



- Thank you for joining today's webinar,  
**Temporary Protected Status (TPS) and  
Deferred Enforced Departure (DED) for  
Venezuela**
- The webinar will begin shortly
- All lines are muted



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# Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) for Venezuela

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# DEFERRED ENFORCED DEPARTURE (DED) FOR VENEZUELAN



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- On Jan. 19, 2021, former President Trump issued a [memorandum](#) providing DED and employment authorization for eligible Venezuelans and certain other persons without nationality who were present in the United States as of Jan. 20, 2021.
- A Federal Register notice was published on March 9, 2021 with instructions regarding employment authorization.

# ELIGIBILITY



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## To be eligible for employment authorization under DED for Venezuelans, a person must:

- Be a national of Venezuela (or individual without nationality who last habitually resided in Venezuela) who:
  - Was present in the United States as of Jan. 20, 2021;
  - Has continuously resided in the United States since Jan. 20, 2021; and
  - Is otherwise eligible for DED.

# PERSONS NOT COVERED UNDER DED



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- Who have voluntarily returned to Venezuela or their country of last habitual residence outside the United States;
- Who have not continuously resided in the United States since Jan. 20, 2021;
- Who are inadmissible under Section 212(a)(3) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(a)(3)) or removable under Section 237(a)(4) of the INA (8 U.S.C. 1227(a)(4));
- Who have been convicted of any felony or two or more misdemeanors committed in the United States, or who meet the criteria set forth in Section 208(b)(2)(A) of the INA (8 U.S.C. 1158(b)(2)(A));

# PERSONS NOT COVERED UNDER DED (continued)



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- Who were deported, excluded, or removed before Jan. 20, 2021;
- Who are subject to extradition;
- Whose presence in the United States the secretary of Homeland Security has determined is not in the interest of the United States or presents a danger to public safety; or
- Whose presence in the United States the secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States.

# REQUIRED DOCUMENTATION



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- There is no application for DED; however, to obtain employment authorization applicants will need to submit a Form I-765 along with proof of identity, nationality, and eligibility for DED.
- Examples of documents that establish nationality/identity :
  - Passport;
  - Certificate of citizenship/nationality;
  - Birth certificate accompanied by photo identification; or
  - Any national identity document from applicant's country of origin bearing photo and/or fingerprint.

# REQUIRED DOCUMENTATION (continued)



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- Examples of documents that establish presence/continuous residence:
  - Passport;
  - Passport Entries
  - Form I-94, Arrival-Departure Record;
  - Employment records;
  - Rent receipts, utility bills ( gas, electric, telephone, etc.), or letters from companies showing dates when the applicant received service;
  - Money order receipts for money sent in or out of the United States;



# REQUIRED DOCUMENTATION (continued)



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- Examples of documents that establish presence/continuous residence:
  - Birth certificates of children born in the United States;
  - Correspondence between the applicant and others;
  - Social Security card;
  - Bank books with dated transactions;
  - Selective Service card ;
  - Attestations by churches, unions, or other organizations of the applicant's residence;
  - Affidavits.

# Temporary Protected Status (TPS) for Venezuelans



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Allows certain Venezuelan nationals, or individuals without nationality who last resided in Venezuela, who are already in the United States, to remain in the United States because of extraordinary and temporary conditions in Venezuela.

# Temporary Protected Status (TPS) for Venezuelans



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- On March 9, 2021, the Secretary of Homeland Security [designated](#) Venezuela for TPS for 18 months.
- Registration Period: March 9, 2021- Sept. 5, 2021
- Federal Register Notice Citation: 86 FR 13574

# ELIGIBILITY



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## **Individuals must meet the following requirements to be eligible to apply for TPS Venezuela:**

- a national of Venezuela or an individual without nationality who last resided in Venezuela;
- continuously physically present (CPP) in the United States during the period beginning on March 9, 2021; and
- continuously resided (CR) in the United States since March 8, 2021.

# ELIGIBILITY (continued)



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## To apply for TPS, a person must:

- File a Form I-821, Application for Temporary Protected Status.

Along with

- Evidence of identity and nationality;
- Evidence of date of entry to the United States; and
- Evidence of continuous physical presence and continuous residence in the United States.

# ELIGIBILITY (continued)



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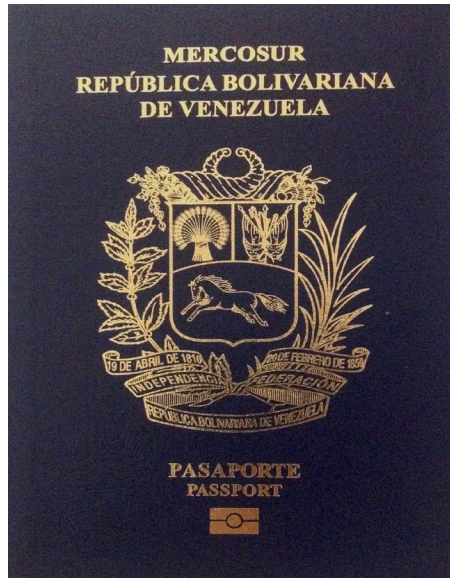
## Applicants are not eligible for TPS if they:

- 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; or
- Fail to meet the continuous physical presence and continuous residence in the United States requirements.

# VENEZUELAN NATIONALITY REQUIREMENT



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If someone is applying as a national of Venezuela, he/she must submit evidence of being a Venezuelan national.

# CONTINUOUS RESIDENCE AND CONTINUOUS PHYSICAL PRESENCE



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- Must have been continuously physically present in the United States since March 9, 2021.
- Must have continuously resided in the United States since March 8, 2021.
- Absences from the United States that were brief, casual and innocent are acceptable and do not break either CR or CPP.
- An absence that is due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the applicant also do not break CR.



# EVIDENCE USED TO DEMONSTRATE CONTINUOUS PHYSICAL PRESENCE



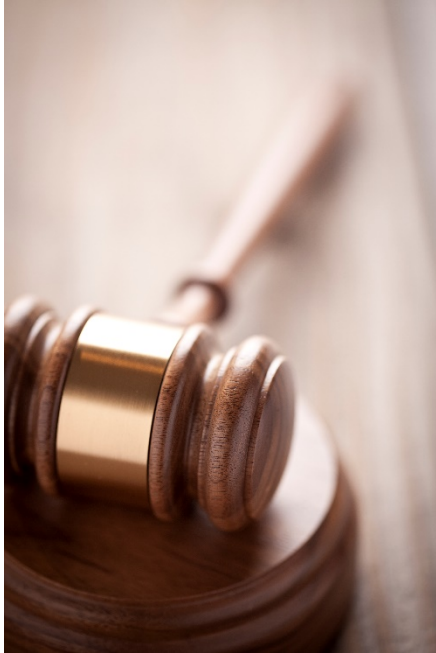
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- Copies of passport pages with nonimmigrant visa, admission, or parole stamps;
- Income tax records;
- Utility bills;
- Birth, marriage, and death certificates for immediate family members;
- Bank records; or
- School records.

# GROUND OF INADMISSIBILITY



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- To qualify for TPS, an applicant must be admissible to the United States.
- If an applicant is inadmissible, the law may allow him/her to apply for a waiver or other form of relief that can overcome the grounds of inadmissibility.

# GROUND OF INADMISSIBILITY (continued)



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## The following grounds of inadmissibility do not apply to TPS applicants:

- Public charge (INA 212(a)(4));
- Labor certification (INA 212(a)(5));
- Aliens present without admission or parole (INA 212(a)(6)(A)); and
- Documentation requirements (INA 212(a)(7)(A)).

# HOW TO APPLY



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- If a person is currently in the United States and meets the eligibility requirements, he/she may file Form I-821 to apply for TPS.
- The Form I-821 fee is \$50. A biometric services fee of \$85 is also required for applicants 14 years of age and older.
- TPS applicants may also file a Form I-765, Application for Employment Authorization. The Form I-765 fee is \$410 for applicants between 14 and 65 years of age.
- See the [Form I-821](#) and [Form I-765](#) pages to download the forms and for further instructions.

# ADDITIONAL FORMS



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- Form I-131, Application for Travel Document
  - Optional form;
  - Filing fee is \$575;
  - CBP determines whether to admit applicant for admission at port of entry.

# ADDITIONAL FORMS (continued)



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- Form I-765, Application for Employment Authorization
  - Optional form;
  - May be submitted with Form I-821 or while Form I-821 is pending with USCIS or after Form I-821 is approved.
    - If submitting Form I-765 after filing Form I-821, an applicant must include proof that his/her Form I-821 is pending or approved, such as a photocopy of the Form I-797, Receipt or Approval Notice, for Form I-821.

# FAMILY MEMBERS



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- Each person seeking TPS must apply for him or herself on a separate Form I-821.
- There is no derivative TPS status, meaning a person's spouse, children or parents cannot obtain TPS as a result of someone else's approved TPS.

# FILING TIPS: SUBMIT YOUR COMPLETED APPLICATION



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- Don't wait to file! The filing deadline is Sept. 5, 2021.
- Remember to sign the form! We will reject and return any unsigned form.
- Use the most current form version.
- We prefer that applicants download forms from our website, complete them electronically, and then print the forms to submit.
- Complete the entire form.
- Update applicant's change of address with USCIS.



# TPS Status



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TPS beneficiaries:

- Are authorized to remain in the United States;
- May obtain employment authorization documentation; and
- If DHS does not extend TPS or a recipient does not maintain status, he/she will revert to the same immigrant status he or she had before TPS (unless that status has since expired or been terminated), or to any other status he or she may have acquired while registered for TPS.

# TPS VS. DED



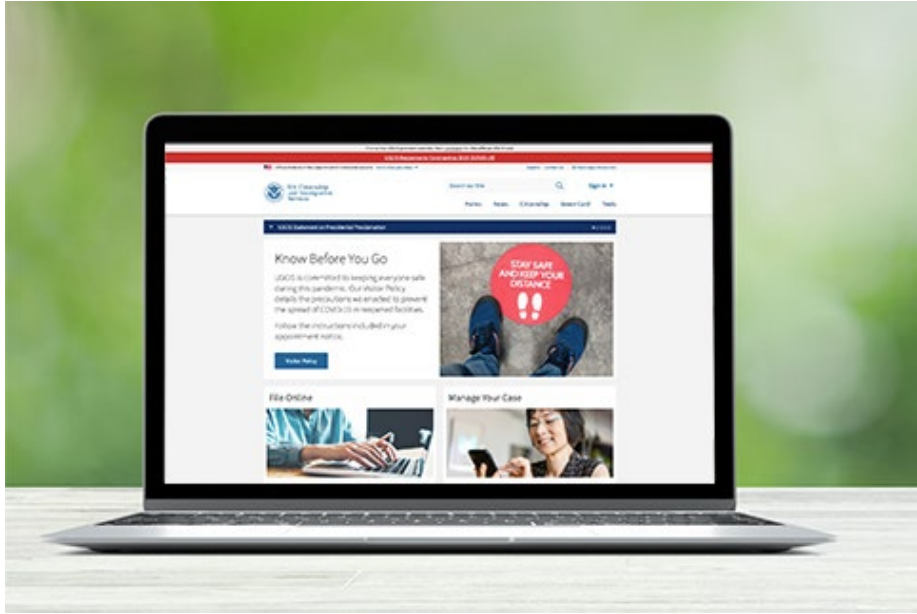
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- Employment Authorization Documents (EADs) issued under DED will expire on July 20, 2022.
- EADs issued under TPS will expire on Sept. 9, 2022.
- There is no guarantee that DED will be extended even if TPS may be extended. Consider consulting with a private immigration attorney or accredited representative to determine whether you should apply for TPS even if you are presently covered by DED.

# SELF-HELP TOOLS AND RESOURCES



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The [USCIS webpage](#) offers the following free services:

- ✓ Check [case status](#)
- ✓ [Report a change of address](#)
- ✓ Check [processing times](#)
- ✓ “[How Do I](#)” fact sheets



# AVOID SCAMS

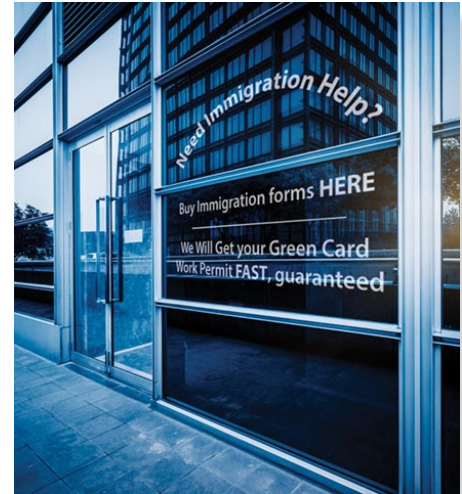


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Visit the [USCIS Avoid Scams](#) webpage to learn more about:

- [Form filing tips](#);
- Common immigration scams;
- How to [report immigration scams](#);  
and
- How to find [legal services and help](#).

THE WRONG HELP  
CAN HURT  
BEWARE OF IMMIGRATION SCAMS



# Q&A SESSION



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Questions?

Thank you!

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- Any references in documents or text, with the exception of case law, relate to fictitious individuals.
- This presentation contains no sensitive Personally Identifiable Information (PII).