

## **The ABC'S Of Immigration: Temporary Protected Status**

by  
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### ***What is Temporary Protected Status?***

Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of designated countries who cannot return home because of a crisis in the home country. It's the relief the US offers foreign nationals when civil wars break out, hurricanes strike, volcanoes erupt, and the like. Unfortunately, these terrible crises come too often and the US has to examine the TPS option on a regular basis.

TPS beneficiaries are not required to leave the United States and may obtain work authorization for the initial TPS period and for any extensions of the designation. TPS does not lead to permanent resident status, however, and should be seen as a temporary solution for the applicant. When the Attorney General terminates a TPS designation, beneficiaries will return to the same immigration status they had before TPS (unless that status has expired or has been terminated) or to any other status they may have been granted while in TPS.

The Attorney General (the "AG") may designate a country for TPS when the AG determines, after consulting with appropriate government agencies, that:

??: There is an ongoing armed conflict within the state and, due to that conflict, return of nationals to that state would pose a serious threat to their personal safety;

??: The state has suffered an environmental disaster resulting in a substantial, temporary disruption of living conditions, the state is temporarily unable to handle adequately the return of its nationals, and the state has requested TPS designation; or

??: There exist other extraordinary and temporary conditions in the state that prevent nationals from returning in safety, unless the Attorney General finds that permitting nationals of the state to remain temporarily is contrary to the national interest of the United States.

A TPS designation will be effective for a minimum of 6 months and a maximum of 18 months. Before the end of the TPS designation period, the Attorney General will review the conditions in the designated state and determine whether the conditions that led to the TPS designation continue to be met. Unless a determination is made that those conditions are no longer met, the TPS designation will be extended for 6, 12, or 18 months. If the conditions that led to the TPS designation are no longer met, the Attorney General will terminate the TPS designation. Designations, extensions, terminations and other information regarding TPS are published in the Federal Register.

### ***Who is eligible to apply for TPS?***

If you are a national of a country designated by the Attorney General for temporary protected status, or if you are a person who has no nationality but last habitually resided in a designated country, you may be eligible to apply for temporary protected status if:

??: You apply for TPS during the specified registration period. The registration period is stated in Federal Register notices of designation and is also generally noted in USCIS press releases (Siskind's Immigration Bulletin will normally report on TPS designations so be

sure to monitor our site).

?? You have been continuously physically present in the United States since the temporary protected status designation began, or since the effective date of the most recent re-designation.

?? You have continuously resided in the United States since a date specified by the Attorney General. (Note: This date is listed in the Federal Register notice of designation and may be different than the date temporary protected status became effective.)

?? You are not subject to several criminal and security-related bars.

An applicant is NOT eligible if the applicant

?? Has been convicted of any felony or two or more misdemeanors committed in the United States;

?? Is a persecutor, terrorist or otherwise subject to one of several security-related bars to asylum; or

?? Is subject to one of several criminal-related grounds of inadmissibility for which a waiver is not available.

For more specific information relating to eligibility, see Immigration and Nationality Act Section 244(c)(2) and Title 8, Section 244.1 - 244.4 of the Code of Federal Regulations.

### **Which countries are designated under the program?**

The following countries are currently designated under the TPS program: Burundi, El Salvador, Honduras, Liberia, Montserrat, Nicaragua, Sierra Leone, Somalia and Sudan.

### ***How do I apply for TPS?***

**If you are applying for TPS for the first time, you must complete** USCIS Form I-821, Application for Temporary Protected Status, submit supporting evidence of identity and nationality, proof of residence, two identical color photos, and, if you are age 14 or older, a fee for fingerprinting.

If you are between the ages of 14 and 65 and want employment authorization, you should also complete and submit USCIS Form I-765, Application for Employment Authorization with the appropriate fee. Applicants who already have or do not wish to receive employment authorization still must submit a completed USCIS Form I-765, but without the accompanying fee. If you are over the age of 14, you will be called by the USCIS for fingerprinting after you send in your application.

If you are granted TPS, you must re-register with the USCIS for each period that your TPS benefits are extended. To re-register, submit a completed USCIS Form I-821 and USCIS Form I-765 during the period stated in the Federal Register notice of extension of the TPS designation. You do not have to send in another fee for USCIS Form I-821, but you must submit a fee for USCIS Form I-765 if you are between the ages of 14 and 65 and are requesting employment authorization. *If you do not re-register each period, your temporary protected status will be withdrawn.*

### **What are the fees for applying for TPS?**

There is a \$50 fingerprinting fee and a \$120 fee for employment authorization.

***Will I get a work permit?***

If your TPS application is approved, you will receive work authorization if it was requested at the time you applied for temporary protected status.

***May I travel outside the United States?***

An individual granted TPS must remain continuously physically present in the United States. The grant of TPS status does not mean that you have permission to travel abroad, though permission to travel may be granted by the district director according to the Service's advance parole provisions. There is no appeal to a denial of advance parole. Failure to obtain advance parole prior to traveling abroad may result in the withdrawal of your TPS and/or the institution or re-calendaring of removal proceedings.

***How can I check the status of my application?***

You should contact the USCIS office that received your application and be prepared to provide the USCIS staff with specific information about your application.

***May I appeal a decision based on my TPS case?***

If your application for temporary protected status is denied, you will receive instructions telling you whether or not you are allowed to appeal the decision. Instructions on how to appeal will be included in the notice of denial.

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