



Office of Communications



U.S. Citizenship
and Immigration
Services

USCIS Update

July 27, 2009

18-Month Extension of Temporary Protected Status for Somalia

WASHINGTON – U.S. Citizenship and Immigration Services (USCIS) today announced that the Department of Homeland Security (DHS) will extend Temporary Protected Status (TPS) for nationals of Somalia from its current expiration date of Sept. 17, 2009 through March 17, 2011. During the past year, DHS and the Department of State have continued to review conditions in Somalia. Based on this review, Secretary of Homeland Security Janet Napolitano has determined that an 18-month extension is warranted because the armed conflict is ongoing, and the extraordinary and temporary conditions that prompted the last TPS designation of Somalia on Sept. 4, 2001 persist.

Under the extension, individuals, who have already been granted TPS, are eligible to re-register and maintain their status for an additional 18 months. There are approximately 250 nationals of Somalia who are eligible to re-register. Certain Somalis may be eligible for late initial registration if they meet regulatory criteria. TPS does not apply to Somali nationals who entered the United States after Sept. 4, 2001.

Nationals of Somalia (and people having no nationality who last habitually resided in Somalia) who have been granted TPS must re-register for the 18-month extension during the 60-day re-registration period beginning July 27, 2009 and remaining in effect through September 24, 2009. Somali TPS beneficiaries are strongly encouraged to apply as soon as possible following the start of the 60-day re-registration period to allow sufficient time for USCIS to complete all routine security checks and further application processing.

Given the timeframes involved with processing TPS re-registration applications, DHS recognizes the possibility that all re-registrants may not receive new Employment Authorization Documents (EADs) until after their current EADs expire on Sept. 17, 2009. Therefore, USCIS has automatically extended the validity of EADs for eligible Somali TPS beneficiaries for six months through March 17, 2010. This extension will allow sufficient time for USCIS to process and re-issue new EADs for these beneficiaries without any lapse in their employment authorization.

Additional details on this extension of TPS for Somalia, including the application requirements and procedures, appear in the Federal Register notice published today at <http://edocket.access.gpo.gov/2009/E9-17862.htm>.

USCIS has also posted on its Web site a list of questions and answers on this extension of TPS for Somalia. For additional information, call the USCIS National Customer Service Center at 1-800-375-5283. TPS forms are available by calling the USCIS forms line, 1-800-870-3676, or online at: <http://www.uscis.gov/forms>.



Questions and Answers

July 27 2009

18-Month Extension of Temporary Protected Status for Nationals of Somalia

Introduction

The Department of Homeland Security (DHS) will extend Temporary Protected Status (TPS) for 18 months, through March 17, 2011, to nationals of Somalia or people having no nationality who last habitually resided in Somalia. This extension does not apply to Somalis who entered the United States after Sept. 4, 2001. Certain nationals of Somalia who have not previously applied for TPS may be able to apply under the late registration provisions. Further details on this extension of TPS for Somalia, including the application requirements and procedures, appear at <http://edocket.access.gpo.gov/2009/E9-17862.htm>.

Questions and Answers

Q. What is Temporary Protected Status (TPS)?

A. TPS is an immigration status granted to eligible nationals of a country designated for TPS under the Immigration and Nationality Act (INA) (or to persons without nationality who last habitually resided in the designated country). During the period for which the Secretary has designated a country for TPS, TPS beneficiaries are eligible to remain in the United States and may obtain work authorization, so long as they continue to meet the terms and conditions of their TPS status. The granting of TPS does not lead to permanent resident status. When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS (unless that status has since expired or been terminated) or to any other status they may have obtained while registered for TPS.

Q. What authority does the Secretary of Homeland Security have to extend the designation of Somalia for TPS?

A. Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate agencies of the government, to designate a foreign state (or part thereof) for TPS. The Secretary may then grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state).

Q. When and why was Somalia designated for TPS?

A. Somalia was designated for TPS in 1991 and, following several extensions of the initial designation, was redesignated in 2001 based on ongoing armed conflict and extraordinary and temporary conditions resulting from the armed conflict. *See* 56 FR 46804(Sept. 16, 1991) and 66 FR 46288(Sept. 4, 2001).

Q. Why is the DHS Secretary extending the TPS designation for Somalia through March 17, 2011?

A. During the past year, DHS and the Department of State have continued to review conditions in Somalia. Based on this review, Secretary of Homeland Security Janet Napolitano has determined that an 18-month extension is warranted because the armed conflict is ongoing and the extraordinary and temporary conditions that prompted the Sept. 4, 2001 re-designation persist. Further information regarding the reasons why the Secretary determined that an extension of the TPS designation of Somalia is warranted can be found in the Federal Register notice at <http://edocket.access.gpo.gov/2009/E9-17862.htm>.

Q. Who is eligible to re-register for TPS?

A. The extension covers an estimated 250 individuals who currently have TPS under the Somalia country designation. In order to qualify, each re-registrant must:

1. Be a national of Somalia, or an alien without nationality who last habitually resided in Somalia;
2. Have continuously resided in the U.S. since Sept. 4, 2001;
3. Have been continuously physically present in the U.S. since Sept. 4, 2001;
4. Satisfactorily complete routine security checks required of all applicants, *and*
5. Meet certain other admissibility and eligibility criteria as specified by section 244 of the INA; 8 U.S.C. § 1254a. Please see the Federal Register notice for further details.

Q. What is the re-registration period?

A. The 60-day re-registration period will start on July 27, 2009 and end on September 24, 2009. Applicants must file during the 60-day re-registration period. Failure to apply during the re-registration period without good cause will result in a withdrawal of TPS benefits. DHS strongly encourages applicants to file as early as possible within the re-registration period so that background and security checks and other processing requirements can be completed promptly.

Q. What is the procedure to apply for the TPS extension?

A. Somalis currently registered under TPS who desire an extension must re-register by filing both an Application for Temporary Protected Status (Form I-821) and an Application for Employment Authorization (Form I-765), with the appropriate fees or fee waiver requests (see below).

The Form I-821 has been revised, and applicants must use the version dated 10/17/2007 or later. The Form I-765 has also been revised, and applicants must use the version dated 5/27/2008 or later. Failure to use these versions of the forms may result in rejection of the applications. Applicants must take care in filling out the forms and ensure that all questions are answered. Failure to completely answer any questions may result in a delay of case processing or denial.

Q. Where can I obtain the necessary forms for re-registration?

A. These forms are available by calling the toll-free USCIS Forms Hotline (800) 870-3676 or on the forms section of the USCIS Web site: www.uscis.gov/forms.

Q. What is the cost of re-registering for TPS?

A. There is no re-registration fee for Form I-821. A separate \$80 biometric fee is required if an applicant is 14 years of age or older (see Table 2 in the Federal Register notice to determine if you are required to pay the biometrics fee). A \$340 fee must accompany Form I-765 for employment authorization. If the applicant does not require employment authorization, Form I-765 is still required, but no fee is necessary.

Q. What if I cannot afford to pay for filing and/or biometrics fees?

A. An applicant may request a waiver of TPS-related application fees and/or the biometrics fee by submitting a fee waiver request with proper documentation of inability to pay. Applicants who request a fee waiver must specify exactly which of the fees (*e.g.*, Form I-821 application fee, if late initial filer; Form I-765 application fee; and/or the biometrics services fee) that the applicant wishes to be waived. Fee waiver requests must be satisfactorily documented with evidence of the applicant's inability to pay, in accordance with 8 CFR § 244.20; 8 CFR § 103.7(c) and the USCIS fee waiver guidance available online at <http://www.uscis.gov/feewaiver>.

Q. Where do I submit my application?

A. Mail to:

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

Address courier deliveries to:

U.S. Citizenship and Immigration Services
Attn: TPS Somalia
131 S. Dearborn--3rd Floor
Chicago, IL 60603-5517

If you were granted TPS by an Immigration Judge or the Board of Immigration Appeals, you must submit evidence of the grant of TPS (such as an order from the Immigration Judge or the Board) with your application. When you receive your receipt notice (Form I-797) you will also need to send an e-mail to tpsijgrant.vsc@dhs.gov that includes the following information:

- Your name;
- Your date of birth;
- The receipt number for your re-registration;
- Your A-number; and
- The date you were granted TPS.

The email address provided above is solely for re-registration applicants who were granted TPS by an Immigration Judge or the Board of Immigration Appeals to notify USCIS of their grant of TPS. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online available at the USCIS Web site, or applicants may call the USCIS National Customer Service Center at: 1-800-375-5283 or 1-800-767-1833 (TTY).

Q. Can I apply electronically via the Web?

A. Yes, if you are re-registering for TPS during the designated re-registration period and do not need to submit additional documentation, you may electronically file your application. If you wish to electronically file your application, please visit USCIS Web site at: <http://www.uscis.gov/e-filing>. Please review the links of that Web page, including the [E-Filing Reference Guide](#) for more information on how to use the USCIS e-Filing system.

Q. What if I am scheduled for an appointment at the Application Support Center (ASC) but am unable to make my appointment?

A. Failure to appear for an ASC appointment will result in denial of your case due to abandonment unless you submit an address change notification or a rescheduling request prior to your appointment. USCIS must conclude that your request for rescheduling is valid.

Q. How do I reschedule my ASC appointment for biometrics?

A. To request rescheduling of an ASC appointment, please make a copy of your appointment notice to retain for your records, then mail the original notice with your rescheduling request to the ASC address listed on the notice. A new appointment notice will be sent to you by U.S. mail. Please note that rescheduling a biometrics appointment may result in delayed adjudication of benefits.

Q. Will my current Employment Authorization Document (EAD) that is set to expire on September 17 be automatically extended for six months?

A. Yes. Your current EAD will be automatically extended for six months through March 17, 2010, unless your application for TPS is denied prior to that date. The Federal Register notice published at <http://edocket.access.gpo.gov/2009/E9-17862.htm> informs employers and others that the EADs possessed by Somalis with current TPS bearing an expiration date of Sept. 17, 2009, are being automatically extended for six months.

Q. What documents may a qualified individual show to his or her employer as proof of employment authorization and identity when completing Form I-9?

A. If you have received your new valid EAD before Sept. 17, 2009, you may present it to your employer as proof of continued employment authorization and identity. If you only have your EAD that expires on Sept. 17, 2009, you may show it to your employer and refer him or her to the Federal Register notice that automatically extends your EAD. You may also present any other legally acceptable document or combination of documents listed on the Form I-9 as proof of identity and employment eligibility.

Q. Will Somalis who have arrived in the United States after Sept. 4, 2001, be eligible for the extension of TPS?

A. No. This extension of TPS does not change the date by which nationals of Somalia (and persons who last habitually resided in Somalia) must have resided in the United States.

Q. Can Somalis who were in the United States as of Sept. 4, 2001, but did not apply for TPS during the initial registration period, apply for TPS?

A. Yes, late initial registration is available to applicants who meet the following requirements:

1. Are nationals of Somalia, or an alien without nationality who last habitually resided in Somalia;
2. Have continuously resided in the United States since Sept. 4, 2001;
3. Have been continuously physically present in the United States since Sept. 4, 2001;
4. Satisfactorily complete routine security checks required of all applicants; and
5. Meet certain other admissibility and eligibility criteria as specified by section 244(c) of the INA, 8 U.S.C. § 1254a(c), and regulations at 8 CFR part 244. Please see the Federal Register notice for further details.

Additionally, a late filing applicant must also be able to demonstrate that, during the initial registration period for Somalia, he or she:

1. Was in a valid nonimmigrant status, or had been granted voluntary departure or any relief from removal;
2. Had a pending application for:
 - Change of status
 - Adjustment of status
 - Asylum
 - Voluntary departure
 - Any relief from removal pending or subject to further review or appeal;
3. Is a parolee or had a pending request for re-parole; or
4. Is the spouse or child of an alien currently eligible to be a TPS registrant. See 8 C.F.R. § 244.2(f)(2).

Q. Is there a specified timeline requirement for late initial registration?

A. An applicant for late initial registration must register no later than 60 days from the expiration or termination of the qualifying condition described above. See 8 CFR § 244.2(g).

Q. Will Somali nationals protected by TPS be permitted to travel to their home countries during the TPS extension?

A. Maybe. As a matter of discretion, USCIS may grant a TPS beneficiary permission to travel abroad. An applicant must first apply for and obtain advance parole prior to travel outside the U.S. in order to prevent losing TPS status and to be permitted to re-enter the United States.

Q. How do I apply for advance parole?

A. An applicant must file Form I-131, Application for Travel Document with the appropriate fee. Please follow the filing instructions on Form I-131.

Q. Can I use TPS as a basis for obtaining permanent resident status?

A. No. TPS is a temporary benefit that does not lead to lawful permanent resident status by itself or confer any other immigration status.

Q. May I apply for another immigration benefit while registered for TPS?

A. Yes. Registration for TPS does not prevent you from applying for nonimmigrant status, filing for adjustment of status to permanent resident based on an immigrant petition, or applying for any other immigration benefit or protection for which you may be eligible. For the purposes of change of status and adjustment of status, an alien is considered to be in, and maintaining, lawful status as a nonimmigrant during the period in which the alien is granted TPS. However, if an alien has periods of time when he or she had no lawful immigration status before or after the alien was granted TPS, those period(s) of unlawful presence may negatively affect the alien's ability to adjust to permanent resident status or attain other immigration benefits, depending on the circumstances of the specific case. In some cases, the alien may be eligible for a waiver of the unlawful presence ground of inadmissibility, or certain other grounds, when applying to adjust to permanent resident status or for another immigration status.

Q. How do I submit my applications for TPS status and for work authorization?

A. TPS beneficiaries must submit the *Application for Temporary Protected Status* (Form I-821) without the application fee and the *Application for Employment Authorization* (Form I-765) to re-register for TPS. All applicants seeking an extension of employment authorization through March 17, 2011, must submit the required application filing fee with the Form I-765. If the applicant is only seeking to re-register for TPS and not seeking an extension of employment authorization, he or she must submit the Form I-765 for data-gathering purposes only, and is not required to submit the I-765 filing fee. All re-registrants age 14 and older must submit the biometric service fee. Applicants may request a fee waiver for the application or biometric service fees in accordance with the regulations. Failure to submit the required filing fees or a properly documented fee waiver request will result in the rejection of the re-registration application.

Q. Is there a place for me to call with further questions?

A. Please call USCIS' National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TTY)