

mandatory review by the Immigration and Naturalization Service (INS) and the Office of the Deputy Attorney General. Changes in country conditions in Nicaragua coupled with improvements in the asylum adjudications process have rendered these special procedures unnecessary. Cases of affected individuals will be handled individually under normal procedures to decide whether any factors permit them to remain in the United States.

EFFECTIVE DATE: June 13, 1995.

FOR FURTHER INFORMATION CONTACT: Robert A. Jacobson, Director, Policy Development and Special Programs Branch, Detention and Deportation Division, Immigration and Naturalization Service, 425 I Street NW., Room 3008, Washington, D.C. 20536, telephone (202) 514-2871.

SUPPLEMENTARY INFORMATION:

Background

In 1987, then Attorney General Meese initiated the Nicaraguan Review Program (NRP). Under these special procedures, the INS and Department of Justice (DOJ) reviewed the case of each Nicaraguan who had received a final deportation order to ensure that no Nicaraguan with a well founded fear of persecution was deported unless it was determined that the person had engaged in serious criminal activity or posed a danger to the national security.

The INS reviewed the country conditions in Nicaragua and considered the need for continued specialized review. The INS concluded that the political situation in Nicaragua and the United States government's asylum adjudications procedures had improved to such an extent that it was no longer necessary to have a special review of every final order of deportation involving a Nicaraguan national. Therefore, the INS requested that the Attorney General discontinue the NRP. Attorney General Janet Reno approved the termination of the NRP. Accordingly, all DOJ and INS implementing and procedural NRP memoranda and wires are hereby rescinded. The INS Headquarters is issuing a directive notifying its field offices that Nicaraguans are no longer subject to special review under the NRP.

Future Consideration of Cases

Cases of Nicaraguan nationals under deportation or exclusion proceedings will receive no further special review. Nicaraguan cases will be handled under normal procedures, on a case-by-case basis. Each case will receive all appropriate consideration consistent with applicable law and regulations.

Due regard will be given to any existing equities or immigration benefits which might accrue to the specific alien involved.

Nicaraguan nationals affected by the termination of the NRP may be eligible to apply for suspension of deportation pursuant to section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254 if they (1) have been present in the United States for at least 7 years (10 years in the case of certain criminal aliens), (2) are persons of good moral character, and (3) are persons whose deportation would pose an extreme hardship to themselves or to their spouse, parent, or child who is either a United States citizen or a lawful permanent resident. To apply for such relief, aliens with final orders must file a motion to reopen with the immigration judge pursuant to 8 CFR 3.23 and 242.22 or the Board of Immigration Appeals (BIA) pursuant to citations 8 CFR 3.2 and 3.8.

Nicaraguans have no need to fear immediate expulsion from the United States as a group. Discontinuation of the NRP will not cause Nicaraguans to be targeted as a group or treated as a special class for any enforcement activity.

Work Authorization

As the work authorization of individual Nicaraguans with final deportation orders expires, the INS will review requests for renewal on a case-by-case basis. Work authorization will not be extended automatically due to the termination of the NRP. Moreover, the regulatory authority under which many Nicaraguans whose cases were under review by the NRP received employment authorization, 8 CFR 274a.12(c)(13), was eliminated as a result of new asylum regulations which became effective on January 4, 1995.

Nicaraguans and other persons who now have work authorization and who filed asylum applications *before* January 4, 1995, may obtain extensions of this authorization while their applications are pending adjudication or review by the INS, an immigration judge, the BIA, or a Federal court. Those who file asylum applications after January 4, 1995, must wait 150 days after their applications are filed to apply for work authorization.

Transitional criteria, however, will apply for 1 year from the date of this notice to some employment authorization requests from Nicaraguans affected by termination of the NRP. Specifically, the INS will treat the filing of a motion to reopen deportation proceedings accompanied by an application for suspension of

deportation as a sufficient basis upon which such a person may apply for work authorization. In such cases, work authorization may be granted upon a finding that the alien has met the physical presence requirement for suspension of deportation.

Dated: June 6, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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DEPARTMENT OF LABOR

Office of the Secretary

Women's Bureau; Commission on Family and Medical Leave; Notice of Public Hearing

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of public hearing.

SUMMARY: Pursuant to Title III of the Family Medical Leave Act (FMLA) of 1993 (P.L. 103-3) this is to announce a hearing on the experience of family and temporary medical leave policies for the Commission which is to take place on Monday, June 26, 1995. The purpose of the Commission is to, among other things, study the effects of existing and proposed policies relating to family and medical leave. The Commission has the practical task of conducting a comprehensive study of: (a) Existing and proposed mandatory and voluntary policies relating to family and temporary medical leave, including policies provided by employers not covered under the Act; (b) the potential costs, benefits, and impact on productivity, job creation and business growth of such policies on employers and employees; (c) possible differences in costs, benefits, impact on productivity, job creation and business growth of such policies on employers based on business type and size; (d) the impact of family and medical leave policies on the availability of employee benefits provided by employers, including employers not covered under this Act; (e) alternative and equivalent State enforcement of Title I with respect to employees described in section 108(a); (f) methods used by employers to reduce administrative costs of implementing family and medical leave policies; (g) the ability of the employers to recover, under section 104(c)(2), the premiums described in such section; and (h) the impact on employers and employees of policies that provided temporary wage replacement during periods of family and medical leave.