



U.S. Citizenship  
and Immigration  
Services

October 7, 2004

## Questions and Answers

### **DHS EXTENDS AND RE-DESIGNATES SUDAN FOR TEMPORARY PROTECTED STATUS (TPS) FOR 12 MONTHS**

Temporary Protected Status (TPS) is granted to eligible nationals of designated countries suffering the effects of an ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions. During the period for which the Secretary of Homeland Security has designated a country for TPS, beneficiaries may not be removed from the United States and are authorized to engage in employment.

TPS is temporary and does not lead to permanent resident status. When the Secretary terminates a country's designation, the alien will return to the status he/she had prior to TPS (unless such status has expired or been revoked) or to any other status he/she may have obtained while registered for TPS.

#### **Q. How do I know if I need to re-register under the extension or register under the re-designation?**

**A.** If you are a national of Sudan (or alien having no nationality who last habitually resided in Sudan) who is currently a TPS beneficiary, then you may re-register under the extension according to the instructions below. If you are a national of Sudan (or alien having no nationality who last habitually resided in Sudan) who is not currently a TPS beneficiary and you have been continuously physically present and continuously resided in the United States since October 7, 2004, then you may register under the re-designation following the procedures outlined below.

#### **Q. Who is eligible to re-register for the 12-month TPS extension?**

**A.** Registration is limited to nationals of Sudan (or in the case of an alien having no nationality, a person who last habitually resided in Sudan) who registered during the registration period for the initial TPS designation announced on November 4, 1997, during the registration period for the re-designation announced on November 9, 1999, or registered under the late registration provisions. Those who are not registered for TPS may be eligible to register under the re-designation as described below. An individual who has been convicted in the United States of either a felony or two or more misdemeanors committed in the United States is not eligible for TPS. Likewise, an individual subject to a criminal, security-related, or any other bar to asylum is ineligible for TPS.



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**Q. How do I re-register for TPS?**

A. If you already have been granted TPS through the Sudan designation, your TPS will expire on November 2, 2004. You may re-register during the 60-day re-registration period beginning October 7, 2004 and ending December 6, 2004 by submitting the following:

- Form I-821, Application for Temporary Protected Status, without fee;
- Form I-765, Application for Employment Authorization (see below to determine if you need to include the \$175 fee with your application);
- Two identification photographs (full face frontal, 2"x2"); and
- A \$70 biometric services fee for each applicant age 14 and older.

**USCIS has published an updated Form I-821, Application for Temporary Protected Status, with a revision date of July 30, 2004. This form is available on the USCIS web site at [www.uscis.gov](http://www.uscis.gov), through the USCIS Forms Hotline at 1-800-870-3676, and at local USCIS offices. Applications submitted on the previous version of Form I-821 will be rejected.**

**Q. Where should I file my application to re-register for TPS?**

A. Submit the completed forms and applicable fees, to the USCIS District Office having jurisdiction over your place of residence during the 60-day registration period that begins October 7, 2004 and ends December 6, 2004.

**Q. If I am re-registering for TPS under the extension, do I need to include a fee with Form I-765, Application for Employment Authorization?**

A. If you request employment authorization, you must submit a \$175 fee with Form I-765. An applicant who does not seek employment authorization need not submit the \$175 fee, but nonetheless must submit the Form I-765 for data-gathering purposes. The applicant may request a fee waiver in accordance with the regulations.

**Q. The registration period ends after my EAD expires. Is my EAD extended through the registration period?**

A. No. Although the 60-day re-registration period ends December 6, 2004, EADs with an expiration date of November 2, 2004 will expire on that date. Therefore, Sudanese TPS re-registrants who plan to apply for renewal of their employment authorization are encouraged to do so as soon as possible.



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### **Q. Who is eligible to file for TPS under the re-designation?**

A. To be eligible to register for TPS under the re-designation, an applicant must:

- (1) Be a national of Sudan (or an alien who has no nationality and who last habitually resided in Sudan);
- (2) Have been continuously physically present in the United States since October 7, 2004;
- (3) Have continuously resided in the United States since October 7, 2004; and
- (4) Be both admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

### **Q. How do I apply for initial registration?**

A. If you are registering for TPS for the first time, you may register during the 180-day registration period beginning on October 7, 2004 and ending November 7, 2004 by submitting the following:

- Form I-821, Application for Temporary Protected Status, with the \$50 filing fee;
- Form I-765, Application for Employment Authorization, see below to determine if you need to include the \$175 fee with your application;
- Two identification photographs (full face frontal, 2"x2"); and
- A \$70 biometric services fee for each applicant age 14 and older.

**USCIS has published an updated Form I-821, Application for Temporary Protected Status with a revision date of July 30, 2004. This form is available on the USCIS web site at [www.uscis.gov](http://www.uscis.gov), through the USCIS Forms Hotline at 1-800-870-3676, and at local USCIS offices. Applications submitted on the previous version of Form I-821 will be rejected.**

### **Q. Where should I submit the application for initial registration?**

A. Submit the completed forms and applicable fees to the USCIS District Office having jurisdiction over your place of residence during the 180-day registration period that begins October 7, 2004 and ends April 5, 2005.

### **Q. How long will the TPS re-designation last?**

A. The TPS re-designation for Sudan is effective for 12 months, from November 2, 2004 through November 2, 2005.



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**Q. If I am applying for TPS under the re-designation, do I need to include a fee along with Form I-765, Application for Employment Authorization?**

A. If you request employment authorization, and are between ages 14 and 65 (inclusive), you must submit a \$175 fee with Form I-765. An applicant who does not seek employment authorization need not submit the \$175 fee, but nonetheless must submit the Form I-765 for data gathering purposes. The applicant may request a fee waiver in accordance with the regulations.

**Q. Specifically, what factors were considered in making the decision to grant a 12-month extension of TPS for Sudan?**

A. After reviewing the country conditions in Sudan, and consulting with the appropriate Government agencies, the Secretary of Homeland Security determined that conditions in Sudan continue to support TPS designation.

Although some progress has been made in the peace negotiations for the North-South conflict, the Secretary of DHS has determined that a 12-month extension is warranted because the armed conflict in Sudan continues. Likewise, the extraordinary and temporary conditions resulting from Sudan's North-South civil war persist. Fighting has caused the displacement of 70,000 people in Sudan's Shilluk Kingdom. The 20-year old conflict is estimated to have killed 2 million people, internally displaced 4.5 million people, and sent over 600,000 refugees into neighboring countries.

**Q. What factors were considered in making the decision to re-designate TPS for Sudan?**

A. After reviewing conditions in Sudan, the Secretary of DHS determined that Sudan be re-designated for TPS due to the intensification of the ongoing armed conflict in the Darfur region. Up to 30,000 civilians have been killed. Up to one million people have been displaced from their homes in Darfur and over 100,000 have fled to neighboring Chad.

**Q. Are Sudan TPS beneficiaries permitted to travel abroad?**

A. Those granted TPS must receive advance permission to return to the United States before traveling abroad. This advance permission is called Advance Parole and can be obtained by filing Form I-131, Application for Travel Document, with the USCIS. 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.



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**Q. If I entered the United States after November 4, 1997, would I qualify for benefits under TPS?**

**A.** Yes. This notice re-designates TPS for Sudan. To be eligible nationals of Sudan (or aliens who have no nationality who last habitually resided in Sudan) must have been continuously physically present and continuously resided in the United States since October 7, 2004.

**Q. Where can I obtain forms and additional information?**

**A.** Information concerning TPS is available at the USCIS web site at [www.uscis.gov](http://www.uscis.gov) or from the USCIS National Customer Service Center at 1-800-375-5283. Applicants may obtain forms from the USCIS web site or by contacting the USCIS Forms Hotline, 1-800-870-3676.

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On March 1, 2003, the USCIS became one of three former Immigration and Naturalization Service (INS) components to join the U.S. Department of Homeland Security. The USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.