



Office of Special Counsel for Immigration-Related Unfair Employment Practices

U.S. Department of Justice Civil Rights Division

Form I-9 Document Issues:

Temporary Protected Status (TPS)
Deferred Enforced Departure (DED)

Employers Should Know:

1. ***The TPS and DED programs are temporary humanitarian programs administered by USCIS (United States Citizenship and Immigration Services), part of the Department of Homeland Security.***
 - TPS is a temporary immigration benefit allowing qualified individuals from designated countries who are in the U.S. to stay here for a limited time period, due to certain conditions, such as on-going armed conflict, environmental disaster, or other extraordinary and temporary conditions in the designated country.
 - DED is not a specific immigration status. By issuing a DED order, the President, pursuant to his power to conduct foreign relations, may choose not to remove from the United States certain groups of people for a limited period of time.
 - TPS and DED time periods may be extended multiple times.
2. ***Persons covered by TPS or DED are entitled to receive work authorization.***
 - USCIS issues an EAD (Employment Authorization Document, Form I-766) to persons covered by TPS or DED.
 - Like all employees, individuals with TPS or DED status must be allowed to choose which documents to present for Form I-9 (employment eligibility verification and reverification) purposes.
3. ***When a country's TPS or DED designation is extended, USCIS sometimes issues a blanket extension of all expiring EADs for that country, to allow time for USCIS to issue new EADs with new expiration dates.***
 - USCIS announces the extension of the TPS or DED program, and the automatic extension of expiring EADs, in the *Federal Register*, the official journal of the Federal Government that contains most routine publications and public notices of government agencies.
 - The *Federal Register* notice will inform employers how to tell if an expired EAD of a TPS or DED recipient has been automatically extended. The websites for USCIS and OSC provide links for *Federal Register* notices regarding TPS and DED.
 - Employers should continue to employ individuals whose EADs have expired if their EADs meet the criteria explained in the *Federal Register* notice.
4. ***If a current or new employee presents an EAD that has been automatically extended, an employer may not ask for additional documentation to prove work authorization, country of origin or registration for program extensions.***
 - Requesting more or different documents than are required by the I-9 process may violate the anti-discrimination provision of the Immigration and Nationality Act (INA).
5. ***When to contact USCIS or OSC:***
 - For general questions or concerns about TPS, DED or automatic extensions of EADs, contact the USCIS National Customer Service Center at 1-800-357-2099.
 - For general TPS and DED information, a list of countries currently designated for TPS or DED, and links to *Federal Register* notices concerning TPS or DED, visit www.uscis.gov.
 - For information on accepting documents in a non-discriminatory manner, contact the Office of Special Counsel for Immigration-Related Unfair Employment Practices at 1-800-255-8155, or visit www.justice.gov/crt/osc. OSC's website also provides links to *Federal Register* notices concerning TPS or DED.



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TPS and DED Workers Should Know:

1. ***To prove you are authorized to work, you may choose which documents to present from the Lists of Acceptable Documents on the back of the I-9 Form.***
 - Most people with TPS or DED status present an EAD (Employment Authorization Document, Form I-766) that they received because they registered for TPS or DED, but you still have the right to show either one document from List A or a combination of documents from List B and List C. The EAD is a List A document.
 - If you present either an EAD (or other List A document) or a combination of one document from List B and one document from List C, your employer may not ask for any other documents, such as proof that you lived in a TPS or DED country or proof that you registered for TPS or DED.
2. ***If you have an EAD that was automatically extended, your right to work continues until the end of the extension period, even though the expiration date on the card has already passed.***
 - For instance, if your card expires, but there is an automatic extension for six months, you are allowed to continue working for a full six months after the expiration date that appears on the face of your EAD.
 - If your EAD is about to expire, or has already expired, you may show your employer a copy of the *Federal Register* notice that announces that cards for workers with TPS or DED have been extended. Your employer may not ask for additional documentation if you present an EAD that has been automatically extended.
 - The current *Federal Register* notice for TPS or DED from your country can be found at the website for United States Citizenship and Immigration Services, www.uscis.gov, or the website for the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), www.justice.gov/crt/osc.
3. ***If your card expiration date is different from the card expiration date announced in the Federal Register notice, you should contact USCIS immediately to obtain a corrected card.***
 - The automatic extension will only apply to cards with the correct expiration date. It is important to correct mistakes on EADs.
4. ***When to contact USCIS or OSC:***
 - For general questions or concerns about TPS, DED or automatic extensions of EADs, contact the USCIS National Customer Service Center at 1-800-375-5283.
 - For general TPS and DED information, a list of countries currently designated for TPS or DED, and links to *Federal Register* notices concerning TPS or DED, visit www.uscis.gov.
 - If you believe your employer is treating you in a discriminatory manner based on your immigration or TPS or DED status, national origin, or race or if your employer will not allow you to work despite the automatic extension of your EAD, contact the Office of Special Counsel for Immigration-Related Unfair Employment Practices at 1-800-255-7688, or visit www.justice.gov/crt/osc. OSC's website also provides links to *Federal Register* notices concerning TPS or DED.