



Questions and Answers

Nov. 25, 2008

Temporary Protected Status Re-Registration Period Extended for Honduran and Nicaraguan Nationals

Employment Authorization Documents Automatically Extended through July 5, 2009

U.S. Citizenship and Immigration Services (USCIS) announced Nov. 21, 2008, that it had extended the deadline for the re-registration period for Honduran and Nicaraguan TPS beneficiaries through Dec. 30, 2008. USCIS has also automatically extended the validity of employment authorization documents (EADs) held by Honduran and Nicaraguan nationals in current TPS status from Jan. 5, 2009 through July 5, 2009.

For comprehensive information regarding this extension, please see the notices in the Nov. 24, 2008, *Federal Register* at <http://edocket.access.gpo.gov/2008/E8-27702.htm> (Honduras) and <http://edocket.access.gpo.gov/2008/E8-27703.htm> (Nicaragua).

Q. What is TPS?

A. 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. TPS is granted to nationals from countries that 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 Immigration and Nationality Act (INA)*, § 244. TPS beneficiaries who remain qualified for the benefit are not subject to removal from the United States and are eligible for work authorization for the designated TPS period and for any extensions of the designation.

Q. What is the re-registration for Honduran and Nicaraguan TPS beneficiaries?

A. The re-registration period began on Oct. 1, 2008 and will now conclude on Dec. 30, 2008.

Q. My Employment Authorization Document (EAD) that I received through TPS expires on January 5, 2009. Am I still authorized to work in the United States?

A. USCIS has automatically extended the validity of EADs issued under the Honduran and Nicaraguan TPS designations for an additional six months from Jan. 5, 2009 through July 5, 2009. This will allow sufficient time for eligible TPS beneficiaries to receive their new EADs without any lapse in employment. Please see the *Federal Register* notices for further details regarding the automatic extensions.

Q. Who is eligible to receive an automatic six-month EAD extension?

- A. You are eligible to receive an automatic six-month extension of an EAD, if you:
- Are a national of Honduras or Nicaragua (or an alien having no nationality who last habitually resided in Honduras or Nicaragua);
 - Applied for and received an EAD under the designation of Honduras or Nicaragua for TPS; and
 - Have not had TPS withdrawn or denied.

This automatic extension is limited to EADs issued on Form I-766, Employment Authorization Document, bearing an expiration date of Jan. 5, 2009. These EADs must also bear the notation “A-12” or “C-19” on the face of the card under “Category.”

Q. How may employers determine whether an EAD has been automatically extended for six months, through July 5, 2009, and is therefore an acceptable document for completion of the Form I-9, Employment Eligibility Verification?

A. An EAD that has been automatically extended for six months through July 5, 2009, will bear the notation “A-12” or “C-19” on the face of the Form I-766 under “Category,” and have an expiration date of Jan. 5, 2009, on the face of the card. New EADs or extension stickers showing the July 5, 2009, expiration date of the six-month automatic extension will not be issued. Employers should not request proof of Honduran or Nicaraguan citizenship.

Employers should accept an EAD as a valid “List A” document and not ask for additional Form I-9 documentation if presented with an EAD that has been extended pursuant to the *Federal Register* notices, and the EAD reasonably appears on its face to be genuine and to relate to the employee. This extension 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.

Q. How may employers determine an employee's eligibility for employment once the automatic six-month extension expires?

A. Eligible TPS aliens will possess an EAD on Form I-766 with an expiration date of July 5, 2010. The EAD will bear the notation “A-12” or “C-19” on the face of the card under “Category,” and should be accepted for the purposes of verifying identity and employment authorization. Once the auto-extension expires, an employer is required to determine that an employee is employment authorized.

Q. What documents may a qualified individual show to his or her employer as proof of employment authorization and identity when completing Form I-9?

A. Qualified individuals who have received a six-month automatic extension of their EADs by virtue of the *Federal Register* notices may present their TPS-based EAD to their employers, as described above, as proof of identity and employment authorization through July 5, 2009. 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 regarding the automatic extension of employment authorization documentation through July 5, 2009. After July 5, 2009, a qualified individual may present a new valid EAD.

In the alternative, any legally acceptable document or combination of documents as listed on the Form I-9 may be presented as proof of identity and employment eligibility.

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

A. Please contact the USCIS National Customer Service Center at:
1-800-375-5283 or
1-800-767-1833 (TTY)

Employers may also 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. Employees or applicants may call the OSC Employee Hotline at 1-800-255-7688 for information regarding the automatic extension.