



Temporary Protected Status: An Overview

Temporary Protected Status (TPS) is a temporary immigration status provided to nationals of certain countries experiencing problems that make it difficult or unsafe for their nationals to be deported there.¹ TPS has been a lifeline to hundreds of thousands of individuals already in the United States when problems in a home country make their departure or deportation untenable. This fact sheet provides an overview of how TPS designations are determined, what benefits TPS confers, and how TPS beneficiaries apply for and regularly renew their status.

What is Temporary Protected Status?

Congress created Temporary Protected Status (TPS) in the Immigration Act of 1990.² It is a temporary immigration status provided to nationals of specifically designated countries that are confronting an ongoing armed conflict, environmental disaster, or extraordinary and temporary conditions.³ It provides a work permit and stay of deportation to foreign nationals from those countries who are in the United States at the time the U.S. government makes the designation.⁴ As of February 16, 2022, there were an estimated 354,625 people with TPS living in the United States.⁵ In addition, approximately 274,820 people may be eligible for TPS under five designations announced by the Biden since that date.⁶

For what reasons can a country be designated for TPS?

A country may be designated for TPS for one or more of the following reasons:⁷

- **An ongoing armed conflict**, such as a civil war, that poses a serious threat to the personal safety of returning nationals;
- **An environmental disaster**, such as an earthquake, hurricane, or epidemic, that results in a substantial but temporary disruption of living conditions, and because of which the foreign state is temporarily unable to adequately handle the return of its nationals; or
- **Extraordinary and temporary conditions** in the foreign state that prevent its nationals from returning to the state in safety (unless the U.S. government finds that permitting these nationals to remain temporarily in the United States is contrary to the U.S. national interest).

Who has the authority to designate a country for TPS?

The Secretary of Homeland Security has discretion to decide when a country merits a TPS designation.⁸ The Secretary must consult with other government agencies prior to deciding to designate a country—or part of a

country—for TPS.⁹ Although these other agencies are not specified in the statute, these consultations usually involve the Department of State, the National Security Council, and occasionally the Department of Justice (DOJ). The Secretary’s decision as to whether or not to designate a country for TPS is not subject to judicial review, according to immigration law.

How long are TPS designations?

A TPS designation can be made for 6, 12, or 18 months at a time.¹⁰ At least 60 days prior to the expiration of TPS, the Secretary must decide whether to extend or terminate a designation based on the conditions in the foreign country.¹¹ Decisions to begin, extend, or terminate a TPS designation must be published in the Federal Register.¹² If an extension or termination decision is not published at least 60 days in advance of expiration, the designation is automatically extended for six months.¹³ The law does not define the term “temporary” or otherwise limit the amount of time for which a country can have a TPS designation.

Who is eligible for TPS?

In order to qualify for TPS, an individual must:¹⁴

- Be a national of the foreign country with a TPS designation (or if stateless, have last habitually resided in a country with a TPS designation);
- Be continuously physically present in the United States since the effective date of designation;
- Have continuously resided in the United States since a date specified by the Secretary of Homeland Security; and
- Not be inadmissible to the United States or be barred from asylum for certain criminal or national security-related reasons, such as individuals who have been convicted of any felony or two or more misdemeanors.

Nationals of a designated country do not automatically receive TPS, but instead must register during a specific registration period and pay significant fees. In addition, an individual’s immigration status at the time of application for TPS has no effect on one’s eligibility, nor does the previous issuance of an order of removal.

What does TPS authorize a noncitizen to do?

An individual who is eligible for TPS must register by submitting an application to U.S. Citizenship and Immigration Services (USCIS), an agency of the Department of Homeland Security (DHS).¹⁵ If a person demonstrates eligibility and USCIS grants TPS, that person receives a temporary stay of deportation and temporary authorization to work in the United States.¹⁶ TPS beneficiaries are also eligible for advance parole, which provides permission to travel abroad and return to the United States, but they must apply for it separately.¹⁷ As of July 2022, USCIS will discontinue the use of advance parole for TPS recipients and instead

create a TPS-specific travel document that uses a separate legal authority to permit TPS recipients to travel outside the United States and be inspected and admitted on their return.¹⁸ Beneficiaries are not eligible for any public assistance by virtue of their TPS status.¹⁹

Which countries have TPS?

As of November 2022, the following 15 countries were designated for TPS and the designation had not expired:²⁰

- **Afghanistan** (Valid through November 20, 2023)²¹
- **Burma** (Valid through May 25, 2024)²²
- **Cameroon** (Valid through December 7, 2023)²³
- **El Salvador** (Extended until June 30, 2024)²⁴
- **Ethiopia** (Valid through June 12, 2024)²⁵
- **Haiti** (Valid through August 3, 2024)²⁶
- **Honduras** (Extended until June 30, 2024)²⁷
- **Nepal** (Extended until June 30, 2024)²⁸
- **Nicaragua** (Extended until June 30, 2024)²⁹
- **Somalia** (Extended until March 17, 2023)³⁰
- **South Sudan** (Extended until November 3, 2023)³¹
- **Sudan** (Extended until October 19, 2023)³²
- **Syria** (Extended until March 31, 2024)³³
- **Ukraine** (Valid through October 19, 2023)³⁴
- **Venezuela** (Extended until March 10, 2024)³⁵
- **Yemen** (Extended until March 3, 2023)³⁶

Which countries have had TPS in the past?

Since TPS was created, the following countries or parts of countries have had TPS designations that are now terminated:

- **Angola** (Expired March 29, 2003)³⁷
- **Bosnia-Herzegovina** (Expired February 10, 2001)³⁸
- **Burundi** (Expired May 2, 2009)³⁹
- **Guinea** (Expired May 21, 2017)⁴⁰
- **Guinea-Bissau** (Expired September 10, 2000)⁴¹
- **Province of Kosovo** (Expired December 8, 2000)⁴²
- **Kuwait** (Expired March 27, 1992)⁴³
- **Lebanon** (Expired April 9, 1993)⁴⁴
- **Liberia** (Expired May 21, 2017)⁴⁵
- **Montserrat** (Expired August 27, 2004)⁴⁶
- **Rwanda** (Expired December 6, 1997)⁴⁷
- **Sierra Leone** (Expired May 21, 2017)⁴⁸

Does TPS create a path to permanent residence or citizenship?

TPS does not provide beneficiaries with a separate path to lawful permanent residence (a green card) or citizenship.⁴⁹ However, a TPS recipient who otherwise is eligible for permanent residence may apply for that status.⁵⁰

Generally, a person who entered the United States without inspection is not eligible to apply for permanent residence. Six federal appellate circuits previously ruled on this issue.⁵¹ Three federal appellate circuits (the Sixth, Eighth, and Ninth Circuits) ruled that a person with valid TPS status could adjust status to lawful permanent residence if otherwise eligible through a family-based or employment-based petition, even if he or she entered the United States without inspection. Three other federal appellate courts (the Third, Fifth, and Eleventh Circuits) ruled that a TPS recipient who entered without inspection is not eligible to adjust to permanent residence.

In June 2021, the Supreme Court subsequently ruled that a TPS recipient who entered the United States without inspection is not eligible to adjust to permanent residence from within the United States, overturning the prior decisions by the Sixth, Eighth, and Ninth Circuits.⁵² In order to gain permanent resident status, a TPS recipient who initially entered the United States without inspection must depart the country to have a visa processed at a consular post. For many TPS holders, a departure to have a visa interview would trigger bars to re-entry for up to 10 years.

Alternatively, some TPS recipients may be eligible to adjust status if they were granted advance permission from USCIS (referred to as advance parole), traveled abroad, and were paroled back into the United States. After July 2022, some TPS recipients may become eligible to adjust status after being granted authorization to travel through a TPS-specific travel document, and then being inspected and admitted upon their return.⁵³

What happens to a TPS beneficiary when a TPS designation ends?

TPS beneficiaries return to the immigration status that the person held prior to receiving TPS, unless that status has expired or the person has successfully acquired a new immigration status.⁵⁴ TPS beneficiaries who entered the United States without inspection and who are not eligible for other immigration benefits, for example, would return to being undocumented at the end of a TPS designation and become subject to removal.

How are “Deferred Enforced Departure” and “Extended Voluntary Departure” related to TPS?

Deferred Enforced Departure (DED) is very similar to TPS but derives from the President’s foreign policy authority rather than from a specific law.⁵⁵ As of December 2022, the only groups designated for DED were Liberian nationals, effective until June 30, 2024,⁵⁶ and certain residents of Hong Kong, effective until February 5, 2023.⁵⁷

- There are no explicit criteria for making DED decisions or for determining who would be eligible for DED once a designation is determined.
- Just like TPS holders, DED beneficiaries receive a work permit and stay of deportation; however, they are not permitted to travel abroad.⁵⁸

Employment authorization for Liberians under DED will expire on June 30, 2024.⁵⁹ Liberians covered by DED may be eligible for permanent resident status under Section 7611 of the National Defense Authorization Act for Fiscal Year 2020,⁶⁰ Liberian Refugee Immigration Fairness (LRIF).⁶¹ Under the LRIF as enacted on December 20, 2019, certain Liberian nationals were given a one-year window to pursue permanent residency in the U.S.⁶² This window was subsequently extended for an additional year, through December 20, 2021.⁶³

Extended Voluntary Departure (EVD) was the predecessor to TPS prior to the Immigration Act of 1990. It was a discretionary authority used by the Attorney General (at a time when the Immigration and Naturalization Service was housed in DOJ) to give nationals of certain countries experiencing turbulent country conditions temporary permission to remain in the United States. Congress eliminated EVD with the creation of TPS.

Endnotes

1. 8 U.S.C. § 1254a.
2. Immigration Act of 1990, Pub. L. 101-649, 104 Stat. 4978 (1990).
3. *Ibid.*
4. *Ibid.*
5. Jill H. Wilson, *Temporary Protected Status and Deferred Enforced Departure* (Washington, DC: Congressional Research Service, updated April 19, 2022), p. 6, <https://sgp.fas.org/crs/homesec/RS20844.pdf>.
6. *Ibid.*; Designation of Ethiopia for Temporary Protected Status, 87 Fed. Reg. 76,074 (Dec. 12, 2022); Hamed Aleaziz, “Biden extends temporary protections to 110,000 Haitians in the U.S.,” *Los Angeles Times*, Dec. 5, 2022, <https://www.latimes.com/world-nation/story/2022-12-05/biden-deportation-protections-haitians>.
7. 8 U.S.C. § 1254a(b). Note that TPS designations based on an environmental disaster also require the foreign state to officially request designation. This request is not required for TPS designations for other reasons.
8. 8 U.S.C. § 1254a.
9. *Ibid.*
10. 8 U.S.C. § 1254a(b). Occasionally, the Secretary will re-designate a country for TPS, which is different from an extension in that it updates the physical presence requirement to allow those foreign nationals who have arrived in the United States since the previous designation to apply for TPS.
11. *Ibid.*
12. 8 C.F.R. § 244.19.
13. *Ibid.*
14. 8 C.F.R. § 244.
15. *Ibid.* § 244.7.
16. 8 U.S.C. § 1254a(a).
17. 8 C.F.R. § 244.15.
18. U.S. Citizenship and Immigration Services, “Policy Memorandum PM-602-0188, Rescission of Matter of Z-R-Z-C- as an Adopted Decision; agency interpretation of authorized travel by TPS beneficiaries,” July 1, 2022, <https://www.uscis.gov/sites/default/files/document/memos/PM-602-0188-RescissionofMatterofZ-R-Z-C-.pdf>.
19. 8 U.S.C. § 1254a(f).
20. U.S. Citizenship and Immigration Services (USCIS), “Temporary Protected Status,” last updated August 1, 2022, <https://www.uscis.gov/humanitarian/temporary-protected-status>.
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24. Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal, 87 Fed. Reg. 68717 (Nov. 16, 2022),..
25. Designation of Ethiopia for Temporary Protected Status, 87 Fed. Reg. 76,074 (Dec. 12, 2022).
26. U.S. Department of Homeland Security, “Secretary Mayorkas Extends and Redesignates Temporary Protected Status for Haiti for 18 Months,” December 5, 2022, <https://www.dhs.gov/news/2022/12/05/secretary-mayorkas-extends-and-redesignates-temporary-protected-status-haiti-18>.
27. Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan,

- Honduras, and Nepal, 87 Fed. Reg. 68717 (Nov. 16, 2022).
28. Ibid.
 29. Ibid.
 30. Extension and Redesignation of Somalia for Temporary Protected Status, 86 Fed. Reg. 38744 (July 22, 2021), <https://www.federalregister.gov/documents/2021/07/22/2021-15595/extension-and-redesignation-of-somalia-for-temporary-protected-status>.
 31. Extension and Redesignation of South Sudan for Temporary Protected Status, 87 Fed. Reg. 12190 (March 3, 2022), <https://www.federalregister.gov/documents/2022/03/03/2022-04573/extension-and-redesignation-of-south-sudan-for-temporary-protected-status>.
 32. Designation of Sudan for Temporary Protected Status, 87 Fed. Reg. 23202 (Apr. 19, 2022), <https://www.federalregister.gov/documents/2022/04/19/2022-08363/designation-of-sudan-for-temporary-protected-status>.
 33. Extension and Redesignation of Syria for Temporary Protected Status, 87 Fed. Reg. 46982 (Aug. 1, 2022), <https://www.federalregister.gov/documents/2022/08/01/2022-16508/extension-and-redesignation-of-syria-for-temporary-protected-status>.
 34. Designation of Ukraine for Temporary Protected Status, 87 Fed. Reg. 23211 (Apr. 19, 2022), <https://www.federalregister.gov/documents/2022/04/19/2022-08390/designation-of-ukraine-for-temporary-protected-status>.
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 38. Termination of the Designation of Bosnia-Herzegovina for Temporary Protected Status, 65 Fed. Reg. 52789 (Aug. 30, 2000), <https://www.federalregister.gov/d/00-22138>.
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 43. Termination of Designation of Kuwait under Temporary Protected Status Program, 57 Fed. Reg. 2930 (Jan. 24, 1992), <https://www.loc.gov/item/fr057016/>.
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 49. 8 U.S.C. § 1254a(f).
 50. Ibid. § 1254a.

51. Flores v. USCIS, 718 F.3d 548 (6th Cir. 2013); Velasquez v. Barr, 979 F.3d 572 (8th Cir. 2020); Ramirez v. Brown, 852 F.3d 954, 958 (9th Cir. 2017); Sanchez v. Sec. U.S. Dept. of Homeland Sec., 967 F.3d 242 (3d Cir. 2020), cert. granted sub nom. Sanchez v. Wolf, 20-315, 2021 WL 77237 (U.S. Jan. 8, 2021); Solorzano v. Mayorkas, ___ F.3d ___, No. 19-50220, 2021 WL 365830 (5th Cir. Feb. 3, 2021); Serrano v. United States Attorney General, 655 F.3d 1260 (11th Cir. 2011).
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63. Ibid.