

Practice Alert: Venezuela TPS Filing Clarifications and Special Considerations¹
(Updated 03/18/2021)²

After the [Temporary Protected Status \(TPS\) designation for Venezuela](#) was announced on March 8, 2021, the USCIS Case Assistance Committee contacted U.S. Citizenship and Immigration Service (USCIS) to request clarification on two inconsistencies that were found on Form I-821 instructions and the Federal Register Notice that implemented Temporary Protected Status (TPS) for Venezuela. As a result, USCIS confirmed the following two issues:

Mailing zip code correction

- The Chicago Lockbox USPS mailing addresses contained in the [Federal Register](#) contained an incorrect zip code. The correct USPS filing addresses are located in the “Where to File” dropdown box on the [TPS-Venezuela page](#) on USCIS.gov.

Biometrics Fee Clarification

- Applicants under 14 years of age do not pay a biometric fee with their *initial* I-821 or *initial* I-765. The below filing fee chart, located on the [USCIS Form I-821 page](#), is correct for all initial applications.

The Applicant Is	Applicant's Age	I-821 Fee	Biometric Services	I-765 Fee	Total
Submitting their first TPS application and requesting an EAD	Younger than 14	\$50	\$0	\$0	\$50
	14-65 years old	\$50	\$85	\$410	\$545
	66 and older	\$50	\$85	\$0	\$135
Submitting their first TPS application and are not requesting an EAD	Younger than 14	\$50	\$0	N/A	\$50
	14 and older	\$50	\$85	N/A	\$135

In addition to the above clarification, the USCIS Case Assistance Committee provides the below tips for consideration of members upon filing for TPS or DED:

Additional Filing Considerations:

- On Form I-821, Part 4 (current spouse) and Part 5 (former spouses) are only required for *late* initial applications (applications filed after the initial registration period has ended).

¹ Special thank you to Jim Austin, USCIS Case Assistance Committee member, for his contribution to this practice alert.

² Updates may be found in blue font.

Also stated on the Form I-821 is that Part 6 (children) only applies to *late* initial applications, but the form instructions do not make this distinction as it does for Parts 4 & 5. This omission has caused some confusion, leaving the decision to the practitioner if the information on children should be included.

- Venezuela is now simultaneously covered by Temporary Protected States (TPS) and Deferred Enforced Departure (DED). Both programs protect from removal and EADs can be requested based on either, resulting in some applicants who may wish to pay the lower filing fee for a DED-based EAD. However, applicants need to also consider that TPS will provide more benefits than DED alone and the TPS-based EADs will be valid for an additional 52 days after DED is set to expire.
- (c)(19) or (a)(12) for *initial* TPS EAD applications: USCIS has confirmed that the correct code to use for *initial* TPS EAD applications is (a)(12). The correct code to use has been a cause for confusion over the past years, with members reporting either (c)(19) or (a)(12) being accepted. Moving forward, it is recommended that code (a)(12) be used for *all initial* TPS EAD applications.³

³ USCIS provided clarification of the correct EAD code on March 17, 2021.