Immigration Update: Temporary Protected Status

January 25, 2018
Agenda

• Temporary Protected Status - Background
• Temporary Protected Status – Current Status
• Temporary Protected Status – Looking Ahead
Temporary Protected Status: Background
Temporary Protected Status (TPS): Background

• The Department of Homeland Security (DHS) may temporarily designate a foreign country for Temporary Protected Status when its nationals in the United States are unable to return.

• Eligible TPS beneficiaries are not removable from the United States and may apply for work and travel authorization for the designated TPS period. After a country is initially designated for the program, DHS typically grants renewals in 18-month increments.

• Beneficiaries must re-register accordingly in order to maintain TPS status.
TPS Background Continued

• The following countries are currently designated for TPS:
  • El Salvador
  • Haiti
  • Honduras
  • Nepal
  • Nicaragua
  • Somalia
  • South Sudan
  • Syria
  • Yemen
• Starting in October 2017, DHS began announcements terminating TPS for the following countries:
  • Nicaragua
  • Haiti
  • El Salvador
  • Sudan
To be eligible for TPS, you must:

• Be a national of a country designated for TPS, or a person without nationality who last habitually resided in the designated country;
• File during the open initial registration or re-registration period, or you meet the requirements for late initial filing during any extension of your country’s TPS designation;
• Have been continuously physically present (CPP) in the United States since the effective date of the most recent designation date of your country; and
• Have been continuously residing (CR) in the United States since the date specified for your country. The law allows an exception to the continuous physical presence and continuous residence requirements for brief, casual and innocent departures from the United States. When you apply or re-register for TPS, you must inform USCIS of all absences from the United States since the CPP and CR dates. USCIS will determine whether the exception applies in your case.
TPS Background Continued

• You may **NOT** be eligible for TPS or to maintain your existing TPS if you:
  
  • Have been convicted of any felony or two or more misdemeanors committed in the United States;
  
  • Are found inadmissible as an immigrant under applicable grounds in INA section 212(a), including non-waivable criminal and security-related grounds;
  
  • Are subject to any of the mandatory bars to asylum. These include, but are not limited to, participating in the persecution of another individual or engaging in or inciting terrorist activity;
  
  • Fail to meet the continuous physical presence and continuous residence in the United States requirements;
  
  • Fail to meet initial or late initial TPS registration requirements; or
  
  • If granted TPS, you fail to re-register for TPS, as required, without good cause.
• **Late Re-Registration for TPS**
USCIS may accept a late re-registration application if you have good cause for filing after the end of the re-registration period of your country. You must submit a letter that explains your reason for filing late with your re-registration application. If you file your TPS re-registration application late, processing may be delayed and can lead to gaps in your work authorization.

• **Late Initial Filing for TPS**
You can apply for TPS for the first time during an extension of your country’s TPS designation period. If you qualify to file your initial TPS application late, you must still independently meet all the TPS eligibility requirements listed in the Eligibility section above.

To qualify to file your initial TPS application late, you must meet at least one of the late initial filing conditions below:

• During either the initial registration period of your country’s designation or during any subsequent initial registration period if your country was re-designated you met one of the following conditions, and you register while the condition still exists or within a 60-day period immediately following the expiration or termination of such condition
  - You were a nonimmigrant, were granted voluntary departure status, or any relief from removal
  - You had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal
  - You were a parolee or had a pending request for re-parole
  - You are a spouse of an individual who is currently eligible for TPS

• OR

• During either the initial registration period of your country’s designation or during any subsequent initial registration period if your country was re-designated you were a child of an individual who is currently eligible for TPS. There is no time limitation on filing if you meet this condition. So if your parent is currently eligible for TPS and you were his or her child (unmarried and under 21 years old) at any time during a TPS initial registration period for your country, you may still be eligible for late initial filing even if you are now over 21 years old or married. You may file during an extension of your TPS designated country.

• Please check your country-specific web page for the dates of the initial registration period or periods that apply for late initial filing.

• PLEASE NOTE: You cannot obtain TPS as a derivative because your parent or child has TPS
Temporary Protected Status: Current Status
## Temporary Protected Status
### Designated Country: El Salvador

<table>
<thead>
<tr>
<th>Category</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TPS To Terminate On</td>
<td>Sept. 9, 2019</td>
</tr>
<tr>
<td>Re-registration period for People Who Already Have TPS</td>
<td>Jan. 18, 2018 – March 19, 2018</td>
</tr>
<tr>
<td>Continuous Residence in U.S. Since</td>
<td>Feb. 13, 2001</td>
</tr>
<tr>
<td>Continuous Physical Presence in U.S. Since</td>
<td>March 9, 2001</td>
</tr>
<tr>
<td>TPS Designation Date</td>
<td>March 9, 2001</td>
</tr>
</tbody>
</table>
Temporary Protected Status
Designated Country: Haiti

TPS To Terminate On:       July 22, 2019
Re-registration Period for People
Who Already Have TPS:       Jan. 18, 2018 – March 19, 2018
Employment Authorization Document
(EAD) Auto-Extended Through: July 21, 2018
Continuous Residence Date in U.S.
Since:                     Jan. 12, 2011
Continuous Physical Presence in U.S.
Since:                     July 23, 2011
TPS Designation Date:      Jan. 21, 2010
TPS Re-designation Date:   July 23, 2011
Temporary Protected Status
Designated Country: Honduras

TPS Extended through: July 5, 2018
Re-registration period for People Who Already Have TPS: Dec. 15, 2017, through Feb. 13, 2018
Continuous Residence in U.S. Since: Dec. 30, 1998
Continuous Physical Presence in U.S. Since: Jan. 5, 1999
TPS Designation Date: Jan. 5, 1999
<table>
<thead>
<tr>
<th><strong>Temporary Protected Status</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Designated Country:</strong> Nepal</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>TPS Extended Through:</strong></th>
<th><strong>June 24, 2018</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Registration Period for People Who Already Have TPS:</strong></td>
<td><strong>October 26, 2016 through December 27, 2016</strong></td>
</tr>
<tr>
<td><strong>Employment Authorization Document (EAD) Auto-Extended Through:</strong></td>
<td><strong>June 24, 2017</strong></td>
</tr>
<tr>
<td><strong>Continuous Residence Date in U.S. Since:</strong></td>
<td><strong>June 24, 2015</strong></td>
</tr>
<tr>
<td><strong>Continuous Physical Presence in U.S. Since:</strong></td>
<td><strong>June 24, 2015</strong></td>
</tr>
<tr>
<td><strong>TPS Designation Date:</strong></td>
<td><strong>June 24, 2015</strong></td>
</tr>
</tbody>
</table>
Temporary Protected Status
Designated Country: Nicaragua

TPS To Terminate On: Jan. 5, 2019
Re-registration Period for People Who Already Have TPS:
Dec. 15, 2017, through Feb. 13, 2018

Employment Authorization Document (EAD) Auto-Extended Through:
March 6, 2018

Additionally, the EADs of TPS beneficiaries who timely re-register and file a request for a new EAD will be automatically extended through July 4, 2018.

Continuous Residence in U.S. Since: Dec. 30, 1998
Continuous Physical Presence in U.S. Since: Jan. 5, 1999
TPS Designation Date: Jan. 5, 1999
Temporary Protected Status
Designated Country: Somalia

TPS Extended through: Sept. 17, 2018
Re-registration Period for People Who Already Have TPS: Jan.17, 2017- March 20, 2017
Continuous Residence Date in U.S. Since: May 1, 2012
Continuous Physical Presence in U.S. Since: Sept.18, 2012
TPS Designation Date: Sept. 16, 1991
Temporary Protected Status
Designated Country: Sudan

TPS To Terminate On: November 2, 2018
Re-registration period for People Who Already Have TPS:
October 11, 2017 - December 11, 2017
May 1, 2018, but only for beneficiaries who re-register and request a new EAD
Through:
Continuous Residence Date in U.S. Since: January 9, 2013
Continuous Physical Presence in U.S. Since: May 3, 2013
TPS Designation Date: November 4, 1997
Temporary Protected Status
Designated Country: South Sudan

TPS Extended Through: May 2, 2019
Re-registration Period for People Who Already Have TPS: September 21, 2017 – November 20, 2017
Employment Authorization Document (EAD) Auto-Extended Through: May 1, 2018, but only for beneficiaries who re-register and request a new EAD
Continuous Residence Date in U.S. Since: January 25, 2016
Continuous Physical Presence in U.S. Since: May 3, 2016
TPS Designation Date: November 3, 2011
TPS Redesignation Date: September 2, 2014 and January 25, 2016
Temporary Protected Status
Designated Country: Syria

TPS Designated Through: March 31, 2018
Re-registration period for People Who Already Have TPS: August 1, 2016 through September 30, 2016
Registration Period for People Who are Applying for TPS for the First Time: August 1, 2016 through January 30, 2017
Continuous Residence Date in U.S. Since: August 1, 2016
Continuous Physical Presence in U.S. Since: October 1, 2016
TPS Designation Date: March 29, 2012
Temporary Protected Status
Designated Country: Yemen

TPS Extended Through: September 3, 2018
Re-Registration Period for People Who Already Have TPS:
January 4, 2017 through March 6, 2017
Registration Period for People Who Are Applying for TPS for the First Time:
January 4, 2017 through July 3, 2017
Employment Authorization Document (EAD) Auto-Extended Through:
September 3, 2017
Continuous Residence in the U.S. Since:
January 4, 2017
Continuous Physical Presence in U.S. Since:
March 4, 2017
TPS Designation Date: September 3, 2015
TPS Redesignation Date: January 4, 2017
Temporary Protected Status: Looking Ahead
TPS Looking Ahead - Issues

• The termination of TPS means that beneficiaries will lose work authorization and the ability to remain in the United States unless they are able to obtain another lawful status by the TPS termination date.
TPS Looking Ahead – Issues Con’t

• IF TPS EXPIRES, WILL I BE ARRESTED?
  • Your status reverts back to what it was at the time you filed for TPS
  • Do you have a prior removal order?
    • Yes – under Trump administration you are a priority for removal and will have no form of relief
    • I do not know – you want to find out – file a FOIA now
    • No – if you do not have a prior removal order, have never been in proceedings or have had your case administratively closed you will have a full set of rights and can fight removal
  • Do you have any arrests – new or old? Obtain documents now
TPS Looking Ahead - Issues Con’t

• DO I HAVE RELIEF FROM REMOVAL?
  • Family?
    • Children over 21?
    • Did you enter EWI?
    • How long were you in the US without authorization before you obtained TPS?
    • If you face a bar, obtaining a waiver at the US consulate will be difficult because you cannot show hardship to a USC child
    • Marriage – is your spouse an LPR who can naturalize?
  • U visa
    • Cancellation is not ideal, but can be raised in removal proceedings
  • Asylum is difficult due to the 1 year rule
Questions?