



## ADVISORY

July 11, 2001

### **INS Reminds Eligible Hondurans and Nicaraguans to Re-register For Temporary Protected Status (TPS) and Employment Authorization Document (EAD) Extension**

WASHINGTON – The Immigration and Naturalization Service (INS) today reminded those eligible Hondurans and Nicaraguans to immediately re-register for Temporary Protected Status (TPS) to maintain TPS and employment authorization for the 12-month period beginning on July 5, 2001 and ending on July 5, 2002.

**INS Service Centers must physically receive all completed re-registration applications for TPS by close of business on August 6, 2001. Thus, applications should be mailed well in advance of August 6, 2001.** This re-registration is necessary even though INS published a notice in the *Federal Register* on July 3, 2001 to automatically extend the Employment Authorization Document (EAD) validity period from July 5, 2001 to December 5, 2001. The automatic EAD extension is designed only to prevent gaps in employment authorization while re-registration applications are processed, but it does not relieve TPS beneficiaries of the responsibility to timely re-register for TPS benefits.

On May 3, 2001, INS announced a one-year extension of the designation of Honduras and Nicaragua for TPS until July 5, 2002. The TPS extension notice was published in the *Federal Register* on May 9, 2001. This extension of TPS covers an estimated 105,000 Hondurans and 5,300 Nicaraguans who have already applied for TPS.

To re-register for the extension until July 5, 2002, a TPS applicant must submit Form I-821 and Form I-765 (Application for Employment Authorization), as well as two identification photographs (1 1/2" x 1 1/2"). **Both forms must be submitted for re-registration.** If the applicant is only seeking to re-register for TPS and not seeking an EAD extension, there is no filing fee. However, all applicants seeking an extension of employment authorization until July 5, 2002 must submit a \$100 filing fee with Form I-765 (Application for Employment Authorization). The applicant may request a fee waiver in accordance with the regulations. Applicants for an extension of TPS benefits do not need to submit new fingerprints and therefore do not need to submit a \$25 fee. These forms are available from the toll-free INS Forms line, 1-800-870-3676, or from the INS Web site, [www.ins.gov](http://www.ins.gov).

This extension does not allow Nicaraguans or Hondurans who entered the United States after December 30, 1998 to file for TPS. This extension covers only Nicaraguans and Hondurans who have been continually physically present in the United States as of

January 5, 1999 and who have continually resided in the United States since December 30, 1998. An extension of TPS does not change the required dates of continuous physical presence and residence in the United States. Late initial registration is possible in limited circumstances. In order to qualify for late initial registration, applicants must meet the original continuous physical presence and residency requirements and must demonstrate that, during the initial registration period, they met one of the following criteria:

- They were in a valid nonimmigrant status, or had been granted voluntary departure, or any relief from removal;
- They had an application for change of status, adjustment of status, asylum, voluntary departure or any relief from removal pending or subject to further review or appeal;
- They were a parolee or had a pending request for reparole.

Applications for late initial registration must be submitted no later than 60 days from the expiration or termination of one of the conditions described above. The Service emphasizes that late initial registration is available **only if** the applicant meets all of the original eligibility requirements.

A spouse or child of an alien currently registered for TPS may apply for late initial registration at any time if he or she is otherwise eligible and was so at the time of the initial registration period.

Applicants for late initial registration must file Form I-821 with a \$50 fee, Form I-765, two identification photographs (1 1/2" x 1 1/2"), and all supporting evidence. If the applicant requests employment authorization, he or she must submit a \$100 fee with the Form I-765. A \$25 fingerprinting fee must also be submitted for applicants for late initial registration who are 14 years of age or older. An applicant who does not request employment authorization must nonetheless file Form I-765 along with Form I-821, but is not required to submit the \$100 fee for the Form I-765. The applicant may request a waiver of the fee(s) in accordance with the regulations.

TPS registrants who need to travel outside the United States during the coming year must receive advance parole from their local INS office prior to departing the United States. Failure to do so may jeopardize their ability to return to the United States. Advance parole allows an individual to travel abroad and return to the United States. Advance parole is issued on a case-by-case basis. Individuals who are granted TPS may apply for advance parole by filing Form I-131 at their local INS district office.