

Temporary Protected Status Questions and Answers

What is the form and fee for TPS?

The forms for TPS are the I-821 (Application for Temporary Protected Status) and the I-765 (Application for Employment Authorization). The total fee is \$515.

What do I need to show to qualify for TPS?

You will need to prove your identity and your nationality. You will also need to prove that you have been living in the United States since June 24, 2015.

What is the deadline to apply?

The deadline to apply for Nepal TPS is December 21, 2015.

What kinds of documents will I need?

You will need to submit the I-821, the I-765, 2 passport-sized photos, proof of identity and nationality, and proof that you lived in the U.S. on June 24, 2015, and a check or money order for \$515 payable to "US Department of Homeland Security".

To prove your identity and nationality, you will need a passport, or a birth certificate accompanied by a photo ID, or documents with photos or fingerprints. If you can't get these documents, you can use any other documents that prove you are from Nepal, but you will need to include an affidavit saying you are unable to get a passport, birth certificate, photo ID, or any document with your photo or fingerprints.

To prove that you resided in the United States on June 24 2015, you will need employment records, rent receipts, utility bills, school records, hospital or medical records, passports, children's U.S. birth certificate, bank books, or tax receipts. You can also include affidavits from churches, unions, or any organization that knows you and can say you live in the United States.

Will I need to submit translations of documents?

Yes, any document that is not in English will need to be translated. The translator will need to write out that he or she is competent in English and in the language of the original document. The translator will also need to write out that his or her translation is true and correct to the best of his or her knowledge. Translations do not have to be notarized.

Will I still be able to apply after the deadline?

Generally, no. If you are the spouse or child of someone who got TPS and you met all the other requirements at the time of the registration period, you can still apply after the deadline. If you had a green card application pending (but the visa application was approved), then you have an additional 60 days from that application being decided to apply. But for most individuals, you MUST apply by December 21, 2015 or you will not be able to obtain TPS, even if it is renewed later on.

If I am currently in lawful status and I apply for TPS, what will happen to my status?

If you currently have lawful status, you may still apply for TPS. Receiving TPS status will not remove any other immigration status you have.

Can I apply for TPS if I have an ongoing case in immigration court?

Yes. TPS will not affect your ability to apply for another immigration benefit. TPS will also not affect any other immigration status you currently have.

Can I apply for TPS if I entered the United States using a passport or visa that wasn't mine or that was fraudulently obtained?

Possibly. You will need to file form I-601 (Application for Waiver of Grounds of Inadmissibility). You will need to show that if you are deported a parent, spouse, or fiancé who is a U.S. citizen or green-card holder will experience extreme hardship.

Can I apply for TPS if I am currently applying for asylum?

Yes. TPS supplements asylum; it does not remove asylum. But you cannot use the fact that you received TPS status to prove anything in your application for asylum.

Can I apply for TPS if my asylum application was denied?

Yes. If your asylum application is denied, that does not affect whether you can apply for TPS.

Can I apply for TPS if I entered EWI?

Yes.

What crimes will disqualify me from TPS?

If you have been convicted of one felony or two misdemeanors you will not qualify for TPS. You should ALWAYS talk to a lawyer or BIA Accredited Representative if you have had any interactions with the police or a judge, even if the case was dismissed, to be sure that it won't cause a problem for immigration.

Can I start working with the application receipts, or do I have to wait to receive my Employment Authorization Document (work permit) card?

You will need to wait until you receive the card to confirm that you have been authorized to work.

If I cannot pay for the TPS application, what are my options?

You can apply for a fee waiver by including Form I-912 with your application. You will need to prove that you meet one of the following categories:

1. You receive a means-tested benefit such as WIC, food stamps, etc.
2. You make less than 150% of the Federal Poverty Guidelines (available at www.uscis.gov/i-864p);
3. You have a substantial financial obligation (example: high medical bills).

With TPS, will I be eligible for tuition financial aid?

With TPS, you will not be eligible for federal OR state financial aid, but may qualify for in-state tuition in New York. However, you may still be eligible for financial aid from other sources, like your school or private scholarships.

With TPS, what social benefits will I be eligible for?

You can apply for your Social Security card and for your driver's license. However, you cannot apply for Social Security benefits.

In New York, you will be eligible for Medicaid, Family Health Plus, and the Family Planning Benefit Program. With or without immigration status, almost all children in New York are eligible for Child Health Plus.