Office of Communications

U.S. Citizenship and Immigration Services

Press Release

August 21, 2007

EL SALVADOR TEMPORARY PROTECTED STATUS RE-REGISTRATION OPENS

Employment Authorization Documents Automatically Extended to March 9, 2008

WASHINGTON – The Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) today announced the publication of a *Federal Register* notice extending the Temporary Protected Status (TPS) designation for El Salvador until March 9, 2009. There are approximately 234,000 nationals of El Salvador (or aliens having no nationality who last habitually resided in El Salvador) who may be eligible to re-register their Employment Authorization Documents (EADs). Under this extension, nationals of El Salvador who have already been granted TPS are eligible to live and work in the United States for an additional 18 months. The extension of the TPS designation of El Salvador is effective on September 10, 2007, and will remain in effect until March 9, 2009. Nationals of El Salvador who have been granted TPS previously must re-register for the 18-month extension during the 60-day re-registration period, which begins August 21, 2007 and ends October 22, 2007.

Additionally, in the *Federal Register* notice DHS has extended the validity of the current EADs for eligible Salvadoran TPS beneficiaries for six months until March 9, 2008. This applies to EADs issued to Salvadorans bearing the notation "A-12" or "C-19" on the card under "Category" and with (1) an expiration date of July 5, 2006, or September 9, 2006 on the face of the card and a September 2007 DHS-issued extension sticker on the back, or (2) an expiration date of September 30, 2007 on the face of the card. The six-month extension will allow sufficient time for eligible TPS beneficiaries to re-register and receive a new EAD without any lapse in employment authorization. This year, all applicants whose TPS re-registration is approved and who request EADs will receive new cards, no stickers will be issued.

New filing fees for all USCIS benefits, including the TPS re-registration program for nationals of El Salvador, became effective on July 30, 2007. To re-register for TPS under the extension, a TPS beneficiary must submit an *Application for Temporary Protected Status* (Form I-821) without the filing fee, an *Application for Employment Authorization* (Form I-765) with the filing fee or a fee waiver request, and a $80 biometrics services fee or fee waiver request for each applicant age 14 and older as well as re-registrants younger than age 14 who are requesting an EAD. If the applicant is only seeking to re-register for TPS and not seeking an extension of employment authorization, there is no filing fee for the Form I-765, but the applicant must still file the Form I-765 for the TPS extension. All applicants seeking an extension of employment authorization documentation until March 9, 2009 must submit a $340 filing fee with Form I-765.

More information is available from the USCIS National Customer Service Center toll-free number, 800-375-5283. TPS forms are available from the toll-free USCIS Forms line, 800-870-3676, or from the USCIS Web site: www.uscis.gov.

- USCIS -

August 21, 2007

Questions and Answers

DHS EXTENDS TEMPORARY PROTECTED STATUS (TPS) DESIGNATION FOR NATIONALS OF EL SALVADOR FOR 18 MONTHS

Employment Authorization Automatically Extended Until March 9, 2008

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. When the Secretary of Homeland Security (Secretary) has designated a country for TPS, beneficiaries may not be removed from the United States and receive employment authorization.

TPS does not lead to lawful permanent resident status. When the Secretary terminates a country's designation, a TPS beneficiary will return to the immigration status he or 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. Why did the Secretary decide to extend the TPS designation of El Salvador?
A. In anticipation of the September 9, 2007 expiration of TPS benefits under the current designation and in accordance with requirements of the Immigration and Nationality Act, DHS and the Department of State (DOS) have continued to review conditions in El Salvador. Additionally, on February 1, 2007, the Government of El Salvador requested an extension of the TPS designation for its nationals in the United States. This review revealed that current conditions in El Salvador still reflect much of the destruction caused by the earthquakes in 2001 with critical infrastructure remaining damaged or destroyed, particularly in the critical areas of health care and housing.

Based upon his review, the Secretary found, after consultation with the appropriate Government agencies, that the conditions that prompted the designation of El Salvador for TPS continue to be met. There continues to be a substantial, but temporary, disruption in living conditions in El Salvador as the result of the 2001 earthquakes and El Salvador continues to be temporarily unable to handle adequately the return of its nationals. The Secretary also found that it is not contrary to the national interest of the United States to permit aliens who meet the eligibility requirements of TPS to remain in the United States temporarily. On the basis of these findings, the Secretary concluded that the designation of El Salvador for TPS should be extended for an additional 18-months.

<u>Temporary Protected Status Filing Guidelines:</u>

Q. Do I need to re-register for TPS if I currently have benefits through the designation of El Salvador for TPS and would like to maintain them?
A. Yes. If you already have received TPS benefits through the TPS designation of El Salvador, your benefits will expire at 11:59 p.m. on September 9, 2007. All TPS beneficiaries must comply with the re-registration requirements described in this Notice in order to maintain TPS benefits through March 9, 2009. TPS benefits include temporary protection against removal from the United States and employment authorization during the TPS designation period. 8 U.S.C. 1254a(a)(1). Failure to re-register without good cause will result in the withdrawal of your temporary protected status, loss of work authorization and possibly your removal from the United States. 8 U.S.C. 1254a(c)(3)(C).

Q. If I am currently registered for TPS or have a pending application for TPS, how do I re-register to renew my benefits for the duration of the extension period?
A. Please submit the proper forms and fees according to Table 1 below. All applicants are strongly encouraged to pay close and careful attention when filling out the required forms to help ensure that their dates of birth, alien registration numbers, the spelling of their names, and other required information is correctly entered to the forms. Aliens who have previously registered for TPS, but whose applications remain pending, should follow these instructions and file a new application if they wish to renew their TPS benefits. All TPS re-registration applications submitted without the required fees or a fee waiver request will be returned to the applicant. All fee waiver requests should be filed in accordance with 8 CFR 244.20. If you received an EAD during the most recent registration period, please submit a photocopy of the front and back of your EAD.

Q. Who is eligible for late initial registration?
A. Late initial registration allows an eligible TPS applicant the ability to file for the first time. Some persons may be eligible for late initial registration under 8 CFR 244.2. In order to be eligible for late initial registration, an applicant must:

(1) Be a national of El Salvador (or an alien who has no nationality and 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; and

(4) Be both admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Immigration and Nationality Act (Act), and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that, during the initial registration period (from March 9, 2001 to September 9, 2002), he or she:

(1) Was a nonimmigrant or had been granted voluntary departure status 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) Is 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 CFR 244.2(g). All late initial registration applications for TPS, pursuant to the designation of El Salvador, should be submitted to the appropriate address in Chicago, Illinois as shown in Table 3.

Table 1- Application Forms and Application Fees

If	And	Then
You are re-registering for TPS	You are applying for an extension of your EAD valid through March 9, 2009	You must complete and file the, *Application for Employment Authorization* (Form I-765), with the fee of $340 or a fee waiver request. You must also submit, *Application for Temporary Protected Status*, Form I-821 with no fee.
You are re-registering for TPS	You are NOT applying for renewal of your EAD	You must complete and file the Form I-765 with no fee and Form I-821 with no fee.

		Note: DO NOT check any box for the question "**I am applying for**" listed on Form I-765, as you are NOT requesting an EAD benefit.
You are applying for TPS as a late initial registrant and you are between the ages of 14 and 65 (inclusive)	You are applying for a TPS-related EAD	You must complete and file Form I-821 with the $50 fee or fee waiver request and Form I-765 with the fee of $340 or a fee waiver request.
You are applying for TPS as a late initial registrant and are under age 14 or over age 65	You are applying for a TPS-related EAD	You must complete and file Form I-821 with the $50 fee or fee waiver request. You must also submit Form I-765 with no fee.
You are applying for TPS as a late initial registrant, regardless of age	You are NOT applying for an EAD	You must complete and file Form I-821 with the $50 fee or fee waiver request and Form I-765 with no fee.
Your previous TPS application is still pending	You are applying to renew your temporary treatment benefits (i.e., an EAD under category "c-19")	You must complete and file the Form I-765 with the fee of $340 or a fee waiver request. You must also submit Form I-821, Application for Temporary Protected Status, with no fee.

Certain applicants must also submit a Biometric Service Fee (See Table 2).

Table 2-Biometric Service Fees

If	**And**	**Then**
You are 14 years of age or older	1. You are re-registering for TPS, or 2. You are applying for TPS under the late initial registration provisions, or 3. Your TPS application is still pending and you are applying to renew temporary treatment benefits (i.e., EAD under category "C-19")	You must submit a Biometric Service fee of $80 as defined in 8 CFR 103.7 or a fee waiver request.
You are younger than 14 years of age	You are applying for an EAD	You must submit a Biometric Service fee of $80 as defined in 8 CFR 103.7 or a fee waiver request.
You are younger than 14 years of age	You are NOT applying for an EAD	You do NOT need to submit a Biometric Service fee.

Q. What edition of the Form I-821 should I submit?
A. Only the edition of Form I-821 dated November 5, 2004, or later will be accepted. The form's revision date can be found in the bottom right corner of the form. The proper form can be obtained on the USCIS website at http://www.uscis.gov or by calling the USCIS forms hotline at 1-800-870-3676.

Q. Where should I submit my application for TPS?
A. Please reference Table 3 below to see where to mail your specific application.

Table 3 - Application Mailing Directions

If	Then Mail to	Or, for Non-United States Postal Service (USPS) deliveries, Mail 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 427 S. LaSalle--3rd Floor Chicago, IL 60605-1029
You are applying for TPS for the first time, as a late initial registrant, or you were granted TPS by an Immigration Judge or the Board of Immigration Appeals	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 [EOIR/Additional Documents] or [Late Initial Registrant] 427 S. LaSalle--3rd Floor, Chicago, IL 60605-1029

Q. How will I know if I need to submit supporting documentation with my application package?
A. See Table 4 below to determine if you need to submit supporting documentation.

Table 4 –Supporting Documentation

If	Then
One or more of the questions listed in Part 4, Question 2 of Form I-821 applies to you	**You must submit an explanation, on a separate sheet(s) of paper, and/or additional documentation must be provided. You may NOT file the form electronically**
You were granted TPS by an Immigration Judge or the Board of Immigration Appeals	**You must include evidence of the grant of TPS (such as an order from the Immigration Judge) with your application package. You may NOT file electronically**

Q. Can I file my application electronically?
A. If you are filing for re-registration and do not need to submit supporting documentation with your application, you may file your application electronically. To file your application electronically, follow directions on the USCIS Web site at: http://www.uscis.gov.

Q. Are certain aliens ineligible for TPS?
A. Yes. There are certain criminal and terrorism-related inadmissibility grounds that render an alien ineligible for TPS. See 8 U.S.C. 1254a(c)(2)(A)(iii). Further, aliens who have been convicted of any felony or two or more misdemeanors committed in the United States are ineligible for TPS under section 244(c)(2)(B)(i) of the Act, 8 U.S.C. 1254a(c)(2)(B)(i), as are aliens described in the bars to asylum in section 208(b)(2)(A) of the Act, 8 U.S.C. 1158(b)(2)(A). See 8 U.S.C. 1254a(c)(2)(B)(ii).

Q. If I currently have TPS, can I lose my TPS benefits?
A. An individual granted TPS will have TPS withdrawn if he or she is not in fact eligible for TPS, if he or she fails to timely re-register for TPS without good cause, or if he or she fails to maintain continuous physical presence in the United States. See 8 U.S.C. 1254a(c)(3)(A)-(C).

Q. Does TPS lead to lawful permanent residence?
A. No. TPS is a temporary benefit that does not lead to lawful permanent residence or confer any other immigration status. 8 U.S.C. 1254a, (f)(1), and (h). When a country's TPS designation is terminated, TPS beneficiaries will maintain the same immigration status that 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 prior to being granted TPS and did not obtain any other status during the TPS period, he or she will revert to unlawful status upon the termination of the TPS designation. Once the Secretary determines that a TPS designation should be terminated, aliens who had TPS under that designation are expected to plan for their departure from the United States.

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. 8 U.S.C. 1254a(a)(5). 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. See 8 U.S.C. 1254a(f)(4).

Q. How does an application for TPS affect my application for asylum or other immigration benefits?
A. An application for TPS does not affect an application for asylum or any other immigration benefit. Denial of an application for asylum or any other immigration benefit does not affect an applicant's TPS eligibility, although the grounds for denying one form of relief may also be grounds for denying TPS. For example, a person who has been convicted of a particularly serious crime is not eligible for asylum or TPS. See 8 U.S.C. 1158(b)(2)(A)(ii) and 8 U.S.C. 1254a(c)(2)(B)(ii).

Q. Does this extension allow nationals of El Salvador (or aliens having no nationality who last habitually resided in El Salvador) who entered the United States after February 13, 2001, to file for TPS?
A. No. An extension of a TPS designation does not change the required dates of continuous residence and continuous physical presence in the United States. This extension does not expand TPS eligibility to those who are not currently eligible. To be eligible for benefits under this extension, nationals of El Salvador (or aliens having no nationality who last habitually resided in El Salvador) must have continuously resided in the United States since February 13, 2001 and been continuously physically present in the United States since March 9, 2001, the date of the current designation of El Salvador for TPS.

Employment Authorization Document Automatic Extension Guidelines:

Q. Who is eligible to receive an automatic extension of employment authorization from September 9, 2007 to March 9, 2008?
A To receive an automatic extension of an EAD, an individual must be a national of El Salvador (or an alien having no nationality who last habitually resided in El Salvador) who has applied for and received an EAD under the designation of El Salvador for TPS and who has not had TPS withdrawn or denied. This automatic extension is limited to: (1) EADs issued on *Employment Authorization Document* (Form I-766), bearing an expiration date of either July 5, 2006, or September 9, 2006, on the card AND that have a September 2007 DHS-issued extension sticker on the back of the card; and (2) EADs issued on *Employment Authorization Document* (Form I-766), bearing an expiration date of September 30, 2007. All EADs must also bear the notation "A-12" or "C-19" on the card under "Category."

Q. If I am currently registered under the designation of El Salvador for TPS and am re-registering for TPS, how do I receive an extension of my EAD after the automatic six-month extension?
A. TPS re-registrants will receive a notice in the mail with instructions as to whether or not they will be required to appear at a USCIS Application Support Center (ASC) for biometrics collection. To increase efficiency and improve customer service, whenever possible USCIS will reuse previously-captured biometrics to conduct the security checks, such that you may not be required to appear at an ASC. If you do not need to appear at an ASC, you will receive your new EAD with an expiration date of March 9, 2009, in the mail.

Regardless of whether you are required to appear at an ASC, you are required to pay the biometrics fee during this re-registration. The fee will cover the USCIS costs associated with the use of the collected biometrics for FBI and other background checks. USCIS fees fund the cost of processing applications and petitions for immigration benefits and services, and USCIS' associated operating costs. A detailed description of how USCIS developed its current fee schedule is contained in the proposed rule Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule, at 72 FR 4888 (Feb. 1, 2007). The fee schedule was established in a final rule on May 30, 2007. 72 FR 29851.

If you are required to report to an 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 by mail which is valid through March 9, 2009. 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. Once your case is resolved and if your application is approved, you will receive a new EAD in the mail with an expiration date of March 9, 2009.

Q. May I request an interim EAD at my local District Office?
A. No. USCIS will not be issuing 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 March 9, 2008, and is therefore acceptable for completion of the Form I-9?
A. An EAD that has been automatically extended for six months by this Notice through March 9, 2008, will be a Form I-766 bearing the notation "A-12" or "C-19" on the face of the card under "Category" and either: (1) have an expiration date of July 5, 2006, or September 9, 2006 on the face of the card, and a September 2007 DHS-issued extension sticker on the back; or (2) have an expiration date of September 30, 2007 on the face of the card. New EADs or extension stickers showing the March 9, 2008, expiration date of the six-month automatic extension will not be issued. Employers should not request proof of Salvadoran citizenship.

Employers should accept an EAD as a valid "List A" document and not ask for additional Form I-9, Employment Eligibility Verification, documentation if presented with an EAD that has been extended pursuant to today's Federal Register Notice and the EAD reasonably appears on its face to be genuine and to relate to the employee. This Notice 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.

Note to Employers:
Employers are reminded that the laws requiring employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice 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). For questions, employers may call the USCIS Office of Business Liaison Employer Hotline at 1-800-357-2099 or 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 six-month extension expires on March 9, 2008?
A. Eligible TPS aliens will possess an EAD with an expiration date of March 9, 2009. The EAD will be a Form I-766 bearing 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.

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, Employment Eligibility Verification?
A. During the first six months of this extension, qualified individuals who have received a six-month automatic extension of their EADs by virtue of the Federal Register Notice may present their TPS-based EAD to their employers, as described above, as proof of identity and employment authorization through March 9, 2008. 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 March 9, 2008.

After the first six months of this extension, and continuing until the end of the extension period, March 9, 2009, a qualified individual may present a new EAD valid through March 9, 2009.

In the alternative, 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.

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