



# AN OVERVIEW OF TEMPORARY PROTECTED STATUS (TPS)

Addressing Frequently Asked Questions about TPS,  
eligibility, benefits, and more

DECEMBER 2022

Temporary Protected Status (TPS) provides temporary immigration relief for immigrants from certain **designated countries** who cannot return to their home countries due to natural disaster, armed conflict, or other conditions that make it unsafe. **TPS is only for people from designated countries who were already living in the United States when TPS was designated for that country.** TPS holders are allowed to live and work lawfully in the United States for a certain period.

## WHAT COUNTRIES ARE CURRENTLY DESIGNATED FOR TPS?

At this time, the following countries have been designated for TPS:

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

For the most updated information about countries designated for TPS and their specific eligibility and registration dates, visit: <https://www.uscis.gov/humanitarian/temporary-protected-status>.

*continued...*

## **WHAT ARE THE REQUIREMENTS FOR TPS?**

### **A.) Nationality**

Only nationals of countries designated for TPS are eligible. However, if a noncitizen has resided in the designated country for a significant amount of time, they may qualify too.

### **B.) Physical Presence**

An applicant must show they have been continuously physically present in the United States since the date TPS was designated for their country (dates will vary depending on country of origin). Some brief trips outside the United States may be allowed.

### **C.) Continuous Residence**

An applicant must prove that they have been continuously residing in the United States since the date specified for an applicant's country (dates will vary depending on country of origin). Some brief trips outside the United States may be allowed.

### **D.) Criminal, Immigration, and Other History**

An applicant's criminal and immigration history play an important factor in determining eligibility. Incidents and behavior in the person's country of origin before arriving to the United States are also evaluated. The requirements for TPS are very strict and are different from other immigration programs. For some things, a waiver must be filed. Other types of issues simply make the person ineligible for TPS. It is important to speak to a trusted legal service provider to verify eligibility before applying. **It can be risky to apply for TPS if you are not eligible!**

## **CAN I APPLY FOR TPS IF I HAVE A TEMPORARY VISA OR STATUS? OR A PENDING APPLICATION FOR STATUS?**

Yes, it is possible to apply for TPS while you have another temporary visa or status. Sometimes TPS can provide immediate benefits while another application for a permanent form of status is pending. Speak to a legal service provider about the best

*continued...*

strategy for your particular case.

## **IF MY COUNTRY OF ORIGIN IS DESIGNATED FOR TPS, DOES THAT MEAN I AM AUTOMATICALLY ELIGIBLE?**

No. You must have been residing in the United States when the TPS designation of your country was announced. You must also meet all of the requirements for your particular country. In addition, certain criminal and immigration issues can make you ineligible. For the specific requirements for your country, visit: [\*\*www.uscis.gov/humanitarian/temporary-protected-status\*\*](http://www.uscis.gov/humanitarian/temporary-protected-status)

## **DO I NEED TO APPLY FOR TPS BY A CERTAIN DATE?**

To apply for TPS for the first time, called “initial registration”, the applicant must apply during the registration period specified for their country. If the registration deadline has already passed, speak to a legal service provider to see if you qualify for ‘late initial registration’. For the registration period for your country, visit: [\*\*www.uscis.gov/humanitarian/temporary-protected-status\*\*](http://www.uscis.gov/humanitarian/temporary-protected-status)

## **WHAT ARE THE COSTS IN APPLYING FOR TPS?**

The filing fee for the TPS application Form I-821 is \$50 for all initial applicants; there is NO fee if re-registering for TPS. In addition, all applicants aged fourteen or older must pay a biometrics fee of \$85.

If an applicant files a Form I-765 for a work permit with their TPS application, the fee is \$410. There is no filing fee for work permits if the applicant is under age fourteen or over sixty-five.

## **IS THERE A FEE WAIVER FOR APPLICANTS WHO CAN'T AFFORD THE FILING FEE?**

A fee waiver is available for all filing fees associated with the TPS application. To request a fee waiver, the applicant can either complete Form I-912 or submit a

continued...

written request along with documentation of the applicant's inability to pay.

## **IF I AM GRANTED TPS, WHAT ARE THE BENEFITS?**

### **TPS provides three main benefits:**

- ▶ live lawfully in the United States during the designated period;
- ▶ have a valid work permit during the designated period; and
- ▶ option to apply for a travel document that provides permission to travel abroad for a certain amount of time and return to the United States.

Unfortunately, TPS does not lead to any permanent legal status or a green card.

## **WHAT HAPPENS WHEN A TPS DESIGNATION IS GOING TO EXPIRE?**

60 days before a TPS designation is set to expire, the government will announce whether TPS for that country will end or be extended. Sometimes TPS for a specific country is extended over and over for decades. If TPS for a certain country is extended, TPS holders from that country must re-register within a given time period.

## **MY TPS APPLICATION WAS DENIED, WHAT CAN I DO?**

If a TPS application is denied by USCIS, the applicant can appeal the decision. Or, if they are in removal proceedings, ask for review by the immigration judge in their case.

## **WHERE CAN I FIND A TRUSTED LEGAL SERVICE PROVIDER?**

Visit <https://ilrc.me/findhelp> to find a trusted legal services provider in your area.

Are you a California Community College (CCC) or a California State University (CSU) student? If so, you qualify for <b>FREE</b> immigration legal services!			Discover more community explainers, toolkits, & alerts about immigration law.				
<b>FIND OUT MORE</b>	<b>CCC:</b> <a href="https://findyourally.com">findyourally.com</a>	<b>CSU:</b> <a href="https://findyourally.com/csu">findyourally.com/csu</a>	<b>FOLLOW US</b>				