



U.S. Citizenship
and Immigration
Services

August 6, 2004

Questions and Answers

DHS EXTENDS TEMPORARY PROTECTED STATUS (TPS) FOR SOMALIA 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 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, security-related, or any other bar to asylum is 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 Program, your TPS will expire on September 17, 2004. Persons previously granted TPS under the Somalia TPS program may re-register during the 60-day re-registration period beginning on August 6, 2004 and ending October 5, 2004, by submitting the following:

- Form I-821, Application for Temporary Protected Status
- Form I-765, see below to determine if you need to include the \$175 fee with your application;
- Two identification photographs (full face frontal, 2"x2"); and
- A \$70 biometric services fee for each applicant age 14 and older.



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USCIS has published an updated Form I-821, Application for Temporary Protected Status. This form is available on the USCIS web site at www.uscis.gov and will be made available at local USCIS offices. USCIS will continue to accept the former I-821 until September 30, 2004. After that date, 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. The US Citizenship and Immigration Service (USCIS), however, reserves the right to request additional information and/or documentation on a case-by-case basis.

Fees: If the applicant requests employment authorization, he or she 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.

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

Postmark: The USCIS will accept re-registration applications containing a postmark dated on or prior to October 5, 2004, the end of the registration period. However, the USCIS encourages applicants to mail their applications well in advance of October 5, 2004 to give the USCIS an earlier start in processing the Form I-765, Application for Employment Authorization.

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

A. No. USCIS sought to give TPS beneficiaries a full 60 days to re-register. However, those Somali TPS beneficiaries who are applying for work authorization must do so before their current EAD expires.

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:



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- (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, a \$70 fingerprint fee. The applicant may request a fee waiver in accordance with the regulations.

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

A. Submit the completed forms and applicable fee, if any, to the USCIS District Office having jurisdiction over your place of residence during the 60-day re-registration period that begins August 6, 2004 and ends October 5, 2004.

Q. How long will the TPS extension last?

A. The TPS extension for Somalia is effective for 12 months, from September 17, 2004 through September 17, 2005.

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 conditions in Somalia continue to support TPS designation. Extraordinary and temporary conditions, resulting from ongoing-armed conflict continues throughout Somalia, preventing the safe return of nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia).

The Department of Homeland Security (DHS) reports a lack of respect for human rights and a continued complex emergency resulting from the armed conflict. Somalians suffer widespread human rights violations, including murder, rape, looting and destruction of property, child soldiering, kidnapping, discrimination against minorities, torture, female genital mutilation, unlawful arrest and detention, and denial of due process.



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At this point, these extraordinary and temporary conditions within Somalia would prevent aliens from returning to Somalia in safety.

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 the 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 the 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.