



July 27, 2006

Questions and Answers

DHS EXTENDS TEMPORARY PROTECTED STATUS (TPS) FOR SOMALIA FOR 18 MONTHS

Employment Authorization Automatically Extended Until March 17, 2008

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 eligible to work.

TPS does not lead to permanent resident status. 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 18-month TPS extension (September 17, 2006-March 17, 2008)?

A. Re-registration is limited to nationals of Somalia (or in the case of an alien having no nationality, a person who last habitually resided in Somalia) who registered during the registration period for the initial TPS designation announced on September 16, 1991 or during the registration period for the re-designation announced on September 4, 2001. Also, these beneficiaries must have re-registered annually and maintained continuous physical presence and residence in the United States since September 4, 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 a criminal or security-related ground 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 Somalia, your TPS will expire on September 17, 2006. You may re-register during the 60-day re-registration period beginning on July 27, 2006 and ending September 25, 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);
- A biometric services fee of seventy dollars (\$70) if you are 14 years of age or older, or if you are under 14 and 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: If the applicant requests employment authorization, he or she must submit a \$180 fee with Form I-765. An applicant who does not seek an EAD must submit the Form I-765 for data-gathering purposes, however, he/she need not submit the \$180 fee and should not provide a response to the first question on Form I-765 that begins “I am applying for:...” If an applicant is requesting an EAD, he/she may request a waiver of the \$180 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 27, 2006 to September 25, 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 E-Filed. The type of TPS filing the applicant has to submit will determine the P.O. Box where the application is 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 6943
Chicago, IL 60680-6943

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

U.S. Citizenship and Immigration Services
Attn: TPS – Somalia
427 S. LaSalle – 3rd Floor
Chicago, IL 60605-1029

Electronic Filing (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 27, 2006 to September 25, 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. 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. Electronic filing will not be available after the end of the re-registration period.

Note: Aliens whose application falls into Category 2 explained below are not eligible to 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.

Aliens who are filing a re-registration application that requires the submission of additional documentation or are filing for the first time as a late initial registrant must file at the P.O. Box listed below:

U.S. Citizenship and Immigration Services
P.O. Box 8677
Chicago, IL 60680-8677

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

U.S. Citizenship and Immigration Services
Attn: TPS –Somalia– [EOIR/Additional Documents] or [Late Initial Registrant]
427 S. LaSalle – 3rd Floor
Chicago, IL 60605-1029

Note: Make sure to write EOIR/Additional Documents or “Late Initial Registrant” on the “Attn:” line, as appropriate, for non-United States Postal Service (USPS) deliveries, after Somalia, above.

Q. Is my EAD extended beyond the September 17, 2006 expiration date on its face?

A. Yes. USCIS recognizes that many re-registrants may not receive their new EAD until after their current EAD expires on September 17, 2006. Accordingly, the *Federal Register* Notice automatically extends the validity of EADs issued pursuant to the TPS designation of Somalia for six months until March 17, 2007, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended.

Q. If I am currently registered for TPS under the designation for Somalia and am re-registering for TPS, how do I receive an extension of my EAD after the 6-month automatic extension expires?

A. TPS re-registrants will receive a notice in the mail with instructions to appear at an ASC for biometrics collection. When you report to the ASC, you must bring the following documents: (1) your receipt notice for your re-registration application; (2) your ASC appointment notice; and (3) your current EAD. If no further action is required for your case, you will receive a new EAD, valid until March 17, 2008, through the mail. If your case requires further resolution, USCIS will contact you in writing to explain what additional information, if any, is necessary to resolve your case. If your re-registration application is approved, you will receive a new EAD in the mail with an expiration date of March 17, 2008.

Q. May I request an interim EAD at my local District Office?

No. USCIS will not issue 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 17, 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 17, 2007, employers of Somali TPS beneficiaries whose EADs have been automatically extended by this Notice must accept the EAD if presented. Such automatically extended EADs will actually contain an expiration date of September 17, 2006, and must be a Form I-766 bearing the notation “A-12” or “C-19” on the face of the card under “Category.” New EADs showing the March 17, 2007, expiration date of the six-month automatic extension will not be issued.

Employers should not request proof of Somali citizenship. If presented with an EAD that has been extended pursuant to this *Federal Register* Notice and that reasonably appears on its face to be genuine and appears to relate to the employee, employers 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 this *Federal Register* Notice does not affect the right of an applicant for employment or an employee to present any legally acceptable document as proof of identity and eligibility for employment.

Employers are reminded that the laws requiring employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those setting forth re-verification requirements. See 8 CFR 274a.2(b)(1)(vii) (employers re-verification requirements). 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 U.S.C. 1254a(c)(1)(A)(iv) and 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 Somalia (or alien who has no nationality and who last habitually resided in Somalia);
- (2) Have continuously resided in the United States since September 4, 2001;
- (3) Have been continuously physically present in the United States since September 4, 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 for the initial designation (from September 16, 1991 to September 16, 1992), or during the registration period for the redesignation (from September 4, 2001 to September 17, 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).

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 and, if 14 years of age or older, the \$70 biometric services fee. Applicants for late initial registration who are under 14 years of age and request an EAD must also submit the \$70 biometric services fee. The 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 Somalia, should be submitted to the aforementioned Lockbox address in Chicago, Illinois listed under Category 2:

U.S. Citizenship and Immigration Services
P.O. Box 8677
Chicago, IL 60680-8677

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

U.S. Citizenship and Immigration Services
Attn: TPS –Somalia– [EOIR/Additional Documents] or [Late Initial Registrant]
427 S. LaSalle – 3rd Floor
Chicago, IL 60605 -1029

Q. When will the extension of the designation of Somalia for TPS expire?

A. The extension of the designation of Somalia for TPS is effective for 18 months, from September 17, 2006 to March 17, 2008.

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

A. After reviewing the country conditions and consulting with the appropriate Government agencies, the Secretary of Homeland Security determined that conditions in Somalia remain dire. The armed conflict and extraordinary and temporary conditions that prompted designation persist. Somalia has persisted in a state of chaos since the fall of the Siad Barre regime in January 1991, characterized by the lack of a central government, a crippled economy, the absence of civil structures, and the destruction of infrastructure. Generalized “insecurity” persists in the form of banditry, kidnapping, looting, revenge killings, targeted assassinations, and inter-clan fighting.

The result has been population displacement, loss of livelihoods, food insecurity, and a total lack of government services. The current security situation generally prevents Somalis from repatriating in safety. Major regions of the country are under the control of self-proclaimed “governors,” militias, or warlords in the absence of any rule of law.

Based upon this review, the Secretary of Homeland Security determined that the conditions that prompted designation of Somalia for TPS continue to be met. There is an ongoing armed conflict and extraordinary and temporary conditions in Somalia that prevent aliens who are nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) from returning in safety. The Secretary also finds that permitting these aliens who meet the TPS eligibility requirements to remain temporarily in the United States is not contrary to the national interest of the U.S. On the basis of these findings the Secretary concludes that the TPS designation for Somalia should be extended for an 18-month period.

Q. Are Somali 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 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. Does this extension allow nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) who entered the United States after September 4, 2001, to file for TPS?

A. No. This is a Notice of an extension of TPS, not a Notice of re-designation of TPS for Somalia. An extension of TPS does not change the required dates of continuous residence and continuous physical presence in the United States. This extension does not expand TPS eligibility beyond the current TPS requirements for the Somalia designation. To be eligible for TPS benefits under this extension, nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) must have been continuously physically present and continuously resided in the United States since September 4, 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).