

Frequently Asked Questions

Updated as of May 10, 2022

These Frequently Asked Questions (“FAQs”) were prepared by the Harvard Representation Initiative (“HRI”). HRI provides ***free*** consultations and legal representation to members of the Harvard community who are undocumented, DACAmented or have Temporary Protected Status (“TPS”). The responses to the FAQs listed below are informational and do not constitute legal advice. Every case is different, and advice will vary depending on the individual circumstances. This guidance is valid as of May 10, 2022.

If you are a Harvard affiliate who currently has TPS status or is interested in applying for TPS, please contact HRI to set up an individual consultation. To make an appointment, please call HRI at 617-495-6648 or email hri@law.harvard.edu.

PLEASE NOTE:

On April 15, 2022, the Department of Homeland Security [announced the designation of Cameroon for TPS](#) for 18 months. Eligible individuals must have continuously resided in the United States since April 14, 2022.

On March 16, 2022, the Department of Homeland Security [announced the designation of Afghanistan for TPS](#) for 18 months. Eligible individuals must have continuously resided in the United States since March 15, 2022.

On March 3, 2022, the Department of Homeland Security [announced the designation of Ukraine for TPS](#) for 18 months. Eligible individuals must have continuously resided in the United States since April 11, 2022.

On March 2, 2022, the Department of Homeland Security [announced a new designation for TPS for Sudan](#). Eligible individuals must apply by October 19, 2023.

On September 10, 2021, the Department of Homeland Security [announced the extension of Employment Authorization Documents for TPS recipients from El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan](#) through December 31, 2022.

On August 3, 2021, the Department of Homeland Security [issued a new designation for TPS for Haiti](#). Eligible individuals must apply by February 3, 2023.

On July 6, 2021, the Department of Homeland Security [announced the extension and re-designation of Yemeni TPS for 18 months](#) through March 3, 2023.

1. What is TPS?

TPS is a federal program that provides limited immigration law benefits to eligible nationals of certain designated countries. The Secretary of Homeland Security may designate a foreign country for inclusion in TPS based on a determination that conditions in the country temporarily prevent the country's nationals from returning safely or that the country is unable to handle the return of its nationals adequately. USCIS may grant TPS to eligible nationals of such designated countries who are already in the United States. Eligible individuals without nationality who last resided in the designated country may also be granted TPS.

The Secretary may designate a country for TPS due to the following conditions in the country:

- Ongoing armed conflict (such as civil war)
- An environmental disaster (such as earthquake or hurricane) or an epidemic
- Other extraordinary and temporary conditions

During a designated period, individuals who are TPS beneficiaries or who are found preliminarily eligible for TPS upon initial review of their cases (*prima facie* eligible):

- Are not removable from the United States
- Can obtain an employment authorization document ("EAD")
- May be granted "advance parole" to travel abroad and return to the United States.

Once granted TPS, an individual cannot be detained by DHS on the basis of his or her immigration status in the United States.

TPS is, however, a temporary benefit that does not provide a pathway to lawful permanent resident status. However, registration for TPS does not prevent an individual from:

- Applying for nonimmigrant status
- Filing for adjustment of status based on an immigrant petition
- Applying for any other immigration benefit or protection for which the individual may be eligible

PLEASE NOTE: To be granted any other immigration benefit, you must still meet all the eligibility requirements for that particular benefit.

2. What countries are currently designated for Temporary Protected Status?

Currently, fifteen countries have been designated for TPS.

We use "extended through" language to indicate that DHS has not yet decided to terminate the TPS designation. At some point on or before the "extended through" date, DHS will announce whether it will extend the TPS designation even further.

- **Afghanistan:** [Designated for eighteen months](#). Afghanistan's designation will go

- into effect on the publication date of the forthcoming Federal Register notice.
- **Burma:** [Designated through November 25, 2022](#). Applicants must be able to demonstrate continuous residence in the United States as of March 11, 2021. Registration period is May 25, 2021 through Nov. 25, 2022. Click [here](#) for a link to USCIS information.
 - **Cameroon:** [Designated for eighteen months](#). Cameroon's designation will go into effect on the publication date of the forthcoming Federal Register notice.
 - **El Salvador:** [Extended through December 31, 2022](#). The extension applies to EADs that are valid between September 10, 2016 through March 9, 2018 and March 10, 2018 through September 9, 2019. Click [here](#) for a link to USCIS information.
 - **Haiti:** [Re-designated through February 3, 2023](#). Applicants must be able to demonstrate continuous residence in the United States since July 29, 2021. Current TPS holders will need to file a new application to register. Click [here](#) for a link to USCIS information.
 - **Honduras:** [Extended through December 31, 2022](#). The extension applies to EADs that are valid between January 23, 2016 through July 22, 2017 and July 23, 2017 through January 22, 2018 and January 23, 2018 through July 22, 2019. Click [here](#) for a link to USCIS information.
 - **Nepal:** [Extended through December 31, 2022](#). The extension applies to EADs that are valid between December 25, 2016 through June 24, 2018 and June 25, 2018 through June 24, 2019. Click [here](#) for a link to USCIS information.
 - **Nicaragua:** [Extended through December 31, 2022](#). The extension applies to EADs that are valid between July 6, 2016 through January 5, 2018 and January 6, 2018 and January 5, 2019. Click [here](#) for a link to USCIS information.
 - **Somalia:** [Extended through March 17, 2023 and re-designated for new applicants](#). New applicants must have been continually residing in the United States since July 19, 2021, and can apply between July 22, 2021 and March 17, 2023. Click [here](#) for a link to USCIS information.
 - **South Sudan:** [Extended through November 3, 2023 and re-designated for new applicants](#). New applicants must have been continually residing in the United States since March 1, 2022 and can apply between March 3, 2022 and November 3, 2023. Click [here](#) for a link to USCIS information.
 - **Sudan:** [Extended through October 19, 2023 and re-designated for new applicants](#). The extension applies to EADs that are valid between May 3, 2016 - November 2, 2017 and November 3, 2017 - November 2, 2018. New applicants must have been continually residing in the United States since March 1, 2022, and can apply between April 19, 2022 and October 19, 2023. Click [here](#) for a link to USCIS information.
 - **Syria:** [Extended through September 30, 2022 and re-designated for new applicants](#). Re-registrants must apply between March 19, 2021 and May 18, 2021. New applicants must have been continually residing in the United States since March 19, 2021, and can apply between March 19, 2021 and Sept. 15, 2021. Click [here](#) for a link to USCIS information.
 - **Ukraine:** [Designated through October 19, 2023](#). The registration period is April 19, 2022 through October 19, 2023. Applicants must have been continually residing in

- the United States since April 11, 2022. Click [here](#) for a link to USCIS information.
- **Venezuela:** [Designated through September 9, 2022](#). Applicants must have been continually residing in the United States since March 8, 2021. The registration period is March 9, 2021 through September 9, 2022. Click [here](#) for a link to USCIS information.
 - **Yemen:** [Extended through March 3, 2023 and re-designated for new applicants](#). Registrants must apply between July 9, 2021 and Sept. 7, 2021. New applicants must have been continually residing in the United States since July 5, 2021, and can apply between July 9, 2021 and March 3, 2023. Click [here](#) for a link to USCIS information.

Please visit the [USCIS website](#) for the most up-to-date information on each country.

HRI offers free assistance with initial TPS applications and renewals to all Harvard students, staff, and employees. To make an appointment, please call HRI at 617-495-6648 or email hri@law.harvard.edu.

3. Who qualifies for TPS?

Individuals can apply for Temporary Protected Status if they:

- Are nationals of a country designated for TPS, or persons without nationality who last habitually resided in the designated country;
- File during the open initial registration or re-registration period, or meet the requirement for late initial filing during any extension of their country's TPS designation;
- Have been continuously physically present in the United States since the effective date of the most recent designation date of their country; and
- Have been continuously residing in the United States since the date specified for their country. The law allows an exception to the continuous physical presence and continuous residence requirements for brief, casual and innocent departures from the United States.

4. Who is not eligible for TPS?

- Individuals who do not meet the initial or late initial TPS registration requirements;
- Individuals who fail to re-register, without good cause, during the re-registration period;
- Individuals who fail to satisfy the continuous residency or continuous physical presence requirement;
- Individuals who have been convicted of either one felony or two misdemeanors;
- Individuals who are found inadmissible under section 212(a) of the Immigration and Nationality Act (please note: there are exceptions for people who are inadmissible due to entering without inspection as well as people who have been ordered removed); and

- Individuals who are subject to any of the mandatory bars to asylum.

5. Is it possible to have some other non-immigrant status, such as a Student Visa (F-1), or an Exchange Visitor Visa?

Yes, it is possible to have both another non-immigrant visa status and TPS. Simply applying for and being granted TPS is not a violation of your non-immigrant visa.

6. If I have an F-1 or a J-1 that allows me apply for work authorization pursuant OPT or AT, do I still need to apply for work authorization through TPS?

If you qualify for work authorization through your F-1 or J-1 visa, you do not need to apply for work authorization pursuant to TPS. However, it may be a good idea to apply for TPS even if you do not need employment authorization through TPS. You should consult with an attorney to discuss the options that make most sense for you.

7. Can I carry work authorization for both OPT or AT and TPS?

You should discuss with an attorney the scope of your employment authorization and how it relates to your non-immigrant visa. While it is possible to apply for and be granted work authorization under different categories, you may violate your non-immigrant student visa by using your work authorization granted pursuant to TPS.

8. Can I travel with TPS?

In order to travel with TPS, you must first apply for and be granted advance parole. It can take several months for your application to be processed so you should plan ahead if you need to travel. You should speak with an immigration attorney before you travel to discuss the possible risks faced when traveling with TPS.

9. If I have a student visa or an exchange visitor visa and TPS, can't I just travel with my F-1 or J-1 or do I still need TPS?

If you have both a non-immigrant student visa or exchange visitor visa and TPS, you should meet with an immigration attorney before you travel. Travel may affect either your non-immigrant visa or TPS status.

10. Is TPS going to terminate for some countries that were designated for TPS?

In 2017 and 2018 under the Trump Administration, the Department of Homeland Security ("DHS") announced that it was terminating the TPS designation for [El Salvador](#), [Haiti](#), [Honduras](#), [Nepal](#), [Nicaragua](#), and [Sudan](#). Federal courts in California and New York subsequently [issued a nationwide injunction](#) preventing the government from terminating TPS for eligible participants from Sudan, Nicaragua, Haiti and El Salvador until a legal challenge to these terminations could be fully and finally decided. On September 14, 2020, the Ninth Circuit Court of Appeals lifted the

injunction in *Ramos v. Nielsen* that prevented the Trump administration from moving forward with the termination of TPS for recipients from El Salvador, Haiti, Nicaragua, and Sudan. This ruling does not go into effect immediately. TPS recipients from Haiti, Nicaragua, and Sudan will maintain their status until at least October 4, 2021.

Additionally, the parties in a separate lawsuit in federal court in California stipulated to temporarily halt the termination of TPS for Honduras and Nepal pending the decision in the case involving TPS for Sudan, Nicaragua, Haiti and El Salvador. Although the government may seek to lift this stay in light of the Ninth Circuit's decision, it currently remains in effect. The plaintiffs in the *Ramos* lawsuit are planning to challenge the Ninth Circuit's decision, which could result in further delays of TPS termination for the affected countries.

DHS announced two new designations for countries affected by this lawsuit. On March 2, 2022, DHS [announced a new designation for TPS for Sudan](#). Eligible individuals must apply by October 19, 2023. On May 22, 2021, DHS [announced a new designation for TPS for Haiti](#). Eligible individuals must apply by February 3, 2023.

The extension and re-designation of TPS for Haiti signals that DHS under the Biden administration views the need to extend TPS differently than the previous administration. However, as of this date, TPS for Honduras, El Salvador, Nepal, and Nicaragua has yet to be officially extended or re-designated by DHS beyond the settlement reached with the Courts.

Expiration dates for TPS employment authorization vary by country, as described further below.

El Salvador:

TPS for Salvadorans was scheduled to end on [September 9, 2019](#). However, the nationwide injunction issued by the California federal court ensures the [continued validity of documents that establish lawful status and employment authorization](#) until December 31, 2022.

Current beneficiaries under the TPS designation for El Salvador [do not need to re-register](#) to maintain TPS, provided that they properly re-registered for TPS during the following registration periods for El Salvador:

- July 8, 2016 - September 6, 2016
- January 18, 2018 - March 19, 2018

Haiti:

The nationwide injunction issued by the California federal court ensures the [continued validity of documents that establish lawful status and employment authorization](#) until December 31, 2022. Current recipient must **re-register** to ensure they do not lose TPS or experience a gap in coverage. They may register between August 3, 2021 and February 3, 2023.

New applicants who are currently residing in the United States as of July 29, 2021 may file initial applications.

Honduras:

TPS for Hondurans was scheduled to end on January 5, 2020. However, the nationwide injunction issued by the California federal court ensures the [continued validity of documents that establish lawful status and employment authorization](#) until December 31, 2022.

TPS for current beneficiaries under the designation for Honduras [will continue](#), provided that they properly re-registered for TPS during at least one of the following registration periods.

- May 16, 2016 - July 15, 2016
- December 15, 2017 - February 13, 2018
- June 5, 2018 - August 6, 2018

Nepal:

TPS for Nepalis was scheduled to end on June 24, 2019. However, the nationwide injunction issued by the California federal court ensures the [continued validity of documents that establish lawful status and employment authorization](#) until December 31, 2022.

TPS for current beneficiaries under the designation for Nepal will [continue](#), provided that they properly re-registered for TPS during at least one of the following registration periods for their country:

- October 26, 2016 - December 27, 2016
- May 22, 2018 - July 23, 2018

Nicaragua:

TPS for Nicaraguans was scheduled to end on [January 5, 2019](#). However, the nationwide injunction issued by the California federal court ensures the [continued validity of documents that establish lawful status and employment authorization](#) until December 31, 2022.

Current beneficiaries under the TPS designation for Nicaragua [do not need to re-register](#) to maintain TPS, provided that they properly re-registered for TPS during the following registration periods for their country:

- May 16, 2016 - July 15, 2016
- December 15, 2017 - February 13, 2018

Sudan:

TPS for Sudan was scheduled to end on [November 2, 2018](#). However, the nationwide injunction issued by the California federal court ensures the [continued validity of documents that establish lawful status and employment authorization](#) until December 31, 2022.

Current recipients must re-register for TPS to ensure that they maintain TPS if the current injunctions are lifted. They may register between April 16, 2022 and October 19, 2023.

New applicants who are currently residing in the United States as of March 1, 2022 may file initial applications.

11. What should I do if I have TPS that is set to be terminated?

Even though there is a nationwide injunction in place that prevents the immediate termination of TPS, the injunction is temporary. Ultimately, the courts will decide the validity of the termination of TPS. For this reason, it is important that you meet with an attorney to see if there are any other potential immigration remedies available to you beside TPS.

12. What happens now that the injunction has been lifted for the termination of TPS for El Salvador, Haiti, Nicaragua and Sudan?

Haiti has been re-designated for TPS status through February 3, 2023. Sudan has been re-designated for TPS through October 19, 2023.

Despite the Ninth Circuit's decision in *Ramos*, DHS cannot immediately begin to enforce TPS termination for the affected countries until the appeals process is completed. Once all appeals have been exhausted, each country will have a wind down period. Beneficiaries from Nicaragua and Sudan will be given a minimum of a 120-day transition period from the effective date of the appeals court decision (which will be at least 52 days after the appeals court announces its decision) before the termination of TPS. Beneficiaries from El Salvador will be given a minimum of a 365-day transition period from the effective date of the appeals court decision (which will be at least 52 days after the appeals court announces its decision).

USCIS will inform TPS beneficiaries when either the 120-day or 365-day transition period will begin. The transition period will provide time for current TPS beneficiaries who do not have another lawful immigration status or authorization to remain in the United States to leave the United States, or they will be subject to removal.

13. Does TPS allow me to apply for my green card or any other immigration status?

TPS does not, in and of itself, provide a pathway to Permanent Resident Status (green card) or naturalization. However, individuals with TPS status may qualify for other forms of relief, including Permanent Resident Status, independent of TPS.

Individuals with TPS should seek the advice of an attorney to explore other possible forms of relief such as, but not limited to, family-based adjustment of status, employment-based adjustment of status, asylum and withholding of removal, and cancellation of removal.

14. What will happen if my TPS expires?

In order to continue receiving TPS benefits, you must re-register for TPS during the re-registration period that applies to your country of nationality. The Department of Homeland Security must announce the terms of the registration period at least 60 days prior to the expiration of TPS status.

Once TPS expires, a TPS recipient cannot be deported without an opportunity to present his

or her case in court, unless the TPS recipient has a prior removal order. Immigration and Customs Enforcement (“ICE”) can enforce a prior removal order without initiating new removal proceedings.

Additionally, if you were in removal proceedings prior to having TPS, ICE could recommence your prior removal proceedings. It is recommended that individuals from countries where TPS is being terminated speak to an attorney to develop a legal strategy to move beyond TPS status, where possible.

15. As a TPS recipient, is it safe for me to protest and march in rallies?

There are a few precautionary measures you can take if you do plan to attend a protest.

- Check with the organizers to see if they have applied for a permit for the protest. Often, a permitted protest is coordinated ahead of time with authorities to ensure participants’ safety.
- Make sure you have the contact information for a lawyer available. [The National Lawyers Guild](#) has legal support hotlines available for people participating in political actions.

16. What is REAL ID?

REAL ID is a federal law that establishes standards which state-issued drivers licenses must meet in order to be used as a valid form of ID for purposes of accessing certain federal facilities or boarding commercial airlines.

17. Do I need REAL ID compliant identification to be able to travel?

The Department of Homeland Security has extended the REAL ID enforcement deadline from October 2020 until May 2, 2023 due to the Covid-19 outbreak.

Once REAL ID is enforceable, you will be required to present a REAL ID compliant ID to board a commercial aircraft. A valid foreign passport satisfies REAL ID; however, there is a Customs and Border Protection (“CBP”) Protection presence at most major airports and it is possible that a passport without a valid visa could be brought to their attention.

18. Can my family members and I fly to Puerto Rico with a driver’s license but no passport?

Traveling within 100 miles of the U.S. border may expose individuals to detection, arrest, and detention by CBP operating various checkpoints along these routes. It is possible to travel to Puerto Rico, a U.S. territory, with a government-issued ID such as a driver’s license, but there are risks to doing so. People may at times be asked to prove their immigration status.

CAUTION: If you leave the United States after being ordered deported or removed, USCIS

will likely consider you deported or removed. This may make you ineligible to return to the United States in the future.

If you have any questions about travel plans, please make an appointment by calling 617-495-6648 or emailing hri@law.harvard.edu. We strongly urge you *not* to leave the continental U.S. without first consulting an immigration expert.

19. I have TPS and am, or was, planning to go abroad with advance parole. What should I do?

It is of the utmost importance that individuals with TPS meet with an immigration attorney before leaving the country. Traveling with advance parole is very risky and is subject to the discretion of CBP officers at the port of entry. It is possible that somebody could be given advanced parole and denied re-entry. For this reason, individuals are encouraged to discuss the risks of traveling well before making travel plans.

20. What are the 3- and 10-year bars, and how do they apply to me?

U.S. immigration law provides that certain persons who have been unlawfully present in the United States for a period of time may, if they leave or are removed from the U.S., be barred from reentry for either three or ten years, depending upon the duration of their unlawful presence. The law provides for exceptions and so application of these bars will depend upon each individual case. If you are concerned that you may have accrued unlawful presence you should consult with an attorney before planning a trip abroad.

21. I am an ally. How can I help?

Various bipartisan bills have been introduced that would permanently protect individuals with TPS who have resided in the United States for long periods of time. The bills have varying parameters and include the Extending Status Protection for Eligible Refugees with Established Residency Act, The SECURE Act, the ASPIRE Act, the American Dream and Promise Act of 2019, and the US Citizenship Act of 2021. You can call your congressperson and advocate for passage of legislation that protects individuals with TPS.

TPS Advocacy Organizations:

- [National TPS Alliance](#)
- [Alianza Americas](#)
- [Massachusetts TPS Committee](#)