldorp@labor.state.ak.us.

Arizona

Kristin Garrison, Department of Economic Security, 1924 E. University, Phoenix, AZ 85034. (602) 495-1861 ext. 1020. fax: (602) 253-8627. e-mail: kgarrison@mail.de.state.az.us.

Arkansas

Fred D. Carter, Program Operations Manager, Employment Security Department, P.O. Box 2981, Little Rock, AR 72203-2981. (501) 682-2142. e-mail: fred.carter.aesd@mail.state.ar.us.

Hugh Havens, Assistant Director for Unemployment Insurance, Arkansas Employment Security Department, P.O. Box 2981, Little Rock, AR 72203-2981. (501) 682-3200. e-mail: hugh.havens.aesd@mail.state.ar.us.

California

Suzanne Schroeder, Office of Constituent Affairs, Employment Development Department, P.O. Box 826880, Sacramento, CA 94280-0001. (916) 654-9029. e-mail: sschroed@edd.ca.gov.

Colorado

Luanne Clemons, 251 E. 12th Avenue, Denver, CO 80203. (303) 318-9025. e-mail: Luanne.Clemons@state.co.us.

Connecticut

Nancy Steffens, Director of Communications, Connecticut Department of Labor, 200 Folly Brook Boulevard, Wethersfield, CT 06109. (860) 263-6535. e-mail: nancy.steffens@po.state.ct.us.

Delaware

W. Thomas MacPherson, Director, Division of Unemployment Insurance, P.O. Box 9950, Wilmington, DE 19809-0950. (302) 761-8350. e-mail: tmacpherson@state.de.us.

District of Columbia

Roberta Bauer, Associate Director, Office of Compliance and Independent Monitoring, D.C. Department of Employment Services, 77 P Street, NE., Washington, DC 20012. (202) 671-3076. e-mail: Roberta.Bauer@dc.gov.

Florida

Sarah G. Peck, Agency for Workforce Innovation, Caldwell Building, 107 E. Madison Street, Tallahassee, Florida 32399. (850) 921-3425. e-mail: Sarah.Peck@awi.state.fl.us.

Georgia

Paul D. Crawford, Chief, Quality Assurance, Georgia Department of Labor, 148 International Blvd., NE, Suite 822, Atlanta, GA 30305. (404) 656-7242. e-mail: Paul.Crawford@dol.state.ga.us.

Hawaii

Linda Uesato, UI Administrator, Department of Labor and Industrial Relations, Unemployment Insurance Division, 830 Punchbowl Street, Honolulu, HI 96813. (808) 586-9069. fax: (808) 596-9077. e-mail: pdce@aloha.net (attn: L. Uesato).

Idaho

Robert Davis, Idaho Department of Labor, 317 W. Main Street, Boise, ID 83735. (208) 332-3573 ext. 3264. e-mail: bdavis@labor.state.id.us.

Illinois

Joseph Wojcik, Manager, Quality Assurance and Compliance Review, Illinois

Department of Employment Security, 401 South State Street, Room 715, Chicago, IL 60605. (312) 793-1175. e-mail: jwojcik@ides.state.il.us.

Indiana

Sandy Jessee, BAM Supervisor, Indiana Department of Workforce Development, 10 North Senate Avenue, Indianapolis, IN 46204. (317) 233-6676. e-mail: sjessee@dwd.state.in.us.

Iowa

LeLoie Dutemple, Quality Control Supervisor, Iowa Workforce Development, Unemployment Insurance Services Division, 1000 East Grand Avenue, Des Moines, IA 50319-0209. (515) 281-8398. e-mail: LeLoie.Dutemple@iwd.state.ia.us.

Kansas

Richard Skinner, Quality Control Supervisor, Department of Human Resources, 401 SW Topeka Blvd., Topeka, KS 66603-3182. (785) 296-1967. fax: (785) 296-4789. e-mail: raskinne@hr.state.ks.us.

Kentucky

Mark Butcher, Unemployment Insurance Division, Department for Employment Services, 275 East Main Street, Frankfort, KY 40621. (502) 564-5057. e-mail: MarkA.Butcher@mail.state.ky.us.

Louisiana

John Mikell, 706 East Vermillion, PO Box 3447, Lafayette, LA 70502-3447. (337) 262-5519. e-mail: JMikell@ldol.state.la.us.

Maine

Rhonda Webber, Maine Department of Labor, PO Box 2014, Lewiston, ME 04241-2014. (207) 753-2885. e-mail: Rhonda.Webber@state.me.us.

Maryland

Thomas S. Wendel, Executive Director, Office of Unemployment Insurance, Department of Labor, Licensing and Regulation, 1100 North Eutaw Street, Room 501, Baltimore, MD 21201. (410) 767-2464. e-mail: twendel@dllr.state.md.us.

Massachusetts

Rena Kottcamp, Assistant Director of Research, Division of Employment and Training, Charles F. Hurley Building, 19 Staniford Street, Boston, MA 02114-2589. (617) 626-6556. e-mail: rkottcamp@detma.org.

Michigan

Timothy Clinton, Director, Office of Program and Policy Administration, 3024 W. Grand Blvd., Suite 12-560, Detroit, MI 48202. (313) 456-2728. e-mail: ClintonTimothy@michigan.gov.

Constance Luckett, Director, Quality Assurance Section, 3024 W. Grand Blvd., Suite 13-400, Detroit, MI 48202. (313) 456-2490. e-mail: LuckettConstance@michigan.gov.

Minnesota

Barb Vickers, Minnesota Department of Economic Security, UI Benefits, 390 North Robert Street, 3rd Floor, St. Paul, MN

55101. (651) 296-5863. e-mail: Barb.Vickers@state.mn.us.

Mississippi

Gary Harthcock, BAM Supervisor, Quality Control Unit, Employment Security Commission, P.O. Box 1699, Jackson, MS 39215-1699. (601) 961-7709.

Missouri

Gracia Yancey Backer, Director, Missouri Division of Employment Security, P.O. Box 59, Jefferson City, MO 65104. (573) 751-8086. e-mail: gbacker@dolir.state.mo.us.

Montana

Mary Buswell, Unemployment Insurance Division, P.O. Box 8020, Helena, MT 59624-8020. (406) 444-9037. fax: (406) 444-9038. e-mail: mbuswell@state.mt.us.

Nebraska

Ronald E. Joyce, UI Program Supervisor, Nebraska Workforce Development, Office of Unemployment Services, Department of Labor, 550 South 16th Street, Box 94600, Lincoln, NE 68509-4600. (402) 471-9876. fax: (402) 471-9966. e-mail: rjoyce@dol.state.ne.us.

Nevada

Karen Rhodes, Public Information Officer, Department of Employment, Training and Rehabilitation, 500 East Third Street, Carson City, NV 89713. (775) 684-4660. fax: (775) 684-4663. e-mail: ksrhodes@nvdetr.org.

New Hampshire

Patricia Nevers, Quality Control Supervisor, New Hampshire Employment Security, 32 South Main Street, Concord, NH 03301. (603) 228-4138. e-mail: pnevers@nhes.state.nh.us.

New Jersey

Thomas Hynes, Quality Control Supervisor, New Jersey Department of Labor, John Fitch Plaza "8th floor, P.O. Box 110, Trenton, New Jersey 08625. (609) 777-2654. fax: 609-777-2991. e-mail: thynes@dol.state.nj.us.

New Mexico

Teresa Baca, Section Supervisor, Quality Control, New Mexico Department of Labor, P.O. Box 1928, Albuquerque, NM 87102. (505) 841-8499 or (505) 841-8435. e-mail: tbaca2@state.nm.us.

New York

Louis M. Rosa, New York State Department of Labor, State Office Campus, UI Benefits Quality Control, Building 12, Room 257, Albany, NY 12240. (518) 457-3638. e-mail: USALMR@LABOR.STATE.NY.US.

North Carolina

Stan Linzsey, Employment Security Commission, Quality Control Unit, P.O. Box 25903, Raleigh, NC 27611. (919) 733-9104.

North Dakota

Bill Steckler, Job Service North Dakota, 1000 East Divide Avenue, P.O. Box 5507, Bismarck, ND 58506-5507. (701) 328-3355. e-mail: bsteckle@state.nd.us.

Ohio

Florence (Marge) Fields, Chief, UC Technical Services, ODJFS, 145 S. Front Street, Columbus, OH 43215. (614) 466-4581. e-mail: FIELDM01@odjfs.state.oh.us.

Oklahoma

Terry W. McHale, BAM Supervisor, Oklahoma Employment Security Commission, 715 S. Service Road, Moore, OK 73160. (405) 793-7286.

Oregon

James Mosley, Quality Control Supervisor, Oregon Employment Department, 875 Union Street NE, Salem, OR 97311. (503) 947-1684. e-mail: James.H.Mosley@emp.state.or.us.

Pennsylvania

Pete Cope, Director, Bureau of Unemployment Compensation Benefits and Allowances, Department of Labor and Industry, Labor and Industry Building, Room 615, Seventh and Forster Streets, Harrisburg, PA 17121. (717) 787-3547. e-mail: pcope@dli.state.pa.us.

Puerto Rico

Lucy Betancourt, Quality Control Supervisor, Department of Labor and Human Resources, Metro Center Building, P.O. Box 364452, Hato Rey, Puerto Rico 00936. (787) 754-5151 Ext. 2360. fax: (787) 756-1157.

Rhode Island

Ronald N. Patras, Department of Labor and Training, 1511 Pontiac Avenue, Bldg. 71, Cranston, RI 02920. (401) 462-8635. e-mail: RPatras@DLT.state.ri.us.

South Carolina

Susan Hair, BAM Supervisor, Employment Security Commission, Quality Control Unit, P.O. Box 8117, Columbia, SC 29202. (803) 737-3048. e-mail: shair@sces.org.

South Dakota

Dennis Angerhofer, South Dakota Department of Labor, 420 South Roosevelt Street, Aberdeen, SD 57401. (605) 626-7644. e-mail: dennis.angerhofer@state.sd.us.

Tennessee

Albert West, Tennessee Department of Labor And Workforce Development, Unemployment Insurance Division, Davy Crockett Tower, 10th Floor, 500 James Robertson Parkway, Nashville, TN 37245-2700. (615) 741-3190. e-mail: albert.west@state.tn.us.

Texas

Teresita La Rosa, Benefit Accuracy Measurement Supervisor, Texas Workforce Commission, 101 East 15th Street, Room 300, Austin, TX 78778. (512) 936-3629. e-mail: teresita.larosa@twc.state.tx.us.

Utah

Jeff Bardin, Department of Workforce Services, P.O. Box 778, Salt Lake City, UT 84110-0778. (801) 526-9537. e-mail: jbardin@ws.state.ut.us.

Vermont

Robert G. Herbst, Quality Control Supervisor, Vermont Department of Employment and Training, 200 Asa Bloomer Building, Rutland, VT 05701. (802) 786-8807. e-mail: rherbst@pop.det.state.vt.us.

Virginia

F. W. Tucker, IV, Chief of Benefits, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358. (804) 786-3032. e-mail: wtucker@vec.state.va.us.

Washington

Mary Kirker, QC supervisor, Employment Security Department, Employment Security Building, P.O. Box 9046, Olympia, WA 98507-9046. (360) 438-3101. fax: (360) 438-4085. e-mail: mkirker@esd.wa.gov.

West Virginia

Tammy G. Hypes, WV Bureau of Employment Programs, Special Projects Division, 106 Dee Drive, Charleston WV 25311. (304) 558-9065. e-mail: thypes@wvbep.org.

Wisconsin

John Mandj, QC Section Chief, Wisconsin Department of Workforce Development, UI Division, 6083 North Teutonia Avenue, P.O. Box 09999, Milwaukee, WI 53209. (414) 438-2055. e-mail: mandj@dwd.state.wi.us.

Wyoming

Ellen Schreiner, Administrator, Unemployment Insurance Division, Wyoming Department of Employment, P.O. Box 2760, Casper, WY 82602-2760. (307) 235-3253. e-mail: eschre@state.wy.us.

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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 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 supersedeas 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.

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None

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