Office of Communications

U.S. Citizenship and Immigration Services

USCIS Update

Dec. 12, 2008

Employment Authorization Documents Extended for Nationals of El Salvador

Six-Month Extension for Eligible Temporary Protected Status Beneficiaries

WASHINGTON – USCIS announced today an automatic extension of the validity of Employment Authorization Documents (EADs) for eligible Salvadoran TPS beneficiaries for six months through Sept. 9, 2009. This will allow sufficient time for eligible TPS beneficiaries to re-register and receive an EAD without any lapse in employment authorization. Initially, the expiration date for Salvadorians EADs was March 9, 2009. USCIS has automatically extended EADs validity period to allow for the agency to process and re-issue new EADs for such beneficiaries.

USCIS announced Sept. 24, 2008 that it will extend TPS status for nationals of El Salvador who have already been granted TPS through Sept. 9, 2010. Salvadoran nationals (and people having no nationality who last habitually resided in El Salvador) who have been granted TPS must re-register for the 18-month extension during the 90-day re-registration period that began on Oct. 1, 2008 and ends Dec. 30, 2008. TPS does not apply to nationals of El Salvador who entered the United States after Feb. 13, 2001.

TPS beneficiaries must submit the *Application for Temporary Protected Status* Form I-821without the application fee and the *Application for Employment Authorization* Form I-765 in order to re-register for TPS. A separate biometric service fee, or a fee waiver request, must be submitted by re-registrants, 14-years of age and older. If the applicant is only seeking to re-register for TPS and is not seeking an extension of employment authorization, he or she must submit Form I-765 for data-gathering purposes only and is not required to submit the I-765 filing fee. All applicants seeking an extension of employment authorization through Sept. 9, 2010 must submit the required application filing fee with Form I-765. Failure to submit the required filing fees or a properly documented fee waiver request will result in the rejection of the re-registration application.

Further details on the automatic extension of the EADs, including the application requirements and procedures, will appear in a *Federal Register* notice scheduled for publication on Dec. 15. 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, www.uscis.gov.

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U.S. Citizenship and Immigration Services

Questions and Answers

Dec. 12, 2008

USCIS Announces Six-Month Automatic Extension of Employment Authorization Documents for Salvadoran Temporary Protected Status (TPS) Beneficiaries

U.S. Citizenship and Immigration Services (USCIS) announced today that it has automatically extended the validity of employment authorization documents (EADs) held by Salvadoran nationals in current TPS status from March. 9, 2009 through Sept. 9, 2009.

For comprehensive information regarding this extension please see the *Federal Register* notice scheduled for publication on Dec. 15, 2008.

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. My Employment Authorization Document (EAD) that I received through TPS expires on March 9, 2009. Am I still authorized to work in the United States?
A. USCIS has automatically extended the validity of EADs issued under the Salvadoran TPS designation for an additional six months from March 9, 2009 through Sept. 9, 2009. This will allow sufficient time for eligible TPS beneficiaries to receive their new EAD without any lapse in employment. Please see the *Federal Register* notice for further details regarding the automatic extension.

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 El Salvador (or an alien having no nationality who last habitually resided in El Salvador);
- Applied for and received an EAD under the designation of El Salvador 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 March 9, 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 Sept. 9, 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 Sept. 9, 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 March 9, 2009, on the face of the card. New EADs or extension stickers showing the Sept. 9, 2009, 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 documentation if presented with an EAD that has been extended pursuant to the *Federal Register* notice, 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 September 9, 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* notice may present their TPS-based EAD to their employers, as described above, as proof of identity and employment authorization through Sept. 9, 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 Sept. 9, 2009. After Sept. 9, 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.

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