



## 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. Over the coming months, the administration will make decisions about TPS designations for several countries. Recent decisions include the following:

- Sudan, designation will terminate effective Nov. 2, 2018
- Nicaragua, designation will terminate effective Jan. 5, 2019
- Honduras, designation is extended until July 5, 2018.

- Haiti, designation will terminate effective July 22, 2019
- El Salvador, designation will terminate effective Sept. 9, 2019
- Syria, designation is extended until September 30, 2019

### **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.

DHS will extend the TPS designation for Syria for eighteen months. The termination for El Salvador will be delayed for eighteen months, terminating on Sept. 9, 2019. For Nicaragua, DHS will delay termination for an additional twelve months, until Jan. 5, 2019. For Honduras, TPS will be automatically extended for six months, through July 5, 2018. DHS may or may not decide to extend it beyond that date. For Haiti, DHS termination will be delayed for an additional

eighteen months, through July 22, 2019. Nationals of these countries will be 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 periods. The rules for maintaining employment authorization in the United States until the end of the respective termination or extension period are specific to each TPS population. Further details about re-registration for Nicaragua and Honduras are found in Federal Register Notices published on December 15, 2017. The Federal Register Notices regarding Haiti and El Salvador were published on January 18, 2018. We are awaiting publication of a Federal Register Notice for Syria.

## **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. TPS recipients from Nicaragua, Honduras, Haiti and El Salvador will be required to re-register to maintain TPS throughout their respective extension periods. 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. Nicaraguans and Hondurans may re-register from December 15, 2017 through February 13, 2018. Haitians and Salvadorans may re-register from January 18, 2018 through March 19, 2018.

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

**Haiti:** The Federal Register notice automatically extends 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.

**El Salvador:** Current EADs expire on March 9, 2018. The Federal Register notice automatically extends 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.

**Nicaragua:** The Federal Register notice automatically extends the validity of current EADs for 60 days, through March 6, 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. Due to processing delays, USCIS acknowledges that TPS recipients may not receive their new EAD before their current EAD expires. Therefore, for those who properly re-register and apply for an EAD, DHS will automatically extend the validity of their current EADs for up to 180 days, through July 4, 2018.

**Honduras:** Through the Federal Register notice, DHS automatically extends the validity of EADs expiring on January 5, 2018 for 180 days, through July 4, 2018. Those who would like a new EAD with a July 5, 2018 expiration date must re-register and also apply for an EAD by filing form I-765.

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://www.cliniclegal.org/directory) to find a CLINIC affiliate in your area.

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

Visit the CLINIC website to find additional resources, including updates related to TPS and Know Your Rights materials, at [cliniclegal.org/tps](https://www.cliniclegal.org/tps).