



# Questions and Answers

August 14, 2008

## USCIS Announces 18-Month Extension of Temporary Protected Status for Nationals of Sudan

*Employment Authorization Documents (EAD) Extended through May 2, 2009*

U.S. Citizenship and Immigration Services (USCIS) announced today that it will extend Temporary Protected Status (TPS) to nationals of Sudan or people having no nationality who last habitually resided in Sudan. The extension will last 18 months, through May 2, 2010. This extension does not apply to citizens of Sudan who entered the United States after Oct. 7, 2004. Certain nationals of Sudan who have not previously applied for TPS may be able to apply under the late initial registration process.

For comprehensive information regarding this extension, please see today's [Federal Register](#) notice.

### **Q. What is TPS?**

A. TPS is a temporary immigration status granted to eligible nationals of certain countries (or persons without nationality who last habitually resided in the country) designated by the Secretary of Homeland Security because those countries are experiencing temporary negative conditions, such as armed conflict or environmental disasters, that make it difficult for the nationals to return in safety or for the countries to accept their return. *See INA, § 244.* TPS beneficiaries are granted a stay of removal and work authorization for the designated TPS period and for any extensions of the designation.

### **Q. Who is eligible to re-register for TPS for Sudan?**

A. The extension covers an estimated 500 Sudanese who have already applied for and received benefits under TPS since the Oct. 7, 2004 re-designation. Each re-registrant must:

- 1) Be a national of Sudan, or an alien without nationality who last habitually resided in Sudan;
- 2) Have continuously resided in the U.S. since Oct. 7, 2004;
- 3) Have been continuously physically present in the U.S. since Oct. 7, 2004; *and*
- 4) Meet certain other admissibility and eligibility criteria as specified by the Immigration and Nationality Act (INA). Please see today's [Federal Register](#) notice for further details.

### **Q. What is the re-registration period?**

A. Applicants must file during the 60-day re-registration period (Aug. 14, 2008 through Oct. 14, 2008). Failure to apply during the re-registration period may result in a withdrawal of TPS benefits. DHS strongly encourages applicants to file as early as possible within the re-registration period.

### **Q. What is the procedure to apply for the TPS extension?**

A. Sudanese currently registered under TPS who desire an extension must re-register by filing both an Application for Temporary Protected Status (Form I-821) and an Application for Employment Authorization (Form I-765), with the appropriate fees or fee waiver requests (see below).

The Form I-821 has been revised and applicants must use the version dated 10/17/2007 or later. The Form I-765 has also been revised and applicants must use the version dated 5/27/2008 or later. Failure to use these

versions of the forms may result in rejection of the application. Applicants must take care in filling out the form and ensure that ALL questions are answered. Failure to completely answer any questions may result in a delay in case processing.

**Q. Where can I obtain the necessary forms for re-registration?**

A. These forms are available by calling the toll-free USCIS Forms Hotline (800) 870-3676 or at the USCIS Website, [www.uscis.gov](http://www.uscis.gov).

**Q. What is the cost of re-registering for TPS?**

A. There is no re-registration fee for Form I-821. A separate \$80 biometric fee is required if you are 14 years of age or older (see Table 2 in today's [Federal Register](#) notice to find out if you are required to pay the biometrics fee). A \$340 fee must accompany Form I-765 for employment authorization. If the applicant does not require employment authorization, Form I-765 is still required but no fee is necessary.

**Q. What if I cannot afford to pay for filing and/or biometrics fees?**

A. An applicant may request a waiver of TPS-related application fees and/or the biometrics fee by submitting a [fee waiver request](#) with proper documentation of inability to pay. Applicants who request a fee waiver must specify exactly which one or more of the fees (*e.g.*, I-821 application fee, if late initial filer; I-765 application fee; and/or the biometrics services fee) that the applicant wishes to be waived. Fee waiver requests must be well documented with evidence of the applicant's inability to pay, in accordance with 8 C.F.R. § 244.20; 8 C.F.R. § 103.7(c); and the USCIS fee waiver guidance available online at [www.uscis.gov](http://www.uscis.gov).

**Q. Where do I submit my application?**

A. U.S. Mail:

U.S. Citizenship and Immigration Services  
Attn: TPS Sudan  
P.O. Box 8677  
Chicago, IL 60680-8677

Or, for courier deliveries, please mail your application to

U.S. Citizenship and Immigration Services  
Attn: TPS Sudan  
131 S. Dearborn - 3<sup>rd</sup> Floor  
Chicago, IL 60603-5517

Electronically (e-file)

<http://www.uscis.gov>

See next question.

**Q. Can I apply electronically via the Web?**

A. Yes, if you are re-registering for TPS during the re-registration period and do not need to submit additional documentation, you may electronically file your application. If you wish to electronically file your application, please visit USCIS website at: [www.uscis.gov](http://www.uscis.gov).

For more information on how to use the USCIS e-Filing system, please follow this [link](#) to the e-Filing reference guide.

**Q. What if I am scheduled for an appointment at the Application Support Center (ASC) but am unable to make my appointment?**

A. Failure to appear for an ASC for a required ASC appointment will result in denial of your case due to abandonment unless you submit an address change notification or a rescheduling request prior to your appointment.

**Q. How do I reschedule my ASC appointment for biometrics?**

A. To request rescheduling of an ASC appointment, please make a copy of your appointment notice to retain for your records, then mail the original notice with your rescheduling request to the ASC address listed on the notice. A new appointment notice will be sent to the applicant by U.S. mail. Please note that rescheduling a biometrics appointment may delay your receipt of TPS benefits.

**Q. My Employment Authorization Document (EAD) that I received through TPS expires on November 2. Am I still authorized to work in the United States?**

A. DHS has automatically extended the validity of EADs issued under the Sudanese TPS designation for an additional six months from Nov. 2, 2008 through May 2, 2009. This will allow sufficient time for eligible TPS beneficiaries to receive their new EAD without any lapse in employment. Please see the [Federal Register](#) notice for further details regarding the automatic extension.

**Q. How will my employer know whether my EAD has been automatically extended?**

A. To determine whether your EAD has been automatically extended until May 2, 2009, please refer your employer to the [Federal Register](#) notice.

**Q. Will Sudanese who have arrived in the United States after Oct. 7, 2004 be eligible for the extension of TPS?**

A. No. This extension of TPS does not change the date by which nationals of Sudan must have resided in the United States.

**Q. Can Sudanese who were in the United States as of Oct. 7, 2004, but did not apply for TPS during the most recent re-designation, be eligible for TPS?**

A. Yes, late initial registration is available to applicants who meet the following requirements:

- 1) Are nationals of Sudan, or an alien without nationality who last habitually resided in Sudan;
- 2) Have continuously resided in the United States since Oct. 7, 2004;
- 3) Have been continuously physically present in the United States since Oct. 7, 2004;
- 4) Meet certain other admissibility and eligibility criteria as specified by the INA, § 244(c) and regulations at 8 C.F.R. § 244.1-244.9. Please see the [Federal Register](#) notice for further details.

**Additionally**, a late filing applicant must also be able to demonstrate that, during the most recent re-designation (Oct. 7, 2004) for Sudan, he or she:

- 1) Was in a valid nonimmigrant status, or had been granted voluntary departure, or any relief from removal;
- 2) Had a pending application for:
  - Change of status
  - Adjustment of status
  - Asylum
  - Voluntary departure
  - Any relief from removal pending or subject to further review or appeal;
- 3) Is a parolee or had a pending request for re-parole; or
- 4) Is the spouse or child of an alien currently eligible to be a TPS registrant.

**Q. Is there a specified timeline requirement for late initial registration?**

A. An applicant for late initial registration must register no later than 60 days from the expiration or

termination of the qualifying condition described above. *See* 8 C.F.R. § 244.2(g).

**Q. Will Sudanese nationals protected by TPS be permitted to travel to their home countries during the TPS extension?**

A. Yes, as a matter of discretion, USCIS may grant a TPS beneficiary permission to travel abroad. An applicant must first apply for and obtain advance parole prior to travel outside the U.S. in order to prevent losing his or her TPS status and to be permitted to re-enter the United States.

**Q. How do I apply for advance parole?**

A. An applicant must file Form I-131, Application for Travel Document with the appropriate fee. Please follow the filing instructions on Form I-131.

**Q. Can I use TPS as a basis for obtaining permanent resident status?**

A. No. TPS is a temporary benefit that does not lead to lawful permanent resident status by itself or confer any other immigration status.

**Q. May I apply for another immigration benefit while registered for TPS?**

A. Yes. Registration for TPS does not prevent you from applying for nonimmigrant status, filing for adjustment of status based on an immigrant petition, or applying for any other immigration benefit or protection for which you may be eligible. 8 U.S.C. 1254a(a)(5). For the purposes of change of status and adjustment of status, an alien is considered to be in, and maintaining, lawful status as a nonimmigrant during the period in which the alien is granted TPS. See 8 U.S.C. 1254a(f)(4). However, if an alien has periods of time when he or she had no lawful immigration status before, or after, the alien's time in TPS, those period(s) of unlawful presence *may* negatively affect the alien's ability to adjust to permanent resident status or attain other immigration benefits, depending on the circumstances of the specific case. See, e.g., INA 212(a)(9) (unlawful presence ground of inadmissibility that is triggered by a departure from the United States). In some cases, the alien may be eligible for a waiver of the unlawful presence ground of inadmissibility, or certain other grounds, when applying to adjust to permanent resident status or for another immigration status.

**Q. Is there a place for me to call with further questions?**

A. Please contact the USCIS National Customer Service Center at:  
1-800-375-5283 or  
1-800-767-1833 (TTY)

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