

Frequently Asked Questions

Updated as of January 20, 2023

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 January 20, 2023.

If you are a Harvard affiliate who currently has TPS status or are 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 19, 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 April 19, 2022, the Department of Homeland Security [announced a new designation for TPS for Sudan](#). Eligible individuals must apply by October 19, 2023

On May 20, 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 June 7, 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 November 10, 2022, 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 June 30, 2024

On December 5, 2022, [the Department of Homeland Security extension and redesignation of Haiti for TPS for an additional 18 months](#). Eligible individuals must have continuously resided in the United States since November 6, 2022

On December 12, 2022, [the Department of Homeland Security designated Ethiopia for TPS](#). Eligible individuals must have continuously resided in the United States since October 20, 2022 and must apply before June 12, 2024.

On January 3, 2023, the Department of Homeland Security [announced the extension and re-designation of Yemen TPS for 18 months](#) through September 3, 2024. Eligible individuals for initial applications must have continuously resided in the United States since December 29, 2022.

On January 12, 2023, the Department of Homeland Security announced the extension and re-designation of Somalia TPS for 18 months through September 17, 2024. Eligible individuals for initial applications must have continuously resided in the United States since January 11, 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, sixteen 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](#). Applicants must be able to demonstrate continuous residence in the United States as of March 15, 2022. Registration period is May 20, 2022- Nov. 20, 2023
- **Burma:** [Designated through May 25, 2024](#). Applicants must be able to demonstrate continuous residence in the United States as of Sept. 25, 2022. Registration period is Sept. 27, 2022 - May 25, 2024.
- **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 June 30, 2024](#). The extension applies to EADs that are valid between September 10, 2016 through March 9, 2018, March 10, 2018 through September 9 2019, September 10, 2019 through October 4, 2021, and October 5, 2021 through December 31, 2022. Current beneficiaries under the TPS designation for El Salvador do not need to re-register to maintain TPS.
- **Ethiopia:** [Designated for eighteen months](#). Eligible applicants must be able to demonstrate continuous residence in the United States as of October 20, 2022. Registration period is December 12, 2022- June 12, 2024.
- **Haiti:** [Extended](#) and [Re-designated](#) TPS. The extension applies 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 and July 23, 2019 through October 4, 2021 and October 5, 2021 through December 31, 2022. Beneficiaries under the previous TPS designations for Haiti do not need to re-register to maintain TPS. **NOTE:** Applicants that did not qualify under previous designations may be eligible to apply under the re-designation. To qualify applicants must show that they continuously resided in the United States since November 6, 2022.

- **Honduras:** [Extended through June 30, 2024](#). The extension applies to EADs that are valid between July 6 through January 5, 2018, and January 6, 2018 through July 5, 2018, and July 6, 2018, through January 5, 2020, and January 06, 2020, through October 4, 2021 and October 5, 2021 through December 31, 2022. Current beneficiaries under the TPS designation for Honduras do not need to re-register to maintain TPS.
- **Nepal:** [Extended through June 30, 2024](#). The extension applies to EADs that are valid between December 25, 2016 through June 24, 2018 and June 25, 2018 through June 24, 2019 and June 25, 2019 through October 4, 2021 and October 5, 2021 through December 31, 2022. Current beneficiaries under the TPS designation for Nepal do not need to re-register to maintain TPS.
- **Nicaragua:** [Extended through June 30, 2024](#). The extension applies to EADs that are valid between July 6, 2016, through January 5, 2018, and January 6, 2018, and January 5, 2019 and January 6, 2019 through October 4, 2021 and October 5, 2021 through December 31, 2022. Current beneficiaries under the TPS designation for Nepal do not need to re-register to maintain TPS.
- **Somalia:** [Extended through September 17, 2024 and re-designated for new applicants](#). New applicants must have been continually residing in the United States since January 11, 2023. .
- **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.
- **Sudan:** [Extended through June 30, 2024 and re-designated for new applicants](#). The extension applies to EADs that are valid between May 3, 2016 through November 2, 2017, and November 3, 2017, and November 2, 2018 and November 3, 2018 through October 4, 2021 and October 5, 2021 through December 31, 2022. Current beneficiaries of the previous designation for TPS do not need to re-register to maintain TPS. 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.
- **Syria:** [Extended through March 31, 2024 and re-designated for new applicants](#). Re-registrants must apply between Aug. 1, 2022, and Sept. 30, 2022. New applicants must have been continually residing in the United States since July 28, 2022, and

can apply between Aug. 1, 2022, and March 31, 2024.

- **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.
- **Venezuela:** [Designated through March 10, 2024](#). Applicants must have been continually residing in the United States since March 8, 2021. The registration period ended on November 7, 2022. Those who have not yet registered must file a Late Initial Filing for TPS.
- **Yemen:** [Extended through September 3, 2024 and re-designated for new applicants](#). Re-registrants must apply between January 3, 2023 and March 6, 2023. New applicants must have been continually residing in the United States since December 29, 2022 and can apply between January 3, 2023 through September 3, 2024.

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 to 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 Authorization for Travel by a Noncitizen, previously referred to as Advance Parole. It can take several months for your application to be processed so you should plan 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](#), [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 June 30, 2024.

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 November 10, 2022, DHS [announced a new designation for TPS for Sudan](#). Eligible individuals must apply by October 19, 2023. On December 5, 2022 DHS [announced a new designation for TPS for Haiti](#) Available to people who entered the United States prior to November 6, 2022.

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.

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

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 besides TPS.

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

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 recommend 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 sets forth acceptable identification needed to access certain federal facilities or boarding commercial airlines. REAL ID also 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 to May 7, 2025.

Once REAL ID is enforceable, you will be required to present a REAL ID compliant ID to board a commercial aircraft. Employment Authorization Documents issued by USCIS to TPS holders will be sufficient to satisfy REAL ID requirements.

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.

18. I have TPS and am, or was, planning to go abroad with an approved Authorization to Travel issued by USCIS. 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 Authorization to Travel can be risky. People entering the United States with TPS are subject to the discretion of CBP officers at the port of entry even if they have an approved Authorization to Travel. For this reason, individuals are encouraged to discuss the risks of traveling well before making travel plans.

19. 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.

20. 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.



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TPS Advocacy Organizations:

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