



September 21, 2006

## Questions and Answers

### Termination of Temporary Protected Status (TPS) for Nationals of Liberia

**Q. What authority does the Secretary of Homeland Security have to terminate the TPS designation of Liberia?**

A. The Immigration and Nationality Act (INA) requires the Secretary of Homeland Security to review, at least 60 days before the end of the TPS designation or any extension thereof, the conditions in a foreign state designated for TPS to determine whether the conditions for a TPS designation continue to be met and, if so, the length of an extension of TPS. If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the INA requires the Secretary to terminate the designation, but such termination may not take effect earlier than 60 days after the date the Federal Register notice of termination is published or, if later, the expiration date of the most recent extension of the designation. The Secretary may determine the appropriate effective date of the termination in order to provide for an orderly transition.

**Q. Why did the Secretary of Homeland Security decide to terminate the TPS designation of Liberia?**

A. Since the date of the last extension, the Department of Homeland Security (DHS) and the Department of State have continued to review conditions in Liberia. Based upon this review, and after consultation with appropriate government agencies, the Secretary of Homeland Security determined that the termination of the TPS designation of Liberia is warranted because the extraordinary and temporary conditions that formed the basis of the designation have improved and no longer prevent Liberians (or aliens having no nationality who last habitually resided in Liberia) from returning to Liberia in safety.

The uncertain situation that characterized the immediate aftermath of the armed conflict's end and the temporary and extraordinary conditions caused by the protracted conflict have improved. With the assistance of a large and robust peacekeeping mission, Liberia is now entering a long-term phase of reconstruction and rehabilitation. There exists a democratically elected government with the capacity to accept the return of its nationals. Furthermore, the United Nations High Commissioner for Refugees (UNHCR) decided in February 2006 to shift its policy from "facilitating" the voluntary repatriation of Liberian refugees to "promoting" such repatriation based on the existence of conditions for refugees to return in "safety and dignity."

**Q. When will the termination of the TPS designation of Liberia take effect?**

A. The most recent extension of the TPS designation of Liberia was due to expire on October 1, 2006. The Secretary of has delayed the effective date of the termination for 12 months, rendering the designation valid through September 30, 2007. As of 12:01am on October 1, 2007, the TPS designation of Liberia is terminated.

**Q. If I currently have benefits through the TPS designation of Liberia and would like to maintain those benefits through September 30, 2007, do I need to re-register for TPS?**

A. Yes. If you already have received TPS benefits through the designation of Liberia for TPS, your benefits will expire on October 1, 2006. All Liberian TPS beneficiaries must comply with the re-registration requirements described below to maintain TPS benefits through September 30, 2007. TPS benefits include temporary protection against removal from the United States and employment authorization during the TPS designation period. Failure to re-register without good cause will result in the withdrawal of your TPS and possibly your removal from the United States. TPS beneficiaries who fail to re-register will not be issued a new Employment Authorization Document (EAD) valid through September 30, 2007.

**Q. If I am currently registered for TPS or have a pending application for TPS, how do I re-register to renew my benefits through September 30, 2007?**

A. All persons previously granted TPS under the designation of Liberia who would like to maintain such status and those whose applications remain pending but who wish to renew their benefits, must re-register by filing the following:

- (1) Form I-821, Application for Temporary Protected Status, without fee;
- (2) Form I-765, Application for Employment Authorization (see the chart below to determine whether you must submit the one hundred and eighty dollar (\$180) filing fee with Form I-765 (for which a fee waiver may be requested));
- (3) A biometric services fee of seventy dollars (\$70) if you are 14 years of age or older, or if you are under 14 and requesting an EAD extension. The biometric services fee will not be waived; and
- (4) A photocopy of the front and back of your EAD if you received an EAD during the most recent registration period.

When filing Form I-821, it is important to place your Alien Registration Number, also known as your "A Number," on your application. You may find your A Number listed below your name on your EAD. In addition, please note that you do not need to submit photographs with your TPS application because a photograph will be taken, if needed, when you appear at a USCIS Application Support Center (ASC) for collection of biometrics.

Aliens who have previously registered for TPS but whose applications remain pending should follow these instructions if they wish to renew their TPS benefits. All TPS re-registration applications submitted without the required fees will be returned to the applicants.

**Q. What edition of the Form I-821 should be submitted?**

A. Form I-821 has been revised. Only Forms I-821 with revision dates of November 5, 2004 or later will be accepted. The revision date can be found on the bottom right corner of the form. Submissions of older versions of Form I-821 will be rejected. You may obtain immigration forms, free of charge, on the Internet at <http://www.uscis.gov> or by calling the USCIS forms hotline at 1-800-870-3676.

**Q. Who must submit the \$180 filing fee for the Form I-765, Application for Employment Authorization?**

<b>If</b>	<b>Then</b>
You are applying for an extension of your EAD valid through September 30, 2007.	You must complete and file the Form I-765, Application for Employment Authorization, with the \$180 fee.
You are not applying for an extension of your EAD.	You must complete and file Form I-765 (for data-gathering purposes only) with no fee.
You are applying for an extension of your EAD and are requesting a fee waiver.	You must complete and file: 1) Form I-765 and 2) a fee waiver request and affidavit (and any other supporting information) in accordance with 8 CFR 244.20.

A. Applicants who are only seeking to re-register for TPS and are not requesting an EAD or applying for an extension of their EAD should **not** check any of the following boxes on the I-765 (Application for Employment Authorization) in response to the question "I am applying for:"

- Permission to accept employment;
- Replacement (of lost employment authorization document);
- Renewal of my permission to accept employment (attach previous employment authorization document).

If a TPS applicant is not applying for an EAD and he or she incorrectly checks any of these boxes without submitting a \$180 fee with his or her Form I-765, the processing of his/her application may be delayed.

**Q. Who must submit the \$70 biometric services fee?**

A. The \$70 biometric services fee must be submitted by all aliens 14 years of age and older who: (1) have previously been granted TPS and are now re-registering for TPS; or (2) have an initial application for TPS currently pending, have an EAD bearing the notification "C-19" on the face of the card under "Category," and wish to renew his/her benefits (also known as "temporary treatment benefits"). In addition, any alien, including one who is under the age of 14, choosing to apply for a new EAD or an extension of an EAD must submit the \$70 biometric services fee. This biometric services fee will not be waived and failure to include a biometrics fee will cause the application to be rejected.

**Q. When should I submit my re-registration application for TPS?**

A. Applications must be filed during the 60-day re-registration period from September 20, 2006 until November 20, 2006. You are encouraged to file the application as soon as possible after the start of the 60-day re-registration period.

**Q. Where should I submit my re-registration application for TPS?**

A. To facilitate efficient processing, USCIS has designated two post office (P.O.) boxes with the Chicago Lockbox for the filing of TPS applications. The type of TPS re-registration application you submit will determine the P.O. Box where your application must be submitted. Certain applications for TPS re-registration may also be electronically filed or "E-Filed." See below for further filing instructions. Please note that applications should not be filed with a USCIS Service Center or District Office. Failure to file your application properly may delay the processing of your application.

Category 1: Applications for re-registration that do not require the submission of additional documentation and applications to renew temporary treatment benefits must either be electronically filed (“E-Filed”) (see below) or filed at this address:

U.S. Citizenship and Immigration Services  
P.O. Box 6943  
Chicago, IL 60680-6943

Or, for non-United States Postal Service (USPS) deliveries:

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

**E-Filing Your Application:** If your application falls into Category 1, you are strongly encouraged to E-File your application. During the re-registration period from September 20, 2006 until November 20, 2006, aliens re-registering for TPS and those renewing temporary treatment benefits under this designation may electronically file Form I-821, Form I-765, and associated fees by using E-Filing at the USCIS Internet site, <http://www.uscis.gov>. In order to properly re-register using E-Filing, aliens must begin the E-Filing process by completing Form I-821 online. After the Form I-821 is completed, the system will then automatically link the alien to Form I-765. E-filing will only be available during the 60-day re-registration period. Attempts to E-file once the re-registration period ends after November 20, 2006, will not be accepted. Aliens whose application falls into Category 2 (explained below) may not E-File and must send their application materials to the USCIS Chicago Lockbox at the address listed below.

Category 2: Aliens who are filing a re-registration application that requires the submission of additional documentation cannot E-file and must file at the P.O. Box listed below:

U.S. Citizenship and Immigration Services  
P.O. Box 8677  
Chicago, IL 60680-8677

Or, for non-United States Postal Service (USPS) deliveries:

U.S. Citizenship and Immigration Services  
Attn: TPS – Liberia – [EOIR/Additional Documents]  
427 S. LaSalle – 3rd Floor  
Chicago, IL 60605-1029

**Note:** Please make sure to indicate either “EOIR” or “Additional Documents” on the “Attn:” line, as appropriate, after “Liberia,” above.

Applications for re-registration require the submission of supporting documentation under the following circumstances:

(A) If one or more of the questions listed in Part 4, Question 2 of Form I-821 apply to the alien, then the alien must submit an explanation, on a separate sheet(s) of paper, and/or additional documentation.

(B) If the alien was granted TPS by an Immigration Judge or the Board of Immigration Appeals, then the alien must include evidence of the grant of TPS (such as an order from the Executive Office for Immigration Review (EOIR)) with his or her application package.

**Q. Are certain aliens ineligible for TPS?**

A. Yes. There are certain criminal and security-related inadmissibility grounds that render an alien ineligible for TPS. Further, aliens who have been convicted of any felony or two or more misdemeanors committed in the United States are ineligible for TPS, as are aliens described in the bars to asylum. Aliens should also note that an individual granted TPS will have his or her TPS withdrawn if the alien was not in fact eligible for TPS, fails without good cause to timely re-register, or, with some exceptions, fails to maintain continuous physical presence in the United States from the date the alien first was granted TPS.

**Q. Am I eligible to receive an automatic extension of my EAD from October 1, 2006, through April 1, 2007?**

A. To receive an automatic extension of your EAD, you must be a national of Liberia (or an alien having no nationality who last habitually resided in Liberia) who has applied for and received an EAD under the TPS designation for Liberia and who has not had TPS withdrawn or denied. This automatic extension is limited to EADs (1) issued on Form I-766, Employment Authorization Document, (2) bearing an expiration date of October 1, 2006, and (3) bearing the notation "A-12" or "C-19" on the face of the card under "Category."

**Q. If I am currently registered for TPS under the designation of Liberia and I am re-registering for TPS, how do I receive a new EAD after the six-month automatic extension expires?**

A. TPS re-registrants will receive a notice in the mail with instructions to appear at an ASC for biometrics collection. When you report to the ASC, you must bring the following documents: (1) your receipt notice for your re-registration application; (2) your ASC appointment notice; and (3) your current EAD. If no further action is required for your case, you will receive a new EAD, valid through September 30, 2007, through the mail. If your case requires further resolution, USCIS will contact you in writing to explain what additional information, if any, is necessary to resolve your case. If such application is approved, you will receive a new EAD in the mail with an expiration date of September 30, 2007.

**Q. May I request an interim EAD at my local District Office?**

A. No. USCIS will not issue interim EADs to TPS applicants and re-registrants at District Offices.

**Q. How may employers determine whether an EAD has been automatically extended for six months through April 1, 2007, and is therefore acceptable for completion of the Form I-9?**

A. For purposes of verifying identity and employment eligibility or re-verifying employment eligibility on the Form I-9 through April 1, 2007, employers of Liberian TPS beneficiaries whose EADs have been automatically extended must accept the EAD, if it is presented and reasonably appears on its face to be genuine and to relate to the employee, as a valid "List A" document. Employers should not ask for additional Form I-9 documentation and should not request proof of Liberian citizenship. An EAD that has been automatically extended for six months through April 1, 2007, will actually contain an expiration date of October 1, 2006, and must be a Form I-766 bearing the notation "A-12" or "C-19" on the face of the card under "Category." New EADs showing the April 1, 2007, expiration date of the six-month automatic extension will not be issued.

This action by the Secretary of Homeland Security does not affect the right of an applicant for employment or an employee to present any legally acceptable document as proof of identity and eligibility for employment.

Employers are reminded that the laws requiring employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. The Secretary's determination, as published in the Federal Register, does not supersede or in any way limit applicable employment verification rules and policy guidance, including those setting forth re-verification requirements. See 8 CFR 274a.2(b)(1)(vii) (employer re-verification requirements). For questions, employers may 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 applicants may call the OSC Employee Hotline at 1-800-255-7688 or 1-800-237-2515 (TDD) for information regarding the automatic extension. Additional information is available on the OSC Web site at <http://www.usdoj.gov/crt/osc/index.html>.

**Q. How may employers determine an employee's eligibility for employment once the automatic extension has expired, between April 1, 2007, and the last day of the TPS designation of Liberia on September 30, 2007?**

A. TPS beneficiaries who successfully re-register will possess an EAD with an expiration date of September 30, 2007. This EAD must be accepted for the purposes of verifying identity and employment authorization. Employers are reminded that the laws requiring employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force, as described above.

**Q. What can an employee present to an employer for purposes of completing Form I-9, Employment Eligibility Verification?**

A. Qualified individuals who have received a six-month extension of their EADs may present a TPS-based EAD to their employer, as described above, as proof of identity and employment authorization through April 1, 2007. To minimize confusion over this extension at the time of hire or re-verification, qualified individuals may also present a copy of the Federal Register Notice describing the automatic extension of employment authorization documentation through April 1, 2007. After April 1, 2007, employees may present a new EAD valid through September 30, 2007.

As an alternative to the aforementioned options, any legally acceptable document or combination of documents listed in List A, List B, or List C of the Form I-9 may be presented as proof of identity and employment eligibility; it is the choice of the employee.

**Q. How does my TPS affect my eligibility to apply for other benefits?**

A. TPS does not prevent an alien from applying for another immigration benefit, such as non-immigrant status, adjustment of status based on an immigrant or employment-based petition, or asylum. Likewise, the grant of another immigration status has no bearing on your TPS. For the purposes of change of status and adjustment of status, an alien is considered as being in, and maintaining, lawful status as a nonimmigrant during the period in which the alien is granted TPS. The grounds for denying one immigration benefit, however, may also be grounds for denying or withdrawing TPS. For example, a person who has been convicted of a particularly serious crime is not eligible for asylum or TPS.

**Q. Are nationals of Liberia (or aliens having no nationality who last habitually resided in Liberia) who entered the United States after October 1, 2002, eligible for TPS?**

A. No. TPS designation for Liberia does not change the required dates of continuous residence and continuous physical presence in the United States for Liberians (or aliens having no nationality who last habitually resided in Liberia) wishing to extend their TPS benefits through September 30, 2007. The Secretary has not expanded TPS eligibility beyond the current TPS requirements for the Liberia designation. To be eligible for continued benefits through September 30, 2007, nationals of Liberia (or aliens having no nationality who last habitually resided in Liberia) must have been continuously physically present in the United States since August 25, 2004, and continuously resided in the United States since October 1, 2002.

**Q. May I register under the late initial registration provisions at this time?**

A. No. Nationals of Liberia (or aliens having no nationality who last habitually resided in Liberia) who have not previously applied for TPS cannot establish eligibility for TPS under the “late initial registration” provisions at this time. Late initial filings are only permitted during an extension of a TPS designation, pursuant to 8 CFR 244.2(f) (2), whereas the TPS designation of Liberia is being terminated. Thus, Liberians (or aliens having no nationality who last habitually resided in Liberia) who have not previously been granted TPS or who do not already have a pending application for TPS under the designation of Liberia, may not file under the late initial filing provisions. Late initial registration applications submitted to USCIS under the Liberia designation will be denied.

**Q. How does the termination of Liberia’s TPS designation affect nationals of Liberia (or aliens having no nationality who last habitually resided in Liberia) who currently receive TPS benefits?**

A. Once the termination of Liberia’s TPS designation becomes effective at 12:01am on October 1, 2007, these TPS beneficiaries will maintain the same immigration status, if any, they held prior to TPS (unless that status has since expired or been terminated), or any other status they may have acquired while registered for TPS. Accordingly, if an alien held no lawful immigration status at the time he or she was granted TPS and did not obtain any other status during the TPS period, he or she will revert to being without lawful status as of October 1, 2007.

At that time, former TPS beneficiaries will no longer be eligible for a stay of removal or employment authorization based on TPS. TPS-related EADs issued under the Liberia designation will not be renewed or extended.

Termination of the TPS designation for Liberia does not necessarily affect pending applications for other forms of immigration relief or protection. Former TPS beneficiaries, however, will begin to accrue unlawful presence as of October 1, 2007, if they have not been granted any other immigration status or protection or if they have no pending application for certain benefits. An alien is deemed to be unlawfully present in the United States if the alien is present in the United States after the expiration of the period of stay authorized or is present in the United States without being admitted or paroled.