

Temporary protected status

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Temporary protected status (also called "**TPS**") is a temporary status given to eligible nationals of designated countries who are present in the United States. The status, afforded to nationals from some countries affected by [armed conflict](#) or [natural disaster](#), allows persons to live and work in the United States for limited times.^{[1][2]} Currently, persons from ten countries—[Haiti](#), [El Salvador](#), [Syria](#), [Nepal](#), [Honduras](#), [Yemen](#), [Somalia](#), [Sudan](#), [Nicaragua](#); and [South Sudan](#)—have temporary protected status. About 320,000 people have TPS as of 2017, the majority from El Salvador (195,000), Honduras (57,000), and Haiti (46,000).^[2]

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History

In 1990, as part of the [Immigration Act of 1990](#) ("IMMACT"), P.L. 101-649, Congress established a procedure by which the [Attorney General](#) may provide temporary protected status to immigrants in the United States who are temporarily unable to safely return to their home country because of ongoing [armed conflict](#), an [environmental disaster](#), or other extraordinary and temporary conditions.^{[3][4]} The law granted temporary protected status until July 1992 for eligible Salvadorians facing deadly violence from the [ongoing civil war in El Salvador](#).^{[5][6]} Individuals fleeing [war in Lebanon](#), [war in Liberia](#), and the [Iraqi invasion of Kuwait](#) were eligible for temporary protected status in 1991.^[7]

On March 1, 2003, pursuant to the [Homeland Security Act of 2002](#), Public Law 107-296, the former [Immigration and Naturalization Services](#) of the Department of Justice was divided into three different agencies under the Department of Homeland Security, namely [U.S. Immigration and Customs Enforcement](#), [United States Citizenship and Immigration Services](#), and [U.S. Customs and Border Protection](#).^[8]As

of October 2017, the authority to designate a country for temporary protected status rests with the [United States Secretary of Homeland Security](#).

Deferred Enforced Departure is a status similar to temporary protected status.^[9] It is active for [Liberia](#) through March 31, 2019.^[10] Liberians previously were able to hold temporary protected status.^[10]

By 2017, the temporary protected status program covered people from ten countries, namely El Salvador, Haiti, Honduras, Liberia, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen. By November 2017, about 300,000 foreign nationals were recipients of protection under temporary protected status.^[11] Some have been in the United States since the 1990s. People with temporary protected status are able to obtain work authorization every 18 months since the designation was made, in some cases for many years.^[12]

Protection of 2,500 immigrants from Nicaragua under temporary protected status will terminate on January 5, 2019.^{[12][11]}

Temporary protected status for the largest group, 263,280 Salvadorans, and the second-largest group, 45,000 Haitians, will terminate in 2019.^{[12][13][14]}

An extension to July 2018 was granted to 86,000 Hondurans, who have not been required to leave the United States since 1999.^[12] Announcements about extensions are expected in March 2018.^[12]

In January 2018, the U.S. Government announced that temporary protected status for Salvadorians would be discontinued and stated that Salvadorians currently living in the United States under temporary protected status must either leave the country or find another legal status by September 2019.^{[15][16][17]} This was part of [U.S. President Trump's efforts to restrict immigration and increase deportation](#).^[16]

People from El Salvador who are losing temporary protected status due to this policy change have a number of options. Salvadorian official Roberto Lorenzana^[a] estimates that about half will be eligible to apply for permanent residence.^[15] Many are expected to stay in the United States illegally.^[16] However, those who do choose to stay in the United States illegally are expected to be much easier to deport than most undocumented immigrants because their home and workplace are known to the government through the application process for temporary protected status.^[15]

César Ríos of the Salvadorean Migrant Institute estimates that, at most, 15% of Salvadorians with temporary protected status will return to El Salvador."^[15] Some have considered [moving to Canada](#).^[15] The government of El Salvador has been in conversation with the government of [Qatar](#) about some of those formerly under temporary protected status [working in Qatar](#) temporarily.^[17]

The United States has made an agreement with El Salvador to limit the number of deportation flights to eight a week, each with a maximum capacity of 135 people. This puts the maximum number of deportations at 56,000 Salvadoreans a year.^{[15][b]}

Business owners and local governments in the United States have expressed concern about the economic impact on industries which depend on workers in the United States under temporary protected status.^[16] Deportation is expected to cause disruption in El Salvador and increase illegal immigration from El Salvador to the United States.^[16]

A 2017 study by the Immigrant Legal Resource Center found that removing temporary protected status from Haitians, Salvadorans, and Hondurans would decrease [Social Security](#) and [Medicare](#) income by \$6.9 billion, decrease [Gross Domestic Product](#) by \$45.2 billion, and incur deportation costs of \$3.1 billion over 10 years.^{[19][16]}

On May 4, 2018, the United States Department of Homeland Security declined to renew temporary protected status for Hondurans, stating, "Twenty years is enough time for any country to return to some semblance of normalcy after a natural disaster. Normal does not mean ideal. Honduras, like many other nations that have received TPS designation, was gripped by poverty and turmoil before it was struck by Hurricane Mitch in 1998. There is no reason to believe that these longstanding problems would be solved by another extension of TPS." Honduran individuals with temporary protected status were given 18 months to depart the United States.^{[20][21]}

Eligibility

Designation by the Attorney General of a country's nationals for temporary protected status allows all of those country's nationals who are in the United States on the day of the designation to apply for temporary protected status. Anyone from that country who enters after that date is not eligible. When the status comes up for expiration, the [Attorney General of the United States](#) may choose to redesignate, allowing that country's nationals who have entered since the original designation to apply, or to extend, which merely allows the previous recipients to maintain their status until the new expiration date.^[22]

A person who is a national of a country, or a person having no nationality who last habitually resided in that country, designated for temporary protected status is eligible to apply for temporary protected status benefits if the person:

- Establishes the necessary continuous physical presence and continuous residence in the United States as specified by each designation;
- Is not subject to one of the criminal, security-related, or other bars to temporary protected status; and
- Applies for temporary protected status within the specified time period. If the Attorney General of the United States extends a temporary protected status designation beyond the initial designation period, the beneficiary must timely

re-register to maintain his or her temporary protected status benefits under the temporary protected status program.

A person is **not** eligible for temporary protected status if the person:

- Has been convicted of any felony or two or more misdemeanors committed in the United States;
- Is a person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion, or is otherwise subject to one of the bars to asylum; or
- Is subject to one of several criminal-related or terrorism-related grounds of inadmissibility for which a waiver is not available.

Late initial registration is available for those who did not apply during the initial registration period of a country's temporary protected status designation. In addition to meeting all of the other requirements for temporary protected status in one's own right (residence, physical presence, etc.), a late initial registrant must establish eligibility to file late by showing that one or more of the [late initial filing conditions](#) existed during the initial registration period and also within 60 days of filing the late initial temporary protected status application. Children and spouses of temporary protected status-eligible individuals cannot derive continuous residence or continuous physical presence from their parents or spouses for late initial filings.

Employment authorization

Temporary protected status applicants are eligible to receive an Employment Authorization Document based on temporary protected status only if they have a pending or approved initial Form I-821 (Application for Temporary Protected Status).^[14] Category C19 appears on Employment Authorization Documents issued while the initial Form I-821 is pending approval or denial; therefore, receiving a C19 Employment Authorization Document does not mean that an applicant has been granted temporary protected status. Category A12 appears on Employment Authorization Documents issued after the initial Form I-821 has been approved.

During the period for which a country has been designated for temporary protected status, temporary protected status beneficiaries may remain in the United States and may obtain [work authorization](#). A person in temporary protected status is considered as being in "lawful status as a nonimmigrant".^{[23][24]} Temporary protected status does **not** provide a path to [permanent resident status](#) (green card) or [United States citizenship](#).^[23]

Temporary protected status is typically designated for between 6 and 18 months at a time for each country; once that time is up, the status expires and its beneficiaries revert to the same immigration status they maintained before temporary protected status (unless that status had since expired). Accordingly, if an immigrant did not have lawful status prior to receiving temporary protected status and did not obtain

any other lawful status during the designation of temporary protected status, the person reverts to unlawful status upon the expiration of that designation of temporary protected status.^[25]

Denial or withdrawal of application

Applicants are not eligible to file a re-registration temporary protected status application if their initial Form I-821 has been denied or if United States Citizenship and Immigration Services has withdrawn its approval of temporary protected status.^[26]

If temporary protected status has been denied or withdrawn, however, it is possible to file another initial Form I-821. United States Citizenship and Immigration Services will treat the new initial Form I-821 as a late initial registration application. The full initial application fees must be paid for all multiple initial Form I-821s, and in Part 1 of the new initial Form I-821, Box A must be selected.

If United States Citizenship and Immigration Services approves a subsequent initial Form I-821, the applicant's temporary protected status will be established or restored and she or he may thereafter file re-registration applications.

Alternatively, an applicant whose temporary protected status has been denied or withdrawn may follow the instructions provided in the Notice of Denial or Withdrawal for appealing or filing a Form I-290B (Notice of Appeal or Motion).

Nationals

Nationals of countries that are under temporary protected status as of 2018

- [El Salvador](#) — initiated in response to the [2001 El Salvador earthquakes](#); temporary protected status of 263,280 Salvadorans will end as of September 9, 2019.^{[12][27][13][c]}
- [Haiti](#) — initiated in response to the [2010 Haiti earthquake](#);^{[29][30][31]} temporary protected status will end as of July 22, 2019.^{[12][32][33][c]}
- [Honduras](#) — initiated in response to [Hurricane Mitch](#) in 1998;^[34] temporary protected status ends as of November 4, 2019.^[21]
- [Nepal](#) — as of June 25, 2015, in response to the conditions resulting from the devastating magnitude 7.8 [earthquake](#) that struck Nepal on April 25, 2015, and the subsequent aftershocks; terminates on June 24, 2019.^{[35][36]}
- [Nicaragua](#) — initiated in response to [Hurricane Mitch](#) in 1998;^[37] protection ends as of January 5, 2019.^{[12][38][c]}

- [Somalia](#) — since 2012, in response to the ongoing [Somali Civil War](#); extended through March 17, 2020.^[39]
- [South Sudan](#) — since 2016, in response to the ongoing [South Sudanese Civil War](#); extended through May 2, 2019^[40]
- [Sudan](#) — since 2013, in response to the ongoing [Sudanese conflict in South Kordofan and Blue Nile](#);^[41] protection ends as of November 2, 2018.^{[42][c]}
- [Syria](#) — as of March 29, 2012, in response to the ongoing [Syrian Civil War](#); designated through September 30, 2019.^[43]
- [Yemen](#) — as of September 3, 2015, in response to ongoing conflict in the area as a result of the [Yemeni Civil War](#); extended through March 3, 2020.^{[44][45]}

Nationals of countries formerly under temporary protected status

- [Kuwait](#): March 1991 – March 1992^[23]
- [Lebanon](#): March 1991 – March 1993^[23]
- [Bosnia-Herzegovina](#): August 1992 – February 2001^[23]
- [Rwanda](#): June 1995 – December 1997^[23]
- [Montserrat](#): 1997 – February 2005^{[46][47]}
- [Burundi](#): November 4, 1997 – May 2, 2009^[23]
- [Sierra Leone](#): November 4, 1997 – May 3, 2004^[23]
- [Kosovo, Province of Serbia](#): June 1998 – December 2000^[23]
- [Angola](#): March 29, 2000 – March 29, 2003^[23]
- [Guinea](#): November 21, 2014 – April 25, 2017^[23]
- [Liberia](#): November 21, 2014 – April 25, 2017^[23]
- [Sierra Leone](#): November 21, 2014 – April 25, 2017^[23]

Notes

1. See "[Roberto Lorenzana](#)". *Thirty-sixth session of ECLAC (Biography)*. 5 May 2016.
2. ICE typically utilizes only eight airplanes for deportation worldwide, at a cost of \$8,410 per flight-hour in 2015.^[18]
3. ^{^ a b c d} On October 3, 2018, in *Ramos, et al v. Nielsen, et al.*, the [United States District Court for the Northern District of California](#) enjoined the Department of Homeland Security from implementing and enforcing the decisions to terminate Temporary Protected Status for Sudan, Haiti, El Salvador, and Nicaragua, pending further resolution of the case.^[28]

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Secretary of Homeland Security Kirstjen M. Nielsen announced El Salvador's Temporary Protected Status (TPS) designation terminates on September 9, 2019. Haiti's TPS terminates on July 22, 2019.

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External links

- [Temporary Protected Status: An Overview](#), *American Immigration Council*
- [Temporary protected status](#), *United States Citizenship and Immigration Services*
- [Temporary protected status extended For Somalia](#)
- [Temporary protected status issued for Syrians](#), *United States Department of Homeland Security*
- [Temporary protected status issued for Nepal](#), *United States Department of Homeland Security*