



NEWS RELEASE

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June 28, 2000

INS Announces Successful Settlement of a Temporary Protected Status (TPS) Lawsuit

Agency Reminds TPS Re-registration Applicants of Approaching July 5 Deadline

WASHINGTON — The Immigration and Naturalization Service (INS) has entered into a settlement with attorneys for a small group of Honduran plaintiffs in New York who filed an application with INS for Temporary Protected Status (TPS) benefits prior to August 20, 1999. The lawsuit challenged certain INS procedures relating to the adjudication of applications filed by Hondurans for TPS and the related employment authorization at the Vermont Service Center.

Since the lawsuit was filed, all the plaintiffs have had their cases adjudicated and INS has met several times with the plaintiffs' attorneys in an attempt to address their more general concerns. Today, INS announces the resolution of the lawsuit, which will affect applications filed by certain Hondurans. INS has elected to provide the same benefits set forth under the settlement to Nicaraguans whose country was designated simultaneously with Honduras.

How to Determine if the Settlement Will Affect You:

This settlement will affect applicants who properly filed a TPS application and related application for employment authorization under the Nicaraguan or Honduran designations, prior to August 20, 1999; **AND** the application for TPS-related employment authorization was not adjudicated prior to May 11, 2000. Evidence of this could include:

- Applicant was issued a TPS-related employment authorization document that first became valid May 12, 2000, or later;
- Applicant received Form I-797, Notice of Action, stating that Form I-765, Application for Employment Authorization was granted on or after May 11, 2000; or
- Applicant applied for TPS and TPS-related employment prior to August 20, 1999, and has not yet received either an employment authorization document or Form I-797, Notice of Action, indicating the completed adjudication of the application for employment authorization prior to May 11, 2000.

If a TPS applicant meets the above requirements the individual does not have to pay the \$100 application fee for employment authorization under TPS re-registration

(applications for the renewal of employment authorization submitted under the extension of TPS).

PLEASE NOTE: TPS Re-registration and related employment authorization applications must be physically received at the INS Service Centers by July 5, 2000. **This re-registration for an extension does not allow Nicaraguans or Hondurans who entered the United States after December 30, 1998 to file for TPS.**

How to Obtain the Fee Exemption:

Hondurans or Nicaraguans who have already submitted an application for an extension of their employment authorization are entitled to a refund of the \$100 employment authorization fee. In order to be eligible for this refund, TPS applicants must submit a statement to the INS Service Center with their name, address, alien registration number, a **legible** copy of their Employment Authorization Card (EAD) and a receipt, explaining they are entitled to a refund of the application fee because their application for employment authorization was not adjudicated by May 11, 2000.

Those persons eligible for TPS who have not yet re-registered for TPS are entitled to a fee exemption of the \$100 fee for an application for employment authorization. In order to receive the exemption applicants must include a statement with their application stating their name, address, alien registration number, a legible copy of their EAD card and receipt and explain that they are entitled to a fee-exemption because their TPS-related employment authorization was not adjudicated prior to May 11, 2000.

In order to be eligible for the fee refund, INS must receive the refund request by September 5, 2000.

TPS Eligibility Requirements and Approaching July 5 Deadline

As part of the Clinton Administration's ongoing efforts to assist countries affected by Hurricane Mitch, on December 30, 1998, INS announced the Attorney General's designation of TPS for Honduras and Nicaragua for a period of 18 months. This status was scheduled to expire on July 5, 2000. However, on May 5, 2000 INS announced a one-year extension of TPS for eligible Hondurans and Nicaraguans. During the designation period, eligible Hondurans and Nicaraguans are not subject to removal and are lawfully authorized to work in the United States. Only Hondurans and Nicaraguans who were in the United States by December 30, 1998 qualify for TPS benefits.

This extension covers only Nicaraguans and Hondurans who have been continually present in the United States as of January 5, 1999 and who have continually resided in the United States since December 30, 1998, unless they are eligible for late initial registration. An extension of TPS does not change the required dates of continuous physical presence and residence in the United States. However, late initial registration is possible in some circumstances. In order to qualify for late initial registration, applicants

must meet the original nationality and continuous physical presence and residency requirements and they must demonstrate that during the initial registration period they:

- Were in a valid nonimmigrant status, or had been granted voluntary departure, or any relief from removal; or
- Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal pending or subject to further review or appeal; or
- Were the spouse or child of an alien currently eligible to be a TPS registrant.

Applications for late initial registration must be submitted no later than 60 days from the expiration or termination of the alien's previous status.

Hondurans and Nicaraguans currently registered under TPS who desire an extension must re-register by filing both the TPS application (Form I-821) and an application for employment authorization (Form I-765) with an INS Service Center. **INS Service Centers must physically receive the re-registration application by July 5, 2000. There will be no extension to this application deadline. TPS re-registration applicants are encouraged to file their applications this week so that INS Service Centers physically receive the applications by July 5.** For re-registration, there is no fee for Form I-821. However, a \$100 fee must accompany Form I-765 if an applicant requests employment authorization. If the applicant does not require employment authorization or already has employment authorization and does not wish an extension beyond December 5, 2000, Form I-765 is still required but no fee is necessary. These forms are available from the toll-free INS Forms line, 1-800-870-3676, and from the INS Web site, www.ins.usdoj.gov.