



# Meeting Invitation



## **USCIS Office of Policy and Strategy: Proposed Rule affecting the Employment Authorization of TPS Beneficiaries and Applicants**

**Thursday, September 8, 2011 @ 3:00 PM**

Teleconference

The USCIS Office of Policy and Strategy and the Office of Public Engagement invite any interested parties to participate in a session regarding the employment authorization of Temporary Protected Status (TPS) beneficiaries and applicants.

USCIS initiated a review of the current policies related to TPS in 2010. During this review, we noted that 8 CFR 244.12:

- Allows TPS beneficiaries and applicants who have TPS withdrawn or denied to remain employment authorized until their Employment Authorization Documents (EADs) expire, rather than upon withdrawal or denial; and
- Extends the employment authorization of TPS beneficiaries or applicants whose TPS has been withdrawn or denied through any appeal to the Administrative Appeals Office (AAO) and/or a *de novo* determination during removal proceedings.

TPS beneficiaries are authorized to work based on their status. TPS applicants who are found to be *prima facie* eligible for TPS may also receive employment authorization as a “temporary treatment benefit” while their TPS applications remain pending. USCIS is considering a regulatory change that would terminate their employment authorization if TPS is withdrawn or denied, rather than allow it to exist until the expiration of their EADs. Additionally, USCIS is considering:

- Whether an alien who has appealed a TPS denial or withdrawal decision to the AAO or who has sought *de novo* review of such a decision in removal proceedings should be permitted, in certain circumstances, to request that USCIS issue an EAD while his or her TPS request is under review; and
- If so, what, if any, limitations should be placed on the EADs that may be issued while an AAO appeal is pending or while the TPS request is under review in removal proceedings.

We are particularly interested in hearing from stakeholders about the impacts or difficulties that these potential amendments may cause. Thus, USCIS would like to engage individuals on the following questions:

- How would a proposed rule amending 8 CFR 244.12 to terminate the employment authorization of TPS beneficiaries and applicants upon withdrawal or denial impact different population groups or entities?

- If USCIS were to provide employment authorization to certain individuals who have had TPS withdrawn or denied and who appeal that decision to the AAO and/or request a *de novo* determination of TPS in removal proceedings:
  - What factors, if any, should be considered by USCIS as reasons to extend or provide EADs to such individuals?
  - What factors, if any, should bar such an individual from receiving an EAD or EAD extension? For example, should individuals who have had TPS withdrawn or denied based on serious criminality or security concerns receive an EAD or an EAD extension?
  - Should USCIS exercise its discretion to determine what employment authorizations are extended? If so, what factors or limitations would be appropriate for DHS to consider?
  - To what extent, if any, should “economic need” be considered as a factor for extending employment authorization?

### **To Participate in the Session**

Any interested parties may participate in this event by telephone. All participants must respond to this invitation. Please contact the Office of Public Engagement at [public.engagement@dhs.gov](mailto:public.engagement@dhs.gov) by **Wednesday, September 7, 2011** referencing “**TPS-EAD**” in the subject line of your email. Please also include your full name and the organization you represent, if any, in the body of the email.

### **To Join the Call**

On the day of the engagement please use the information below to join the session by phone. We recommend calling in 10 minutes prior to the start of the teleconference.

**Call-in Number: 1-888-282-9640**

**Passcode: TPS-EAD**