



Frequently Asked Questions: TPS Re-Registration and Maintaining Employment Authorization for Recipients From El Salvador, Haiti, Honduras, Nepal, Nicaragua, & Sudan

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On June 21, 2023, the Department of Homeland Security (DHS) announced through the Federal Register the rescission of the termination of the Temporary Protected Status (TPS) designation for El Salvador, Honduras, Nepal, and Nicaragua. The notices extend the TPS designation of all four countries for a further 18 months. On Sept. 8, 2023, DHS announced it would extend each country's original 60-day re-registration period to 18 months. TPS beneficiaries from these four countries are encouraged to re-register for TPS and apply to renew their Employment Authorization Document (EAD) during their specific country's re-registration period. A Federal Register Notice confirming these filing extensions will be published soon. Please see below for each country's specific dates:

- **El Salvador:** TPS beneficiaries from El Salvador who continue to meet the eligibility requirements for TPS must re-register by March 9, 2025, to extend their TPS through that date.
- **Honduras:** TPS beneficiaries from Honduras who continue to meet the eligibility requirements for TPS must re-register by July 5, 2025, to extend their TPS through that date.
- **Nepal:** TPS beneficiaries from Nepal who continue to meet the eligibility requirements for TPS must re-register by June 24, 2025, to extend their TPS through that date.
- **Nicaragua:** TPS beneficiaries from Nepal who continue to meet the eligibility requirements for TPS must re-register by July 5, 2025, to extend their TPS through that date.

How does the DHS rescission of TPS terminations affect the status of *Ramos v. Mayorkas*?

The *Ramos v. Mayorkas* case was filed in 2018 to challenge the Trump administration's termination of TPS for El Salvador, Haiti, Nicaragua, and Sudan. The *Ramos* case was linked to another lawsuit, *Bhattarai v. Mayorkas*, that challenged the TPS terminations for Honduras and Nepal. A preliminary injunction prevented DHS from implementing TPS terminations for all six countries while the litigation was pending. As a result, DHS automatically extended TPS and related documents for eligible TPS beneficiaries through June 30, 2024. Separately, DHS redesignated and extended TPS for Haiti and Sudan, which extended protections for current TPS beneficiaries from those countries and allowed newly eligible Haitians and Sudanese to apply for TPS for the first time. In June 2023, DHS rescinded the terminations for El Salvador, Honduras, Nepal, and Nicaragua, and granted an 18-month extension to current TPS beneficiaries from those countries. On June 29, 2023, the Ninth Circuit [granted](#) the government's motion to dismiss the case.

Does the [18-month automatic extension](#) of TPS and related documents for beneficiaries from El Salvador, Haiti, Honduras, Nicaragua, Sudan, Honduras, and Nepal remain in place through June 30, 2024?

Yes. On Nov. 16, 2022, DHS issued a [Federal Register Notice](#) (FRN) automatically extending the validity of TPS and employment authorization for beneficiaries under the TPS designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal through June 30, 2024, provided individuals remain eligible for TPS. That automatic extension remains in place and is not affected by the recent DHS announcement rescinding terminations of TPS designations.

Should TPS beneficiaries from El Salvador, Honduras, Nepal, and Nicaragua re-register for TPS and apply to renew their EADs during their country's re-registration period?

Yes. While the *Ramos* injunction was in place, TPS beneficiaries from these countries received multiple automatic extensions that did not require them to re-register. TPS beneficiaries from these countries are still protected by the most recent 18-month automatic extension of TPS and related documents, which expires on June 30, 2024. However, eligible TPS beneficiaries are strongly encouraged to re-register for TPS and apply to renew their EAD during the 18-month re-registration period for their country's designation. This will ensure that their TPS continues beyond the automatic extension and through the recently announced extension periods for each country without any gaps in status.

When can an applicant file for TPS re-registration?

DHS originally announced that TPS holders from these four countries may file for re-registration during a 60-day period. DHS has recently extended the re-registration period to 18 months as stated above. TPS beneficiaries are encouraged to re-register and apply for employment authorization without delay.

Who meets the eligibility requirements to re-register for TPS?

Generally, to maintain status, a TPS holder must file a re-registration application during a specific period announced by DHS and published in the Federal Register. To be eligible for TPS re-registration, the applicant must:

- Be a national of the designated country or a person without nationality who last habitually resided in the designated country;
- File during the designated re-registration period (or meet the requirements for late re-registration during any extension of the country's TPS designation);
- Have been continuously physically present in the United States since the effective date of the country's most recent TPS designation; and
- Have been continuously residing in the United States since the date specified for the TPS country.

In addition, the applicant must be admissible. Certain grounds of inadmissibility do not apply to TPS applicants and most other grounds can be waived for humanitarian purposes, to assure family unity, or in the public interest. A Form I-601 waiver application is needed only for inadmissibility grounds that were not previously waived. Finally, an applicant cannot have a conviction for one felony or two or more misdemeanors.

Remember to screen all TPS clients for more permanent relief, including whether authorized travel could create adjustment of status eligibility in the future. See CLINIC's [Practice Advisory: Adjustment Options for TPS Beneficiaries](#).

What is the application process for re-registration?

Those who are eligible for TPS re-registration should file a re-registration application within the re-registration period that is specified for a particular country's designation. Re-registration applications must be submitted using Form I-821. Check to make sure you are using the edition required by USCIS. As of this writing, the latest edition is dated 07/03/19 E. There is no filing fee for a re-registration application, but an \$85 biometrics fee is required from applicants who are 14 years of age or older. This fee may be waived by filing a Form I-912 fee waiver request.

Read the instructions to Form I-821 carefully to avoid completing sections that are not required for re-registration applications. When applying for TPS re-registration, an applicant does not have to resubmit any documentation to prove their nationality, date of entry into the U.S., continuous physical presence, or continuous residence. However, USCIS may ask for additional information and/or documentation in certain circumstances.

Prior to filing for re-registration, applicants should be screened to ensure continued eligibility for TPS, including continued physical presence and residence, new criminal issues, and other developments that could trigger inadmissibility and the need for a waiver. Ideally, advocates should also review clients' prior TPS applications for consistency and red flag issues before filing re-registration applications. If applicable, applicants who have triggered new grounds of inadmissibility that were not previously waived with a prior TPS applications should also submit a Form I-601, Application for Waiver of Grounds of Inadmissibility, and supporting documentation. Lastly, applicants should submit certified court dispositions related to any criminal arrest, charge, or conviction.

Applicants who are requesting a new EAD valid through the dates announced in the recent FRNs must file Form I-765 for renewed employment authorization. Form I-765 may be filed together with the I-821 or it may be filed later based on a pending or approved I-821. The I-765 filing fee is \$410. This fee may be waived by filing a Form I-912 fee waiver request. Two passport-style photos should be included. TPS re-registration applicants should use EAD category code (a)(12). An applicant need not file Form I-765 if they do not want an EAD.

Currently, the option to file Form I-821 online through a [myUSCIS](#) account is available to TPS re-registration applicants from all designated countries. Those seeking an EAD may also concurrently file Form I-765 online. See the [USCIS TPS country-specific webpage](#) for information about where to file a TPS re-registration application if filing a paper application.

Noncitizens who fail to apply during the initial re-registration period may be able to file a late re-registration application if they meet certain conditions, described below.

What happens if TPS beneficiaries from El Salvador, Honduras, Nepal, and Nicaragua fail to re-register for TPS?

TPS beneficiaries who fail to re-register during the specified period for their country's designation may fall out of status when the automatic extension ends on June 30, 2024. TPS beneficiaries should re-register since further automatic extensions are no longer required in connection with the *Ramos* litigation.

When can a TPS holder who failed to re-register during the designated re-registration period apply late?

Timely re-registration during each re-registration period is required for a recipient to maintain TPS benefits. However, under INA § 244©(3)(C) and 8 CFR § 244.17, USCIS has the discretion to accept and approve a late re-registration application when the applicant has “good cause” for filing after the 60-day re-registration period for a particular country has ended. Applicants must submit with the re-registration application a statement explaining the reason(s) for filing late.

USCIS has not published guidance about the types of reasons that constitute “good cause.” Anecdotally, applicants have had late re-registration applications granted in situations where the applicant failed to re-register on time because of serious physical or mental illness or sudden hospitalization (of the applicant or close relative the applicant had to care for). Good cause might be established by an applicant who sought timely assistance or advice about maintaining TPS but was misinformed through no fault of their own. Other factors that could potentially contribute to a finding of good cause might include unemployment, homelessness, a death in the family, or other personal emergencies. They could also include an inability to understand the re-registration requirements due to mental capacity, language barriers, or lack of access to legal resources.

Who does not benefit from the recently announced DHS rescission of TPS termination and TPS extensions?

DHS is no longer seeking to terminate the TPS designations for El Salvador, Honduras, Nepal, and Nicaragua. These countries were recently granted a TPS extension, not a redesignation. This means that only beneficiaries from those countries who already have TPS and re-register on time or have “good cause” for filing a late re-registration will benefit. The announcement does not allow first time TPS applicants from El Salvador, Honduras, Nepal, and Nicaragua to file initial registrations.

How does the recent DHS announcement affect TPS beneficiaries from Haiti and Sudan?

DHS has not made any announcement regarding the TPS terminations for Haiti and Sudan, but eligible TPS beneficiaries from these two countries continue to be protected by the most recent 18-month automatic extension under the *Ramos* and related litigation. In addition, both countries have received redesignations by DHS. TPS for Haiti was extended and [redesignated](#) on Jan. 26, 2023, and Sudan was newly [designated](#) on April 19, 2022. DHS has also extended the original 60-day re-registration periods for these countries to 18 months. We strongly encourage eligible individuals from Haiti and Sudan to register under the new designations before the close of the registration period for Sudan on April 19, 2025, and for Haiti on Aug. 3, 2024. Details about initial registration are available at: <https://www.uscis.gov/humanitarian/temporary-protected-status>.

For additional tips and TPS practitioner resources, please see these helpful resources:

- <https://cliniclegal.org/issues/temporary-protected-status-tps-and-deferred-enforced-departure-ded>
- [Frequently Asked Questions: TPS Eligibility and the Application Process | Catholic Legal Immigration Network, Inc. \(CLINIC\) \(cliniclegal.org\)](#)
- [How to create a myUSCIS account](#)