



U.S. Citizenship
and Immigration
Services

November 2, 2004

Questions and Answers

DHS EXTENDS TEMPORARY PROTECTED STATUS (TPS) FOR NICARAGUA FOR 18 MONTHS

Employment Authorization Automatically Extended Until July 5, 2005

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, provided the applicant maintained that status, or to any other status he/she may have obtained while registered for TPS.

Q. Who is eligible to re-register for the 18-month TPS extension?

A. Re-registration is limited to nationals of Nicaragua (or in the case of an alien having no nationality, a person who last habitually resided in Nicaragua) who registered during the initial registration period for the TPS designation announced on January 5, 1999 (or who late initial registered) and during each of the subsequent re-registration periods, have been continuously physically present in the United States since January 5, 1999 and have continuously resided in the United States since December 30, 1998. 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 of either a felony or two or more misdemeanors committed in the United States is not eligible for TPS. Likewise, an individual subject to certain criminal or security-related ground of inadmissibility or any of the bars to asylum is ineligible for TPS.

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

A. If you already have been granted TPS under the TPS designation for Nicaragua, your TPS will expire on January 5, 2005. You may re-register during the 60-day re-registration period beginning on November 3, 2004 and ending on January 3, 2005. 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 Application Support Center (ASC) for collection of biometrics. To re-register, submit the following:

- Form I-821, Application for Temporary Protected Status, without fee
- Form I-765, Application for Employment Authorization (see below to determine if you need to include the \$175 fee with your application); and



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- A \$70 biometric services fee for each applicant under 14 who requests an 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. This 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: 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 waiver of the Form I-765 fee 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 January 3, 2005, the end of the registration period. However, USCIS encourages applicants to mail their applications well in advance of January 3, 2005 to give USCIS an earlier start in processing the Form I-765, Application for Employment Authorization.

Q. Is my EAD extended beyond the January 5, 2005 expiration date on its face?

A. Yes. Given the large number of Nicaraguans affected by this notice, USCIS recognizes that many re-registrants may not receive their new EADs until after their current EADs expire on January 5, 2005. Accordingly, the Federal Register notice automatically extends the validity of EADs issued pursuant to the TPS designation of Nicaragua for six months until July 5, 2005, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended.

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 Nicaragua (or an alien who has no nationality and who last habitually resided in Nicaragua);
- (2) Have continuously resided in the United States since December 30, 1998;
- (3) Have been continuously physically present in the United States since January 5, 1999; 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.



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Additionally, the applicant must be able to demonstrate that during the registration period for the initial designation (from January 5, 1999 to August 20, 1999) he or she:

- (1) Was a nonimmigrant or had been granted voluntary departure 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. Applicants for late initial registration who are under 14 years of age **and** request an EAD must also submit 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.

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

A. Submit the completed forms and applicable fee, if any, to the USCIS Chicago Lockbox during the 60-day re-registration period that begins November 3, 2004, and ends January 3, 2005. Submit your application to:

U.S. Citizenship & Immigration Services
P.O. Box 87583
Chicago, IL 60680-0583

For non-U.S. Postal Service deliveries, submit your application to:

U.S. Citizenship & Immigration Services
427 S. LaSalle – 3rd Floor
Chicago, IL 60605



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Q. How long will the TPS extension last?

A. The TPS extension for Nicaragua is effective for 18 months, from January 5, 2005 through July 5, 2006.

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

A. After reviewing the country conditions and consulting with the appropriate Government agencies, the Secretary of Homeland Security determined that conditions in Nicaragua continue to support TPS designation. There continues to be a substantial, but temporary, disruption in living conditions due to the devastation that resulted from Hurricane Mitch, preventing the safe return of nationals of Nicaragua.

Since the date of the most recent extension, the Department of Homeland Security (DHS) and the Department of State have continued to review conditions in Nicaragua. The State Department noted that “the conditions that initially gave rise to the designation continue to exist.” The USCIS Resource Information Center (RIC) reported that the Spanish organization Infancia sin Fronteras continues to provide food, medical care, and educational training to 12,000 children affected by Hurricane Mitch.

Reconstruction of infrastructure damaged by Hurricane Mitch continues. There is a shortage of potable water in the northwestern department of Chinandega, one of the areas hardest hit by Hurricane Mitch. The Government of Canada has promised funding to build wells in three communities to address the lack of potable water. Also in Chinandega, continued erosion related to Hurricane Mitch resulted in damage to 60% and loss of 4 to 7% of arable land. There are continued efforts to lessen the risk of floods and mudslides in forty communities still vulnerable in the wake of Hurricane Mitch via efforts such as emergency drilling. Nationwide, reconstruction of roads damaged by Mitch has been concentrated in urban areas. However, roads in the Central Rural and Atlantic Rural regions have deteriorated.

Due to continued reconstruction of infrastructure damaged by Hurricane Mitch and Nicaragua’s ongoing inability to adequately handle the return of its nationals, the Secretary of DHS has determined that an 18-month extension of the TPS designation is warranted.

Q. Are Nicaraguan TPS beneficiaries permitted to travel abroad during the TPS extension?

A. Those granted TPS must receive advance permission to return to the United States if traveling abroad. This advance permission is called Advance Parole and can be obtained by filing Form I-131, Application for a 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.



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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 December 30, 1998, 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 Nicaragua (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 in the United States since December 30, 1998 and been continuously physically present in the United States since January 5, 1999.

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.