

Monday, November 8, 2021

Immigration Update Pertaining to Haiti and the Designation for Temporary Protected Status (TPS)

What is Temporary Protected Status (TPS)?

- Temporary Protected Status is an immigration status available to some people from countries the Secretary of Homeland Security has designated as “unsafe to return to” for various reasons, such as civil war, political unrest, natural disaster, etc.
- TPS is a temporary immigration status that may be renewed for as long as the TPS designation is in place
- People with TPS:
 - May not be deported from the United States
 - Can obtain employment authorization cards (“work permits”)
 - Can obtain permission to travel in some situations (“advance parole”)

What Temporary Protected Status is NOT:

- TPS is not, by itself, a path to permanent residence, citizenship, or other long-term immigration status
 - TPS does not stop an individual from seeking other immigration benefits (i.e., asylum, permanent residence, other nonimmigrant status)
- TPS is not an absolute protection against deportation
 - If an individual becomes ineligible for TPS due to criminal convictions or any other reason, the individual may be deportable
- TPS is not permanent
 - TPS designations may last for many years, as it has with Haiti, but it cannot become permanent
 - If the unsafe situation in a TPS country resolves itself, the Secretary of the Department of Homeland Security (DHS) may end the TPS program for that country

Who is eligible for the newly announced Haitian TPS?

- Haiti was designated for TPS on August 3, 2021
 - The general eligibility requirements for Haitian TPS are:
 1. Must be a national (citizen) of Haiti and enter the United States as a Haitian national
 - If you entered the United States with a non-Haiti passport or claimed citizenship from another country, you are likely not eligible for Haitian TPS
 2. Must have resided in the United States since July 29, 2021
 - Have you been living in the US since that date?
 3. Must have been continuously physically present since August 3, 2021
 - Were you physically in the United States since that date?

4. Must **not** have firmly resettled in another country before coming to the United States
 - If you were offered or received a permanent or long-term immigration status in another country before arriving in the United States, you may be ineligible for TPS.
 - If you think you may have firmly resettled, you should speak with an immigration attorney before applying for TPS.
5. Must **not** have certain criminal convictions
 - This is a complex area of immigration law. Speak with an immigration attorney if you have concerns about prior convictions.

How do I apply for Temporary Protected Status?

- The fee to apply for TPS is \$545 (\$135 if you do not want a work permit). This fee is the same for all TPS applicants right now, even if you have had TPS previously
 - This filing fee may be waived in certain circumstances (i.e., low-income, public assistance recipients)
 - Form I-821, Application for TPS, must be filed to receive TPS
 - Form I-765, Application for Employment Authorization, is required to receive a work permit
 - Documentation showing you meet the eligibility requirements must be submitted:
 - Proof of Haitian citizenship (passport and/or birth certificate)
 - Proof you have resided and been present in the United States
 - Visa stamp or other entry records, lease, bills, school, medical and/or employment records, bank statements, etc.
 - If you have been arrested or think you may have firmly resettled, you may need to provide additional documentation. You should speak with an immigration attorney if you are unsure
 - Where and how to file for TPS can be found at the United States Citizenship and Immigration Services website:
 - uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti

If you have any questions or concerns, please call Catholic Migration Services in Brooklyn at (718) 236-3000 or in Queens at (347) 472-3500 between 9:00 a.m. and 5:00 p.m. from Monday through Friday.