



Background on Temporary Protected Status and Potential Philippines Designation

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What is Temporary Protected Status (TPS)?

Under INA section 244, The Secretary of the Department of Homeland Security (DHS) may designate a country, or portions of a country, for TPS when conditions exist such as an ongoing armed conflict or an environmental disaster in the country that temporarily prevents the country's nationals from returning safely. While not required, typically a country must first request TPS before the Secretary will make a designation. Once a country receives a TPS designation, nationals of that country residing in the U.S. receive a temporary, humanitarian form of relief from deportation that does not include the granting of permanent residence. The initial TPS designation lasts for a period of 6 to 18 months and can be extended if conditions continue to support the designation.

Who is eligible for TPS?

To be initially eligible for TPS, an individual must:

- Be a national of a country designated for TPS, or a person without nationality who last habitually resided in the designated country;
- Register for TPS status during the initial registration period;
- Demonstrate continuous physical presence in the U.S. since the effective date of the designation; and
- Demonstrate continuous residence in the U.S. since the date specified in the designation.

An individual is not eligible for TPS if the person has been:

- Convicted of any felony or two or more misdemeanors committed in the U.S.;
- Found to be inadmissible to the U.S. based on grounds listed in INA section 212(a), including non-waivable criminal and security-related grounds; or
- Subject to any of the mandatory bars to asylum.

A person can also be deemed ineligible for TPS if they fail to re-register or fail to maintain continuous physical presence and continuous residence in the U.S.

What are the benefits of TPS?

A person who receives TPS or is found to be preliminarily eligible for TPS is not removable from the U.S., can obtain work authorization, and may be granted travel authorization. Once granted TPS, an individual cannot be detained by DHS on the basis of his or her immigration status in the U.S., unless the individual becomes ineligible or the country loses its designation.

What countries have received TPS?

The current TPS designated countries include:

- El Salvador
- Honduras
- Somalia
- South Sudan
- Haiti
- Nicaragua
- Sudan
- Syria

How would the Philippines get a TPS designation?

The decision to designate a country for TPS rests with the executive branch of the federal government. Congress does not vote on it, though members of Congress may ask the President to designate a particular country. However, it is up to the President and his agencies to make the final determination.

To start the process the Philippine government should make the request of the U.S. government through its diplomatic channels. After the request is made, the Secretary of Homeland Security, in consultation with the appropriate agencies such as the Department of State, will then decide whether to grant the request. The designation only becomes effective once it is published in the Federal Register.

Why should the Philippines be designated for TPS?

- On Friday, November 8th, Typhoon Haiyan - one of the most powerful storms ever recorded on land - hit the Philippines, bringing sustained winds of 147mph and waves as high as 45ft. An estimated 6.9 million people have been affected by the storm. Relief efforts are just beginning as debris is slowly being cleared from access roads and airports begin to re-open. The death toll is estimated to be in the thousands while the number of people displaced by the massive storm rises into the hundreds of thousands. The long term impacts of the storm are still yet unknown.
- It would impose a great burden on the rescue and restoration effort in the Philippines to require the country to reabsorb its nationals from abroad, many of whom may have homes that were destroyed by the Typhoon. TPS exists to provide a safe haven for those who are reluctant to return to potentially dangerous situations, and to assist nations who are under extraordinary and temporary conditions and face difficulties in receiving their nationals safely.
- A grant of TPS would allow Filipinos here in the U.S. to work and support their families in the Philippines who were impacted by the Typhoon. Remittances account for almost 10 percent of the Philippines' Gross Domestic Product. Now, more than ever, those funds are needed to help support the recovery process.