



# QUESTIONS AND ANSWERS

## LIBERIA TEMPORARY PROTECTED STATUS (TPS) QUESTIONS AND ANSWERS

**Q1.** Why is the Attorney General designating Liberia under the Temporary Protected Status program (TPS)?

**A1.** After reviewing country conditions and consulting with the appropriate government agencies, the Attorney General has determined that conditions in Liberia support a TPS designation. Specifically, based upon a recent review on conditions within Liberia by the Immigration and Naturalization Service (INS) and the Department of State, the Attorney General concluded that there is an ongoing-armed conflict in Liberia, and due to such conflict, returning Liberian nationals to that state would pose a serious threat to their personal safety.

**Q2.** When will this TPS designation become effective?

**A2.** The designation of Liberia for TPS becomes effective on October 1, 2002 and remains in effect until October 1, 2003.

**Q3.** Who is eligible for TPS under this designation?

**A3.** To be eligible for TPS under this designation, an alien must:

- Be a national of Liberia (or an alien having no nationality who last habitually resided in Liberia);
- Will have been physically present and residing in the United States since October 1, 2002;
- Be admissible as an immigrant except as provided under section 244(c)(2)(A) of the Immigration and Nationality Act (the Act), and not be ineligible for TPS under section 244(c)(2)(B) of the Act; and,
- Apply for TPS within the registration period, which begins on October 1, 2002 and ends on March 31, 2003.

**Q4.** How Do I Register for TPS?

**A4.** During the registration period that runs from October 1, 2002 through March 31, 2003, applicants for TPS must submit the following package requirements to the Service district office that has jurisdiction over your place of residence:

- An Application for Temporary Protected Status, Form I-821;

- An Application for Employment Authorization, Form I-765;
- Two identification photographs (1½ inches x 1½ inches);
- Supporting evidence of identity, nationality, and proof of residence, as provided in the regulations at 8 CFR 244.9; and,
- All applicable fees, as discussed immediately below.

**Fees:**

1. A \$50 fee must accompany each Form I-821.
2. Each applicant who is 14 years of age or older must also submit a \$50 fingerprint fee.
3. An applicant who seeks employment authorization documentation must submit Form I-765 with the \$120 fee. An applicant who does not seek employment authorization documentation does not need to submit the \$120 fee, but must still complete and submit Form I-765 for data gathering purposes.

Applicants may request that certain fees be waived, in accordance with the regulations.

**Q5.** Do I need to submit fingerprints?

**A5.** While a complete TPS application package must include the \$50 fingerprint fee for every applicant who is 14 years of age or older, applicants should NOT submit a completed fingerprint card (FD-258, Application Card) with the TPS application package. Upon receipt of the TPS application package, the Service will mail the applicant an appointment letter with instructions to appear for fingerprinting at a Service-authorized Application Support Center (ASC).

**Q6.** Where should I send my complete TPS application?

**A6.** Applicants should submit the TPS application package to the Service district office that has jurisdiction over your place of residence.

**Q7.** Should I Register for TPS If I Currently am under Deferred Enforced Departure (DED)?

**A7.** Many Liberians who have resided in the United States since September 29, 2001, have remained here under a presidential directive authorizing Deferred Enforced Departure (DED), a temporary protection measure similar to TPS. On September 29, 2002, the Liberian DED directive expires, as do all employment authorization documents (EAD) issued to Liberians pursuant to that directive. Liberians who have no other lawful immigration status, but who wish to remain and work, in the United States after September 29, 2002, should apply for TPS benefits in the manner described above.

**Q8.** How is DED different from TPS?

**A8.** DED is similar to TPS in that it allows aliens of a particular nationality to remain and work in the United States without the threat of deportation. The President issues a DED directive based on his constitutional authority related to foreign policy, whereas the Attorney General has statutory authority to designate a country for TPS. TPS requires aliens of a specific nationality who are present in the U.S. by the deadline to come forward and submit an application to INS, which then decides whether the alien qualifies (the INS may not grant TPS to terrorists, criminals and others). While certain categories of aliens are ineligible for DED, DED does not require a formal application (DED beneficiaries do have to apply for employment authorization if they want to work during the period of DED, however).

**Q9.** What is Late Initial Registration?

**A9.** Certain Liberian nationals may be eligible to apply for TPS subsequent to the initial registration period if, at the time of the initial registration period, they: (1) are non-immigrants; (2) have been granted voluntary departure status or any relief from removal; (3) have an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal that is pending or subject to further review or appeal; (4) are parolees or have a pending request for parole; or (5) are the spouse or child of an alien currently eligible to be a TPS registrant. An applicant for late initial registration must register within a 60-day period immediately following the expiration or termination of one of the conditions described in items (1) through (5) of this paragraph.

**Q10.** Does Applying for TPS Affect an Application for Asylum or Any Other Immigration Benefit?

**A10.** No. Any national of Liberia who has already applied for, or plans to apply for, any other immigration benefit or protection, may also apply for TPS. An application for TPS does not preclude or adversely affect an application for any other immigration benefit.

Similarly, denial of an application for asylum or any other immigration benefit does not affect an alien's ability to register for TPS, although the grounds of denial of that application may also lead to denial of TPS. For example, an alien who has been convicted of an aggravated felony is not eligible for asylum or TPS.

**Q11.** Will Liberian nationals protected by TPS be permitted to travel abroad during the TPS period?

**A11.** An individual granted TPS must remain continuously physically present in the United States. The grant of TPS status does not mean that you have permission to travel abroad, though permission to travel may be granted by the district director according to the Service's advance parole provisions. There is no appeal to a denial of advance parole. Failure to obtain advance parole prior to traveling abroad may result in the withdrawal of your TPS and/or the institution or re-calendar of removal proceedings.

**Q12.** What Happens When This TPS Designation Expires on October 1, 2003?

**A12.** At least 60 days before this TPS designation expires on October 1, 2003, the Attorney General will review conditions in Liberia and determine whether the conditions that warranted designation of Liberia under the TPS program continue to exist. Notice of that determination, including the basis for the determination, will be published in the Federal Register.

If the initial TPS designation is extended at that time, an alien who has received TPS benefits must re-register under the extension in order to maintain TPS benefits. If, however, the Attorney General terminates the TPS designation, TPS beneficiaries will return to the same immigration status they maintained before TPS (unless that status had since expired or been terminated) or to any other status they may have acquired while registered for TPS. Accordingly, if an alien had no lawful immigration status prior to receiving TPS and did not obtain any status during the TPS period, he or she will revert to that unlawful status upon termination of the TPS designation.

**Q13.** Where may I find forms and additional information?

**A13.** Information concerning the Liberia TPS program is available at the INS website, located at [www.ins.gov](http://www.ins.gov), or the INS National Customer Service Center, at 1-800-375-5283 (TTY: 1-800-767-1833). Applicants may obtain forms from the INS web site or by contacting the INS Forms Line, at 1-800-870-3676.

**Q14.** Doesn't this new TPS designation make it more difficult for Congress to enact legislation that would give Liberians lawful permanent resident status?

**A14** Yes, the TPS statute has a requirement that, if the Congress is considering a bill that would give aliens who have TPS lawful permanent residence, the Senate must pass the bill by a super-majority. Congress has had three years of DED to enact legislation and it has not done so. The Administration has determined that TPS is the more appropriate remedy in this situation, and we had to make that decision without regard to what action Congress may or may not take on pending legislation.

**Q15.** What is the Department of Justice's position on the pending legislation (S.656/H.R.1806)?

**A15.** The Administration has not yet expressed a formal view on the legislation. We are in the process of finalizing our position on the bills.

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