



## Temporary Protected Status Designation Decisions: What You Should Know

### **TPS status and TPS country designations are temporary.**

Temporary Protected Status, or TPS, is a temporary immigration status for nationals of a country that is experiencing ongoing armed conflict, environmental disaster, or another extraordinary and temporary condition. A country may be designated for TPS for a specific period of time that can be extended. As the expiration date nears, the Department of Homeland Security, or DHS, must review whether conditions in that country continue to make it unsafe for its nationals in the U.S. to return.

### **DHS will announce decisions over time.**

The law requires DHS to decide whether to extend or terminate a country's TPS designation at least 60 days before it is set to expire. Recent decisions include the following terminations:

- Sudan, designation will terminate on Nov. 2, 2018
- Nicaragua, designation will terminate on Jan. 5, 2019
- Nepal, designation will terminate on June 24, 2019
- Haiti, designation will terminate on July 22, 2019

- El Salvador, designation will terminate on Sept. 19, 2019
- Honduras, designation will terminate on Jan. 5, 2020

Over the coming months, the administration will continue to make decisions about TPS designations for four additional countries. Upcoming decisions include:

- South Sudan, designation expires May 2, 2019. Decision expected: March 3, 2019
- Syria, designation expires Sept. 30, 2019. Decision expected: August 1, 2019
- Yemen, designation expires March 3, 2010. Decision expected: Jan. 3, 2020
- Somalia, designation expires March 17, 2020. Decision expected: Jan. 17, 2020

### **TPS country terminations don't take effect immediately when they are announced.**

By law, termination can't take effect until 60 days after (a) the Federal Register notice of termination is published or (b) the expiration of the most recent extension, if that date is later. To ensure an orderly transition, DHS may also extend TPS benefits for

an additional period of time before the announced termination actually takes effect. For example, the terminations for Sudan, Nicaragua, and Nepal were delayed by twelve months and the terminations for Haiti, El Salvador, and Honduras were delayed for eighteen months. Generally, following a decision to extend or terminate TPS for a designated country, TPS holders from that country are required to re-register in order to maintain their TPS and to continue to legally work in the United States until the end of the respective termination or extension period. However, the rules for re-registering and maintaining employment authorization in the United States until the end of the respective termination or extension period are specific to each TPS population. Country-specific details are found in the Federal Register Notice published after each decision is announced and are available at [www.uscis.gov/humanitarian/temporary-protected-status](http://www.uscis.gov/humanitarian/temporary-protected-status).

## **TPS recipients can maintain their benefits until the final termination date.**

Your TPS and work authorization remain valid until a) TPS for your country is terminated, b) you no longer meet the eligibility requirements for TPS and your individual grant is revoked, or c) your application for re-registration is denied. Those with valid TPS are also eligible to apply for permission to travel abroad, known as “advance parole.” If you leave the U.S. without advance parole, you may lose your TPS and not be allowed to re-enter. Consult with a trusted legal service provider before traveling abroad.

Information about how and when to re-register is published in the Federal Register that follows the decision to extend or terminate. For example, to maintain TPS until their respective termination dates, TPS recipients from Nepal are required to re-register by July 23, 2018 and those from Honduras by August 6, 2018. There is no cost for filing a Form I-821 renewal, but an \$85 biometrics fee is required for applicants age 14 or over. Those who also decide to apply for new EADs will have to pay a total \$495 filing fee or apply for a fee waiver.

## **Some expiring EADs can be automatically extended**

In some cases DHS has automatically extended the validity of expiring EADs for a specific period. Typically, these extensions do not cover the entire period up until the designation terminates. Those who would like to maintain their TPS until the designation for their country terminates will likely need to re-register and file form I-765. The following summarizes the guidance for several countries:

**Haiti:** The Federal Register notice automatically extended the validity of EADs expiring on January 22, 2018 for 180 days through July 21, 2018. TPS holders are not required to apply for a new EAD to benefit from this automatic extension. However, those who would like to obtain a new EAD with a July 22, 2019 expiration date must timely re-register and file form I-765. Those whose applications are still pending from the previous re-registration period are also covered by the automatic extension and need not file a new application. If approved, their applications will be granted through July 22, 2019.

**El Salvador:** EADs issued during the previous extension expired on March 9, 2018. The Federal Register notice automatically extended the validity of those EADs for 180 days, through September 5, 2018. TPS re-registrants may also apply for a new EAD that, if granted, will be valid on its face through September 9, 2019. Those whose applications are still pending from the previous re-registration period need not file a new application. If approved, their applications will be granted through Sept. 9, 2019.

**Nicaragua:** The Federal Register notice automatically extended EADs expiring on Jan. 5, 2018 for 60 days, through March 6, 2018. For those who properly re-registered by Feb. 13, 2018 and applied for an EAD, DHS will automatically extend the validity of their current EADs for 180 days, through July 4, 2018. To receive a new EAD with a January 5, 2019 expiration date, Nicaraguan TPS holders must timely re-register and file Form I-765.

**Honduras:** Through the Federal Register notice, DHS automatically extended the validity of EADs expiring on July 5, 2018 for 180 days, through Jan. 1, 2019. Those with EADs that expired Jan. 5, 2018, and who applied for a new EAD during the last re-registration period but have not yet received their new EADs are

also covered by this automatic extension. If approved, their applications will be granted through Jan. 5, 2020. Anyone else who would like a new EAD with a Jan. 5, 2020 expiration date must re-register and also apply for an EAD by filing form I-765.

**Nepal:** The Federal Register notice automatically extended the validity of EADs with an original expiration date of June 24, 2018 for 180 days, through Dec. 21, 2018. To receive a new EAD with a June 24, 2019 expiration date, Nepali TPS holders must timely re-register and file Form I-765.

**Syria:** The Federal Register notice automatically extended the validity of EADs for 180 days, through September 27, 2018. Those who would like a new EAD with a Sept. 30, 2019 expiration date must have re-registered and must file form I-765. Those who previously filed a re-registration application that was still pending on March 5, 2018 need not file a new request. If the pending I-821 and/or I-765 are approved they will be granted through Sept. 30, 2019.

Your employer may rely on the Federal Register Notice for information on automatic EAD extensions.

## **You are not required to notify your employer of a change in your TPS status.**

Your employer is responsible for verifying your work authorization at the time of hiring or when your EAD expires. To prove you are authorized to work you can present an unexpired EAD, or if you have properly applied to re-register and your expiring EAD is automatically extended, provide a copy of your I-797C receipt notice for your EAD and the Federal Register notice that explains your work authorization remains valid.

## **Once TPS termination takes effect, your lawful status and work authorization will end.**

Former TPS recipients will return to the status they held before receiving TPS (unless that status has since expired or terminated.) If you did not have lawful status before receiving TPS and did not obtain any other status while you held TPS, you will return to being undocumented. You will no

longer be authorized to work with a social security card annotated “Valid for work only with DHS authorization.” However, properly issued social security numbers are permanent and can still be used for non-employment purposes, such as banking, housing, and filing taxes, even if you lose your TPS status. Policies on driver’s licenses, state-issued identification cards, and other public benefits vary by state. Most driver’s licenses will remain valid until their expiration date. Check with your state’s motor vehicle agency and stay apprised of any changes to state laws.

## **If you lose TPS and have no other lawful status you may be subject to immigration enforcement, including being arrested and placed into removal proceedings.**

Current enforcement priorities, identified in a Jan. 25, 2017 Executive Order and Feb. 20, 2017 DHS memorandum, are quite broad and essentially include all undocumented individuals. Those with any prior involvement in the criminal justice system and those with prior removal orders are at greater risk of enforcement. Any information provided in TPS applications may be used for immigration enforcement.

## **Consult with a trusted legal service provider to find out if you are eligible for another type of relief.**

TPS status is a protection against removal from the U.S. but by itself it is not a path to permanent residency or another lawful status. If you have Lawful Permanent Resident or US citizen relatives who have petitioned for you, you may be able to pursue permanent residency status. In some situations, your TPS status may make it easier for you to apply for residency. Seek legal counseling to find out more about your individual case. Visit [cliniclegal.org/directory](https://cliniclegal.org/directory) to find a CLINIC affiliate in your area.

## **Stay informed about changes to TPS and other developments in immigration law.**

Visit [cliniclegal.org/tps](https://cliniclegal.org/tps) to find additional resources related to TPS and Know Your Rights materials.