



USCIS Update

Sept. 26, 2008

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

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that it will extend Temporary Protected Status (TPS) to nationals of Nicaragua through July 5, 2010. The extension will make those who have already been granted TPS eligible to reregister and maintain their status for an additional 18 months. There are approximately 3,500 nationals of Nicaragua (and people having no nationality who last habitually resided in Nicaragua) who are eligible for reregistration. TPS does not apply to Nicaraguan nationals who entered the United States after Dec. 30, 1998.

The extension of TPS for Nicaragua is effective Jan. 6, 2009 and will remain in effect through July 5, 2010. Nicaraguan nationals (and people having no nationality who last habitually resided in Nicaragua) who have been granted TPS must reregister for the 18-month extension during the 60-day reregistration period beginning on the date the notice is published in the Federal Register. Nicaraguan TPS beneficiaries are strongly encouraged to apply as soon as possible following the start of the 60-day reregistration period. Applications from Nicaraguan TPS beneficiaries will not be accepted prior to the opening of the reregistration period.

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-76 in order to reregister for TPS. All applicants seeking an extension of employment authorization through July 5, 2010 must submit the required application filing fee with Form I-765. If the applicant is only seeking to reregister for TPS and is not seeking an extension of employment authorization, he or she must submit Form I-765 for data-gathering purposes only, and is not required to submit the I-765 filing fee. The biometric service fee must be submitted by all reregistrants 14 years of age and older. Applicants may request a fee waiver for any of 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 reregistration application.

Further details on this extension of TPS for Nicaragua, including the application requirements and procedures, will appear in a Federal Register notice scheduled for publication on Oct. 2, 2008. More information can also be obtained from the USCIS National Customer Service Center toll-free number: 1-800-375-5283. TPS forms are available from the toll-free USCIS Forms line, 1-800-870-3676, or from the USCIS Web site, www.uscis.gov.



Questions and Answers

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USCIS Announces 18-Month Extension of Temporary Protected Status for Nationals of Nicaragua

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Q. What is TPS?

A. TPS is a temporary immigration status granted to eligible nationals of certain countries (or persons without nationality who last habitually resided in the country) designated by the Secretary of Homeland Security because those countries are experiencing temporary negative conditions, such as armed conflict or environmental disasters, that make it difficult for the nationals to return safely or for the countries to accept their return. See section 244 of the Immigration and Nationality Act (INA), 8 U.S.C. § 1245a. TPS beneficiaries are granted a stay of removal and work authorization for the designated TPS period and for any extensions of the designation. Nicaragua was initially designated for TPS on January 5, 1999 due to the devastation to the country resulting from Hurricane Mitch.

Q. Who is eligible to reregister for TPS?

A. The extension covers an estimated 3,500 individuals who have already applied for and received benefits under TPS for Nicaragua since the January 5, 1999 initial designation. Each re-registrant must:

- 1) Be a national of Nicaragua, or an alien without nationality who last habitually resided in Nicaragua;
- 2) Have continuously resided in the U.S. since December 30, 1998;
- 3) Have been continuously physically present in the U.S. since January 5, 1999; *and*
- 4) Meet certain other admissibility and eligibility criteria as specified by INA § 244, 8 U.S.C. § 1245a. Please see the Federal Register notice for further details.

Q. What is the reregistration period?

A. The reregistration period will begin on the date the notice of TPS extension is published in the Federal Register. Applicants must file during the 60-day reregistration period. Failure to apply during the reregistration period without good cause will result in a withdrawal of TPS benefits. DHS strongly encourages applicants to file as early as possible within the reregistration period.

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

A. Nicaraguans currently registered under TPS who desire an extension must reregister by filing both the [Application for Temporary Protected Status](#) Form I-821 and the [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 Oct. 17, 2007 or later. The Form I-765 has also been revised and applicants must use the version dated May 27, 2008 or later. Failure to use these versions of the forms may result in rejection of the application. 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 in case processing.

Q. Will my current Employment Authorization Document (EAD) that is set to expire on January 5 be automatically extended for six months?

A. No. Your current EAD will not be automatically extended. DHS has announced the extension of the TPS designation of Nicaragua and established the re-registration period at an earlier date than previous re-registration periods so that EAD requests can be processed before current EADs expire on January 5, 2009.

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 by visiting the USCIS Web site www.uscis.gov.

Q. What is the cost of reregistering for TPS?

A. There is no reregistration fee for Form I-821. A separate \$80 biometric fee is required if you are 14 years of age or older (see Table 2 in the Federal Register notice to find out 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 one or more 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 well 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 www.uscis.gov.

Q. Where do I submit my application?

A.

| If | then mail to | or, for courier deliveries send to |
|--|---|--|
| You are applying for reregistration or applying to renew your temporary treatment benefits | U.S. Citizenship and Immigration Services Attn: TPS Nicaragua P.O. Box 6943 Chicago, IL 60680-6943 | U.S. Citizenship and Immigration Services Attn: TPS Nicaragua 131 S. Dearborn--3rd Floor Chicago, IL 60603-5517 |

| | | |
|--|---|--|
| You are applying for the first time as a late initial registrant | U.S. Citizenship and Immigration Services Attn: TPS Nicaragua P.O. Box 8631 Chicago, IL 60680-8631 | U.S. Citizenship and Immigration Services Attn: TPS Nicaragua [Additional Documents] 131 S. Dearborn--3rd Floor Chicago, IL 60603-5517 |
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If you were granted TPS by an Immigration Judge of the Board of Immigration Appeals you must submit evidence of the grant of TPS (such as an order from the Immigration Judge) with your application. In addition, when you receive your receipt notice (Form I-797) you will need to send an email 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 case 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 reregistering 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 www.uscis.gov.

For more information on how to use the USCIS e-Filing system, please follow this [link](#) to the e-Filing reference guide.

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 the applicant by U.S. mail. Please note that rescheduling a biometrics appointment may result in delayed adjudication of benefits.

Q. Will Nicaraguans who have arrived in the United States after December 30, 1998 be eligible for the extension of TPS?

A. No. This extension of TPS does not change the date by which nationals of Nicaragua must have resided in the United States.

Q. Can Nicaraguans who were in the United States as of December 30, 1998, but did not apply for TPS during the initial registration period, be eligible for TPS?

- A. Yes, late initial registration is available to applicants who meet the following requirements:
- 1) Are nationals of Nicaragua, or an alien without nationality who last habitually resided in Nicaragua;
 - 2) Have continuously resided in the United States since December 30, 1998;
 - 3) Have been continuously physically present in the United States since January 5, 1999;
 - 4) Meet certain other admissibility and eligibility criteria as specified by INA, § 244(c), 8 U.S.C. § 1254a(c) and regulations at 8 CFR §§ 244.1-244.9. Please see the Federal Register notice for further details.

Additionally, the late filing applicant must also be able to demonstrate that during the initial registration period for Nicaragua 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 parole; or
- 4) Is the spouse or child of an alien currently eligible to be a TPS registrant.

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 Nicaraguan nationals protected by TPS be permitted to travel to their home countries during the TPS extension?

A. Yes, 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 their TPS status and to be permitted to reenter the United States.

Q. How do I apply for advance parole?

A. An applicant must file the [Application for Travel Document](#) Form I-131 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 non-immigrant status, filing for adjustment of status based on an immigrant petition, or applying for any other immigration benefit or protection for which you may be eligible. See INA § 244 (a)(5), 8 U.S.C. 1254a(a)(5). 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. See INA § 244 (f)(4), 8 U.S.C. 1254a(f)(4). However, if an alien has periods of time when he or she had no lawful immigration status before, or after, the alien's time in 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. See *e.g.*, INA § 212(a)(9), 8 U.S.C. § 1254a(a)(9), (unlawful

presence ground of inadmissibility that is triggered by a departure from the United States). 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. Is there a place for me to call with further questions?

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

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