



U.S. Citizenship
and Immigration
Services

October 8, 2004

Questions and Answers

DHS EXTENDS TEMPORARY PROTECTED STATUS (TPS) FOR BURUNDI FOR 12 MONTHS

Temporary Protected Status (TPS) is 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 for TPS, beneficiaries may not be removed from the United States and are authorized to engage in employment.

TPS is temporary and does not lead to permanent resident status. 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 12-month TPS extension?

A. Re-registration is limited to nationals of Burundi (or in the case of an alien having no nationality, a person who last habitually resided in Burundi) who registered under the first TPS designation announced on November 4, 1997, during the registration period for the re-designation announced on November 9, 1999, or under the late registration provisions. Those who have never registered for TPS may be eligible for late initial registration, as described below. An individual who has been convicted in the United States of either a felony or two or more misdemeanors committed in the United States is not eligible for TPS. Likewise, an individual subject to a criminal, security-related, or any other bar to asylum is ineligible for TPS.

Q. How do I re-register for TPS?

A. If you already have been granted TPS through the Burundi TPS designation, your TPS will expire on November 2, 2004. Such persons may re-register for TPS during the 60-day re-registration period beginning on October 7, 2004 and ending December 6, 2004, by submitting the following:

- Form I-821, Application for Temporary Protected Status (without fee);
- Form I-765, Application for Employment Authorization (see below to determine if you need to include the \$175 fee with your application);
- Two identification photographs (full face frontal, 2 inches x 2 inches); and
- A \$70 biometric services fee for each applicant age 14 or older.



U.S. Citizenship
and Immigration
Services

Note: USCIS has published an updated Form I-821, Application for Temporary Protected Status, with a revision date of July 30, 2004. This form is available on the USCIS web site at www.uscis.gov, the USCIS Forms Line at 1-800-870-3676, and at local USCIS offices. Applications submitted on the previous version of Form I-821 will be rejected.

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. However, USCIS reserves the right to request additional information and/or documentation on a case-by-case basis.

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

Q. If I am re-registering for TPS under the extension, do I need to include a fee with Form I-765, Application for Employment Authorization?

A. If you request employment authorization, you must submit a \$175 fee with Form I-765. An applicant who does not seek employment authorization need not submit the \$175 fee, but nonetheless must submit the Form I-765 for data-gathering purposes. The applicant may request a fee waiver in accordance with the regulations.

Q. The re-registration period ends after my employment authorization document (EAD) expires on November 2, 2004. Is my EAD extended through the re-registration period?

A. No. Those Burundi TPS beneficiaries who are applying for work authorization must do so before their current EADs expires on November 2, 2004. USCIS strongly encourages TPS beneficiaries from Burundi that require EADs to reregister as soon as possible.

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

A. Some persons may be eligible for late initial registration under sections 244(c) of the Immigration and Nationality Act (Act) and the regulations at Title 8 of the Code of Federal Regulations (C.F.R.), Part 244.2 To apply for late initial registration an applicant must:

- (1) Be a national of Burundi (or in the case of an alien who has no nationality, have last habitually resided in Burundi);
- (2) Have been continuously physically present in the United States since November 9, 1999;
- (3) Have continuously resided in the United States since November 9, 1999; and
- (4) Be both admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.



U.S. Citizenship and Immigration Services

Additionally, the applicant must be able to demonstrate that during the registration period for the initial designation (from November 4, 1997 to November 3, 1998), or during the registration period for the re-designation (from November 9, 1999 to November 2, 2000), he or she:

- (1) Was a nonimmigrant or had been granted voluntary departure status or any relief from removal;
- (2) Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal or change of status pending or subject to further review or appeal;
- (3) Was a parolee or had a pending request for reparole; or
- (4) Was the spouse or child of an alien currently eligible to be a TPS registrant.

An applicant for late initial registration must file an application for late registration no later than 60 days after the expiration or termination of the conditions described above. 8 C.F.R. 244.2(g).

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. The applicant may request a fee waiver in accordance with the regulations.

Q. Where should I submit my application for re-registration or late initial registration?

A. Submit the completed forms and applicable fees, if any, to the USCIS District Office having jurisdiction over your place of residence during the 60-day re-registration period that begins October 7, 2004 and ends December 6, 2004.

Q. How long will the TPS extension last?

A. The TPS extension for Burundi is effective for 12 months, from November 2, 2004 through November 2, 2005.

Q. What factors were considered in making the decision to grant a 12-month extension of TPS for Burundi?

A. After reviewing the country conditions and consulting with the appropriate Government agencies, the Secretary of Homeland Security determined that conditions in Burundi continue to support TPS designation. Extraordinary and temporary conditions, resulting from ongoing armed conflict continue throughout Burundi, and continue to prevent the safe return of nationals of Burundi (or aliens having no nationality who last habitually resided in Burundi). Progress in building a long-term peace has been slower than expected. One rebel group, the Party for the Liberation of the Hutu People-Forces for National Liberation, remains outside the peace process. Fighting between the armed forces of Burundi and the rebel groups continues in Burundi, including the area surrounding the capital. The armed conflict has displaced an estimated 140,000 –280,000 persons within Burundi and an estimated 800,000 outside Burundi. Approximately 100,000 additional Burundians are temporarily displaced each month.



U.S. Citizenship and Immigration Services

The Department of Homeland Security (DHS) noted a lack of respect for human rights and a continued complex emergency resulting from the armed conflict. An estimated 250,000-300,000 people have been killed in the conflict in Burundi since 1993. Nearly 14 percent of the population (965,000 people) is in need of emergency food and agricultural assistance. The number of people living below the poverty line doubled from 33 percent in 1990 to 67 percent in 2003.

At this point, the ongoing armed conflict and extraordinary and temporary conditions within Burundi prevent aliens from returning to Burundi in safety.

Q. Are Burundi TPS beneficiaries permitted to travel abroad during the TPS extension?

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 may be obtained by filing Form I-131, Application for Travel Document, with USCIS. Failure to obtain advance parole prior to traveling abroad may result in the withdrawal of TPS and/or the institution or re-calendar of removal proceedings.

Q. If I entered the United States after November 9, 1999, 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 for TPS, nationals of Burundi (or in the case of an alien having no nationality, is a person who last habitually resided in Burundi) must have continuously resided and been continuously physically present in the United States since November 4, 1997, or, if they registered for TPS under the re-designation in 1999, have continuously resided and been continuously physically present in the United States since November 9, 1999.

Q. Where may I obtain forms and additional information?

A. Information concerning TPS is available at the USCIS web site at www.uscis.gov, or through the USCIS National Customer Service Center at 1-800-375-5283. Applicants may obtain forms from the USCIS web site or by contacting the USCIS Forms Line, 1-800-870-3676.

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On March 1, 2003, the USCIS became one of three former Immigration and Naturalization Service (INS) components to join the U.S. Department of Homeland Security. The USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.