



June 15, 2006

## Questions and Answers

### **DHS EXTENDS TEMPORARY PROTECTED STATUS (TPS) FOR EL SALVADOR FOR 12 MONTHS**

*Employment Authorization Automatically Extended Until March 9, 2007*

Temporary Protected Status (TPS) is granted to eligible nationals of designated countries suffering the effects of an ongoing armed conflict, environmental disaster, or extraordinary and temporary conditions. During the period for which the Secretary of Homeland Security has designated a country for TPS, beneficiaries may not be removed from the United States and are authorized to engage in employment.

TPS does not lead to permanent resident status, however. When the Secretary terminates a country's designation, a TPS beneficiary will return to the status he/she had prior to TPS, provided the applicant maintained that status, or to any other status he/she may have obtained while registered for TPS.

#### **Q. Who is eligible to re-register for the 12-month TPS extension (September 9, 2006-September 9, 2007)?**

A. Re-registration is limited to nationals of El Salvador (or in the case of an alien having no nationality, a person who last habitually resided in El Salvador) who: 1) registered during the initial registration period for the TPS designation announced on March 9, 2001 (or who late initial registered) and during each of the subsequent re-registration periods; 2) have been continuously physically present in the United States since March 9, 2001; and 3) have continuously resided in the United States since February 13, 2001. An individual who has been convicted of either a felony or two or more misdemeanors committed in the United States is not eligible for TPS. Likewise, an individual subject to certain criminal or security-related grounds of inadmissibility or any of the bars to asylum is ineligible for TPS. Those who have never registered for TPS may be eligible to register for late initial registration, as described below.

#### **Q. How do I re-register for a TPS extension?**

A. If you already have been granted TPS under the TPS designation for El Salvador, your TPS benefits will expire on September 9, 2006. You may re-register during the 60-day re-registration period beginning on July 3, 2006 and ending September 1, 2006. To re-register, you must submit the following:

- Form I-821, Application for Temporary Protected Status, without fee;
- Form I-765, Application for Employment Authorization (see below to determine if you need to include the \$180 filing fee with Form I-765 or a fee waiver request;



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- A biometric services fee of seventy dollars (\$70) if you are 14 years of age or older, or if you are under 14 and are requesting an Employment Authorization Document (EAD). The biometric services fee will not be waived.
- A photocopy of the front and back of your EAD if you received an EAD during the most recent registration period.

### **All TPS re-registration applications submitted without the required fees will be returned to the applicant.**

Fees: Fees: If the applicant requests employment authorization, he or she must submit a \$180 fee with Form I-765. An applicant who does not seek employment authorization need not submit the \$180 fee, but nonetheless must submit the Form I-765 for data-gathering purposes. Additionally, if the applicant does not want an EAD benefit, the applicant should not provide any response to the Question “I am applying for” on Form I-765. The applicant may request a waiver of the Form I-765 fee in accordance with the regulations. However, the biometric services fee will not be waived.

Failure to submit the required filing fees will result in the rejection of the re-registration application.

### **Q. When should an applicant submit his or her re-registration application for TPS?**

A. Applications must be filed during the 60-day re-registration period from July 3, 2006 to September 1, 2006. Applicants are encouraged to file the application as soon as possible after the start of the 60-day re-registration period.

### **Q. Where should an applicant submit his or her application for TPS?**

A. To facilitate efficient processing, USCIS has designated two post office (P.O.) boxes with the Chicago Lockbox for the filing of TPS applications. Certain applications for TPS re-registration may also be electronically filed (“E-Filed”) as well. The type of TPS filing the applicant submits will determine the P.O. Box where the application must be submitted. See below for instructions. **Please note that applications should not be filed with a USCIS Service Center or District Office. Failure to file your application properly may result in the delay of the processing of your application.**

Category 1: Applications for re-registration that do not require the submission of additional documentation or applications to renew temporary treatment benefits (i.e., you have been receiving TPS benefits while your initial TPS application has been pending) must be filed at this address:

U.S. Citizenship and Immigration Services  
P.O. Box 8635  
Chicago, IL 60680-8635

Or, for non-United States Postal Service (USPS) deliveries:

U.S. Citizenship and Immigration Services  
Attn: TPS – El Salvador  
427 S. LaSalle – 3rd Floor  
Chicago, IL 60605



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**E-Filing Your Application:** If your application falls into Category 1 you are strongly encouraged to E-File your application. During the re-registration period from July 3, 2006, to September 1, 2006, aliens re-registering for TPS under this designation may file the Forms I-821 and I-765, and associated fees electronically by using E-Filing at the USCIS Internet site, [www.uscis.gov](http://www.uscis.gov). In order to properly re-register using E-Filing, aliens must begin the E-Filing process by completing Form I-821 online. After the Form I-821 is completed, the system will then link the alien to Form I-765. E-filing will not be available after the end of the registration period.

Aliens whose application falls into Category 2 explained below may not E-File and must send their application materials to the USCIS Chicago Lockbox at the address listed below.

**Category 2:** Aliens who are filing applications for re-registration that require the submission of supporting documentation or are filing for the first time as a late initial registrant must use the address listed below. These types of applications may not be E-Filed. Applications for re-registration require the submission of supporting documentation under the following circumstances:

- A) If one or more of the questions listed in Part 4, Question 2 of Form I-821 apply to the alien, then the submission of an explanation, on a separate sheet(s) of paper, and/or additional documentation must be provided.
- B) If the alien was granted TPS by an Immigration Judge or the Board of Immigration Appeals, then the alien must include evidence of the grant of TPS (such as an order from the Executive Office for Immigration Review (EOIR)) with his or her application package.

All aliens described in Category 2 above must file at this address:

U.S. Citizenship and Immigration Services  
P.O. Box 8670  
Chicago, IL 60680-8670

Or, for non-United States Postal Service (USPS) deliveries:

U.S. Citizenship and Immigration Services  
Attn: TPS –El Salvador– [EOIR/Additional Documents] or [Late Initial Registrant]  
427 S. LaSalle – 3rd Floor  
Chicago, IL 60605

**Note:** Make sure to write “EOIR/Additional Documents” or “Late Initial Registrant”, whichever is appropriate, on the “Attn: TPS-El Salvador” line, for non-United States Postal Service (USPS) deliveries.

**Q. Is my EAD extended beyond the September 9, 2006 expiration date on its face?**

A. Yes. USCIS recognizes that many re-registrants may not receive their extension sticker or EAD until after their current EAD expires on September 9, 2006. Accordingly, the **Federal Register** Notice automatically extends the validity of EADs issued pursuant to the TPS designation of El Salvador for six months until



March 9, 2007, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended.

**Q. Will I receive a new EAD in the mail if I am given an extension sticker at the Application Support Center (ASC)?**

A. No. Because the sticker affixed to your card at the Application Support Center (ASC) will extend the validity of your current EAD through September 2007 there will be no need for you to obtain additional employment authorization documentation during the remainder of this extension of the designation of El Salvador for TPS.

**Q. If I am not eligible to receive a sticker extending my EAD, can I receive an interim EAD at my local District Office?**

A. No. USCIS will not be issuing interim EADs to TPS applicants and re-registrants at District Offices.

**Q. How may employers determine whether an EAD has been automatically extended for six months through March 9, 2007, and is therefore acceptable for completion of the Form I-9?**

A. For purposes of verifying identity and employment eligibility or re-verifying employment eligibility on the Form I-9 until March 9, 2007, employers of Salvadoran TPS beneficiaries whose EADs have been automatically extended by the Federal Register Notice must accept the EAD if presented. An EAD (Form I-766) that has been automatically extended for 6 months by the Notice to March 9, 2007, will actually contain an expiration date of September 9, 2006, and must be a Form I-766 bearing the notation "A-12" or "C-19" on the face of the card under "Category." The automatic extension is valid for 6 months. New EADs or extension stickers showing the March 9, 2007 expiration date of the 6-month auto-extension will not be issued. In the alternative to the aforementioned options, any legally acceptable documentation or combination of documents listed in List A, List B, or List C of the Form I-9 may be presented as proof of identity and employment eligibility; it is the choice of the employee.

Employers should not request proof of Salvadoran citizenship. Employers presented with an EAD that has been extended pursuant to the **Federal Register** Notice, if it appears to be genuine and appears to relate to the employee, should accept the EAD as a valid "List A" document and should not ask for additional Form I-9 documentation. This action by the Secretary of Homeland Security through the **Federal Register** Notice does not affect the right of an employee to present any legally acceptable document as proof of identity and eligibility for employment.

Employers are reminded that the laws prohibiting unfair immigration-related employment practices remain in full force. For questions, employers may call the USCIS Office of Business Liaison Employer Hotline at 1-800-357-2099 to speak to a USCIS representative. Also, employers may call the U.S. Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1-800-255-8155 or 1-800-362-2735 (TDD). Employees or applicants may call the OSC Employee Hotline at 1-800-255-7688 or 1-800-237-2515 (TDD) for information regarding the automatic extension. Additional information is available on the OSC website at <http://www.usdoj.gov/crt/osc/index.html>.



**Q. Who is eligible to file for late initial registration?**

A. Some persons may be eligible for late initial registration under 8 CFR 244.2(f)(2) and (g). In order to be eligible for late initial registration an applicant must:

- (1) Be a national of El Salvador (or alien who has no nationality and who last habitually resided in El Salvador);
- (2) Have continuously resided in the United States since February 13, 2001;
- (3) Have been continuously physically present in the United States since March 9, 2001; and
- (4) Be both admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that during the initial registration period (from March 9, 2001 to September 9, 2002), he or she:

- (1) Was a nonimmigrant or had been granted voluntary departure status or any relief from removal;
- (2) Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal or change of status pending or subject to further review or appeal;
- (3) Was a parolee or had a pending request for reparole; or
- (4) Is the spouse or child of an alien currently eligible to be a TPS registrant.

An applicant for late initial registration must file an application for late registration no later than 60 days after the expiration or termination of the conditions described above. 8 CFR 244.2(g). All late initial registration applications for TPS pursuant to the TPS designation of El Salvador should be submitted to the aforementioned Lockbox address in Chicago, Illinois listed under Category 2.

**Q. How do I apply for late initial registration?**

A. A late initial registrant must file a complete application package, including supporting documentation and all applicable fees, in accordance with the regulations. In addition to the requirements described above for re-registration under the extension, a late initial registrant must submit a \$50 fee with Form I-821. Also, a late initial registrant who is requesting an EAD must submit the \$180 filing fee unless the applicant is under age 14 or over age 65. A \$70 biometric services fee must be submitted by all late initial registrants who are 14 years of age or older, as well as those who are under 14 years of age and request an EAD. An applicant may request a fee waiver in accordance with the regulations, however the biometric services fee will not be waived.

**Q. Where should I submit the application for re-registration or late initial registration?**

A. All late initial registration applications for TPS, pursuant to the TPS designation of El Salvador, should be submitted to the aforementioned Lockbox address in Chicago, Illinois:

U.S. Citizenship and Immigration Services  
P.O. Box 8670  
Chicago, IL 60680-8670

Or, for non-United States Postal Service (USPS) deliveries:



U.S. Citizenship  
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Attn: TPS –El Salvador– [EOIR/Additional Documents] or [Late Initial Registrant]  
427 S. LaSalle – 3rd Floor  
Chicago, IL 60605

**Q. When will the extension of the designation of El Salvador for TPS expire?**

A. The TPS extension for El Salvador is effective for 12 months, from September 9, 2006 to September 9, 2007.

**Note: Extension stickers and EADs issued pursuant to this extension will show an expiration date of “September 2007” or “September 30, 2007” respectively, and will therefore be valid throughout the month of September 2007.**

**Q. Specifically, what factors were considered in making the decision to grant a 12-month extension of TPS for El Salvador?**

A. After reviewing the country conditions and consulting with the appropriate Government agencies, the Secretary of Homeland Security determined that conditions in El Salvador continue to exist. The Government of El Salvador remains engaged in earthquake reconstruction activities with USAID assistance. Despite USAID’s 170 million dollar disaster reconstruction program, reconstruction projects remain incomplete and the U.S. embassy in El Salvador estimates that the programs will not be completed in less than 24 months.

According to El Salvador’s Vice Ministry of Housing, only 46 percent of the total number of houses destroyed or damaged had been reconstructed or repaired as of January 2006. Housing programs funded by the European Union and the Inter-American Development Bank were still underway, with the target dates for completion set for 2006 and 2007, respectively. Moreover, as of January 2006, reconstruction of the country’s seven main hospitals were still pending, awaiting the completion of engineering designs and bidding procedures. The target date for the completion of the hospitals is now set at 2007.

The incomplete reconstruction programs translate into a continued deficit in low-cost housing and a lack of access to hospital-based healthcare services for many communities. Moreover, El Salvador has not been able to fully recover, in part due to the 2005 eruption of the Santa Ana volcano that was immediately followed by mudslides and flooding caused by Hurricane Stan.

Based upon this review, the Secretary of Homeland Security, after consultation with appropriate Government agencies, determined that the conditions that prompted designation of El Salvador for TPS continue to be met. There continues to be a substantial, but temporary, disruption in living conditions in El Salvador as the result of an environmental disaster, and El Salvador continues to be unable, temporarily, to handle adequately the return of its nationals. On the basis of these findings, the Secretary concludes that the TPS designation for El Salvador should be extended for an additional 12-month period.



**Q. Are El Salvadoran TPS beneficiaries permitted to travel abroad during the TPS extension?**

A. Those granted TPS must receive advance permission to return to the United States if traveling abroad. This advance permission is called Advance Parole and can be obtained by filing Form I-131, Application for a Travel Document, with the USCIS. Failure to obtain advance parole prior to traveling abroad may result in the withdrawal of your TPS and/or the institution or re-calendar of removal proceedings.

**Q. Where can I obtain forms and additional information?**

A. Information concerning TPS is available at the USCIS web site: [www.uscis.gov](http://www.uscis.gov) or the USCIS National Customer Service Center, at 1-800-375-5283. Applicants may obtain forms from the USCIS web site or by contacting the USCIS Forms Line, 1-800-870-3676.

**Q. If I entered the United States after February 13, 2001, would I qualify for benefits under TPS?**

A. No. This extension does not change the required dates of continuous residence and continuous physical presence in the United States. To be eligible, nationals of El Salvador (or in the case of an alien having no nationality, is a person who last habitually resided in such designated state) must have continuously resided in the United States since February 13, 2001 and been continuously physically present in the United States since March 9, 2001.

**Q. May I apply for another immigration benefit while registered for TPS?**

A. Yes. Registration for TPS does not prevent you from applying for another non-immigrant status, from filing for adjustment of status based on an immigrant petition, or from applying for any other immigration benefit or protection. 8 U.S.C. 1254a(a)(5). For the purposes of change of status and adjustment of status, an alien is considered as being in, and maintaining, lawful status as a nonimmigrant during the period in which the alien is granted TPS. 8 U.S.C. 1254a(f)(4).

**Q. How does an application for TPS affect my application for asylum or other immigration benefits?**

A. An application for TPS does not affect an application for asylum or any other immigration benefit. Denial of an application for asylum or any other immigration benefit does not affect an applicant's TPS eligibility, although the grounds for denying one form of relief may also be grounds for denying TPS. For example, a person who has been convicted of a particularly serious crime is not eligible for asylum or TPS. 8 U.S.C. 1158(b)(2)(A)(ii); 8 U.S.C. 1254a(c)(2)(B)(ii).

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