



Thank you for joining today's webinar,
Temporary Protected Status (TPS) for Haiti.
The webinar will begin shortly.

All lines are muted.



U.S. Citizenship
and Immigration
Services



Temporary Protected Status (TPS) for Haiti

U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties



(CRCL)

Resources and Contact Information

www.dhs.gov/office-civil-rights-and-civil-liberties

Phone: 202-401-1474 | 1-866-644-8360 (toll free)

TTY: 202-401-0470 | 1-866-644-8361 (toll free)

Fax: 202-401-4708

E-mail: crcl@dhs.gov



Homeland Security

AIILA Doc. No. 21081032. (Posted 8/25/21)

August 20, 2021

The Work of CRCL

Finding Our Fact Sheets

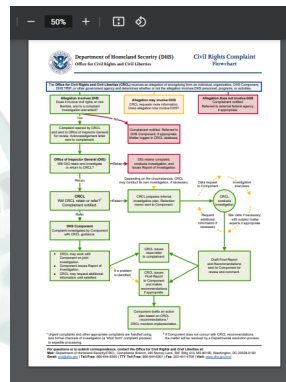
www.dhs.gov/publication/about-office-civil-rights-and-civil-liberties



Filing a Complaint

about civil rights or civil liberties concerns with DHS policies and activities

www.dhs.gov/file-civil-rights-complaint



E-mail: CRCLCompliance@hq.dhs.gov
(the fastest method)

Fax: 202-401-4708

Package/Overnight Delivery:
Contact CRCL for information

(Posted 8/25/21)



Homeland Security

ATIA Doc. No. 21081032.

TEMPORARY PROTECTED STATUS



U.S. Citizenship
and Immigration
Services

The Secretary of Homeland Security may designate a foreign country for Temporary Protected Status (TPS) due to conditions in the country that temporarily prevent the country's nationals from returning safely. In certain circumstances, there must also be a request from the country for TPS and determination that the country is unable to handle the return of its nationals adequately. Other statutory conditions may also apply.

BACKGROUND



- TPS was created by the Immigration Act of 1990 (IMMACT 90), Pub. L. 101-649.
- Congress sought to provide protection to people who feared returning to their home countries for reasons other than persecution.
- Find the law and regulations at INA § 244; 8 CFR § 244.1-244.9.

DESIGNATION OF A COUNTRY FOR TPS



- The Secretary of Homeland Security may designate a country for TPS due to the following temporary conditions in the country:
 - Ongoing armed conflict (such as civil war);
 - An environmental disaster (such as an earthquake or hurricane) or an epidemic; or
 - Other extraordinary and temporary conditions.
- An initial or re-designation remains in effect for 6-18 months, depending on secretary's discretionary decision.
- Before the conclusion of a designation period, the secretary determines whether to extend TPS for another period of 6, 12 or 18 months.

TPS BENEFICIARIES



- TPS beneficiaries have the following rights:
 - Are not removable from the United States;
 - Can obtain an Employment Authorization Document (EAD);
 - May be granted travel authorization;
 - Cannot be detained by DHS on the basis of their immigration status in the United States; and
 - May apply for other non immigrant and immigrant status or benefits for which they may be eligible.

COUNTRIES CURRENTLY DESIGNATED



U.S. Citizenship
and Immigration
Services

- Burma (Myanmar)
 - El Salvador
 - Haiti
 - Honduras
 - Nepal
 - Nicaragua
 - Somalia
 - South Sudan
 - Sudan
 - Syria
 - Venezuela
 - Yemen
- *as of 08/20/2021

Haiti



U.S. Citizenship
and Immigration
Services

Registration Period: Aug. 3, 2021 - Feb. 3, 2023

TPS Designated Through: Feb. 3, 2023

Must establish:

- Continuous Residence in the United States since July 29, 2021
- Continuous Physical Presence in the United States since Aug. 3, 2021

Haiti- Current Beneficiaries



U.S. Citizenship
and Immigration
Services

We encourage beneficiaries whose TPS has been continued by court orders to register under the new Haiti designation to help ensure that they will have TPS, if eligible, should the court injunction end.

Registration dates: Aug. 3, 2021 - Feb. 3, 2023

Must establish:

- Continuous Residence in the United States since July 29, 2021
- Continuous Physical Presence in the United States since Aug. 3, 2021

Haiti- Current Beneficiaries



- TPS and TPS-related documents for eligible beneficiaries covered by the *Ramos* and *Saget* preliminary injunctions will continue as long as those injunctions remain in effect.
- Certain EADs have been auto-extended through Oct. 4, 2021. DHS will soon publish another Federal Register Notice to continue its compliance with the court orders to continue TPS and TPS-related documents for affected beneficiaries.

ELIGIBILITY



- Be a national of a country designated for TPS, or a person without nationality who last habitually resided in the designated country;
- File during the open initial registration, or meet the requirements for late initial filing during any extension of your country's TPS designation;
- Have been continuously physically present in the United States since the effective date of the most recent designation date of your country; and
- Have been continuously residing in the United States since the date specified for your country.

INELIGIBILITY



- Have been convicted of any felony or two or more misdemeanors in the United States;
- Are found inadmissible as an immigrant under applicable grounds in INA section 212(a), including non-waivable criminal and security-related grounds;
 - Certain inadmissibility grounds may be waived for humanitarian reasons, to assure family unity or if the waiver is in the public interest. 8 CFR 244.3(b).
- Are subject to any of the mandatory bars to asylum in INA, section 208(b)(2)(A);

INELIGIBILITY



- Fail to meet the continuous physical presence or continuous residence in the United States requirements;
- Fail to meet initial or late initial TPS registration requirements; or
- If granted TPS, fail to re-register for TPS, as required, without good cause;
- Found by EOIR to have knowingly filed a frivolous asylum application; and
- Have had a prior order of removal reinstated.

FIRM RESETTLEMENT – MANDATORY BAR



U.S. Citizenship
and Immigration
Services

The firm resettlement asylum bar also applies to TPS applicants.

- TPS applicants are considered to be firmly resettled if, prior to arrival in the United States and subsequent to the events giving rise to the TPS designation, they entered into another country with, or while in that country received, an offer of permanent residence status, citizenship, or some other type of permanent resettlement, unless they establish:
 - That their entry into that country was a necessary consequence of their flight from persecution, that they remained in that country only as long as was necessary to arrange onward travel, and that they did not establish significant ties in that country, OR
 - That the conditions of their residence in that country were so substantially and consciously restricted by the authority in the country that they were not in fact resettled.

HOW TO APPLY



U.S. Citizenship
and Immigration
Services

FORMS

- Form I-821,
Application for
Temporary
Protected Status

EVIDENCE

- Identity and
nationality;
- Date of entry; and
- Continuous
residence.

FEE

- Fees are posted at
www.uscis.gov/i-821
- Form I-912,
Application for Fee
Waiver

FORM I-821



U.S. Citizenship
and Immigration
Services



Application for Temporary Protected Status
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-821
OMB No. 1615-0043
Expires 07/31/2022

For USCIS Use Only		
Receipt	Action Block	Case ID: A-Number: Returned: Resubmitted: Relocated: Received: Sent:
Remarks		
To be completed by an Attorney or Accredited Representative (if any).	<input type="checkbox"/> Select this box if Form G-28 or G-281 is attached.	Attorney State Bar Number (if applicable)
		Attorney or Accredited Representative USCIS Online Account Number (if any)

▶ **START HERE - Type or print in black ink.**

Part 1. Type of Application (select one)

NOTE: Select the box for **Item Number 1.a.**, **1.b.**, or **2.** If applicable, select the box for **Item Number 3.a.** or **3.b.** For **Item Number 4.**, enter the name of the designated TPS country.

- 1.a. This is my initial (first time) application for Temporary Protected Status (TPS). I do not currently have TPS.
- 1.b. This is my re-registration application for TPS. I currently have TPS, and am applying to re-register.

NOTE: If you have previously applied or have a pending application for TPS, but do not currently have TPS, select **Item Number 1.a.** and describe each time that you previously applied, including the receipt number (if available) and the outcome (if any) of each application. If you currently have a pending TPS application, please also describe when you filed it and the application receipt number (if available) in **Part II. Additional Information**. If you do not recall or have incomplete information on your prior TPS applications, please provide the information you can, even if incomplete.

2. If you selected **Item Number 1.b.**, please indicate who granted you TPS.
- USCIS
- Immigration Judge/Board of Immigration Appeals

Are you also filing a request for employment authorization?

- 3.a. Yes, I am requesting an Employment Authorization Document (EAD), and I am filing Form I-765, Application for Employment Authorization, together with my Form I-821.
- 3.b. No, I am not currently requesting an EAD.

4. Name of designated TPS country under which you are applying.

Part 2. Information About You

Your Full Name

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name

AILA Doc. No. 21081032. (Posted 8/25/21)

- Download the most recent version from uscis.gov.
- Read the accompanying instructions.
- File with required documentation.

ACCOMPANYING FORMS



U.S. Citizenship
and Immigration
Services

- I-765, Application for Employment Authorization
- I-131, Application for Travel Document
- I-601, Application for Waiver of Grounds of Inadmissibility
- I-765 and I-131 are optional.
- I-601 is only required in certain situations.
- Check uscis.gov for associated filing fees.

IDENTITY/NATIONALITY EVIDENCE



The following documents may establish nationality/identity:

- Passport;
- Certificate of Naturalization/Citizenship;
- Birth certificate accompanied by photo identification; or
- National identity document from country of origin with photograph or fingerprint.
- If these primary documents are not available, the regulations at 8 CFR 244.9 provide that the applicant may provide an affidavit describing why the documents are unavailable and also submit secondary evidence. Please also see the Form I-821 Instructions.

DATE OF ENTRY EVIDENCE



The following documents may establish date of entry evidence:

- Passport/passport entries;
- Form I-94, Arrival-Departure Record; or
- Documents used to establish continuous residence.

CONTINUOUS RESIDENCE EVIDENCE



U.S. Citizenship
and Immigration
Services

Examples of documents that establish presence/continuous residence:

- Passport/Passport entries;
- Form I-94, Arrival-Departure Record;
- Employment records;
- Rent receipts, utility bills (gas, electric, telephone, etc.), receipts, or letters from companies showing dates when you received service;
- Money order receipts for money sent in or out of the United States;
- Birth certificates of children born in the United States;

(continues on next slide)

CONTINUOUS RESIDENCE EVIDENCE



U.S. Citizenship
and Immigration
Services

Examples of documents that establish presence/continuous residence (continued from previous slide):

- Correspondence between you and others;
- Social Security card;
- Bank books with dated transactions;
- Selective Service card;
- Attestations of your residence by churches, unions, or other organizations; and/or
- Affidavits.

FILING FEE



U.S. Citizenship
and Immigration
Services

- There is a \$50 filing fee for Form I-821 if registering under a new designation for a country.
- There is an \$85 biometrics fee for applicants 14 and older.
- There are also fees to file for an Employment Authorization Document (EAD), a travel document, or a request for a waiver of a ground(s) of inadmissibility.
- Fees are posted on uscis.gov.
- If you cannot afford the fees, you may file a Form I-912, Request for Fee Waiver.

*All TPS for Haiti applicants are required to pay the \$50 filing fee because this is a new designation of Haiti, not an extension of a previous designation.

MAINTAINING TPS



- If the secretary extends a country's TPS, then TPS beneficiaries must re-register during each re-registration period.
 - Failure to re-register without good cause is a ground for mandatory TPS withdrawal.
- Check uscis.gov/tps to learn if EADs will be automatically extended, or if it is necessary to file a new Form I-765, Application for Employment Authorization Document.

LATE FILING



U.S. Citizenship
and Immigration
Services

- During an extension period of a country's TPS, a late re-registration application will be accepted if good cause is established. You should submit a letter with Form I-821 explaining your reasons for being late.
- USCIS will consider late **initial** applications if you meet specific conditions outlined in 8 CFR 244.2(f) and (g), and also described on uscis.gov/tps.

TRAVEL



- TPS beneficiaries do not have travel authorization automatically.
- TPS beneficiaries who wish to travel outside of the United States should request advance parole using Form I-131, Application for Travel Document.
- Advance parole may be granted as a matter of discretion.

CONCURRENT JURISDICTION

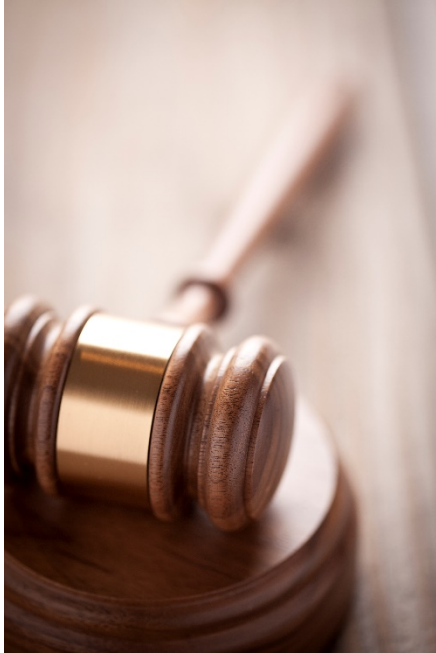


- While USCIS adjudicates the majority of TPS applications, an immigration judge or the Board of Immigration Appeals may also approve a Form I-821 when you are in proceedings before them.
- Only USCIS may approve the Form I-765 and issue an EAD or Form I-131 for a travel document.

APPEALING A DENIAL



U.S. Citizenship
and Immigration
Services



- If USCIS denies a Form I-821, you may appeal to the Administrative Appeals Office (AAO), in certain situations.
- If you are placed in removal proceedings, you may request that an immigration judge review the Form I-821 *de novo*.

AILA Doc. No. 21081032. (Posted 8/25/21)

FAMILY MEMBERS



- Each person seeking TPS must apply individually on a separate Form I-821.
- There is no derivative TPS status, meaning your spouse, children or parents cannot obtain TPS as a result of your approved TPS.

FILE ONLINE OR WITH PAPER



U.S. Citizenship
and Immigration
Services

- Online form is the same as paper version;
- Online filing is only available for applicants filing as an initial applicant under a new designation;
- Form I-765 can be filed online if Form I-821 was filed online;
- Form I-912 cannot be filed online; a fee waiver request must be a paper request;
- Work at your own pace, we automatically save your answers if filing online;
- Draft forms are saved for 30 days from the last time you worked on your form.

ONLINE FILING - CREATE AN ACCOUNT OR SIGN IN



U.S. Citizenship and Immigration Services

Official website of the Department of Homeland Security [Here's how you know](#)

U.S. Citizenship and Immigration Services

Resources **Sign In**

myUSCIS

myUSCIS makes immigration simpler

myUSCIS provides a personalized account to help you navigate the immigration process. On myUSCIS, you will find:

- Up-to-date information about the application process for immigration benefits;
- Tools to help you prepare for filing and help finding citizenship preparation classes; and
- Information to help explore your immigration options.

Sign up

Try us on mobile

You can use myUSCIS anytime and on

Get started at:

- www.uscis.gov
- my.uscis.gov
- myaccount.uscis.gov

Official website of the United States government [Here's how you know](#)

Espanol Contact Us Multilingual Resources

Search our Site **Sign In**

Forms News Citizenship Green Card Laws Tools

Become a U.S. Citizen

Thinking about naturalization? We have resources to help you.

Visit our Citizenship Resource Center to learn about the process of becoming a U.S. citizen, how you may qualify and the study tools to help you.

Learn More

File Online

Filing a **Form online** is easier and faster than paper filing. It gives you a simple and personalized way to track your case online. You can also access other USCIS services.

The first step is to **create an account**

Manage Your Case

Use our online tools and resources to manage your case:

- [Check your case status](#)
- [Check processing times](#)
- [Change your address online](#)

YOUR USCIS ONLINE ACCOUNT



U.S. Citizenship
and Immigration
Services

- www.uscis.gov/file-online;
- Filing tips and videos;
- Helpful questions & answers;
- Resources for attorneys and representatives; and
- Password resets and how to get technical support.



PAY FOR YOUR FORMS



U.S. Citizenship
and Immigration
Services

USCIS I-821



U.S. Citizenship
and Immigration
Services

Payment Information

Payment Amount \$545.00

I want to pay with my

- Bank account (ACH)
- Debit or credit card

[Continue](#)

[Cancel](#)

You have successfully submitted both your Application for Temporary Protected Status (I-821) and Application for Employment Authorization (I-765)

We will contact you if we have any questions or need additional information. You can track the status of your application through your USCIS online account.

[Go to my cases](#)

UPLOADING EVIDENCE – SOLICITED AND UNSOLICITED



U.S. Citizenship
and Immigration
Services

I-765 Application for Employment Authorization
Submitted on June 29, 2021 | Receipt # IOE9290366614
View PDF ▾

Case status Case history **Documents**

USCIS Notices

File	Date Sent	Action
------	-----------	--------

Your uploads

You may upload additional evidence that you believe may assist USCIS in adjudicating your application, even if the evidence was not specifically requested. USCIS will consider the timeliness and relevance of unrequested evidence when making a decision about your case.

File	Document	Date added
------	----------	------------

Unsolicited evidence

Unsolicited evidence is any additional information or evidence that we did not request from you. If you upload evidence that we did not request from you, USCIS will consider the timeliness and relevance of this information when making a decision about your case.

Upload evidence

TRACKING YOUR CASE



U.S. Citizenship
and Immigration
Services

All notices are posted to your account:

- Receipt notice;
- Biometrics appointment notice;
- Request for Evidence (RFE);
- PDF of your completed form; and
- Decision letter.

* Notices are also mailed to the address on file.

The screenshot displays the 'Your Cases' page for an 'I-765 Application for Employment Authorization'. The case was submitted on April 13, 2021, with receipt number IOE9893889331. A red box highlights the navigation tabs: 'Case status', 'Case history', and 'Documents'. Below this, the 'USCIS Notices' section contains a table with one entry: 'Receipt Notice.pdf' sent on April 13, 2021. The 'Your uploads' section includes a note about uploading additional evidence and a table with columns for 'File', 'Document', and 'Date added'. At the bottom, there is an 'Upload evidence' button.

Your Cases

I-765 Application for Employment Authorization
Submitted on April 13, 2021 | Receipt # IOE9893889331
View PDF

Case status Case history Documents

USCIS Notices

File	Date Sent	Action
Receipt Notice.pdf	April 13, 2021	N/A

Your uploads

You may upload additional evidence that you believe may assist USCIS in adjudicating your application, even if the evidence was not specifically requested. USCIS will consider the timeliness and relevance of unrequested evidence when making a decision about your case.

File	Document	Date added
------	----------	------------

Unsolicited evidence

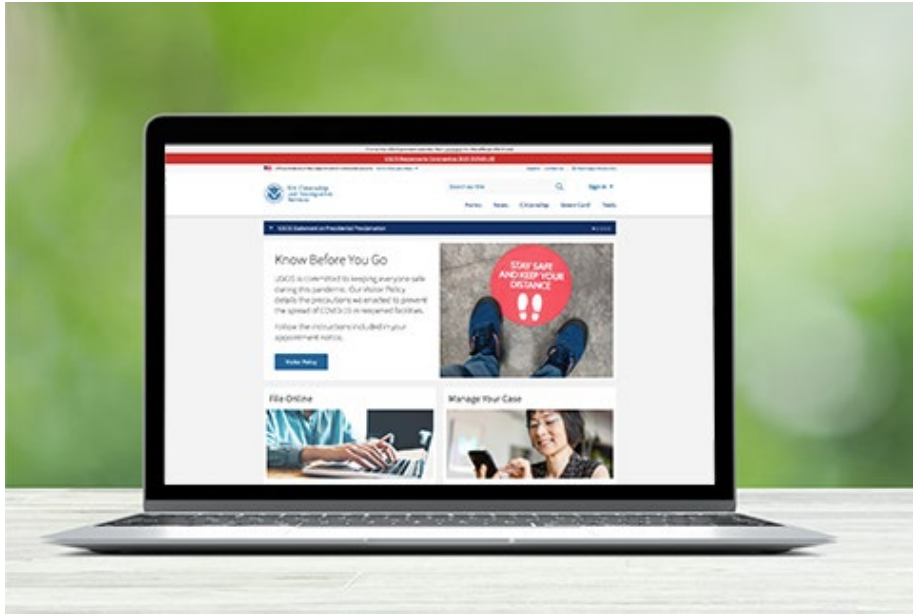
Unsolicited evidence is any additional information or evidence that we did not request from you. If you upload evidence that we did not request from you, USCIS will consider the timeliness and relevance of this information when making a decision about your case.

Upload evidence

SELF-HELP TOOLS AND RESOURCES



U.S. Citizenship
and Immigration
Services



The [USCIS website](#) offers the following free services:

- ✓ Check your [case status](#)
- ✓ [Change your address](#)
- ✓ Check [processing times](#)
- ✓ [TPS](#) webpage and a page for each

TPS country

AILA Doc. No. 21081032. (Posted 8/25/21)

AVOID SCAMS

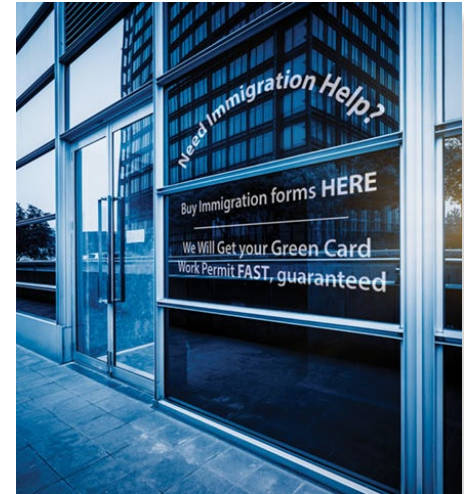


U.S. Citizenship
and Immigration
Services

Visit the [USCIS Avoid Scams](#) webpage to learn more about:

- [Form filing tips](#);
- Common immigration scams;
- How to [report immigration scams](#);
and
- How to find [legal services and help](#).

THE WRONG HELP
CAN HURT
BEWARE OF IMMIGRATION SCAMS



Q&A SESSION



U.S. Citizenship
and Immigration
Services

Questions?

Thank you!

USCIS QR CODE



U.S. Citizenship
and Immigration
Services



AILA Doc. No. 21081032. (Posted 8/25/21)

UPCOMING ENGAGEMENTS



U.S. Citizenship
and Immigration
Services

- Wednesday, August 25, 2021, at 2pm Eastern-
Temporary Protected Status
- <https://www.uscis.gov/outreach/upcoming-national-engagements>

DISCLAIMER



This presentation module is intended solely as informational. It is not intended to, does not, and may not be relied upon to create or confer any right(s) or benefit(s), substantive or procedural, enforceable at law by any individual or other party in benefit applications before USCIS, in removal proceedings, in litigation with the United States, or in any other form or manner. This presentation does not have the force of law, or of a DHS directive.

DISSEMINATION



U.S. Citizenship
and Immigration
Services

This presentation may not be
reproduced or further disseminated.

ABOUT THIS PRESENTATION



U.S. Citizenship
and Immigration
Services

- Date of last legal review: August 18, 2021
- Any references in documents or text, with the exception of case law, relate to fictitious individuals.
- This presentation contains no sensitive Personally Identifiable Information (PII).