

Dated: February 12, 1999.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1970-98]

Extension of Work Authorization for Certain Haitians Previously Granted Deferred Enforced Departure (DED); Correction

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice, Correction.

SUMMARY: This notice is a technical correction to the Immigration and Naturalization Service (Service) **Federal Register** notice entitled "Extension of Work Authorization for certain Haitians granted Deferred Enforced Departure (DED)" published at 63 FR 68799 on December 14, 1998. The December 14, 1998, notice extended the validity of Employment Authorization Documents (EADs) granted to Haitian nationals on the basis of Deferred Enforced Departure (DED). This notice clarifies which EADs are automatically extended. The automatic extension applies to EADs bearing either the notation "A-11" on the face of the card under "Category" if it was issued on a Form I-766, or the notation "274A.12(A)(11)" on the face of the card under "Provision of Law" if it was issued on a Form I-688B. By this notice, the Service is granting an automatic extension until December 22, 1999, of the validity of those EADs issued on Form I-688B or Form I-766 to Haitians on the basis of DED. This action will allow Haitian beneficiaries of DED to maintain their employment eligibility until they are able to apply for new EADs in connection with their applications for adjustment of status, under section 902 of the Haitian Refugee Immigration Fairness Act of 1998.

DATES: This notice is effective February 19, 1999.

FOR FURTHER INFORMATION CONTACT: Michael Valverde, Immigration and Naturalization Service, Adjudications Division, 425 I Street, NW, Room 3214, Washington, DC 20536, telephone (202) 514-3228, or Anne Gyemant, Immigration and Naturalization Service, Adjudications Division, 425 I Street, NW, Room 3214, Washington, DC 20536, telephone (202) 353-8921.

SUPPLEMENTARY INFORMATION:

What is the purpose of the technical correction?

The language in the **Federal Register** notice entitled "Extension of Work Authorization for certain Haitians granted Deferred Enforced Departure (DED)" published at 63 FR 68799 on December 14, 1998, provides that, in order to benefit from the automatic extension, the EAD card must contain the notation "274A.12(A)(11)" on the face of the card under "Provision of Law" and an expiration date of December 22, 1998. This presumes that the affected Haitians were all issued EAD cards on Form I-688B. However, the Service also issued EAD cards on the Form I-766. The Form I-766 does not contain any references to "Provision of Law." The corresponding field to "Provision of Law" on a Form I-766 is the "Category" field, under which "A-11" should appear. Additionally, some EADs may contain an expiration date other than December 22, 1998. Therefore, in order to benefit from the extension, an EAD card must contain either the notation "274A.12(A)(11)" on the face of the card under "Provision of Law" if it was issued on Form I-688B, or the notation "A-11" on the face of the card under "Category" if it was issued on Form I-766. The card does not have to have an expiration date of December 22, 1998.

Can an applicant who is eligible for DED under the December 23, 1997, Presidential order still apply if he or she has not already done so?

No. Applications for DED-related employment authorization received after December 22, 1998, will be rejected. Applications that were received by either the Texas Service Center or the Service Center having jurisdiction over the applicant's place of residence on or before December 22, 1998, will be accepted.

How can employers determine which employees have an additional year of employment authorization?

For purposes of verifying identity and employment eligibility or re-verifying employment eligibility on the Form I-9 until December 22, 1999, employers of DED Haitians whose employment authorization is automatically extended must accept an EAD card which contains either the notation "274A.12(A)(11)" on the face of the card under "Provision of Law" if it was issued on a Form I-688B, or the notation "A-11" on the face of the card

under "Category" if it was issued on a Form I-766.

EAD cards or extension stickers showing the automatic December 22, 1999, expiration date will not be issued. Qualified Haitian nationals will be sent a letter to their last known address. Employers should not request proof of Haitian citizenship or any other additional document if the documentation presented by the employee satisfies the I-9 requirements and appears to be genuine and to relate to the employees. This action by the Service through this notice in the **Federal Register** does not affect the right of an employee to present any legally acceptable document as proof of identity and eligibility for employment. Employers are reminded that the laws prohibiting unfair immigration-related employment practices remain in full force. Employers may call the Service's Office of Business Liaison employer hotline at 1-800-357-2099 to speak to a Service representative about this Notice. Employers can also call the Office of special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1-800-255-8155. Employees or applicants can call the OSC Employee Hotline at 1-800-255-7688.

How should employers fill out the Form I-9?

To complete the Form I-9 at the time of hire or re-verification for an employee who presents an EAD card that has been automatically extended by this **Federal Register** notice, the employer should include or add the following information under Section 2 (List A) or Section 3 of the Form I-9, as appropriate:

(1) Record the document identification information of the EAD; and

(2) Record December 22, 1999, for the document expiration date.

If the employee presents the INS letter that was mailed to the alien employee's last known address informing him or her of the extension or a copy of this **Federal Register** notice, the employer should note on Form I-9 his or her review of these documents.

Dated: February 1, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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