



Frequently Asked Questions

September 24, 2008

USCIS Announces 18-Month Extension of Temporary Protected Status for Nationals of El Salvador

United States Citizenship and Immigration Services (USCIS) announced today it will extend Temporary Protected Status (TPS) to nationals of El Salvador or people having no nationality who habitually resided in El Salvador. The extension will last 18 additional months, through September 9, 2010. This extension does not apply to Salvadorans who entered the United States after February 13, 2001. Certain nationals of El Salvador who have not previously applied for TPS may be able to apply under the late registration provisions.

Further details on this extension of TPS for El Salvador, including the application requirements and procedures, will appear in a Federal Register notice shortly. More information can also be obtained from the USCIS National Customer Service Center toll-free number: 1-800-375-5283. TPS forms are available from the toll-free USCIS Forms line, 1-800-870-3676, or from the USCIS Web site: <http://www.uscis.gov/>.

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 because those countries are experiencing temporary negative conditions, such as armed conflict or environmental disasters, that make it difficult for the nationals to return safely or for the countries to accept their return. See Section 244 of the Immigration and Nationality Act (INA), 8 U.S.C. § 1254a. TPS beneficiaries are granted a stay of removal and work authorization for the designated TPS period and for any extensions of the designation. TPS was designated to El Salvador in response to devastating earthquakes that affected the country in 2001.

Q. Who is eligible to re-register for TPS?

A. The extension covers an estimated 229,000 individuals who have already applied for and received benefits under TPS for El Salvador since the March 9, 2001 initial designation. March 2009 is the effective date of the current TPS extension as all registered beneficiaries are currently designated until then. In order to qualify, each re-registrant must:

- 1) Be a national of El Salvador, or an alien without nationality who last habitually resided in El Salvador;
 - 2) Have continuously resided in the U.S. since February 13, 2001;
 - 3) Have been continuously physically present in the U.S. since March 9, 2001; *and*
 - 4) Meet certain other admissibility and eligibility criteria as specified by INA § 244, 8 U.S.C. § 1254a.
- Please see the Federal Register notice for further details.

Q. What is the re-registration period?

A. The re-registration period will start once the extension has been posted to the Federal Register and will last 90 days. Applicants must file during the 90-day re-registration period. Failure to apply during the re-registration period without good cause will result in a withdrawal of TPS benefits. DHS strongly encourages applicants to file as early as possible within the re-registration period.

Q. What is the procedure to apply for the TPS extension?

A. Salvadorans currently registered under TPS who desire an extension must reregister 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).

The Form I-821 has been revised and applicants must use the version dated 10/17/2007 or later. The Form I-765 has also been revised and applicants must use the version dated 5/27/2008 or later. Failure to use these versions of the forms may result in rejection of the application. Applicants must take care in filling out the forms and ensure that all questions are answered. Failure to completely answer any questions may result in a delay of case processing.

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

A. These forms are available by calling the toll-free USCIS Forms Hotline (800) 870-3676 or by visiting the USCIS Web site www.uscis.gov.

Q. What is the cost of reregistering for TPS?

A. There is no re-registration fee for Form I-821. A separate \$80 biometric fee is required if you are 14 years of age or older (see Table 2 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, Form I-765 is still required but no fee is necessary.

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

A. An applicant may request a waiver of TPS-related application fees and/or the biometrics fee by submitting a [fee waiver request](#) with proper documentation of inability to pay. Applicants who request a fee waiver must specify exactly which one or more of the fees (e.g., Form I-821 application fee, if late initial filer; Form 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 CFR § 244.20; 8 CFR § 103.7(c); and the USCIS fee waiver guidance available online at www.uscis.gov.

Q. Where do I submit my application?

If:	Then mail to:	Or, for courier deliveries, send to
You are applying for re-registration or applying to renew your temporary treatment benefits	U.S. Citizenship and Immigration Services Attn: TPS El Salvador P.O. Box 8635 Chicago, IL 60680-8635	U.S. Citizenship and Immigration Services Attn: TPS El Salvador 131 S. Dearborn--3rd Floor Chicago, IL 60603-5517
You are applying for the first time as a late initial registrant	U.S. Citizenship and Immigration Services Attn: TPS El Salvador P.O. Box 8670 Chicago, IL 60680-8670	U.S. Citizenship and Immigration Services Attn: TPS El Salvador [Additional Documents] 131 S. Dearborn--3rd Floor Chicago, IL 60603-5517

If you were granted TPS by an Immigration Judge of the Board of Immigration Appeals you must submit evidence of the grant of TPS (such as an order from the Immigration Judge) with your application. In addition, when you receive your receipt notice (Form I-797) you will need to send an email to Tpsijgrant.vsc@dhs.gov that includes the following information:

- Your name;
- Your date of birth;
- The receipt number for your re-registration;
- Your A-number; and
- The date you were granted TPS.

The email address provided above is solely for re-registration applicants who were granted TPS by an Immigration Judge or the Board of Immigration Appeals to notify USCIS of their grant of TPS. It is not for individual case status inquiries. Applicants seeking information about the status of their individual case can check Case Status Online available at the USCIS Web site, or applicants may call the USCIS National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TTY).

Q. Can I apply electronically via the Web?

A. Yes, if you are reregistering for TPS during the designated 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 Web site at: 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.

Q. What if I am scheduled for an appointment at the Application Support Center (ASC) but am unable to make my appointment?

A. Failure to appear for an ASC appointment will result in denial of your case due to abandonment unless you submit an address change notification or a rescheduling request prior to your appointment. USCIS must conclude that your request for rescheduling is valid.

Q. How do I reschedule my ASC appointment for biometrics?

A. To request rescheduling of an ASC appointment, please make a copy of your appointment notice to retain for your records, then mail the original notice with your rescheduling request to the ASC address listed on the notice. A new appointment notice will be sent to the applicant by U.S. mail. Please note that rescheduling a biometrics appointment may result in delayed adjudication of benefits.

Q. Will my current Employment Authorization Document that is set to expire on March 9 be automatically extended for six months?

A. No. Your current Employment Authorization Document (EAD) will not be automatically extended. DHS has announced the extension of the TPS designation of El Salvador and established the re-registration period at an earlier date than previous re-registration periods so that EAD requests can be processed before current EADs expire on March 9, 2009. Only those who request an EAD when they reregister and are found to be eligible receive an EAD.

Q. Will Salvadorans who have arrived in the United States after February 13, 2001 be eligible for the extension of TPS?

A. No. This extension of TPS does not change the date by which nationals of El Salvador (and persons who last habitually resided in El Salvador) must have resided in the United States.

Q. Can Salvadorans who were in the United States as of February 13, 2001, but did not apply for TPS during the initial registration period, be eligible for TPS?

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

- 1) Are nationals of El Salvador, or an alien without nationality who last habitually resided in El Salvador;
- 2) Have continuously resided in the United States since February 13, 2001;
- 3) Have been continuously physically present in the United States since March 9, 2001;
- 4) Meet certain other admissibility and eligibility criteria as specified by the INA § 244(c), 8 U.S.C. § 1254a(c), and regulations at 8 CFR §§ 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 El Salvador, 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.

Q. Is there a specified timeline requirement for late initial registration?

A. 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 CFR § 244.2(g).

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

A. 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.

Q. How do I apply for advance parole?

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

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

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

Q. May I apply for another immigration benefit while registered for TPS?

A. Yes. Registration for TPS does not prevent you from applying for non-immigrant status, filing for adjustment of status based on an immigrant petition, or applying for any other immigration benefit or protection for which you may be eligible. INA § 244(a)(5), 8 U.S.C. § 1254a(a)(5). For the purposes of change of status, and adjustment of status, an alien is considered to be in, and maintaining, lawful status as a nonimmigrant during the period in which the alien is granted TPS. See INA § 244(f)(4), 8 U.S.C. § 1254a(f)(4). However, if an alien has periods of time when he or she had no lawful immigration status before, or after, the alien's time in TPS, those period(s) of unlawful presence *may* negatively affect the alien's ability to adjust to permanent resident status or attain other immigration benefits, depending on the circumstances of the specific case. *See e.g.*, INA § 212(a)(9), 8 U.S.C. § 1182(a)(9), (unlawful presence ground of inadmissibility that is triggered by a departure from the United States). In some cases, the alien may be eligible for a waiver of the unlawful presence ground of inadmissibility, or certain other grounds, when applying to adjust to permanent resident status or for another immigration status.

Q. Where can I call if I have additional questions?

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