



DECEMBER 2020

TEMPORARY PROTECTED STATUS (TPS): AN UPDATE ON STATUS AND OPTIONS

Temporary Protected Status (TPS) provides protection and work authorization to nationals of certain countries experiencing armed conflict, natural disasters, and other emergencies.

Currently 10 countries have been designated for TPS, but the Trump administration has ordered the termination of TPS for six of those countries.

WHAT IS THE CURRENT STATUS OF TPS?

Over the last few years, the Trump administration ordered the termination of TPS for six countries designated for TPS: El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan. However, several lawsuits were filed to challenge those terminations and those cases are currently pending. As a result, TPS has been extended until October 4, 2021 for those six countries, after previously being extended through January 4, 2021.

This is an automatic extension of TPS and does not require recipients to file a renewal application. The **official announcement** of the extension can be shown as proof of extension of TPS protection and work permit through October 4, 2021. While not required for continuing employment authorization, TPS recipients can request a new work permit by filing [Form I-765](#).

The other four countries—Somalia, South Sudan, Syria, and Yemen—have not been terminated by the Trump administration. The table to the right lists their current extension timeframes. TPS designations last for a period of 6 to 18 months at a time. At least 60 days before the end of the TPS designation, the government must announce whether they will be extending or terminating the TPS designation.

TPS Designated Countries

Termination Pending: Extension Due to Litigation:

El Salvador	10/4/2021
Haiti	10/4/2021
Honduras	10/4/2021
Nepal	10/4/2021
Nicaragua	10/4/2021
Sudan	10/4/2021

Designation Current: Currently Extended Through:

Somalia	9/17/2021
South Sudan	5/2/2022
Syria	3/21/2021
Yemen	9/3/2021

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.

- The lawsuits continue and could bring additional changes to the program.
- President-elect Biden has said he will 'review' TPS designations and may decide to rescind the termination order and reauthorize TPS for these countries.
- Legislation may be introduced in Congress to provide a pathway to permanent status for TPS recipients, such as the Promise Act.

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WHAT CAN TPS RECIPIENTS DO NOW?

- ✓ All rights and benefits of TPS **remain in effect until the expiration date**—nothing has changed for TPS recipients at this time.
- ✓ TPS recipients can continue to travel on Advance Parole but should be careful not to remain outside the United States beyond the approval date of their Advance Parole document and the validity period of their TPS. Given the COVID-19 pandemic, those who plan to travel should consider relevant travel restrictions, take precautions to stay healthy while abroad, and allow for additional time to return to the United States in case they encounter travel difficulties.
- ✓ Consult an expert about other legal options that provide a more permanent status. The law or their 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 legal service provider in your area here: <https://bit.ly/ianimmhelp>.

Note: TPS recipients with family members who are lawful permanent residents or U.S. citizens may be able to gain permanent residence. This process can take place either in the United States or at the U.S. Embassy or Consulate in their country of origin, depending on how they first entered the United States, where they now live, if they had a family petition pending on or before April 30, 2001, and if they have travelled on Advance Parole prior to August 20, 2020. Talk to a legal service provider about your options and the best strategy for you and your family.

- ✓ Stay informed about developments. Many factors are at play that could determine the future legal options for TPS recipients. **For more information**, visit: <https://www.ilrc.org>, <https://www.nationaltpsalliance.org>, and <https://www.cliniclegal.org/issues/temporary-protected-status-tps-and-deferred-enforced-departure-ded>.

