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18-Month Extension of Temporary Protected Status for Nationals of Sudan (Questions and Answers)

Introduction

The Department of Homeland Security (DHS) will extend Temporary Protected Status (TPS) for 18 months, through Nov. 2, 2011, to eligible nationals of Sudan and people having no nationality who last habitually resided in Sudan. This extension does not apply to Sudanese who entered the United States after Oct. 7, 2004. Certain nationals of Sudan who have not previously applied for TPS may be able to apply under the late initial registration provisions. Further details on this extension of TPS for Sudan appear in the Federal Register Notice.

Questions and Answers

Q. What is Temporary Protected Status (TPS)?

A. TPS is a temporary immigration status granted to eligible nationals of a country (or persons without nationality who last habitually resided in that specific country) designated for TPS under the Immigration and Nationality Act (INA). During the period for which the Secretary of Homeland Security (Secretary) designates a country for TPS, TPS beneficiaries are eligible to remain in the United States and may obtain work authorization, so long as they continue to meet the terms and conditions of their TPS status.

TPS does not lead to permanent resident status. When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS (unless that status has since expired or been terminated) or to any other status they may have obtained while registered for TPS.

Q. When and why was Sudan designated for TPS?

A. Sudan was designated for TPS in 1997 based on ongoing armed conflict and extraordinary and temporary conditions resulting from the armed conflict. Sudan was re-designated in 1999 and again in 2004 because the ongoing armed conflict and extraordinary and temporary conditions persisted.

Q. Why was the TPS designation for Sudan extended through Nov. 2, 2011?

A. During the past year, DHS and the Department of State reviewed conditions in Sudan. Based on this review, the Secretary has determined that an 18-month extension is warranted because the armed conflict is ongoing and the extraordinary and temporary conditions that prompted the last TPS designation of Sudan on Oct. 7, 2004 persist. Additional information may be found in the Federal Register.

Q. Do I need to re-register for TPS if I currently have benefits through the designation of Sudan for TPS, and would like to maintain them?

A. Yes. If you have already received TPS benefits through the TPS designation of Sudan, your benefits will expire on May 2, 2010. All TPS beneficiaries must comply with the re-registration requirements, and submit any required biometrics service fee and Employment Authorization Document (EAD) application fee (if an EAD is desired), or requests for waivers of those fees, to maintain TPS benefits through Nov. 2, 2011. Failure to re-register without good cause will result in the withdrawal of your temporary protected status and possibly your removal from the United States.

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

A. The extension covers an estimated 700 individuals who currently have TPS. To qualify, you must:

- Be a national of Sudan, or an individual without nationality who last habitually resided in Sudan
- Have continuously resided in the U.S. since Oct. 7, 2004
- Have been continuously physically present in the U.S. since Oct. 7, 2004
- Satisfactorily complete routine security check required of all applicants
- Meet certain other admissibility and eligibility criteria as specified by section 244 of the INA

Q. What is the re-registration period for TPS for Sudan?

A. The 60-day re-registration period will start on Dec. 31, 2009 and end on Mar. 1, 2010. You must file during the 60-day re-registration period. Failure to apply during the re-registration period without good cause will result in a withdrawal of TPS benefits. USCIS strongly encourages you to file as early as possible within the re-registration period so that background and security checks and other processing requirements can be completed promptly.

Q. How do I apply for the TPS extension?

A. Sudanese currently registered under TPS who desire an extension must re-register by filing both Form I-821, Application for Temporary Protected Status, and Form I-765, Application for Employment Authorization, with the appropriate fees or fee waiver requests.

These forms are available on the forms section of the USCIS Website: www.uscis.gov/forms or by calling the toll-free USCIS Forms Hotline (800) 870-3676.

To submit your application, please send to:

Via U.S. mail:
U.S. Citizenship and Immigration Services
Attn: TPS Sudan
P.O. Box 8677
Chicago, IL 60680-8677

For courier deliveries, please mail your application to:

U.S. Citizenship and Immigration Services
Attn: TPS Sudan
131 S. Dearborn – 3rd Floor
Chicago, IL 60603-5517

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Related Links

18-Month Extension of Temporary Protected Status for Sudan (USCIS Update)
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I-765, Application for Employment Authorization
I-821, Application for Temporary Protected Status
I-131, Application for Travel Document
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AR-11, Change of Address

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Electronically (e-file) see link to the right.

Q. What is the cost of re-registering for TPS?

A. There is no fee required to submit Form I-821 if you are re-registering. A biometric services fee of \$80 is required if you are 14 years of age or older. You must include payment for \$340 for Form I-765, Application for Employment Authorization. If you are not seeking employment authorization, you must still submit Form I-765, but no fee is necessary.

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

A. You 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. You must specify exactly which of the fees (e.g., I-821 application fee, if late initial filer; I-765 application fee; and/or the biometrics services fee) that you wish to be waived. Fee waiver requests must be satisfactorily documented with evidence of your inability to pay, in accordance with 8 CFR 244.20; 8 CFR 103.7(c). For further information on fee waiver requirements, please see the USCIS Fee Waiver Guidance available online.

Q. Can I apply electronically via the Internet?

A. Yes, if you are re-registering for TPS during the re-registration period and do not need to submit additional documentation, you may electronically file your application. Please visit the TPS page of the USCIS Web site to determine if you need to submit supporting documentation with your application package. If you do need to submit supporting documentation, you are not eligible to file electronically.

For information about filing electronically, please see link to the right. Please review the links on that Web page, including the USCIS E-Filing Reference Guide.

Q. What if the Immigration Judge or the Board of Immigration Appeals (BIA) granted me TPS?

A. If an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA) granted you TPS, you must provide USCIS with proof of the TPS grant (such as a final order from the IJ or final decision from the BIA) when you file for your first TPS benefit (such as an EAD or travel authorization). You should also submit a copy of the I-821 TPS application that the IJ or the BIA approved. Visit the TPS page of the USCIS Web site for further detailed filing and requirements based on the first TPS benefit you are requesting after an IJ or BIA granted you TPS.

Q. Can a Sudanese who was in the United States as of Oct. 7, 2004, but did not apply for TPS during the most recent re-designation, apply for TPS?

A. Yes, late initial registration is available if you:

- Are a national of Sudan, or an alien without nationality who last habitually resided in Sudan
- Have continuously resided in the United States since Oct. 7, 2004
- Have been continuously physically present in the United States since Oct. 7, 2004
- Satisfactorily complete routine security checks required of all applicants
- Meet certain other admissibility and eligibility criteria as specified by section 244(c) of the INA, 8 USC 1254a(c), and regulations at 8 CFR 244.1-244.9.

Additionally, if you file late, you must also demonstrate that at the time of the most recent re-designation (Oct. 7, 2004) for Sudan, you:

- Were in a valid nonimmigrant status, or had been granted voluntary departure, or any relief from removal
- 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
- Were a parolee or had a pending request for re-parole
- You were the spouse or child of an alien currently eligible to be a TPS registrant. See 8 CFR 244.2(f)(2).

If you are an applicant for late initial registration you must register no later than 60 days from the expiration or termination of the qualifying condition described above. There is one exception, however: your spousal or child relationship to an eligible TPS registrant that existed at the time Sudan was last designated for TPS in 2004 does not have to have terminated.

Q. Do I have to report to an Application Support Center (ASC) to submit biometrics?

A. To increase efficiency and improve customer service, whenever possible, USCIS will reuse previously-captured biometrics and will conduct necessary security checks using those biometrics. Due to systems limitations, it may not be possible in every case to reuse biometrics. USCIS will mail you a notice with instructions if you are required to appear at an ASC for biometrics collection.

Even if you do not need to attend an ASC appointment, you are required to pay the separate biometric services fee or submit an appropriately supported fee waiver request if you are age 14 or older. This fee will help cover the USCIS costs associated with use and maintenance of collected biometrics (such as fingerprints) for FBI and other background checks, identity verification, and document production.

Q. What if I am scheduled for an appointment at the 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 you by U.S. mail. Please note that rescheduling a biometrics appointment may result in delayed adjudication of benefits.

Q. What documents should I bring to my ASC appointment?

A. When you report to an ASC, you must bring the following documents:

- Your receipt notice for your re-registration application
- Your ASC appointment notice
- Your current Employment Authorization Document (EAD).

Q. What if my address changes after I file my re-registration application?

A. If your address changes after you file your application for re-registration, you must complete

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and submit Form AR-11, Change of Address, by mail or electronically. The mailing address is:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

Form AR-11 can also be filed electronically by following the directions on the USCIS Web site at www.uscis.gov. To facilitate processing your address change on your TPS application, you may call the USCIS National Customer Service Center at 1-800-375-5283 (TTY 1-800-767-1833) to request that your address be updated on your application. Please note that calling the USCIS National Customer Service Center does **not** relieve you of your burden to properly file a Form AR-11 with USCIS.

Q. Will my current EAD that is set to expire on May 2, 2010 be automatically extended for six months?

A. No. Your current EAD will not be extended automatically. DHS has announced the extension of the TPS designation of Sudan and established the re-registration period at an early date to allow sufficient time for us to process EAD requests prior to the May 2, 2010, expiration date.

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

A. As a matter of discretion, USCIS may grant you permission to travel abroad. You must first apply for and obtain advance parole prior to travel outside the U.S. in order to prevent losing TPS status and to be permitted to re-enter the United States.

Q. How do I apply for advance parole?

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

Q. Is there a place for me to call with further questions or learn more about TPS?

A. Please contact the USCIS National Customer Service Center at:

1-800-375-5283 or
1-800-767-1833 (TTY)
You may also the USCIS' Web site's TPS page.

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