



QUESTIONS AND ANSWERS

March 2, 2001

Temporary Protected Status (TPS) for El Salvadorans

What is TPS?

TPS is a temporary immigration status granted to eligible nationals of designated countries. During the period for which the Attorney General has designated a country under the TPS program, TPS beneficiaries are not required to leave the United States and may obtain work authorization. However, TPS does not lead to permanent resident status. When the Attorney General terminates a country's TPS (unless that status had since expired or been terminated) or to any other status they may have been granted while registered for TPS.

Who is eligible?

An alien who is a national of El Salvador (or in the case of a alien having no nationality, a person who last habitually resided in El Salvador) is eligible for TPS benefits if the alien (1) has been continuously physically present since the date of publication of the *Federal Register* notice; (2) continuously resided in the United States since February 13, 2001; (3) is admissible as an immigrant (some waivers of inadmissibility may be granted); and (4) registers for TPS within the time specified by the Attorney General—18 months from the date of publication in the *Federal Register*.

Individuals who have been convicted in the United States of either a felony or two or more misdemeanors committed in the United States are not eligible for TPS. Likewise, individuals subject to certain criminal or security-related bars to asylum are ineligible for TPS.

What is the procedure to apply for TPS?

Applicants for TPS may register during the registration period by submitting:

- An Application for Temporary Protected Status, Form I-821, with the supporting evidence;
- An Application for Employment Authorization, Form I-765,
- Two identification photograph (1 1/2" x 1 1/2"); and
- For every applicant who is 14 years of age or older, a \$25 fingerprint fee.

While a complete application must include the fingerprint fee for every applicant who is 14 years of age or older, applicants should not submit a completed fingerprint card (FD-

258, Applicant Card) with the application package. The application will be accepted without the fingerprint card attached. After the Service receives the application, it will mail an appointment letter with instructions to appear for fingerprinting at an INS-authorized Application Support Center (ASC).

Fees: A \$50 fee must accompany the Form I-821. If the applicant requests employment authorization, he or she must submit a \$100 fee with Form I-765. An applicant who does not seek employment authorization need not submit the \$100 fee, but nonetheless must submit the Form I-765. A \$25 fingerprint fee must also be submitted for every applicant who is 14 years of age or older. The applicant may request a fee waiver in accordance with the regulations.

Information concerning the TPS program for nationals of El Salvador (or aliens having no nationality who last habitually resided in El Salvador) will be available at the Service Internet Web site, located at www.ins.usdoj.gov, the INS National Customer Service Center, at 1-800-375-5283, and at local INS offices upon publication of this notice. Applicants can also request the TPS forms by contacting the INS Forms Line, 1-800-870-3676. The forms can also be obtained from the INS Web site, www.ins.usdoj.gov.

How long will the TPS designation last?

TPS designation will last for 18 months. The Attorney General designated El Salvador for TPS benefits for a period of 18 months, the maximum period of time permissible under the law. At the end of this initial designation, the Attorney General will review conditions in El Salvador and, if the conditions for such designation continue to be met, TPS benefits will be extended for an additional period of time.

Specifically, what factors were considered in making the decision to designate TPS for Salvadorans?

On January 13, 2001 and February 13, El Salvador was devastated by two major earthquakes. To date the earthquakes have resulted in at least 1,100 deaths, 7,859 injured, and more than 2,500 missing. In addition, the earthquakes have displaced an estimated 1.3 million persons out of El Salvador's population of 6.2 million, more than 80,000 whom are living in temporary camps. Losses in housing, infrastructure, and the agricultural sector exceed \$2.8 billion, more than half of the country's annual budget. These factors have clearly resulted in a substantial, but temporary disruption of living conditions in El Salvador.

What happens to Salvadorans currently in detention?

In general, those in detention who are eligible for TPS will be released. However, many aliens—including those who have been convicted in the United States of either a felony or two or more misdemeanors and those for whom an asylum bar would apply—are not eligible for TPS and will not be released from detention.

Will Salvadorans who arrive in the United States after February 13, 2001 be eligible for TPS?

No. TPS is an emergency relief measure intended to assist those nationals of a given country who are already in the United States at the time of designation. The cases of Salvadorans who arrive in the United States after February 13, 2001, will be handled in accordance with U.S. immigration law.

Will Salvadoran nationals protected by TPS be permitted to travel to their home countries during the TPS period?

Those granted TPS must receive advance permission to return to the United States before traveling abroad. This advance permission is called Advance Parole. An alien who leaves the United States without first obtaining Advance Parole may have his or her TPS withdrawn and may be removed from the United States upon return.