

QUESTIONS AND ANSWERS

7/16/03



Extension of Temporary Protected Status (TPS) For Salvadorans

Temporary Protected Status (TPS) is a provisional immigration status granted to eligible nationals of designated countries suffering the effects of an ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions. During the period for which the Secretary of Homeland Security has designated a country under the TPS program, beneficiaries are not required to leave the United States and may obtain employment authorization.

TPS does not lead to permanent resident status, however. When the Secretary terminates a country's designation, the alien will return to the status he/she had prior to TPS or to any other status he/she may have obtained while registered for TPS.

Q. Who is eligible to re-register for the 18-month TPS extension?

A. An alien who is a national of El Salvador (or in the case of an alien having no nationality, a person who last habitually resided in El Salvador) may re-register for the 18-month extension of TPS and an extension of employment authorization. Re-registration is limited to persons who registered during the initial TPS registration period that ended on September 9, 2002 or who registered after that date under the late initial registration provision, and who timely re-registered during the previous extension. Those who have never registered for TPS may be eligible to register for late initial registration, as described below. Individuals who have been convicted in the United States of either a felony or two or more misdemeanors committed in the United States are not eligible for TPS. Likewise, individuals subject to certain criminal or security-related bars to asylum are ineligible for TPS.

Q. How do I re-register for a TPS extension?

A. If you already have been granted TPS through the El Salvador TPS Program, your TPS will expire on September 9, 2003. Persons previously granted TPS under the El Salvador TPS program may re-register during the 60-day re-registration period beginning on July 16, 2003 and ending September 15, 2003, by submitting the following:

- An Application for Temporary Protected Status, Form I-821;
- An Application for Employment Authorization, Form I-765; and
- Two identification photographs (1 1/2" x 1 1/2"). Applications submitted without the required fee, if applicable, and/or photos will be returned.

Applicants for an extension of TPS benefits do not need to submit new fingerprints and therefore do not need to submit a \$50 fingerprint fee. Furthermore, attesting in part 1 of the Form I-821 to the continued maintenance of the conditions of eligibility will generally preclude the need for supporting documents or evidence. The Bureau of Citizenship and Immigration Service (BCIS), however, reserves the right to request additional information and/or documentation on a case-by-case basis.

Fees: Applicants for re-registration need not submit the \$50 fee along with Form I-821. If the applicant requests employment authorization, he or she must submit a \$120 fee with Form I-765. An applicant who does not seek employment authorization need not submit the \$120 fee, but nonetheless must submit the Form I-765. The applicant may request a fee waiver in accordance with the regulations.

Postmark: The BCIS will accept re-registration applications containing a postmark dated on or prior to September 15, 2003, the end of the registration period. However, the BCIS encourages applicants to mail their applications well in advance of September 15, 2003 to give the BCIS an early start in processing the I-765, Application for Employment Authorization Document.

Failure to submit the required photographs and filing fees will result in the rejection of the re-registration application.

Q. Who is eligible to file for late initial registration?

A. An alien may register for TPS as a late initial registrant if he or she:

- Is a national of El Salvador (or an alien who has no nationality and who last habitually resided in El Salvador);
- Has been continuously physically present in the United States since March 9, 2001;
- Resided in the United States on or before February 13, 2001 and has continuously resided in the United States until the present.
- Is admissible as an immigrant, except as provided under 8 CFR 244.3; and
- Is not ineligible for TPS under 8 CFR 244.4 (criminal and security-related bars).

Additionally, a late initial registrant must demonstrate that during the initial registration period from March 9, 2001, through September 9, 2002, he or she:

- Was a nonimmigrant or had been granted voluntary departure status or any relief from removal;
- Had an application for change of status, adjustment of status, asylum, voluntary departure or any relief from removal which is pending or subject to further review or appeal;
- Was a parolee or had a pending request for reparole; or
- A spouse or child of an alien currently eligible for TPS under this program may apply for late initial registration at any time if he or she is otherwise eligible and was so at the time of the initial registration period.

An applicant for late initial registration must register no later than 60 days after the expiration or termination of the conditions described above.

Q. How do I apply for late initial registration?

A. A late initial registrant must file a complete application package, including supporting documentation and all applicable fees, in accordance with the regulations. In addition to the requirements described above for re-registration under the extension, a late initial registrant must submit a \$50 fee with Form I-821 and, if 14 years of age or older, a \$50 fingerprint fee. The applicant may request a fee waiver in accordance with the regulations.

Q. Where should I submit the application for an extension of TPS or for late initial registration?

A. Applications must be sent to the appropriate BCIS Service Center. If you live in Connecticut, Delaware, Washington, DC, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia or the Virgin Islands, mail your application and applicable fees to:

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services
Vermont Service Center
Attn: TPS
75 Lower Welden Street
St. Albans, VT 05479

If you live in Arizona, California, Guam, Hawaii or Nevada, mail your application and applicable fees to:

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services
Attn: TPS
California Service Center
P.O. Box 10821
Laguna Niguel, CA 92607-1082

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee or Texas, mail your application and applicable fees to:

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services
Texas Service Center
P.O.Box 850997
Mesquite, TX 75185-0997

If you live elsewhere in the United States, mail your application and applicable fees to:

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services
Nebraska Service Center
P.O. Box 87821
Lincoln, NE 68501-7821

Please do not go to a BCIS District Office. Local BCIS offices cannot accept TPS applications for Salvadorans. If applicants go to a BCIS District Office, they will be instructed to file their application with the BCIS Service Center that has jurisdiction over their place of residence.

Q. How long will the TPS extension last?

A. The TPS extension for Salvadorans is effective for 18 months, from September 9, 2003 through March 9, 2005.

Q. Specifically, what factors were considered in making the decision to grant an 18-month extension of TPS for El Salvador?

A. After reviewing the country conditions and consulting with the appropriate Government agencies, the Department of State and the Department of Homeland Security have determined that conditions in El Salvador continue to support TPS designations. Although El Salvador has made progress in its post-earthquake reconstruction effort, much work remains. As of April 2003, only one-third of the 170,000 homes destroyed by the earthquakes had been replaced. More than three-quarters of the damaged roads still need repair. As of February 2003, some rural health clinics have been rebuilt, but construction had not begun on other major health facilities. In February 2003, the majority of damaged or destroyed schools targeted for reconstruction by USAID were still in the design phase.

The economy of El Salvador is not yet stable to absorb returnees from the United States should TPS not be extended. Returning Salvadorans would tax an already overburdened infrastructure that is currently incapable of providing for them at home. A large number of returnees from the United States would not be able to find jobs or possibly housing, creating social unrest and exacerbating a critical crime situation and already dismal living conditions. Accordingly, the TPS designation of El Salvador for TPS has been extended.

Q. Will Salvadoran nationals protected by TPS be permitted to travel abroad during the TPS period?

A. Those granted TPS must receive advance permission to return to the United States before traveling abroad. This advance permission is called Advance Parole and can be obtained by filing Form I-131, Application for Travel Document, with the BCIS. Failure to obtain advance parole prior to traveling abroad may result in the withdrawal of your TPS and/or the institution or re-calendering of removal procedures.

Q. Where can I obtain forms and additional information?

A. Information concerning the TPS program is available at the BCIS Internet Web site, located at www.bcis.gov or the BCIS National Customer Service Center, at 1-800-375-5283. Applicants may obtain forms from the BCIS web site or by contacting the BCIS Forms Line, 1-800-870-3676.

Q. If I entered the United States after February 13, 2001, would I qualify for benefits under TPS?

A. No. This extension does not change the required dates of continuous residence and continuous physical presence in the United States. To be eligible, Salvadorans must have continuously resided in the United States since February 13, 2001 and have been continuously physically present in the United States since March 9, 2001.

Q. What if my employer has questions regarding the automatic extension of my employment authorization document to March 9, 2004?

A. BCIS reminds employers that the laws prohibiting unfair, immigration-related employment practices remain in full force. Employers with questions should call the BCIS' Office of Business Liaison Employer Hotline at 1-800-357-2099 or the Office of Special Counsel (OSC) for Immigration Related Unfair Employment Practices Employer Hotline at 1-800-255-8155. The OSC Employee Hotline is 1-800-255-7688.