



U.S. Citizenship
and Immigration
Services

August 10, 2005

Questions and Answers (revised)

DHS EXTENDS TEMPORARY PROTECTED STATUS FOR SOMALIA FOR 12 MONTHS

USCIS announced today that the Secretary of Homeland Security extended the designation of Somalia for Temporary Protected Status (TPS) for 12 months, effective September 17, 2005 through September 17, 2006, based on extraordinary and temporary conditions in Somalia. TPS is granted to eligible nationals of designated countries suffering the effects of an ongoing armed conflict, environmental disaster, or extraordinary and temporary conditions within a country. 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 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 12-month TPS extension?

A. Re-registration is limited to nationals of Somalia (or in the case of an alien having no nationality, a person who last habitually resided in Somalia) who registered during the registration period for the initial TPS designation announced on September 16, 1991 or during the registration period for the re-designation announced on September 4, 2001. Those who have never registered for TPS may be eligible to register 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 or security-related bar, or the bars to asylum, is also ineligible for TPS.

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

A. If you already have been granted TPS through the Somalia TPS designation, your TPS will expire on September 17, 2005. Persons previously granted TPS under this designation may re-register during the 60-day re-registration period beginning on July 29, 2005 and ending September 27, 2005. To ensure timely scheduling for biometric collection at a U.S. Citizenship and Immigration Services Application Support Center (ASC) and to prevent a lapse in employment authorization documentation, Somalia TPS beneficiaries are strongly urged to file their re-registration materials as soon as possible. Unlike previous registration procedures, TPS re-registrants need not submit photographs with the TPS application because photographs will be taken when the applicant appears at an ASC for collection of biometrics. **However, applicants**



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should bring their current EAD and receipt notice to their appointment at the ASC. Applicants will automatically receive an appointment at an ASC, and will be notified of the appointment by mail.

To re-register, submit the following:

- Completed Form I-821, Application for Temporary Protected Status, without fee;
- Completed Form I-765, Application for Employment Authorization (see below to determine if you need to include the \$175 fee with your application); and
- A \$70 biometric services fee for each application under 14 who requests an Employment Authorization Document (EAD) and for all applicants age 14 or older.

Note: U.S. Citizenship and Immigration Services (USCIS) has published an updated Form I-821, Application for Temporary Protected Status. Only Form I-821 with a Revision Date of 11/5/04 will be accepted. The Revision Date is located in the bottom right corner of the form. The newly revised form is available on the USCIS web site at www.uscis.gov, at local USCIS offices, and at the USCIS Forms Line at 1-800-870-3676.

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

Fees: All applicants seeking a new EAD, valid through September 17, 2006, must submit a \$175 fee with Form I-765. Applicants who only seek to re-register for TPS and do not seek an EAD 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. However, the biometric services fee will not be waived.

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

Postmark: USCIS will accept re-registration applications containing a postmark dated on or prior to September 27, 2005, the end of the registration period. However, USCIS encourages applicants to mail their applications well in advance of the end of the registration period to prevent a lapse in employment authorization documentation.

An interim EAD will not be issued unless the Form I-765, as part of the TPS registration package, has been pending with USCIS more than 90 days after all requested initial evidence has been received, including collection of the applicant's biometrics at an ASC.

Q. The re-registration period ends after my EAD expires. Is my EAD extended through the re-registration period?

A. To minimize disruption of employment authorization while TPS re-registration applications are processed, current EADs will be extended through February 2006 for eligible TPS beneficiaries at the time biometrics



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are obtained at the ASC. Those Somali TPS beneficiaries who are applying for a new EAD are encouraged to re-register as soon as possible to avoid a lapse in employment authorization.

Q. What should I bring to my appointment at the ASC?

A. You must bring your current EAD. You should also bring your ASC appointment notice and receipt notice. If you don't bring your current EAD, you will be unable to obtain an extension of work authorization to February 2006.

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

A. Some persons may be eligible for late initial registration under sections 244(c)(1)(A) and (c)(2) 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 Somalia (or an alien who has no nationality and who last habitually resided in Somalia);
- (2) Have been continuously physically present in the United States since September 4, 2001;
- (3) Have continuously resided in the United States since September 4, 2001; 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.

Additionally, the applicant must be able to demonstrate that during the registration period for the initial designation (from September 16, 1991 to September 16, 1992), or during the registration period for the re-designation (from September 4, 2001 to September 17, 2002), 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 and, if 14 years of age or older, the \$70 biometric services fee. The applicant may request a fee waiver in accordance with the regulations, however the biometric services fee will not be waived.



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

A. Applications for re-registration may file by mail.

For those applicants filing by mail, please note that the filing location has changed. Applicants should not submit applications to USCIS District Offices, as this may result in the rejection of or delay processing of their applications. Completed Form I-821, Form I-765 and fees, if any, along with any supporting documentation must be filed during the 60-day re-registration period that begins July 29, 2005 and ends September 27, 2005 at the USCIS Chicago Lockbox at:

U.S. Citizenship and Immigration Services
Attn: TPS Somalia
P.O. Box 87583
Chicago, IL 60680-0583

Or, for non-United States Postal Service (USPS) deliveries:

U.S. Citizenship and Immigration Services
Attn: TPS Somalia
427 S. LaSalle – 3rd Floor
Chicago, IL 60605

Q. How long will the TPS extension for Somalia last?

A. The TPS extension for Somalia is effective for 12 months, from September 17, 2005 through September 17, 2006.

Q. Specifically, what factors were considered in making the decision to grant a 12-month extension of TPS for Somalia?

A. After reviewing the country conditions and consulting with the appropriate Government agencies, the Secretary of Homeland Security determined that extraordinary and temporary conditions in Somalia continue to support TPS designation. Further, the Secretary has determined that a 12-month extension of the TSP designation is warranted because these conditions prevent the safe return of nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia.)

More than 10 years after the withdrawal of the United Nations' Operation in Somalia and 14 years since the fall of President Siad Barre, the country still lacks a central government. The internal conflict has continued unabated and the overall human rights and humanitarian situation resulting from the lack of a central government remains largely unchanged. In the last 15 years, two million people have been displaced from their homes and up to 500,000 have lost their lives. Delivery of humanitarian assistance is limited by the lack of road infrastructure and security concerns have rendered some affected areas inaccessible. At the end of 2004, 350,000 Somalis were refugees and another 370,000 to 400,000 were internally displaced within



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Somalia. Q. Are Somalia 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 can 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 your TPS and/or the institution or re-calendar of removal proceedings.

Q. Where can I obtain forms and additional information?

A. Information concerning TPS is available at USCIS web site: www.uscis.gov or 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.

Q. If I entered the United States after September 4, 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, nationals of Somalia (or in the case of an alien having no nationality, is a person who last habitually resided in such designated state) must have continuously resided and been continuously physically present in the United States since September 4, 2001.

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.