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USCIS Adopts AAO Decision on TPS and Authorized Travel

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TPS Beneficiaries Retain Same Immigration Status after Traveling Abroad

WASHINGTON—U.S. Citizenship and Immigration Services today announced a [Policy Memorandum \(PDF, 268.36 KB\)](#) adopting the Administrative Appeals Office (AAO) decision on Matter of Z-R-Z-C.

The decision holds that Temporary Protected Status (TPS) beneficiaries who travel abroad using a Department of Homeland Security (DHS)-issued travel document under Immigration and Nationality Act (INA) section 244(f)(3) generally will retain the same immigration status on their return that they had at the time of departure. Exceptions apply to aliens inadmissible under certain criminal or national security grounds or with immigrant or nonimmigrant visas they present for admission to the United States.

This travel does not satisfy the “inspected and admitted or paroled” eligibility requirement for obtaining adjustment of status to lawful permanent residence. This is consistent with the agency’s previous clarification that a TPS beneficiary’s authorized travel does not execute a final order of removal.

Furthermore, this decision is in line with the Miscellaneous and Technical Immigration and Naturalization Amendments Act of 1991 (MTINA), which specifies that TPS beneficiaries who travel using a valid DHS-issued travel document retain the same immigration status upon return.

“Temporary Protected Status is by its very nature temporary,” said USCIS Deputy Director for Policy Joseph Edlow. “It should not provide a path to lawful permanent resident status or citizenship. Misinterpretation and inconsistent application of this law has previously allowed those pathways for alien TPS beneficiaries. This was a mistaken distortion of what Congress intended when creating this temporary program.”

Recognizing TPS beneficiaries’ potential reliance on USCIS’ past practice and treatment of their temporary travel abroad, USCIS will limit how it applies Matter of Z-R-Z-C to minimize adverse impacts to this group. This decision does not affect TPS beneficiaries who adjusted status to lawful permanent residence under past practice and/or prior guidance or who have pending applications for adjustment of status.

In addition, USCIS will only apply Matter of Z-R-Z-C prospectively to TPS beneficiaries who departed and returned to the United States under section 244(f)(3) of the INA after Aug. 20, 2020, the date of the AAO’s

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adopted decision.

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