



## QUESTIONS AND ANSWERS

May 1, 2002 (Rev.)

### **Extension of Temporary Protected Status (TPS) For Hondurans and Nicaraguans**

Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of designated countries. During the period for which the Attorney General has designated a country under the TPS program, TPS beneficiaries are not required to leave the United States and may obtain work authorization. **However, TPS does not lead to permanent resident status.** When the Attorney General terminates a country's TPS designation, the alien will return to the status he or she had prior to TPS or to any other status he or she may have obtained while registered for TPS.

#### **1. Who is eligible for re-registration? When can an eligible TPS re-registrant apply for this 12-month extension?**

An alien who is a national of Honduras or Nicaragua (or in the case of a alien having no nationality, a person who last habitually resided in Honduras or Nicaragua) may re-register for TPS and an extension of employment authorization. Re-registration is limited to persons who registered during the initial registration period that ended on August 20, 1999 or who registered after that date under the late initial registration provision, and who timely re-registered during each subsequent extension. Those who have never registered for TPS may be eligible to register for late initial registration, as described below.

Individuals who have been convicted in the United States of either a felony or two or more misdemeanors committed in the United States are not eligible for TPS. Likewise, individuals subject to certain criminal or security-related bars to asylum are ineligible for TPS.

**Applications will be accepted from May 3, 2002 through July 2, 2002. Applications must be received at the INS Service Centers by July 2, 2002**

#### **2. How do I re-register for a TPS extension?**

If you already have been granted TPS through the Honduras/Nicaragua TPS Program, your TPS will expire on July 5, 2002. Persons previously granted TPS under the Honduras/Nicaragua program may apply for an extension during the 60-day re-registration period from May 3, 2002 to July 2, 2002 by submitting:

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

- An Application for Employment Authorization, Form I-765; and
- Two identification photographs (1 1/2" x 1 1/2").

Applicants for an extension of TPS benefits do not need to submit new fingerprints and therefore do not need to submit a \$50 fingerprint fee, with one exception: children beneficiaries of TPS who have reached the age of fourteen (14) but were not previously fingerprinted must pay the fifty dollar (\$50) fingerprint fee with the application for extension. Furthermore, attesting in part 1 of the Form I-821 to the continued maintenance of the conditions of eligibility will generally preclude the need for supporting documents or evidence. INS, however, reserves the right to request additional information and/or documentation on a case-by-case basis.

**Fees:** Applicants for re-registration need not submit the \$50 fee along with Form I-821. If the applicant requests employment authorization, he or she must submit a \$120 fee with Form I-765. An applicant who does not seek employment authorization need not submit the \$120 fee, but nonetheless must submit the Form I-765. The applicant may request a fee waiver in accordance with the regulations.

### **3. Who is eligible for late initial registration?**

An alien may register for Temporary Protected Status as a late initial registrant if he or she:

- Is a national of Honduras or Nicaragua ( or an alien who has no nationality and who last habitually resided in Honduras or Nicaragua);
- Has been continuously physically present in the United States since January 5, 1999;
- Has continuously resided in the United States since December 30, 1998;
- Is admissible as an immigrant, except as provided under 8 CFR 244.3; and
- Is not ineligible for TPS under 8 CFR 244.4 (criminal and security-related bars).

Additionally, a late initial registrant must demonstrate that during the initial registration period from January 5, 1999, through August 20, 1999, he or she:

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

An applicant for late initial registration must register within a 60-day period immediately following the expiration or termination of the conditions described above. 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.

**4. Will INS grant an automatic extension of the Employment Authorization Document (EAD) to TPS applicants applying for the 12-month extension?**

Yes. In an effort both to provide ample time for eligible Hondurans and Nicaraguans to re-register for Temporary Protected Status (TPS) and to prevent potential gaps in employment authorization while such individuals wait for their applications to be processed, the Immigration and Naturalization Service (INS) is granting an automatic extension of the expiration date of the Employment Authorization Document (EAD) to December 5, 2002.

**5. Where should I submit the application for an extension of TPS or for late initial registration?**

**Please do not go to an INS District Office. Local INS offices cannot accept TPS applications.** If applicants go to an INS District Office, they will be instructed to file their application with the INS Service Center that has jurisdiction over their place of residence. The following is a listing of INS Service Centers:

If you live in Connecticut, Delaware, Washington, DC, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia or the Virgin Islands, mail your application and applicable fees to:

**Vermont Service Center  
Attn: TPS  
75 Lower Welden Street  
St. Albans, VT 05479**

If you live in Arizona, California, Guam, Hawaii or Nevada, mail your application and applicable fees to:

**California Service Center  
Attn: TPS  
P.O. Box 10821  
Laguna Niguel, CA 92607-0821**

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee or Texas, mail your application and applicable fees to:

**Texas Service Center  
P.O. Box 853062  
Mesquite, TX 75185-3062**

If you live elsewhere in the United States, mail your application and applicable fees to:

**Nebraska Service Center  
P.O. Box 87821  
Lincoln, NE 68501-7821**

## **6. How do I apply for late initial registration?**

A late initial registrant must file a complete application package, including supporting documentation and all applicable fees, in accordance with the regulations. In addition to the requirements described above for re-registration under the extension, a late initial registrant must submit a \$50 fee with Form I-821 and, if 14 years of age or older, a \$50 fingerprint fee. The applicant may request a fee waiver in accordance with the regulations.

## **7. Specifically, what factors were considered in making the decision to grant a 12-month extension of TPS for Hondurans and Nicaragua?**

Since the date of the last extension of Honduras' TPS designation, the Departments of Justice and State have continued to review conditions in Honduras. Prior to making a decision, the Attorney General had consultations with the Department of State to determine whether conditions warranting the TPS designation continued to exist.

Despite indications of progress in recovery efforts, the Attorney General determined that recent droughts as well as flooding from Hurricane Michelle in 2001 have added to the humanitarian, economic, and social problems initially brought on by Hurricane Mitch in 1998, making the country unable, temporarily, to handle the return of approximately 105,000 nationals.

For example, Hurricane Michelle affected more than 50,000 people and damaged 1,300 houses, compounding the reconstruction efforts following Hurricane Mitch. Such repeated environmental catastrophes, in addition to major problems of food insecurity, unemployment and displacement of citizens have interrupted Honduras' ability to fully recover from Hurricane Mitch. As a result, the country continues to lack the needed stability and infrastructure to support the return of its nationals.

Since the date of the last extension of Nicaragua's TPS designation, the Departments of Justice and State have continued to review conditions in Nicaragua. Prior to making a decision, the Attorney General had consultations with the Department of State to determine whether conditions warranting the TPS designation continued to exist. Despite indications of progress in recovery efforts, the Attorney General determined that sufficient damage from Hurricane Mitch persists that makes Nicaragua temporarily unable to handle adequately the return of its nationals. For example, the United Nations Food and Agricultural Organization designated Nicaragua as one of only four countries in the Western Hemisphere experiencing a food emergency. In addition, recovery efforts continued to be hamstrung by the delayed delivery on international aid.

**8. How long will the TPS extension last?**

The TPS extension for Hondurans and Nicaraguans is effective for a 12-month period, from July 5, 2002 through July 5, 2003.

**9. Will Honduran and Nicaraguan nationals protected by TPS be permitted to travel abroad during the TPS period?**

Those granted TPS must receive advance permission to return to the United States before traveling abroad. This advance permission is called 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.

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

Information concerning the TPS program for nationals of Honduras and Nicaragua (or aliens having no nationality who last habitually resided in Honduras or Nicaragua) is available at the INS Internet Web site, located at [www.ins.gov](http://www.ins.gov) or the INS National Customer Service Center, at 1-800-375-5283. Applicants may obtain forms from the INS web site or by contacting the INS Forms Line, 1-800-870-3676.