



Immigrant Legal Services Center

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University of California Immigrant Legal Services Center (“Center”) Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) Frequently Asked Questions (FAQ)

The FAQ below are informational and do not constitute legal advice. Each individual case is different, and advice may vary depending on your current situation. If you have any questions about your case, please contact a Center attorney for a consultation as soon as possible.

What is TPS (Temporary Protected Status)?

Temporary Protected Status, or TPS, allows nationals of certain countries or areas within certain countries who are already present in the United States to remain lawfully in the United States for a designated, temporary period of time. If, for example, conditions in a particular country temporarily prevent its nationals from returning and living there safely, the Department of Homeland Security can designate that country for TPS. Unsafe conditions can be a result of circumstances such as natural disasters, ongoing armed conflict, or government instability. TPS is initially provided for no less than six months and no more than 18 months, though the TPS designation can be extended.

Individuals with valid TPS can obtain an employment authorization document, may be authorized to travel, and are not removable (deportable) from the United States. TPS does not, by itself, lead to lawful permanent residence, nor does it grant any other immigration status. TPS only remains effective until the date the country of nationality is no longer designated a TPS country.

Can the government take away TPS?

A country’s designation for TPS is not a permanent designation, and if the conditions in the country that led to its TPS designation no longer meet the TPS standards, the Attorney General can terminate the country’s TPS designation.

When the Attorney General terminates the TPS designation for a particular country, TPS beneficiaries from that country will return to the immigration status they had before they received TPS. However, if that status expired or was terminated, beneficiaries will not return to that status. For example, if a TPS beneficiary had no lawful status before receiving TPS and he or she did not acquire lawful status while he or she had TPS, that individual will again have no lawful status when the TPS designation terminates.

What is currently going on with TPS designations?

El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen are currently designated for TPS. Under the current presidential administration, the Secretary of Homeland Security announced the termination of TPS status for nationals of the following countries:

- **HONDURAS** (announced termination date: January 5, 2020)¹
- **NEPAL** (announced termination date: June 24, 2019)²
- **EL SALVADOR** (announced termination date: September 9, 2019)³
- **HAITI** (announced termination date: July 22, 2019)⁴
- **NICARAGUA** (announced termination date: January 5, 2019)⁵
- **SUDAN**: (announced termination date: November 2, 2018)⁶

However, as of October 3, 2018, TPS holders from Sudan, Haiti, El Salvador, and Nicaragua are permitted to remain in status as TPS holders due to a court ruling.⁷ Similarly, TPS termination is also on hold for nationals of Honduras and Nepal because of a second court case challenging termination of TPS designation for these countries.⁸ This means that TPS holders from Honduras, Nepal, El Salvador, Haiti, Nicaragua, or Sudan are permitted to remain in TPS status until further notice.

Furthermore, **Employment Authorization for TPS holders from El Salvador, Haiti, Nicaragua, and Sudan is being automatically extended for nine months, through January 2, 2020.**⁹ If you are TPS recipient from one of these countries and you already renewed your work permit during the most recent re-registration period for your country, you do not need to file another application to renew your work permit at this time.

If I received TPS and my TPS status is set to expire soon, do I need to re-register?

In order to keep TPS benefits, you must re-register during each re-registration period. If you don't re-register, you can lose TPS and work authorization. You must file Form I-821, Application for Temporary Protected

¹ Department of Homeland Security, "Secretary of Homeland Security Kirstjen M. Nielsen Announcement on Temporary Protected Status for Honduras" (May 4, 2018), available at <https://www.dhs.gov/news/2018/05/04/secretary-homeland-security-kirstjen-m-nielsen-announcement-temporary-protected>.

² Department of Homeland Security, "Secretary of Homeland Security Kirstjen M. Nielsen Announcement on Temporary Protected Status for Nepal" (April 26, 2018), available at <https://www.dhs.gov/news/2018/04/26/secretary-kirstjen-m-nielsen-announcement-temporary-protected-status-nepal>.

³ Department of Homeland Security, "Secretary of Homeland Security Kirstjen M. Nielsen Announcement on Temporary Protected Status for El Salvador" (January 8, 2018), available at <https://www.dhs.gov/news/2018/01/08/secretary-homeland-security-kirstjen-m-nielsen-announcement-temporary-protected>.

⁴ Department of Homeland Security, "Acting Secretary Elaine Duke Announcement on Temporary Protected Status for Haiti" (November 20, 2017), available at <https://www.dhs.gov/news/2017/11/20/acting-secretary-elaine-duke-announcement-temporary-protected-status-haiti>.

⁵ Department of Homeland Security, "Acting Secretary Elaine Duke Announcement on Temporary Protected Status for Nicaragua And Honduras" (November 6, 2017), available at <https://www.dhs.gov/news/2017/11/06/acting-secretary-elaine-duke-announcement-temporary-protected-status-nicaragua-and>.

⁶ Department of Homeland Security, "Temporary Protected Status Designated Country: Sudan" (October, 3, 2018), available at <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-sudan>

⁷ Ramos v. Nielsen, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018).

⁸ Bhattarai v. Nielsen, No. 19-cv-731 (N.D. Cal). See also U.S. Citizenship and Immigration Services, "Temporary Protected Status Designated Country: Nepal" (Marcy 27, 2019), available at <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-nepal> and "Temporary Protected Status Designated Country: Honduras" (Marcy 27, 2019), available at <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-honduras>.

⁹ Federal Register, "Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador" (March 1, 2019), available at <https://www.federalregister.gov/documents/2019/03/01/2019-03783/continuation-of-documentation-for-beneficiaries-of-temporary-protected-status-designations-for-sudan> ("TPS beneficiaries who have failed to re-register properly for TPS during the last registration period may still file Form I-821 (Application for Temporary Protected Status) but must demonstrate "good cause" for failing to re-register on time, as required by law.").

Status,¹⁰ to re-register for TPS. You can find country-specific re-registration instructions on the USCIS website: <https://www.uscis.gov/humanitarian/temporary-protected-status>.

Can I continue to work when my TPS expires?

If you received work authorization through TPS, that work authorization remains valid for the entire period you are in Temporary Protected Status. TPS is often granted in increments of 18 months, and so your employment authorization would be valid for that period of time. If your TPS status was extended, the Department of Homeland Security may automatically extend your work authorization until the TPS designation for your country of origin terminates. You can find country-specific automatic employment authorization document extension information on the USCIS website: <https://www.uscis.gov/humanitarian/temporary-protected-status>.

Employers should not require you to present additional documentation if your work authorization was automatically extended based on your TPS status.

If you received TPS as a Honduran, Nicaraguan, Haitian, Salvadoran, Sudanese, or Nepali national and/or your TPS status and/or work authorization are set to expire or be terminated, please consult with an immigration attorney to learn about other options that might be available to you.

I've heard that I can apply for a green card (lawful permanent residence) through an immediate relative if I have TPS. Is that true?

A 2017 Ninth Circuit Court of Appeals decision, *Ramirez v. Brown*, provides an opportunity for certain individuals with TPS to apply for a green card through an immediate relative.¹¹ Because the future of this opportunity and the future of TPS are uncertain, we recommend that you contact an attorney as soon as possible to see if you or a loved one, as a TPS recipient, can use this opportunity to apply for a green card.

What is Deferred Enforced Departure (DED)?

Deferred enforced departure (DED) is another temporary form of immigration relief granted to nationals of a country by the president. Like TPS, DED does **not** provide a pathway to permanent residence, but allows individuals from a designated country to remain in the U.S. for a period of time. This period of time is up to the discretion of the president and allows eligible individuals to apply for employment authorization. However, DED is **not** a form of legal status.¹²

At this time, Liberia is the only country on the DED list. Liberian nationals who had been previously granted TPS that was valid until September 30, 2007 are eligible for DED protection.

Can the government take away DED? Who does the recent DED rescission affect?

Similar to TPS, the president can decide to end DED designation for nationals of a DED designated country. On March 27, 2018 the President announced that DED would be terminated for Liberian nationals living in the U.S. after one year, on March 31, 2019.¹³ **However, on March 28, 2019, the President announced an extension of**

¹⁰ Available at <https://www.uscis.gov/i-821>.

¹¹ For more information about this opportunity, please see Immigrant Legal Resource Center, “Practice Alert on *Ramirez v. Brown*—November 2017 Update” (November 2017), available at https://www.ilrc.org/sites/default/files/resources/tps_advisory_1108_-_ms_anb.ak_.anb_.ak_.pdf.

¹² Please see <https://www.uscis.gov/humanitarian/temporary-protected-status/deferred-enforced-departure>.

¹³ The White House, “Presidential Memorandum for the Secretary of State and the Secretary of Homeland Security” (March 27, 2018), available at <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-secretary-state-secretary-homeland-security/>.

DED for one additional year, through March 30, 2020.¹⁴ As of this writing, after March 30, 2020, Liberian nationals covered under DED will no longer have legal status and will be removable.

At this time, DED-category work permits that expired on March 31, 2019 are being automatically extended for six months, through September 27, 2019.¹⁵ Furthermore, Liberian nationals who have employment authorization through DED are currently able to renew their employment authorization one more time in order to obtain a work permit that expires on March 30, 2020. **For more information on how to renew employment authorization as a current DED recipient, please visit the USCIS website:**
<https://www.uscis.gov/humanitarian/deferred-enforced-departure/ded-granted-country-liberia/ded-granted-country-liberia>.

If you received DED as a Liberian national and/or your work authorization is set to expire or be terminated, please consult with an immigration attorney to learn about other options that might be available to you.

¹⁴ The White House, “Presidential Memorandum for the Secretary of State and the Secretary of Homeland Security” (March 28, 2019), *available at* <https://www.whitehouse.gov/presidential-actions/memorandum-extension-deferred-enforced-departure-liberians/>.

¹⁵ Federal Register, “Continuation of Employment Authorization and Automatic Extension of Existing Employment Authorization Documents for Eligible Liberians Before Period of Deferred Enforced Departure Ends” (April 3, 2019), *available at* <https://www.federalregister.gov/documents/2019/04/03/2019-06577/continuation-of-employment-authorization-and-automatic-extension-of-existing-employment>; *See also* CLINIC, “April 3, 2019: Federal Register Notice for postponement of Liberia DED termination published” (April 3, 2019), *available at* https://cliniclegal.org/resources/april-3-2019-federal-register-notice-postponement-liberia-ded-termination-published?utm_source=CLINIC+Mail&utm_campaign=ac6ef13d8c-Agency_Update_4-3-19_%28%29&utm_medium=email&utm_term=0_a33179621a-ac6ef13d8c-284028101

**Centro de Servicios Legales para Inmigrantes de la Universidad de California (Centro)
Preguntas Frecuentes para el Estatus de Protección Temporal (TPS) y Salida Obligatoria Diferida
(DED)**

Las respuestas y preguntas a continuación son informativas y no constituyen asesoramiento legal. Cada caso individual es diferente, y los consejos pueden variar dependiendo de su situación actual. Si tiene alguna pregunta sobre su caso, comuníquese con un abogado del Centro para una consulta lo antes posible.

¿Qué es TPS (Estatus de Protección Temporal)?

El Estatus de Protección Temporal (TPS, por sus siglas en inglés) permite que los nacionales de ciertos países o áreas dentro de ciertos países que ya están presentes en los Estados Unidos, permanezcan legalmente en los Estados Unidos durante un período de tiempo temporal designado. Si, por ejemplo, las condiciones de un país en particular impiden temporalmente que sus ciudadanos regresen y vivan de manera segura, el Departamento de Seguridad Nacional le puede designar TPS a ese país. Las condiciones inseguras pueden ser el resultado de circunstancias como desastres naturales, conflictos armados en progreso, o inestabilidad gubernamental. TPS es otorgado inicialmente a un mínimo de seis meses y un máximo de 18 meses, aunque la designación de TPS se puede extender.

Las personas con un TPS válido pueden obtener un documento de autorización de empleo, pueden recibir autorización para viajar y no pueden ser deportados de los Estados Unidos. TPS no da lugar a la residencia permanente legal, ni otorga ningún otro estado migratorio. TPS permanece vigente hasta la fecha en que el país de nacionalidad ya no sea designado como un país con TPS.

¿El gobierno puede quitar TPS?

La designación de TPS hacia un país no es permanente, y si las condiciones en el país que llevaron a su designación TPS ya no cumplen con los estándares de TPS, el fiscal general puede terminar la designación de TPS del país.

Cuando el Fiscal General finaliza la designación de TPS para un país en particular, los beneficiarios de TPS de ese país volverán al estado migratorio que tenían antes de recibir TPS. Sin embargo, si ese estado se expiró o se terminó, los beneficiarios no volverán a ese estado. Por ejemplo, si un beneficiario de TPS no tenía un estatus legal antes de recibir TPS y no adquirió estatus legal mientras tenía TPS, ese individuo nuevamente no tendrá estatus legal cuando termine la designación de TPS.

¿Qué está sucediendo con las designaciones de TPS?

Los países de El Salvador, Haití, Honduras, Nepal, Nicaragua, Somalia, Sudan, Sudan del Sur, Siria, y Yemen están designados para TPS actualmente. Bajo la administración presidencial presente, la Secretaria de Seguridad Nacional anuncio la terminación de estatus TPS para gente de los siguientes países:

- **HONDURAS:** (fecha de anuncio de terminación: enero 5, 2020) ¹
- **NEPAL:** (fecha de anuncio de terminación: junio 24, 2019)²
- **EL SALVADOR:** (fecha de anuncio de terminación: septiembre 9, 2019)³
- **HAITI:** (fecha de anuncio de terminación: julio 22, 2019)⁴
- **NICARAGUA:** (fecha de anuncio de terminación: enero 5, 2019)⁵
- **SUDAN:** (fecha de anuncio de terminación: noviembre 2, 2018)⁶

Sin embargo, a partir del 3 de octubre del 2018, gente con TPS nacida en Sudan, Haití, El Salvador, y Nicaragua pueden retener su estatus de TPS hasta nuevo aviso, gracias a una sentencia judicial.⁷ Igualmente, la cancelación de TPS para gente de Honduras y Nepal también está en espera, dado a un segundo caso en la corte que está desafiando la terminación de TPS para estos países.⁸ Esto significa que gente de Honduras, Nepal, El Salvador, Haití, Nicaragua, o Sudan que tenga TPS está permitido a mantener este estatus hasta un nuevo aviso.

Además, **Autorización de Empleo para gente con TPS de El Salvador, Haití, Nicaragua, y Sudan está siendo renovada por nueve meses automáticamente, hasta enero 2, 2020.⁹** Si usted beneficia de TPS y es de uno de estos países, y ya renovó su permiso de trabajo durante el periodo más reciente de registración para su país, usted no tiene que mandar otra aplicación para renovar su permiso de trabajo en este tiempo.

¹ Departamento de Seguridad Nacional, “Secretary of Homeland Security Kirstjen M. Nielsen Announcement on Temporary Protected Status for Honduras” (4 de mayo de 2018), *disponible en* <https://www.dhs.gov/news/2018/05/04/secretary-homeland-security-kirstjen-m-nielsen-announcement-temporary-protected>.

² Departamento de Seguridad Nacional, “Secretary of Homeland Security Kirstjen M. Nielsen Announcement on Temporary Protected Status for Nepal” (26 de abril de 2018), *disponible en* <https://www.dhs.gov/news/2018/04/26/secretary-kirstjen-m-nielsen-announcement-temporary-protected-status-nepal>.

³ Departamento de Seguridad Nacional, “Secretary of Homeland Security Kirstjen M. Nielsen Announcement on Temporary Protected Status for El Salvador” (8 de enero de 2018), *disponible en* <https://www.dhs.gov/news/2018/01/08/secretary-homeland-security-kirstjen-m-nielsen-announcement-temporary-protected>.

⁴ Departamento de Seguridad Nacional “Acting Secretary Elaine Duke Announcement on Temporary Protected Status for Haiti” (20 de noviembre de 2017), *disponible en* <https://www.dhs.gov/news/2017/11/20/acting-secretary-elaine-duke-announcement-temporary-protected-status-haiti>.

⁵ Departamento de Seguridad Nacional, “Acting Secretary Elaine Duke Announcement on Temporary Protected Status for Nicaragua And Honduras” (6 de noviembre de 2017), *disponible en* <https://www.dhs.gov/news/2017/11/06/acting-secretary-elaine-duke-announcement-temporary-protected-status-nicaragua-and>.

⁶ Department of Homeland Security, “Temporary Protected Status Designated Country: Sudan” (October, 3, 2018), *disponible en* <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-sudan>

⁷ Ramos v. Nielsen, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018).

⁸ Bhattarai v. Nielsen, No. 19-cv-731 (N.D. Cal). *See also* U.S. Citizenship and Immigration Services, “Temporary Protected Status Designated Country: Nepal” (Marcy 27, 2019), *disponible en* <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-nepal> and “Temporary Protected Status Designated Country: Honduras” (Marcy 27, 2019), *available at* <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-honduras>.

⁹ Federal Register, “Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador” (March 1, 2019), *disponible en* <https://www.federalregister.gov/documents/2019/03/01/2019-03783/continuation-of-documentation-for-beneficiaries-of-temporary-protected-status-designations-for-sudan> (“TPS beneficiaries who have failed to re-register properly for TPS during the last registration period may still file Form I-821 (Application for Temporary Protected Status) but must demonstrate “good cause” for failing to re-register on time, as required by law.”).

Si recibí TPS y mi estado de TPS se expira pronto, ¿tengo que volver a registrarme?

Para mantener los beneficios de TPS, debe volver a registrarse durante cada período de reinscripción. Si no se vuelve a registrar, puede perder el TPS y la autorización de trabajo. Debe presentar el Formulario I-821, Solicitud de Estatus de Protección Temporal,¹⁰ para volver a registrarse para TPS. Puede encontrar instrucciones de reinscripción específicas del país en el sitio de USCIS: <https://www.uscis.gov/es/TPS>.

¿Puedo seguir trabajando cuando se expire mi TPS?

Si recibió autorización de trabajo a través de TPS, esta autorización de trabajo sigue siendo válida durante todo el período en que se encuentre en estado de protección temporal. TPS a menudo se otorga en incrementos de 18 meses, por lo que su autorización de empleo sería válida por ese período de tiempo. Si se extendió su estado de TPS, el Departamento de Seguridad Nacional puede extender automáticamente su autorización de trabajo hasta que se finalice la designación de TPS para su país de origen. Puede encontrar información de extensiones de documentos de autorización de empleo automática específica para el país en el sitio web de USCIS: <https://www.uscis.gov/es/TPS>.

Si su autorización de trabajo se extendió automáticamente, en base a su estado de TPS, los empleadores no deberían de exigirle que presente documentación adicional.

Si recibió TPS como hondureño/a, nicaragüense, haitiano/a, salvadoreño/a, sudanés, o nepalí y su estado de TPS y / o autorización de trabajo están por expirar o finalizar. consulte con un abogado de inmigración para aprender otras opciones que podrían estar disponibles para usted.

He oído que puedo solicitar una tarjeta de residente (residencia permanente legal) a través de un pariente inmediato si tengo TPS. ¿Es eso cierto?

Una decisión en 2017 de la Corte del Noveno Circuito de Apelaciones, en el caso de *Ramirez v. Brown*, ofrece una oportunidad para que ciertas personas con TPS soliciten una tarjeta verde a través de un pariente inmediato.¹¹ Debido a que el futuro de esta oportunidad y el futuro de TPS son inciertos, le recomendamos que se comunique con un abogado tan pronto como sea posible para ver si usted o un ser querido, como beneficiario de TPS, puede aprovechar esta oportunidad para solicitar una tarjeta de residente.

¿Qué es Salida Obligatoria Deferida (DED)?

Salida Obligatoria Deferida (DED por sus siglas en inglés) es otro tipo de alivio migratorio temporal otorgado por el presidente a personas de un designado país. Al igual que TPS, DED **no** ofrece un camino a residencia permanente, pero sí permite que individuos de un país designado permanezcan en Estados Unidos por un tiempo. El tiempo que uno puede permanecer en los Estados Unidos está a la discreción del presidente, y durante este tiempo el individuo puede aplicar por autorización de trabajo. Sin embargo, DED **no** es un tipo de estatus legal.¹²

En este momento, Liberia es el único país en la lista de DED. Nacionales de Liberia que previamente habían sido otorgados TPS y era válido hasta el 30 de septiembre del 2007 son elegibles para protección a través de DED.

¹⁰ Disponible en <https://www.uscis.gov/i-821>.

¹¹ Para mas information, favor de ver Immigrant Legal Resource Center, “Practice Alert on *Ramirez v. Brown*—November 2017 Update” (November 2017), available at https://www.ilrc.org/sites/default/files/resources/tps_advisory_1108_-_ms_anb.ak_.anb_.ak_.pdf.

¹² Please see <https://www.uscis.gov/humanitarian/temporary-protected-status/deferred-enforced-departure>.

¹³ The White House, “Presidential Memorandum for the Secretary of State and the Secretary of Homeland Security” (March 27, 2018), disponible en <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-secretary-state-secretary-homeland-security/>.

¿El gobierno puede cancelar DED? ¿Quién es afectado por la reciente rescisión de DED?

Igual a TPS, el presidente puede cancelar DED para nacionales de un país que estaba designado a recibir los beneficios de DED. El 27 de marzo del 2018 el presidente anunció que DED será cancelado el próximo año, 31 de marzo del 2019, para nacionales de Liberia que residen en Estados Unidos.¹³ **Sin embargo, el 28 de marzo de 2019 el presidente anuncio una extensión de DED de un año, hasta el 30 de marzo del 2020.¹⁴ Hasta la fecha que se escribió este documento, gente de Liberia que actualmente está protegida bajo DED no tendrá protección a partir del 30 de marzo del 2020 y podrá ser deportada.**

Permisos de trabajo que se otorgaron a través de DED y se expiraron el 19 de marzo del 2019 están siendo renovadas automáticamente por seis meses, hasta el 27 de septiembre del 2019. Adicionalmente, gente de Liberia que tienen un permiso de trabajo a través de DED pueden renovar su permiso de trabajo una vez más para obtener un permiso que se expire el 30 de marzo del 2020. **Para más información sobre como renovar su autorización de trabajo si ahora tiene DED, favor de visitar el sitio web de USCIS:** <https://www.uscis.gov/humanitarian/deferred-enforced-departure/ded-granted-country-liberia/ded-granted-country-liberia>.

Si usted recibió DED como nacional de Liberia y/o su permiso de trabajo se va expirar o será cancelado, favor de consultar a un abogado de inmigración para saber sobre otras opciones que podrían ser disponibles para usted.

¹⁴ The White House, “Presidential Memorandum for the Secretary of State and the Secretary of Homeland Security” (March 28, 2019), *available at* <https://www.whitehouse.gov/presidential-actions/memorandum-extension-deferred-enforced-departure-liberians/>.

¹⁵ Federal Register, “Continuation of Employment Authorization and Automatic Extension of Existing Employment Authorization Documents for Eligible Liberians Before Period of Deferred Enforced Departure Ends” (April 3, 2019), *available at* <https://www.federalregister.gov/documents/2019/04/03/2019-06577/continuation-of-employment-authorization-and-automatic-extension-of-existing-employment>; *See also* CLINIC, “April 3, 2019: Federal Register Notice for postponement of Liberia DED termination published” (April 3, 2019), *available at* https://cliniclegal.org/resources/april-3-2019-federal-register-notice-postponement-liberia-ded-termination-published?utm_source=CLINIC+Mail&utm_campaign=ac6ef13d8c-Agency_Update_4-3-19_%282%29&utm_medium=email&utm_term=0_a33179621a-ac6ef13d8c-284028101