



THE LATEST ON: **TEMPORARY PROTECTED STATUS (TPS)**

An update for TPS recipients from countries that were subject
to termination under the Trump administration

MARCH 2023

Temporary Protected Status (TPS) provides protection and work authorization to nationals of certain countries designated by the United States due to armed conflict, natural disasters, and other emergencies.

16 countries are currently designated for TPS (see the [USCIS TPS page](#) for complete information on each country). The Trump administration previously ordered the termination of TPS for six of those countries, but those terminations were challenged in court, and the litigation is ongoing. While the litigation is pending, persons from those six countries can continue receiving TPS protection if they otherwise qualify. In addition, some of these six countries have been re-designated for TPS by the Biden administration, providing a new TPS designation not subject to the litigation.

WHAT IS THE CURRENT STATUS OF TPS?

The Trump administration previously tried to terminate TPS status for six designated countries: El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan. However, several lawsuits were filed, including *Ramos v. Wolf*, to challenge those terminations. While the outcomes of these lawsuits are pending, the Biden administration extended the TPS designations for those six countries until June 30, 2024. This will allow persons from these countries to continue receiving TPS protections.

The automatic extension of TPS until 2024 does not require recipients to file applications. The [official announcement](#) of the extension can be shown as proof of

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extension of TPS protection and permission to work through June 30, 2024. While a new work permit is not required for continuing employment authorization, TPS recipients can request one by filing **Form I-765**.

WHAT ABOUT NEW DESIGNATIONS AND RE-DESIGNATIONS?

The Biden administration created two new TPS designations for Haiti (one in 2021 and another in 2023) and one for Sudan in 2022. While the old designations for Haiti and Sudan are part of the pending lawsuit, these three recent designations are not. This means that although persons can continue benefiting from the extensions from the prior designations, they should instead submit an initial TPS application under the new designations to have more security in their case and avoid any changes resulting from a negative court decision.

The two tables below summarize the dates of extensions as well as the deadlines to apply for the new designations for Sudan and Haiti.

6 Impacted Countries	Auto-Extension Valid Through
Sudan* (2013 designation)	June 30, 2024
Nicaragua	June 30, 2024
Haiti* (2011 designation)	June 30, 2024
El Salvador	June 30, 2024
Nepal	June 30, 2024
Honduras	June 30, 2024

**NEW DESIGNATIONS FOR HAITI AND SUDAN*

	Recent Designation Date	Registration Deadline
Haiti	August 3, 2021	March 27, 2023
Haiti	January 26, 2023	August 3, 2024
Sudan	April 19, 2022	October 19, 2023

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Note: Haiti was designated twice for TPS by the Biden Administration. First on August 3, 2021, and then again on January 26, 2023. Individuals that applied for and received initial TPS under the 2021 designation must re-register for TPS by March 27, 2023. Their work permits have automatically been extended until February 3, 2024. Individuals that were granted TPS pursuant to the August 3, 2021 designation are not subject to the litigation and do not need to apply for initial TPS again under the new 2023 designation. Persons who did not apply for TPS under the August 3, 2021 designation have until August 3, 2024 to apply for the first time if they otherwise qualify.

WHAT IS NEXT FOR TPS RECIPIENTS FROM THESE 6 COUNTRIES?

There are several factors that could determine the future legal options of TPS recipients from the six countries in question.

- ▶ People from Haiti and Sudan should be aware that they may and should apply under the more recent designations for Haiti and for Sudan. If granted, recipients under this new TPS designation will retain their status regardless of the litigation.
- ▶ The lawsuits continue and could bring additional changes to the program for these countries.
- ▶ If TPS is terminated by the pending litigation in the future, the termination would take effect no earlier than 365 days from the date of the final court decision.
- ▶ There may be more new designations for the six countries or legislation may be introduced in Congress to provide a pathway to permanent status for TPS recipients.

WHAT CAN TPS RECIPIENTS DO NOW?

- 1.** All rights and benefits of TPS remain in effect until the expiration date—nothing

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has changed for TPS recipients at this time. The **TPS page** on the USCIS website has updated information about TPS designations and registration deadlines.

2. TPS recipients can continue to travel abroad on an approved I-512T Authorization for Travel document but should be careful not to remain outside the United States beyond the approval date of their travel document and the validity period of their TPS.
3. Consult an expert about other legal options that provide a more permanent status. The law or a person's situation may have changed since they last spoke with a legal service provider. It is possible to apply for another form of status while having TPS, and it is a good idea to start those application processes while in valid TPS status.

Find a trusted legal service provider in your area here: **ilrc.me/findhelp**.

4. Stay informed about new developments. Many factors are at play that could determine the future legal options for TPS recipients.

For more information, visit:

- The ILRC page on TPS: **<https://www.ilrc.org/tps>**
- The National TPS Alliance homepage: **<https://www.nationaltpsalliance.org>**
- CLINIC's page on TPS: **<https://www.cliniclegal.org/issues/temporary-protected-status-tps-and-deferred-enforced-departure-ded>**

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