



March 12, 2008

USCIS Questions & Answers

18-Month Extension of Temporary Protected Status (TPS) for Somalis

The extension of TPS for Somalia, announced today by the United States Citizenship and Immigration Services (USCIS) will last 18 months, through September 17, 2009. **This extension does not allow Somalis who entered the United States after September 4, 2001 to file for TPS.**

TPS related acronyms and forms?

Acronyms

Act	Immigration and Nationality Act
ASC	USCIS Application Support Center
DHS	Department of Homeland Security
DOS	Department of State
EAD	Employment Authorization Document
NGO	Non-Governmental Organization
OSC	Office of the Special Counsel
Secretary	Secretary of Homeland Security
TFG	Transitional Federal Government
TPS	Temporary Protected Status
USCIS	U.S. Citizenship and Immigration Services

Forms

I-9	Employment Eligibility Verification
I-765	Application for Employment Authorization
I-766	Employment Authorization Document (Issued to aliens authorized to work temporarily in the U.S.)
I-821	Application for Temporary Protected Status

What is Temporary Protected Status?

Temporary Protected Status (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.

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

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



Who is eligible to re-register for TPS?

The extension covers an estimated 300 Somalis who have already applied for and received benefits under TPS since the September 4, 2001 re-designation. Each re-registrant must:

- 1) Be a national of Somalia, or an alien without nationality who last habitually resided in Somalia;
- 2) Have continuously resided in the U.S. since September 4, 2001;
- 3) Have been continuously physically present in the U.S. since September 4, 2001; *and*
- 4) Meet certain other admissibility and eligibility criteria as specified by the Immigration and Nationality Act (INA). Please see the Federal Register notice for further details.

What is the procedure to apply for the TPS extension?

Somalis 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).

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

These forms are available from the toll-free USCIS Forms Hotline (800) 870-3676 or from the USCIS Website, <http://www.uscis.gov>

What is the cost of re-registering for TPS?

- For re-registration, there is no fee for Form I-821.
- An \$80 biometric fee (see Table 1 in the 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 [or already has employment authorization], Form I-765 is still required but no fee is necessary.)

Where do I submit my application?

U.S. Mail

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

Non U.S. Postal Service

U.S. Citizenship and Immigration Services
Attn: TPS Somalia
427 S. LaSalle-3rd Floor
Chicago, Illinois 60605-1029

Electronically (e-file)

See question below



Can I apply electronically via the web?

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: <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.

My Employment Authorization Document (EAD) that I received through TPS expires on March 17, 2008. Am I still authorized to work in the United States?

DHS has automatically extended the validity of Employment Authorization Documents (EAD) issued under the Somali TPS designation for an additional six months from March 17, 2008 through September 17, 2008. 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.

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

To determine whether your EAD has been automatically extended until September 17, 2008, please refer your employer to the Federal Register notice.

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

An applicant may request a waiver of TPS-related application fees and/or biometrics fees by submitting a [fee waiver request](#) with proper documentation of inability to pay. Applicants who request a fee waiver request(s) 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 satisfactorily 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).

Will Somalis who have arrived in the United States after September 4, 2001 be eligible for the extension of TPS?

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

Can Somalis who were in the United States as of September 4, 2001, but did not apply for TPS during the initial registration period, be eligible for TPS?

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

- 1) Are nationals of Somalia, or an alien without nationality who last habitually resided in Somalia;
- 2) Have continuously resided in the United States since September 4, 2001;
- 3) Have been continuously physically present in the United States since September 4, 2001;
- 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, the late filing applicant must also be able to demonstrate that, during the initial registration period for Somalia, 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.

Is there a specified timeline requirement for late initial registration?

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).

Will Somali nationals protected by TPS be permitted to travel to their home countries during the TPS extension?

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 their TPS status and to be permitted to re-enter the United States.

How do I apply for advance parole?

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

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

Please contact the USCIS National Customer Service Center at:

1-800-375-5283 or

1-800-767-1833 (TTY)

For comprehensive information regarding this extension, please follow [this link](#) to view the Federal Register notice.