[DATE]

Re: Temporary Protected Status (TPS) Automatic Extensions

Dear [Employer],

This letter is to confirm that \_\_\_\_\_\_\_\_\_\_\_, a recipient of Temporary Protected Status for \_\_\_\_\_, has ongoing employment authorized status even though the date on his/her Employment Authorization Card (EAD) has expired. This is because, as explained below, the Department of Homeland Security (DHS) has published a [Federal Register Notice](https://www.federalregister.gov/documents/2019/11/04/2019-24047/continuation-of-documentation-for-beneficiaries-of-temporary-protected-status-designations-for-el) (FRN) on November 4, 2019, automatically extending TPS and work authorization for TPS holders from El Salvador, Honduras, Nepal, Nicaragua, Sudan, and Haiti through Jan. 4, 2021. A copy of this notice is enclosed.

TPS is a temporary immigration status for nationals of designated countries that are experiencing ongoing armed conflict, environmental disaster, or another extraordinary and temporary condition. This status allows recipients to live and work in the United States rather than be forced to return to dangerous conditions in their home countries. Once granted TPS, beneficiaries may remain in the United States, may not be removed, and are authorized to obtain an EAD.

While the current administration has announced decisions to terminate TPS for the six countries above, ongoing litigation has halted these TPS terminations until the courts decide whether they were lawful. As a result, DHS will continued to issue automatic extensions of TPS and work authorization in short-term increments for as long as the litigation is pending.

As the FRN explains, an employer can determine whether an EAD has been automatically extended by confirming it has an A-12 or C-19 category code and one of the expiration dates listed in Table 1. TPS holders may demonstrate work authorization to their employers by presenting a copy of the recent FRN along with their auto-extended EAD. Employers may not terminate employees simply because the EAD they present is expired on its face, nor require the employee to provide a new, unexpired EAD.

Finally, please note that under the anti-discrimination provision of the Immigration and Nationality Act, it is illegal for an employer to discriminate with respect to hiring, firing, or recruitment or referral for a fee, based upon an individual’s citizenship, immigration status, or national origin. Further, employers may not refuse to accept lawful documentation that establishes the employment eligibility of an employee based on his or her national origin or citizenship status.

If you have any questions or concerns, please contact us at: \_\_\_\_\_\_\_\_\_\_.

Sincerely,

[Advocate]