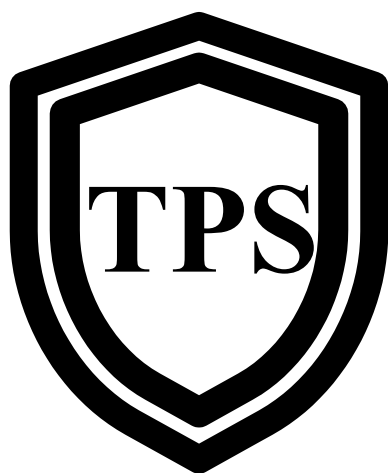




TEMPORARY PROTECTED STATUS



Temporary Protected Status (TPS) is a time-limited status given to eligible nationals of designated countries who are present in the United States when circumstances in their home country make it unsafe to return. The status is afforded to nationals from countries affected by armed conflict, natural disaster, or other extraordinary and temporary conditions, and allows eligible individuals to live and work in the United States temporarily. The length of a TPS designation can be anywhere from 6 to 18 months and can be extended for many years.

At least 60 days prior to expiration of the TPS designation, the Secretary of the Department of Homeland Security must announce whether he/she will extend or end the TPS designation. Announcements on whether TPS designations will be extended are posted online at <https://www.federalregister.gov> or <https://www.uscis.gov/humanitarian/temporary-protected-status>.

As of May 2021, the following countries are currently designated for TPS:

- El Salvador
- Burma (Myanmar)
- Haiti
- Honduras
- Nepal
- Nicaragua
- Somalia
- South Sudan
- Sudan
- Syria
- Venezuela
- Yemen

To confirm whether your country is designated for TPS, please consult your attorney.

To be eligible for TPS, you must meet the following requirements:

- **Nationality:** Be a national of a country designated for TPS, or a person without nationality who last habitually resided in the designated country;
- **Filing Date:** File during the open initial registration or re-registration period for your country of nationality, or meet the requirements for late initial filing during any extension of the TPS designation (see information on late filing below);
- **Continuous U.S. Physical Presence:** Have been continuously physically present in the United States since the specified*; and
- **Continuous U.S. Residence:** Have continuously maintained a residence in the United States since the date specified.

*The law allows an exception to the continuous physical presence and continuous residence requirements for brief, casual, and innocent departures from the United States. If you have any questions about these requirements or whether you qualify for TPS, please consult your attorney.

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HOW TO REGISTER FOR TPS

To register for TPS, you must fill out Form I-821, pay the required fee, and submit all supporting documentation and evidence required by USCIS. Upon receipt of your application materials, USCIS will send you a notice confirming the submission and eventually USCIS will send its decision on the case. If you receive TPS from USCIS, you will be permitted to work in the United States and to travel upon a grant of advance permission to travel.

You may register late for TPS during an extension of your country's TPS designation period, although you must satisfy one of USCIS's requirements for a late filing, as well as all TPS eligibility requirements described above. If you intend to submit a late initial application, it is recommended that you consult with your attorney before submitting your application.

YOU CANNOT QUALIFY FOR TPS IF YOU:

- Have been convicted of any felony or two or more misdemeanors committed in the United States;
- Are found inadmissible under the immigration laws, including for non-waivable criminal and security-related grounds;
- Are subject to any of the mandatory bars to asylum. These include, but are not limited to, participating in the persecution of another individual or engaging in or inciting terrorist activity;
- Do not meet the continuous physical presence and continuous residence requirements described above;
- Do not meet initial or late initial TPS registration requirements; or
- Do not re-register for TPS without good cause.



WHAT OUR OFFICE IS DOING

Consult your immigration lawyer if you believe you are eligible for another status such as H, L, O, P and want to know how that would interact with your TPS, you can. You can contact our office at The Dutta Law Firm at (212) 495-9089.