<u>**Temporary Protected Status (TPS) for Somalia- Questions and Answers**</u>

<u>**General Questions**</u>
Q1. What are the expected processing times for Form I-821, Form I-765 and Form I-131?
A1. Processing times vary depending on how complicated a case is. However, the approximate times below generally apply:

If you are filing…	The approximate processing time might be…
An initial Form I-821, Application for Temporary Protected Status	6 months
Form I-765, Application for Employment Authorization	3 months
Form I-131, Application for Travel Document	6 months

Again, these are approximate times. For more information on processing times, visit USCIS' Check Case Processing Times webpage.

Q2. What proof of my TPS status will I receive?
A2. If USCIS approves your initial TPS application, we will send you an approval notice with an I-94, Arrival/Departure Record, which is evidence of your TPS. If you filed Form I-765, Application for Employment Authorization, and you did not receive an EAD before this step, we will also send you an Employment Authorization Document (EAD). For more information on the TPS application process, visit USCIS' TPS webpage. (See the section **Application Process**.)

Q3: May people in immigration detention apply for TPS?
A3: USCIS may consider TPS applications from individuals who are currently in immigration detention. If you are in removal proceedings at the time of your country's TPS designation, you may submit an application to USCIS. If you are in removal proceedings, and the basis of the Notice to Appear (NTA) is a mandatory ground for TPS ineligibility, the Department of Justice's Executive Office for Immigration Review will have jurisdiction to adjudicate your TPS application. *See* 8 C.F.R. 244.7(d).

Q4: When a family is applying for TPS, do you recommend that every family member apply simultaneously?
A4: TPS is an individual benefit and provides no benefit to derivatives. Family members may apply for TPS simultaneously or individually, but each individual must meet the eligibility criteria for TPS independently. USCIS encourages each family member to file their own application with a separate payment.

Q5: If I am subject to certain waivable inadmissibilities, am I required to submit a Form I-601 waiver application with the Form I-821, or can I submit it at a later date?
A5: You may submit Form I-601, Application for Waiver of Grounds of Inadmissibility, with your initial TPS package; however, USCIS will give you the opportunity to submit this form later if you do not submit it with your initial package. For more information, visit USCIS' TPS webpage.

Q6. If I am out-of-status or entered the United States illegally, am I still entitled to apply for TPS?
A6. Yes, if you are out of status or entered the United States without being inspected and admitted you may apply for TPS, if you meet all other eligibility requirements.

Q7. Does TPS take effect on the date USCIS approves the application or the date USCIS receives it?
A7. TPS takes effect on the date USCIS approves Form I-821, Application for Temporary Protected Status. For more information on the application process, please see the Application Process section on USCIS' TPS webpage.

Completing the Application
Q8. Do I have to list every country I lived in before coming to the United States, or just those I visited in the time between leaving my home country and my last entry to the United States?
A8. You should list all countries you entered while traveling to the United States, including countries where you lived as well as those you traveled through. On Form I-821, Part 11, Additional Information, you may provide the dates when you were in those countries and any immigration status you had while in those countries.

Q9. For Form I-821 Part 6, Information About Your Children, can you confirm that I should only complete this section if I am filing a late application?
A9. Yes. You should only complete Form I-821, Part 6, if you are filing a late initial application for TPS. There is no late initial filing during an initial designation for TPS.

Documents
Q10. Should I submit my entire passport along with my TPS application (Form I-821)?
A10. If you are submitting a copy of your passport to establish nationality and identity and also to show your entry into the United States, include all of the pertinent pages that show that information (for example, the visa page, admission stamp, etc.).

Q11: Are expired passports acceptable forms of identification to establish nationality and identity?
A11: Expired passports are acceptable to establish nationality and identity.

Employment Authorization
Q12. What category code should I use when applying for an EAD on Form I-765?
Q12: The correct code for an initial TPS EAD is A12. If you are applying for TPS for the first time, USCIS recommends you answer A12 to question No. 27 on Form I-765, Application for Employment Authorization.

Other Status
Q13. Would having TPS ease waiving the J-1 two-year home residency requirement if I apply for a waiver based on fear of persecution or hardship?
A13. The granting of TPS, in and of itself, does not release a J nonimmigrant from the INA 212(e) two-year foreign residence requirement. You would still need to apply for

the waiver, provide evidence supporting your reason for seeking the waiver, and receive a waiver of the two-year requirement if you wish to change to a different nonimmigrant status (other than certain limited nonimmigrant categories) or seek immigrant status.

Eligibility for TPS is based on whether you are an eligible national of the designated country (or a person having no nationality who last habitually resided in the designated country). Therefore, the underlying basis for your TPS status is not related to and may not support your claim for a waiver of the J-1 two-year requirement based on either a fear of persecution or a claim of exceptional hardship on your U.S. citizen or lawful permanent resident spouse or child.

Q14. If I am a student and I apply for TPS, do I lose my F-1 student status? What happens if the TPS period is not extended?
A14. Registration for TPS does not prevent you from applying for or maintaining a nonimmigrant status, such as F1 academic student. At least 60 days before Somalia's TPS designation or extension expires, the secretary of homeland security, after consulting with appropriate government agencies, must review the conditions in Somalia to determine whether they continue to meet the conditions for the TPS designation. See INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the secretary determines that Somalia continues to meet the conditions for TPS designation, they will extend the designation for an additional period of 6, 12, or 18 months, at their discretion. See INA section 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the secretary determines that Somalia no longer meets the conditions for TPS designation, they must terminate the designation. See INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

Q15. If I am granted TPS, can I still apply for a B2 tourist visa or travel to another country?
A15. Registration for TPS does not prevent you from applying for or maintaining a nonimmigrant status, such as a tourist visa; however, you should submit Form I-131, Application for Travel Document, and obtain a travel document before you travel outside of the United States.

Q16: How should I respond to the question about my current immigration status if I have applied for asylum?
A16. Please provide your current immigration status (or lack of status). For example, visitor, student, visa overstay, or no status.

Q17: Can I apply for TPS without affecting my asylum claim? Would I have to pay for a work permit and to be fingerprinted again?
A17: If you have a pending or approved asylum claim, you may also apply for TPS and for an EAD based on TPS. Applying for TPS will not affect your asylum claim. All TPS applicants must pay the required fees or submit a Form I-912, Request for a Fee Waiver. If you are age 14 or older, USCIS will also collect your photograph, signature, and fingerprints, as needed. We require biometrics to verify your identity, do a background check, and produce your EAD, if you requested one and are eligible. When we process your TPS application, we will send you an appointment notice so we can capture your biometrics at an Application Support Center (ASC). For more information on the TPS application process, visit USCIS' TPS webpage. (See "**Step 3, USCIS Contacts You**" in the section "**Application Process**").

<u>**Online Filing**</u>
Q18. Can an applicant edit an upload with an RFE response after it is submitted by either adding further documents or removing documents that were incorrectly submitted?
A18. A19. After an application is filed online, users cannot make corrections or changes to the form they submitted. Similarly, after a user responds to an RFE, the user cannot reopen the response to add additional information.

However, applicants can upload unsolicited evidence to include corrected documents, typographical corrections, and letters clarifying any inadvertent error. If you choose to upload unsolicited evidence, please be sure to tell us exactly why you're sending it to us on the document you're uploading. You can upload unsolicited evidence up to the point of adjudication. We will consider the timeliness and relevance of this information when deciding your case.

If an applicant moves, they must provide us with their new mailing address at uscis.gov/addresschange, and they'll want to update their address in their USCIS online account as well.

Q19. If a question doesn't apply to the applicant, should they put N/A or leave blank?
A19. Our online forms have conditional logic, which means that answers to some questions determine the questions that are asked later. This helps ensure that the questions presented to the applicant fit their profile and minimize or eliminate questions that do not apply to them. If a required data field is not completed, the system will generate a red alert reminding the applicant to include the missing information. The applicant will not be able to submit the form until they complete all required data fields. The USCIS online account ensures that all required data fields are completed, the application is signed, and the correct fee is paid.

If a question does not apply, the applicant can leave it blank.

Q20. What if the fee bounces back through an ACH payment, would that be a subsequent rejection?
A20. In order to pay for your forms, you must use a U.S. bank account or a debit or credit card. If your payment is rejected due to insufficient funds or you entered some numbers in error, the system will return you to the payment page to correct the error or to provide an account with sufficient funds.

Q21. If an attorney prepares the form for an applicant, how do both applicant and attorney sign?
A21. Attorneys and accredited representatives can use their USCIS online account to prepare forms online for clients. The attorney or representative must first create an account for themselves as a representative where they can track and manage all their client cases. The representative can then prepare a draft of the client's application and Form G-28. The system provides the representative with a one-time passcode, which the representative sends to their client. The client will need to log in to their own account, enter the passcode, and review and sign the forms their attorney or representative prepared.

Once the client enters the one-time passcode, the attorney will no longer be able to make changes to the application, unless the client declines the application or Form G-28. When a client declines the application, the form is sent back to the representative for editing. After the client reviews and approves the forms, the attorney can then pay for and submit the application and Form G-28 to USCIS.