Thank you for joining today’s webinar, **Temporary Protected Status (TPS)**. The webinar will begin shortly.

All lines are muted.
Temporary Protected Status (TPS)
The secretary of homeland security may designate a foreign country for Temporary Protected Status due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances where the country is unable to handle the return of its nationals adequately.
BACKGROUND

• TPS was created by the Immigration Act of 1990 (IMMACT 90), Pub. L. 101-649.

• Congress sought to provide protection to people who feared returning to their home countries for reasons other than persecution.

• Find the law and regulations at INA § 244; 8 CFR § 244.1-244.9.
DESIGNATION OF A COUNTRY FOR TPS

• The secretary of homeland security may designate a country for TPS due to the following temporary conditions in the country:
  – Ongoing armed conflict (such as civil war);
  – An environmental disaster (such as an earthquake or hurricane) or an epidemic; or
  – Other extraordinary and temporary conditions.

• Designation remains in effect for 6-18 months.

• Before the conclusion of a designation period, the secretary determines whether to extend TPS for another period of 6-18 months.
TPS BENEFICIARIES

• TPS beneficiaries have the following rights:
  – Are not removable from the United States;
  – Can obtain an employment authorization document (EAD);
  – May be granted travel authorization;
  – Cannot be detained by DHS on the basis of their immigration status in the United States; and
  – May apply for other non-immigrant and immigrant status or benefits they may be eligible for.
COUNTRIES CURRENTLY DESIGNATED

• Burma
• El Salvador
• Haiti
• Honduras
• Nepal
• Nicaragua
• Somalia

• South Sudan
• Sudan
• Syria
• Venezuela
• Yemen

*as of 6/24/2021
BURMA

Registration Period: May 25, 2021 – Nov. 22, 2021
TPS Designated Through: Nov. 25, 2022

Must establish:
Continuous Residence in the United States since March 11, 2021
Continuous Physical Presence in the United States since May 25, 2021
ELIGIBILITY

• 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 meet the requirements for late initial filing during any extension of your country’s TPS designation;

• Have been continuously physically present in the United States since the effective date of the most recent designation date of your country; and

• Have been continuously residing in the United States since the date specified for your country.
INELIGIBILITY

• Have been convicted of any felony or two or more misdemeanors;
• 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;
• Fail to meet the continuous physical presence or continuous residence in the United States requirements;
• Fail to meet initial or late initial TPS registration requirements; or
• If granted TPS, fail to re-register for TPS, as required, without good cause.
### HOW TO APPLY

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<th><strong>FORMS</strong></th>
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<tr>
<td>• Form I-821, Application for Temporary Protected Status</td>
<td>• Identity and nationality; • Date of entry; and • Continuous residence.</td>
<td>• Fees are posted at <a href="http://www.uscis.gov/i-821">www.uscis.gov/i-821</a> • Form I-912, Application for Fee Waiver</td>
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• Download the most recent version from uscis.gov.
• Read the accompanying instructions.
• File with required documentation.
ACCOMPANYING FORMS

- I-765, Application for Employment Authorization
- I-131, Application for Travel Document
- I-601, Application for Waiver of Grounds of Inadmissibility

- I-765 and I-131 are optional.
- I-601 is only required in certain situations.
- Check uscis.gov for associated filing fees.
IDENTITY/NATIONALITY EVIDENCE

The following documents may establish nationality/identity:

• Passport;
• Certificate of Naturalization/Citizenship;
• Birth certificate accompanied by photo identification; or
• National identity document from country of origin with photograph or fingerprint.
DATE OF ENTRY EVIDENCE

The following documents may establish date of entry evidence:

• Passport/passport entries;
• Form I-94, Arrival/Departure Record; or
• Documents used to establish continuous residence.
CONTINUOUS RESIDENCE EVIDENCE

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.), receipts, or letters from companies showing dates when you received service;
- Money order receipts for money sent in or out of the United States;
- Birth certificates of children born in the United States;

(continues on next slide)
CONTINUOUS RESIDENCE EVIDENCE

Examples of documents that establish presence/continuous residence (continued from previous slide):

• Correspondence between you and others;
• Social Security card;
• Bank books with dated transactions;
• Selective Service card;
• Attestations of your residence by churches, unions, or other organizations; and/or
• Affidavits.
FILING FEE

- There is a $50 filing fee for Form I-821 if registering for the first time.
- There is an $85 biometrics fee for applicants 14 and older.
- There are also fees to file for employment authorization, a travel document, or a request for a waiver of a ground of inadmissibility.
- Fees will be posted on uscis.gov.
- If you cannot afford the fees, you may file a Form I-912, Application for Fee Waiver.
Complete and sign Form I-821, Application for Temporary Protected Status. Mail Form I-821, supporting forms, evidence, and filing fee to USCIS. Receive a receipt notice by mail.

Attend a biometrics appointment at an Application Support Center.

You may receive a request for evidence (RFE) or notice of intent to deny. You must timely respond to avoid possible denial.

Receive a decision notice by mail and an EAD, if you requested one.
MAINTAINING TPS

• TPS beneficiaries must re-register for TPS during each re-registration period.

• Check uscis.gov to learn if EADs will be automatically extended, or if it is necessary to file a new Form I-765, Application for Employment Authorization Document.
LATE FILING

• USCIS will consider late applications to re-register if you establish good cause.

• If you applying late, you should submit a letter with Form I-821 explaining why.

• USCIS will consider late initial applications if you meet specific conditions outlined on uscis.gov/TPS.
TRAVEL

- TPS beneficiaries do not have travel authorization automatically.
- TPS beneficiaries who wish to travel outside of the United States should request advance parole using Form I-131, Application for Travel Document.
CONCURRENT JURISDICTION

- While USCIS adjudicates the majority of TPS applications, an immigration judge or the Board of Immigration Appeals may also approve a Form I-821 when you are in proceedings before them.
- Only USCIS may approve and issue an EAD.
APPEALING A DENIAL

• If USCIS denies a Form I-821, you may appeal to the Administrative Appeals Office (AAO), in certain situations.

• If you are placed in removal proceedings, an immigration judge will review the Form I-821 de novo.
FAMILY MEMBERS

• Each person seeking TPS must apply for themselves on a separate Form I-821.
• There is no derivative TPS status, meaning your spouse, children or parents cannot obtain TPS as a result of your approved TPS.
FILING TIPS

• Don’t wait to file! USCIS must receive your complete application by the posted filing deadline.
• Remember to sign the forms! We will reject and return any unsigned form.
• Use the most current form version.
• We prefer that you download forms from our website, complete them electronically, and then print forms to submit.
• Complete the entire form.
• Notify USCIS of any address change.
The USCIS website offers the following free services:

- Check your case status
- Change your address
- Check processing times
The USCIS website offers the following free services:

- **TPS** webpage and a page for each TPS country
- Download **forms**
- **Online filing** (for some forms)
- Create an online account on **myUSCIS**
AVOID SCAMS

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.
Questions?

Thank you!
DISCLAIMER

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• Date of last legal review: June 7, 2021
• 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).