



September 2, 2005

Questions and Answers

DHS EXTENDS TEMPORARY PROTECTED STATUS FOR BURUNDI FOR 12 MONTHS

USCIS announced today that the Secretary of Homeland Security extended the designation of Burundi for Temporary Protected Status (TPS) for 12 months, effective November 2, 2005 through November 2, 2006, based on the ongoing armed conflict and extraordinary and temporary conditions in Burundi. TPS is granted to eligible nationals of designated countries suffering the effects of an ongoing armed conflict, environmental disaster, or 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. Specifically, what factors were considered in making the decision to grant a 12-month extension of TPS for Burundi?

A. The Secretary of DHS is extending the designation of Burundi for TPS because, although there has been progress in the peace process, both the armed conflict and extraordinary and temporary conditions that prompted designation persist.

Further DHS has determined that it is not contrary to the national interest of the United States to permit aliens who are eligible for TPS based on the designation of Burundi to remain temporarily in the United States. While there have been some steps towards long-term peace in Burundi, progress has been slower than expected. Despite a cease-fire on May 15, 2005, violence has continued with attacks on some neighborhoods of the capital, Bujumbura, as recently as June 2005. Questions also remain regarding the extent of civilian control over the military. While there has been some improvement in security conditions in parts of Burundi, fighting and resulting displacement of the population continue around Bujumbura. As of February 2005, sporadic attacks temporarily displaced between 25,000 to 50,000 residents each month, impeding humanitarian assistance. Some 55,000 combatants are to be demobilized but as of May 10, 2005, only 10,000 former combatants had entered the national demobilization process.

As a result of 12 years of armed conflict, the humanitarian situation in Burundi continues to be dire. One third of Burundians required food aid in March 2005 (an increase of 40 percent from 2004) and the percentage of the population living below the poverty level has substantially increased in the last decade. Based upon these factors, the Secretary, after consultation with appropriate U.S. Government agencies, found that the extension of Burundi for TPS is warranted.



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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 have previously registered for TPS. Those who have never registered for TPS may be eligible to late initial register, as described below. An individual who has been convicted in the United States of either a felony or two or more misdemeanors 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 under the Burundi TPS designation, you may re-register during the 60-day re-registration period beginning on September 2, 2005, and ending November 1, 2005. To ensure timely scheduling for biometric collection at a U.S. Citizenship and Immigration Services (USCIS) Application Support Center (ASC) and to prevent a lapse in employment authorization documentation, Burundi TPS beneficiaries are strongly urged to file their re-registration materials as soon as possible. Unlike previous registration procedures, TPS re-registrants do not need to submit photographs with the TPS application because photographs will be taken when the applicant appears at an ASC for the collection of biometrics. When an applicant submits a re-registration application, he/she will automatically receive an appointment at an ASC, and will be notified of the appointment by mail. Applicants must bring their current Employment Authorization Document (EAD) to the ASC. USCIS advises that all TPS applicants bring the ASC appointment notice and receipt notice to the appointment at the ASC.

To re-register, each applicant must 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 applicant under 14 who requests an EAD and for **all** applicants age 14 or older.

Note: 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 via 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.



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Fees: All applicants seeking an EAD, valid through November 2, , 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 for the I-765 fee of \$175 in accordance with the regulations. A \$70 biometrics services fee must be submitted for all applicants age 14 or older and for applicants under the age of 14 requesting an EAD. The biometric services fee will not be waived.

Failure to submit the required 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 November 1, 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.

Q. How will USCIS ensure minimal disruption of employment authorization while TPS re-registration applications are processed?

A. In order to ensure minimal disruption of employment authorization while TPS re-registration applications are processed, eligible TPS re-registrants may have their current EADs extended through February 28, 2006 when they appear at the ASC for biometrics collection. USCIS will grant this extension by attaching a sticker indicating that the validity of the card is extended through February 2006 to the back of an applicant's current EAD. Thus, Burundi TPS re-registrants must bring their current EADs to their appointments at the ASC in order to have their EAD extended. Burundi TPS re-registrants who are seeking to renew their current EADs are encouraged to re-register as soon as possible to avoid a lapse in employment authorization.

Note that the EAD extension will be provided only at the ASC. The USCIS district offices and sub-offices will NOT be providing this service.

Q. If an employer or a re-registrant needs further clarification regarding the EAD extension stickers, what resources are available to assist?

A. Employers with questions on how to verify an employee's work authorization may also consult the USCIS web site at <http://uscis.gov/graphics/services/employerinfo/index.htm> or call the USCIS Office of Business Liaison Employer Hotline at 1-800-357-2099 to speak to a USCIS representative. Also, employers may call the U.S. Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1-800-255-8155 or 1-800-362-2735 (TDD).

Employees or re-registrants may call the OSC Employee Hotline at 1-800-255-7688 or 1-800-237-2515 (TDD) for information regarding the extension stickers. Assistance with Spanish and other languages is available through the OSC Employer Hotline and OSC Employee Hotline. Additional information is available on the OSC web site at <http://www.usdoj.gov/crt/osc/index.html>. More information can be obtained from the USCIS National Customer Service Center toll-free number: 1-800-375-5283.



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

A. If you have previously been issued a TPS-related EAD, you must bring your current EAD in order to receive a sticker that extends the validity of your EAD until February 28, 2006. You should also bring your ASC appointment notice and receipt notice. In order to obtain an appointment at the ASC, you must file a TPS re-registration package (including I-821, I-765, and required fees, as stated above).

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 Burundi (or an alien who has no nationality and who 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 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 of Burundi for TPS (from November 4, 1997 to November 3, 1998), or during the registration period for the re-designation (from November 9, 1999 to December 9, 1999), he or she:

- (1) Is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
- (2) Has 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) Is a parolee or has a pending request for reparole; or
- (4) Is the spouse or child of an alien currently eligible to be a TPS registrant.

An applicant for late initial registration must file an application within 60 days of 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:

- Completed Form I-821, Application for Temporary Protected Status, with \$50 fee;
- Completed Form I-765, Application for Employment Authorization;
- \$175 fee for Form I-765 for those applicants between the ages of 14 and 65 (inclusive) who are requesting an employment authorization document with their application;
- Supporting evidence as stated in 8 CFR 244.9, including evidence of identity and nationality, proof of residence, evidence of eligibility under section 244(c)(2) of the Immigration and Nationality Act, and evidence of valid immigrant or nonimmigrant status; and



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- A \$70 biometric services fee for each applicant age 14 or older and for each applicant under age 14 who is requesting an employment authorization document with their application.
- The applicant may request a fee waiver in accordance with the regulations, however the biometric services fee will not be waived.

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

A. Applications for re-registration or late initial registration should be mailed to the Chicago, Illinois lockbox address listed below:

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

Or, for non-United States Postal Service deliveries:

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

Please note that the filing location has changed from previous registration periods. Applicants should not submit applications to USCIS District Offices, as this may result in the rejection or delayed processing of their applications.

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 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. 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 for TPS beneficiaries under the Burundi designation. To be eligible for TPS, nationals of Burundi (or in the case of an alien having no nationality, a person who last habitually resided in Burundi) must have been continuously physically present and continuously resided in the U.S. since November 9, 1999.



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Q. Where can I obtain forms and additional information?

A. Information concerning TPS is available on the USCIS web site: www.uscis.gov or by contacting 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.

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.