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Immigration

DHS Continues TPS and Related Documentation for El Salvador, Haiti, Nicaragua, Sudan, Honduras and Nepal

Legal Update

12.20.2022

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

To ensure its continued compliance with several court orders, the Department of Homeland Security (DHS) is automatically extending the validity of certain temporary protected status (TPS)-related documentation for beneficiaries under the TPS designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras and Nepal from the current expiration date of December 31, 2022, through June 30, 2024. The extension will be announced in a Federal Register notice to be published on November 16, 2022.

DHS explained that beneficiaries under the existing TPS designations for El Salvador, Nicaragua, Honduras and Nepal, as well as the 2011 designation of Haiti and the 2013 designation of Sudan, will retain their TPS while the court orders remain in effect, provided that their TPS is not withdrawn because of individual ineligibility. They may also apply under the more recent designations of Haiti and Sudan in 2021 and 2022, respectively. If granted TPS, they will retain TPS in accordance with their grants. Other individuals who have been newly granted TPS under the 2021 designation of Haiti and the 2022 designation of Sudan, but who did not have TPS at the time of those designations, are not covered by the notice. Their TPS grants remain valid in accordance with their individual approval notices from U.S. Citizenship and Immigration Services (USCIS).

The notice further provides information on the automatic extension of the validity of TPS-related employment authorization documents (EADs), Notices of Action (Forms I-797), and Arrival/Departure Records (Forms I-94) for beneficiaries under the TPS designations.