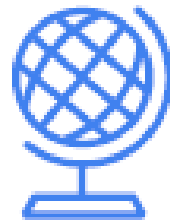


CITY OF SAN JOSÉ
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IMMIGRATION SPOTLIGHT SERIES

TEMPORARY PROTECTED STATUS - UKRAINE



U.S. Citizenship
and Immigration
Services



Temporary Protected Status (TPS)

What is TPS?



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- TPS is a temporary benefit that does not lead to lawful permanent resident status or give any other immigration status.
- Eligible for Employment Authorization Document (EAD)
- Designated by the Secretary of Homeland Security because of:
 - **Ongoing armed conflict**
 - **Environmental Disaster**
 - **Other extraordinary and temporary conditions**

Who is Eligible?



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- Be a national of country designated for TPS
- File during open Initial registration period or re-registration period
- Continuously physically present & residing in US since effective date

Which Countries have TPS Designation?



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- Burma (Myanmar)
- El Salvador
- Haiti
- Honduras
- Nepal
- Nicaragua
- Somalia
- Sudan
- South Sudan
- Syria
- Ukraine (**FORTH COMING**)
- Venezuela
- Yemen



What Can Effect Eligibility?



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- Felony Convictions
- Inadmissibility according to INA 212(a)
- Subject to mandatory asylum bars
- Do not meet continuous physical presence and continuous residence requirements
- Do not meet initial or late initial TPS registration requirements
- Do not re-register for TPS without good cause



How to File for TPS



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- Form I-821, application for Temporary Protected Status
- Pay filing fee, if applicable
- Provide all required evidence and supporting documents

What happens after filing?



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- Receipt notice is generated
- Biometrics appointment notice generated, if applicable
- Notice to appear for interview, if required
- Notice of decision



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QUESTIONS?

Jesse Castro

Community Relations Officer

Fresno, CA

Jesus.e.castro@uscis.dhs.gov



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IMMIGRATION SPOTLIGHT SERIES

TEMPORARY PROTECTED STATUS - UKRAINE

Temporary Protected Status (TPS)

- Application Process
- Eligibility for the most recent designation of Ukraine
- Documentation and requirements to apply
- Organizations assisting TPS

Who Can Qualify for Temporary Protected Status?

- Must be a citizen of a nation that is designated with Temporary Protected Status (*Burma/Myanmar, El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, Venezuela, Yemen, Ukraine*)
- It is not automatic.
- To be eligible, the individual must submit an application
- Applicants must prove that they had previously been continually residing in the country in question and have been in the United States since the time of departure from the country.

Qualification (con't)

- Must file during the open initial registration or re-registration period
- *For Ukrainian citizens: must have continuously resided in the U.S. since **March 1, 2022**. Any Ukrainian citizen who attempt to travel to the U.S. after **March 1, 2022**, will not be eligible for TPS*
- Have been continuously physically present in the United States since the effective date of the most recent designation date of the country



Temporary Protected Status who may not be accepted if:



- Convicted of a felony or committed two or more misdemeanors
- Found to be inadmissible as an immigrant; including non-waivable criminal and security-related grounds;
- Has been determined to be ineligible for political asylum; participating in the persecution of another individual or engaging in or inciting terrorist activity;
- Was not continuously present in the United States according to the prescribed limitations
- Did not apply within the set time limits

Application Requirements and Procedures



- Application for Temporary Protected Status requires accurate completion of Form I-821
- Must include the necessary evidence, fees, or fee waiver request when filing your TPS application.
- Additionally, Form I-765, Application for Employment Authorization
- Requires specific evidence of your circumstances.
- Provide valid and documented proof of your nationality or country of habitual residence before arrival in the United States.

Essential Evidence



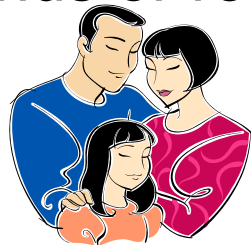
- **Identity:** Proof of original citizenship

Copies of a passport, birth certificate and photo identification, and other government-issued photograph or fingerprints that certify your citizenship in that country

- **Date of Entry Evidence:** show when you entered the United States.
- **Continuous Residence Evidence:** show that you have been in the United States since the continuous residence date specified for your country
- Any document that is not in English must be accompanied by a complete English translation.
- If your document(s) are not sufficient, USCIS will send you a request for additional evidence.
- Secondary evidence may be submitted

What are the secondary evidence that may be submitted?

- Nationality documentation, even though it may not have a photo or fingerprints.
- Baptismal certificates if it show you or your parent's nationality
- School or medical records that show nationality
- Immigration documents specifying your nationality
- Affidavits from friends or relations attesting to your nationality



Continuously Residing Evidence

- Provide proof of your date of entry in the United States (ex: passport, I-94, etc.)
- Proof that you have been continuously residing in the United States since entering
- Proving continuous residence is accomplished by showing employment records, rent receipts and bills, school records, hospital records, or attestations from church or other organization officials.



Steps (7) in the Application Process

- File your petition (Form I-821)
- USCIS reviews your application
- USCIS contacts the applicant
- Proceed to an Applicant Support Center (biometrics/fingerprinting)
- USCIS determines work eligibility
- USCIS will adjudicate the claim to determine what additional information may be required. The organization may alternatively issue an Intent to Deny. In either case, you must respond immediately with any other support documentation.
- USCIS approves or denies the application.



Maintaining TPS

- Once you are granted TPS, you must re-register during each re-registration period to maintain TPS benefits.
- The application process for achieving Temporary Protected Status can be complicated. The documentation must be well organized and the forms correctly completed.

Automatic Employment Authorization Document (EAD) Extension

- Sometimes DHS must issue a blanket automatic extension of the expiring EADs for TPS beneficiaries of a specific country in order to allow time for EADs with new validity dates to be issued.
- If you file your TPS re-registration application late, processing may be delayed and can lead to gaps in your work authorization.

Avoid Scams



- Please be aware that some [unauthorized and untrained practitioners](#) may try to take advantage of you by claiming they can file TPS forms.
- These same people may ask that you pay them to file such forms.
- A list of accredited representatives and free or low-cost legal providers is available on the USCIS website on the [finding legal advice](#) web page.
- If you need legal advice on immigration matters, make sure the person helping you is authorized to give legal advice.
- Only an attorney or an accredited representative working for a Department of Justice (DOJ) recognized organization can give you legal advice.

Immigration Legal Services in Santa Clara County and San Francisco:

- [Santa Clara County:](#)

- Asian Law Alliance (408) 287-9710
- Center for Employment Training –ICP Immigration and Citizenship Program (408) 534-5451
- Catholic Charities of Santa Clara County (408) 468-0100
- International Rescue Committee (408) 277-0255
- Katharine & George Alexander Community Law Center (408) 288-7030
- Services, Immigrant Rights & Education Network (408) 453-3013
- Pars Equality Center (408) 261-6400
- Human Agenda (408) 661-1587
- Community Legal Services in East Palo Alto (650) 326-6440

- [San Francisco](#)

- International Institute of the Bay Area (415) 538-8100
- La Raza Centro Legal (415) 575-3500
- Asian Law Caucus (415) 896-1701
- Lawyers' Committee for Civil Rights (415) 543-9444
- Immigration Center for Women and Children (415) 861-1449

