



# FAQS ON LATEST TPS AUTOMATIC EXTENSIONS

## What did the Department of Homeland Security announce about TPS on November 4, 2019?

On November 4, 2019, the Department of Homeland Security (DHS) published a [Federal Register Notice](#) (FRN) automatically extending TPS and work authorization through January 4, 2021 for current TPS holders from the following six countries: El Salvador, Haiti, Honduras, Nepal, Nicaragua and Sudan.

## Why did DHS automatically extend TPS and work authorization for these TPS holders?

Even though DHS previously announced the termination of TPS for El Salvador, Haiti, Honduras, Nepal, Nicaragua and Sudan, a number of court orders have prevented the government from actually terminating TPS holders' status. The government has appealed these decisions to federal courts of appeal. However, until and unless a higher court overrules the lower court orders and permits the government to terminate TPS for any of these six countries, the automatic extensions of TPS and work authorization will continue at least through January 4, 2021 and may even be extended again next year.

## How do I know whether I am covered by the automatic extension?

A Haitian, Honduran, Nepali, Nicaraguan, Salvadoran or Sudanese TPS holder is covered by the automatic extension as long as he or she properly applied to re-register for TPS during one of the re-registration periods listed below and the filed Form I-821 was either approved or remains pending with USCIS. Use the chart below to see whether you are covered based on when you most recently applied to re-register (second column) or the expiration date of your most recent Form I-94 Arrival/Departure Record or I-797 receipt notice (third column).

TPS holder nationality	Form I-821 was filed during one of these re-registration periods	Expiration date on most recent I-94 or I-797
<b>El Salvador</b>	January 18 - March 19, 2018 July 8 - September 6, 2016	September 9, 2019 March 9, 2018
<b>Haiti</b>	January 18 - March 19, 2018 May 24 - July 24, 2017 August 25 - October 26, 2015	July 22, 2019 January 22, 2018 July 22, 2017
<b>Honduras</b>	June 5 – August 6, 2018 December 15, 2017 - February 13, 2018 May 16 - July 15, 2016	January 5, 2020 July 5, 2018 January 5, 2018
<b>Nepal</b>	May 22 - July 23, 2018 October 26 - December 27, 2016	June 24, 2019 June 24, 2018
<b>Nicaragua</b>	December 15, 2017 – February 13, 2018 May 16 – July 15, 2016	January 5, 2019 January 5, 2018
<b>Sudan</b>	October 11 - December 11, 2017 January 25 - March 25, 2016	November 2, 2018 November 2, 2017

Keep in mind that, even if you meet the above criteria, you are not covered by the automatic extension if U.S. Citizenship and Immigration Services (USCIS) has withdrawn your individual grant of TPS after finding you are no longer eligible.

If you did not apply to re-register for TPS during one of the re-registration periods listed above for your country, you may be eligible to apply for late re-registration (as discussed below). We encourage you to consult with a qualified legal representative to discuss eligibility.

## Do I need to file any applications with USCIS or pay any fees?

No fees or forms are required to benefit from the automatic extension. If you are eligible for the extension, you do not need to apply for re-registration by filing Form I-821 with USCIS. You do not need to file Form I-765 to seek a new Employment Authorization Document (EAD). However, you have the option of applying for a new EAD if you want one, as discussed in the question below. Beware of paying or hiring any *notario* or legal service provider who is advising you that you must file paperwork with or pay fees to USCIS.

## How do I prove to my employer that I am authorized to work through January 4, 2021?

USCIS has automatically extended through January 4, 2021 the validity of EADs with the category codes "A-12" or "C-19" and one of the expiration dates shown below:

TPS holder nationality	EAD Expiration Date
<b>El Salvador</b>	March 9, 2018 September 9, 2019 January 2, 2020
<b>Haiti</b>	July 22, 2017 January 22, 2018 July 22, 2019 January 2, 2020
<b>Honduras</b>	January 5, 2018 July 5, 2018 January 5, 2020
<b>Nepal</b>	June 24, 2018 June 24, 2019 March 24, 2020
<b>Nicaragua</b>	January 5, 2018 January 5, 2019 April 2, 2019 January 2, 2020
<b>Sudan</b>	November 2, 2017 November 2, 2018 April 2, 2019 January 2, 2020

You may present your employer with your most recent EAD (even if it has expired) and a copy of the FRN. Based on these documents, your employer should complete the Form I-9 to reflect that you are authorized to work through January 4, 2021.

## What should I do if I would like a new EAD with a January 4, 2021 expiration date?

Even though there is no requirement to obtain a new EAD to remain authorized to work through January 4, 2021, some TPS holders want to obtain a new EAD that lists January 4, 2021 as the expiration date. To apply for a new EAD, submit Form I-765 to USCIS, along with the \$410 filing fee or a request for a fee waiver. Information about fee waivers is available at: <https://www.uscis.gov/feewaiver>. No biometrics fee is required. Where to mail your Form I-765 depends on what country you are from, what state you live in, and whether you are mailing your application via USPS or a courier service. To look up the correct mailing address, visit: <https://www.uscis.gov/humanitarian/temporary-protected-status>. Click on your specific country on the left side of the webpage and then click on "Where to File."

Before deciding whether it makes sense to apply for a new EAD, keep in mind the processing times for I-765 applications, which are currently taking four to six months (or more) to be approved. In addition, remember there is a risk that a future court decision could terminate your TPS status and work authorization sooner than January 4, 2021.

## **What if I had TPS in the past but I let it lapse?**

If you are from El Salvador, Haiti, Honduras, Nepal, Nicaragua or Sudan but did not properly re-register during one of the applicable re-registration periods in the first chart above, you are not covered by the automatic extension. However, you may still qualify for the extension if you are successful in getting a late Form I-821 approved by USCIS. USCIS has the discretion to accept and approve a late re-registration application when the applicant has “good cause” for filing after the end of the relevant re-registration period. Speak to a qualified legal service provider to see whether you might qualify.

## **If I am covered by the extension, can I travel with a valid advance parole document?**

Yes. If you are covered by the auto-extension you should be able to travel abroad and return to the United States by presenting to U.S Customs and Border Protection a valid advance parole document issued by USCIS, together with a copy of the FRN and your most recent EAD and/or TPS status document (I-797 receipt notice or Form I-94 Arrival/Departure Record) - even if the EAD/I-797/I-94 has expired. However, before deciding to travel, always speak to a qualified legal representative about your specific situation to make sure you understand the risks involved in leaving the country.

## **How do I prove to the Department of Motor Vehicles or other government agencies that I remain in TPS status and/or authorized to work?**

Federal, state and local government agencies set their own rules and guidelines for granting benefits. Check with the specific government agency about what documents are required to establish eligibility for a driver’s license or other benefit, or to prove lawful status in the United States. As a starting point, consider presenting a copy of the FRN and your automatically extended EAD, Form I-94, I-797 receipt notice, or other DHS document that shows your TPS status.

## **How long will I be able to remain in TPS with valid work authorization?**

You will remain in TPS status and have work authorization through Jan 4, 2021 unless a court allows DHS to terminate TPS sooner than that. The soonest you could lose TPS and work authorization depends on your nationality. You may lose status approximately six months (or 1 year for Salvadorans) from the date a court decision allows DHS to terminate TPS. Remember, the pending court cases are only a way to delay the TPS terminations from going into effect. A court could decide to permit the terminations to go into effect or the government could terminate TPS again in a legal way. Only Congress has the power to pass legislation that would provide a permanent solution for TPS holders.

All TPS holders should be screened by a qualified legal representative to see whether you might be eligible for a more permanent immigration benefit or status. You may also seek legal screening about what, if any, type of relief from removal you might qualify for if you were to lose TPS status and be placed in removal proceedings.