



## U.S. Citizenship and Immigration Services

# 18-Month Extension of Temporary Protected Status for Nicaragua Questions and Answers

## Introduction

The Department of Homeland Security (DHS) will extend Temporary Protected Status (TPS) for 18 months, through Jan. 5, 2012, to eligible nationals of Nicaragua and people having no nationality who last habitually resided in Nicaragua. This extension does not apply to Nicaraguans who entered the United States after Dec. 30, 1998. Certain nationals of Nicaragua who have not previously applied for TPS may be able to register under the late initial registration provisions. Further details on this extension of TPS for Nicaragua appear in the [Federal Register Notice](#) that announces this extension.

## Questions and Answers

## Index

1. **What is Temporary Protected Status (TPS)?**
2. **When and why was Nicaragua designated for TPS?**
3. **Why was the TPS designation for Nicaragua extended through [DATE]?**
4. **Do I need to re-register for TPS if I currently have benefits through the designation of Nicaragua for TPS, and would like to maintain them?**
5. **Who is eligible to re-register for TPS for Nicaragua?**
6. **What is the re-registration period for TPS for Nicaragua?**
7. **How do I re-register for the TPS extension?**
8. **What is the cost of re-registering for TPS?**
9. **What if I cannot afford to pay for filing and or biometric fees?**
10. **Can I re-register electronically via the Internet?**
11. **What if the Immigration Judge (IJ) or the Board of Immigration Appeals (BIA) granted me TPS?**
12. **Do I have to report to an Application Support Center (ASC) to submit biometrics?**
13. **What if I am scheduled for an appointment at the ASC but am unable to make my appointment?**
14. **How do I reschedule my ASC appointment for biometrics?**

15. **What documents should I bring to my ASC appointment?**
16. **What if my address changes after I file my application?**
17. **Will my current Employment Authorization Document (EAD) that is set to expire on Jul. 5, 2010, be automatically extended for six months?**
18. **Will Nicaraguan nationals protected by TPS be permitted to travel to their home countries during the TPS extension?**
19. **How do I apply for advance parole?**
20. **Can I use TPS as a basis for obtaining permanent resident status?**
21. **May I apply for another immigration benefit while registered for TPS?**
22. **Is there a place for me to call with further questions or learn more about TPS?**

### **Q1. What is Temporary Protected Status (TPS)?**

A1. TPS is a temporary immigration status granted to eligible nationals of a country (or persons without nationality who last habitually resided in that specific country) designated for TPS under the Immigration and Nationality Act (INA). During the period for which the Secretary of Homeland Security (Secretary) designates a country for TPS, TPS beneficiaries are eligible to remain in the United States and may obtain work authorization, so long as they continue to meet the terms and conditions of TPS status.

TPS does not lead to permanent resident status. When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS (unless that status has since expired or been terminated) or to any other status they may have obtained while registered for TPS.

### **Q2. When and why was Nicaragua designated for TPS?**

A2. Nicaragua was designated for TPS in 1999 based on environmental disaster conditions resulting from Hurricane Mitch, which occurred in late 1998.

### **Q3. Why was the TPS designation for Nicaragua extended through Jan. 5, 2012?**

A3. During the past year, DHS and the Department of State reviewed conditions in Nicaragua. Based on this review, the Secretary has determined that an 18-month extension is warranted because the conditions that prompted the initial TPS designation of Nicaragua in 1999 following the environmental disaster caused by Hurricane Mitch persist and temporarily prevent Nicaragua from adequately handling the return of its nationals.

### **Q4. Do I need to re-register for TPS if I currently have benefits through the designation of Nicaragua for TPS and would like to maintain them?**

A4. Yes. If you have already received TPS benefits through the TPS designation of Nicaragua, your benefits will expire on July 6, 2010. All TPS beneficiaries must comply with the re-registration requirements and submit any required biometrics service fee and Employment Authorization Document (EAD) application fee (if an EAD is desired), or requests for waivers of those fees, to maintain TPS benefits through Jan. 5, 2012. Failure to re-register in a timely manner without good cause will result in

the withdrawal of TPS and you may be subject to removal from the United States.

**Q5. Who is eligible to re-register for TPS for Nicaragua?**

A5. The extension covers an estimated 3,000 individuals who currently have TPS. To qualify, you must:

- 1) be a national of Nicaragua, or an individual without nationality who last habitually resided in Nicaragua;
- 2) have continuously resided in the U.S. since Dec. 30, 1998;
- 3) have been continuously physically present in the U.S. since Jan. 5, 1999;
- 4) satisfactorily complete a routine background checks required of all applicants; and
- 5) meet certain other admissibility and eligibility criteria as specified by section 244 of the INA and in 8 C.F.R. §244.1-9.

**Q6. What is the re-registration period for TPS for Nicaragua?**

A6. The 60-day re-registration period will start on May 5 and end on July 6, 2010. You must re-register for TPS during the 60-day re-registration period. Failure to re-register during the re-registration period without good cause will result in a withdrawal of TPS benefits. USCIS strongly encourages you to file your applications as early as possible within the re-registration period so that background and security checks and other processing requirements can be completed promptly.

**Q7. How do I re-register for the TPS extension?**

A7. Nicaraguans currently registered under TPS who desire an extension must re-register by filing both Form I-821, Application for Temporary Protected Status, and Form I-765, Application for Employment Authorization, with the appropriate fees or fee waiver requests.

These forms are available on the forms section of the USCIS Website: [www.uscis.gov/forms](http://www.uscis.gov/forms) or by calling the toll-free USCIS Forms Hotline, (800) 870-3676.

To submit your application, please send it to:

Via U.S. mail:

USCIS  
Attn: TPS Nicaragua  
P.O. Box 6943  
Chicago, IL 60680-6943

For courier deliveries, please mail your application to:

USCIS  
Attn: TPS Nicaragua  
131 S. Dearborn, 3rd Floor

Chicago, IL 60603-5517

If you were granted TPS by an IJ or BIA and you are requesting an EAD or are re-registering for the first time, please mail forms to:

USCIS

Attn: TPS Nicaragua

P.O. Box 7332

Chicago, IL 60680-7332

Electronically (e-file):

[www.uscis.gov](http://www.uscis.gov) or click [here](#)

**Q8. What is the cost of re-registering for TPS?**

A8. There is no fee required to submit Form I-821 if you are re-registering. A biometric services fee of \$80 is required if you are 14 years of age or older. You must include the fee of \$340 for Form I-765, Application for Employment Authorization if you wish to receive an EAD. If you are not seeking employment authorization, you must still submit Form I-765 without fee. Late initial filers must pay the \$50 I-821 application fee.

**Q9. What if I cannot afford to pay the application and/or biometric fees?**

A9. You may request a waiver of the TPS-related application fee and/or the biometrics fee by submitting a fee waiver request with proper documentation of inability to pay. You must specify exactly which of the fees (e.g., I-821 application fee, if late initial filer; I-765 application fee; and/or the biometrics services fee) that you wish to be waived. Fee waiver requests must be satisfactorily documented with evidence of your inability to pay, in accordance with 8 CFR 244.20 and 8 CFR 103.7 (c). For further information on fee waiver requirements, please see the USCIS Fee Waiver Guidance available online. Specific Questions and Answers on filing for fee waivers related to TPS applications are online.

**Q10. Can I re-register electronically via the Internet?**

A10. If you are re-registering for TPS during the re-registration period and do not need to submit additional documentation, you may electronically file your application. Please visit the TPS page of the USCIS Web site to determine if you need to submit supporting documentation with your application package. If you do need to submit supporting documentation, you are not eligible to file electronically.

For information about filing electronically, visit the USCIS Web site at [www.uscis.gov/e-filing](http://www.uscis.gov/e-filing). Please review the links on that Web page, including the USCIS E-Filing Reference Guide.

**Q11. What if the IJ or BIA granted me TPS?**

A11. If an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA) granted you TPS, you

must provide proof of the TPS grant (such as a final order from the IJ or final decision from the BIA) when you apply for your first TPS benefit (such as an EAD or travel authorization). You should also submit a copy of the I-821 TPS application that the IJ or the BIA approved. See Question 7 for mailing instructions on how to apply for the TPS extension. Visit the TPS page of the USCIS Web site for further detailed filing and requirements based on the first TPS benefit you are requesting after an IJ or BIA granted you TPS.

**Q12. Do I have to report to an Application Support Center (ASC) to submit biometrics?**

*A12.* To increase efficiency and improve customer service, whenever possible, USCIS will reuse previously-captured biometrics and will conduct necessary background checks using those biometrics. Due to systems limitations, it may not be possible in every case to reuse biometrics. USCIS will mail you a notice with instructions if you are required to appear at an ASC for biometrics collection.

Even if you do not need to attend an ASC appointment, you are required to pay the separate biometric services fee or submit an appropriately supported fee waiver request if you are age 14 or older. This fee will help cover the USCIS costs associated with use and maintenance of collected biometrics (such as fingerprints) for background checks, identity verification and document production.

**Q13. What if I am scheduled for an appointment at the ASC but am unable to make my appointment?**

*A13.* 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.

**Q14. How do I reschedule my ASC appointment for biometrics?**

*A14.* 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 you by U.S. mail. Please note that rescheduling a biometrics appointment may result in a delay before your case is decided.

**Q15. What documents should I bring to my ASC appointment?**

*A15.* When you report to an ASC, you must bring the following documents:

- identity documentation with a photograph,
- your receipt notice for your re-registration application,
- your ASC appointment notice, and
- your current Employment Authorization Document (EAD) if you have one.

**Q16. What if my address changes after I file my application?**

*A16.* If your address changes after you file your application, you must complete and submit Form AR-11, Change of Address, by mail or electronically. The mailing address is:

U.S. Citizenship and Immigration Services  
Change of Address  
P.O. Box 7134  
London, KY 40742-7134

Form AR-11 can also be filed electronically by following the directions on the USCIS Web site at [www.uscis.gov](http://www.uscis.gov). To facilitate processing your address change on your TPS application, you may call the USCIS National Customer Service Center at 1-800-375-5283 (TTY 1-800-767-1833) to request that your address be updated on your application. Please note that calling the USCIS National Customer Service Center does not relieve you of your burden to properly file a Form AR-11 with USCIS.

**Q17. Will my current EAD that is set to expire on Jul. 5, 2010, be automatically extended for six months?**

*A17.* Yes. USCIS will issue new EADs to eligible TPS beneficiaries who timely re-register and apply for EADs. However, USCIS will automatically extend the validity of EADs for eligible Nicaraguan TPS beneficiaries for six months, through Jan. 5, 2011. This automatic extension will allow sufficient time for eligible TPS beneficiaries to re-register and receive an EAD without any lapse in employment authorization. The Federal Register Notice explains how TPS beneficiaries and their employers may determine which EADs are automatically extended.

**Q18. Will Nicaraguan nationals protected by TPS be permitted to travel to their home countries during the TPS extension?**

*A18.* As a matter of discretion, USCIS may grant you permission to travel abroad. You must apply for and obtain advance parole prior to travel outside the United States in order to prevent losing TPS status and to facilitate your re-entry to the United States.

**Q19. How do I apply for advance parole?**

*A19.* You must file Application for Travel Document, Form I-131, with the appropriate fee. The fee cannot be waived. Please follow the filing instructions for Form I-131.

**TRAVEL WARNING:** If you have been unlawfully present in the United States and then you leave, even on an approved advance parole document, you may become inadmissible for three (3) or ten (10) years, depending on how much unlawful presence you had before you left. In addition, you may become ineligible for certain other benefits in the future that you may seek, such as permanent resident status. If adjudication of your TPS application has not been completed, you may also risk missing important USCIS notices, such as Requests for Additional Evidence, and your application may be denied while you are out of the country. We encourage you to read and understand the travel warning on Form I-131 before you ask for advance parole, regardless of whether you have been granted TPS. Before requesting advance parole for travel, you may also want to seek legal advice if you have been unlawfully present in the U.S. for any period of time.

**Q20. Can I use TPS as a basis for obtaining permanent resident status?**

**A21.** No. TPS is a temporary benefit that does not lead to lawful permanent resident status by itself or confer any other immigration status.

**Q21. May I apply for another immigration benefit while registered for TPS?**

**A21.** 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. 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. 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. 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.

**Q22. How do I ask for further questions or learn more about TPS?**

**A22.** Please contact the USCIS National Customer Service Center at:

1-800-375-5283 or  
1-800-767-1833 (TTY)

You may also the USCIS' Web site's TPS page by clicking here. To learn more about USCIS' programs, visit [www.uscis.gov](http://www.uscis.gov).

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