



Questions and Answers

September 2, 2005

DHS EXTENDS TEMPORARY PROTECTED STATUS FOR SUDAN FOR 18 MONTHS

USCIS announced today that the Secretary of Homeland Security extended the designation of Sudan for Temporary Protected Status (TPS) for 18 months, effective November 2, 2005 through May 2, 2007, based on extraordinary and temporary conditions in Sudan. 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, the alien will return to the status he/she had prior to TPS or to any other status he/she may have obtained while registered for TPS.

Q. Specifically, what factors were considered in making the decision to grant an 18-month extension of TPS for Sudan?

A. The Secretary of DHS is extending the designation of Sudan for TPS because the extraordinary and temporary conditions in Sudan that prompted re-designation persist. Further, it is determined that it is not contrary to the national interest of the United States to permit aliens who are eligible for TPS based on the designation of Sudan to remain temporarily in the United States. Although the Government of Sudan and the rebel Sudan People's Liberation Army/Movement signed a Comprehensive Peace Agreement on January 9, 2005, sporadic violence continues in southern Sudan, with an estimated 9,000 new refugee outflows since January. Several groups, including numerous Sudanese militias and the Ugandan Lord's Resistance Army, continue to threaten the long-term security of the region.

Two million people were killed during the war in southern Sudan. Another two million southern Sudanese rely on assistance provided by Operation Lifeline Sudan. There are over 500,000 refugees in neighboring countries. The armed conflict also continues in the western region of Darfur and an estimated 180,000 people have been killed in conflict during the past two years. Further, approximately two million people have been internally displaced and another 200,000 have fled to neighboring Chad as a result of the conflict. There continues to be reports of widespread killings, rapes, beatings, looting and burning of property throughout the region. The number of internally displaced persons in all of Sudan rose from 4 million to 6 million due to the armed conflict in Darfur. Therefore, the extension of Sudan for TPS is warranted.

Q. Who is eligible to re-register for the 18-month TPS extension?

A. Re-registration is limited to nationals of Sudan (or in the case of an alien having no nationality, a person who last habitually resided in Sudan) who have previously registered for TPS. Those who have never



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registered for TPS may be eligible to late initial register, as described below. An individual who has been convicted in the United States of either a felony or two or more misdemeanors is not eligible for TPS. Likewise, an individual subject to a criminal or security-related bar, or the bars to asylum, is also ineligible for TPS.

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

A. If you already have been granted TPS under the Sudan TPS designation, you may re-register during the 60-day re-registration period beginning on September 2, 2005, and ending November 1, 2005. To ensure timely scheduling for biometric collection at a U.S. Citizenship and Immigration Services (USCIS) Application Support Center (ASC) and to prevent a lapse in employment authorization documentation, Sudan TPS beneficiaries are strongly urged to file their re-registration materials as soon as possible. Unlike previous registration procedures, TPS re-registrants do not need to submit photographs with the TPS application because photographs will be taken when the applicant appears at an ASC for the collection of biometrics. When an applicant submits a re-registration application, he/she will automatically receive an appointment at an ASC, and will be notified of the appointment by mail. Applicants must bring their current Employment Authorization Document (EAD) to the ASC. USCIS advises that all TPS applicants bring the ASC appointment notice and receipt notice to the appointment at the ASC.

To re-register, submit the following:

Completed Form I-821, Application for Temporary Protected Status, without fee;

Completed Form I-765, Application for Employment Authorization (see below to determine if you need to include the \$175 fee with your application); and

A \$70 biometric services fee for each applicant under 14 who requests an EAD and for **all** applicants age 14 or older.

Note: USCIS has published an updated Form I-821, Application for Temporary Protected Status. Only Form I-821 with a Revision Date of 11/5/04 will be accepted. The Revision Date is located in the bottom right corner of the form. The newly revised form is available on the USCIS web site at www.uscis.gov, at local USCIS offices, and via the USCIS Forms Line at 1-800-870-3676.

Attesting in Part 1 of the Form I-821 to the continued maintenance of the conditions of eligibility will generally preclude the need for supporting documents or evidence. USCIS, however, reserves the right to request additional information and/or documentation on a case-by-case basis.

Fees: All applicants seeking an EAD, valid through October 1, 2006, must submit a \$175 fee with Form I-765. Applicants who only seek to re-register for TPS and do not seek an EAD need not submit the \$175 fee, but nonetheless must submit the Form I-765 for data-gathering purposes. The applicant may request a fee waiver for the I-765 fee of \$175 in accordance with the regulations. A \$70 biometrics services fee must be submitted for all applicants age 14 or older and for applicants under the age of 14 requesting an EAD. The biometric services fee will not be waived.

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



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Postmark: USCIS will accept re-registration applications containing a postmark dated on or prior to (DATE), the end of the registration period. However, USCIS encourages applicants to mail their applications well in advance of the end of the registration period to prevent a lapse in employment authorization documentation.

Q. The re-registration period ends after my EAD expires. My EAD expires before the registration period ends? Am I authorized to work during the re-registration period?

A. Eligible TPS re-registrants may have their current EADs extended through February 28, 2006 when they appear at the ASC for biometrics collection. USCIS will grant this extension by attaching a sticker to the back of an applicant's current EAD. Thus, Sudan TPS re-registrants must bring their current EADs to their appointments at the ASC in order to have their EAD extended. Sudan TPS re-registrants who are seeking to renew their current EADs are encouraged to re-register as soon as possible to avoid a lapse in employment authorization.

Note that the EAD extension will be provided only at the ASC. The USCIS district offices and sub-offices will NOT be providing this service.

Q. If an employer or a re-registrant needs further clarification regarding the EAD extension, what resources are available to assist?

A. Employers with questions on how to verify an employee's work authorization may also consult the USCIS web site at <http://uscis.gov/graphics/services/employerinfo/index.htm> or 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 re-registrants may call the OSC Employee Hotline at 1-800-255-7688 or 1-800-237-2515 (TDD) for information regarding the automatic extension. Assistance with Spanish and other languages is available through the OSC Employer Hotline and OSC Employee Hotline. Additional information is available on the OSC web site at <http://www.usdoj.gov/crt/osc/index.html>. More information can be obtained from the USCIS National Customer Service Center toll-free number: 1-800-375-5283.

Q. What should I bring to my appointment at the ASC?

A. If you have previously been issued a TPS-related EAD, you must bring your current EAD in order to receive a sticker that extends the validity of your EAD until February 28, 2006. You should also bring your ASC appointment notice and receipt notice. In order to obtain an appointment at the ASC, you must file a TPS re-registration package (including I-821, I-765, and required fees, as stated above).

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

A. Some persons may be eligible for late initial registration under sections 244(c)(1)(A) and (c)(2) of the Immigration and Nationality Act ("Act") and the regulations at Title 8 of the Code of Federal Regulations (C.F.R.), Part 244.2 To apply for late initial registration an applicant must:

- (1) Be a national of Sudan (or an alien who has no nationality and who last habitually resided in Sudan);
- (2) Have been continuously physically present in the United States since October 7, 2004;
- (3) Have continuously resided in the United States since October 7, 2004; and



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(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 registration period for the most recent re-designation of Sudan for TPS (from November 4, 1997 to November 3, 1998), or during the registration period for the first re-designation (from November 9, 1999 to November 2, 2000), or during the registration period for the most recent re-designation (from October 7, 2004 to April 5, 2005), 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 re-parole; or
- (4) Was the spouse or child of an alien currently eligible to be a TPS registrant.

An applicant for late initial registration must file an application no later than 60 days after the expiration or termination of the conditions described above. 8 C.F.R. 244.2(g).

Q. How do I apply for late initial registration?

A. A late initial registrant must file:

Completed Form I-821, Application for Temporary Protected Status, with \$50 fee;

Completed Form I-765, Application for Employment Authorization;

\$175 fee for Form I-765 for those applicants between the ages of 14 and 65 (inclusive) who are requesting employment authorization with their application;

Supporting evidence as stated in 8 CFR 244.9, including evidence of identity and nationality, proof of residence, evidence of eligibility under section 244(c)(2) of the Immigration and Nationality Act, and evidence of valid immigrant or nonimmigrant status; and

A \$70 biometric services fee for each applicant age 14 or older and each applicant under age 14 who is requesting employment authorization with their application.

The applicant may request a fee waiver in accordance with the regulations, however the biometric services fee will not be waived.

Note: USCIS has published an updated Form I-821, Application for Temporary Protected Status.

Only Form I-821 with a Revision Date of 11/5/04 will be accepted. The Revision Date is located in the bottom right corner of the form. The newly revised form is available on the USCIS web site at www.uscis.gov, at local USCIS offices, and via the USCIS Forms Line at 1-800-870-3676.

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

A. Applications for re-registration or late initial registration should be mailed to Chicago, IL lockbox address listed below:

U.S. Citizenship and Immigration Services

Attn: TPS Sudan

P.O. Box 87583

Chicago, IL 60680-0583



U.S. Citizenship
and Immigration
Services

Or, for non-United States Postal Service deliveries:

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

Please note that the filing location has changed from previous registration periods. Applicants should not submit applications to USCIS District Offices, as this may result in the rejection of or delay processing of their applications.

Q. Are Sudan TPS beneficiaries permitted to travel abroad during the TPS extension?

A. Those granted TPS must receive advance permission to return to the United States before traveling abroad. This advance permission is called Advance Parole and can be obtained by filing Form I-131, Application for Travel Document, with 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. If I entered the United States after October 1, 2002, 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 for TPS beneficiaries under the Sudan designation. To be eligible for TPS, nationals of Sudan (or in the case of an alien having no nationality, a person who last habitually resided in Sudan) must have been continuously physically present and continuously resided in the U.S. since October 7, 2004.

Q. Where can I obtain forms and additional information?

A. Information concerning TPS is available at the USCIS web site: 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.

On March 1, 2003, the USCIS became one of three former Immigration and Naturalization Service (INS) components to join the U.S. Department of Homeland Security. The USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.