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Immigration Magazine

TPS for El Salvadorians Until March 9, 2012

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On July 12, 2010, the U.S. Citizenship and Immigration Services (USCIS) announced that the U.S. Department of Homeland Security (DHS) will extend the temporary protection status (TPS) for another 18 months for eligible El Salvador nationals, from the current expiration date of September 9, 2010 to the new expiration date of March 9, 2012.

To qualify, eligible applicants must submit their TPS applications to the USCIS between July 9, 2010 and September 7, 2010. The applicants must apply within this time frame to avoid immigration complications. Applications outside this time frame may be possible depending on the circumstances of each case.

For existing TPS beneficiaries seeking re-registration of their TPS, the USCIS will automatically extend existing employment authorization documents (EAD) held by TPS beneficiaries for 6 months, until March 9, 2011 but they must still apply for their re-registration of TPS between July 9, 2010 and September 7, 2010. For those seeking to extend their EAD, they must also submit their applications to extend their EAD.

For eligibility, the applicants must meet the following criteria including, but are not limited to:

1. Applicants must be a national of, or for those without a nationality, last habitually resided in El Salvador;
2. Applicants must have been continuously resided in the United States since February 13, 2001; and
3. Applicants must have been continuously present, physically, in the United States, since March 9, 2001.

Late applicants or late registrants may apply for this TPS benefits if they could demonstrate that in 2001, the applicants were in valid nonimmigrant status or had other form of immigration relief(s) such as:

1. Voluntary departure;
2. Relief from removal;
3. Parolee or pending re-parole application;

4. Being a spouse or child of a foreign national currently eligible to be a TPS registrant; OR
5. Have pending application for one of the following:
 - (a) Adjustment of status
 - (b) Change of status
 - (c) Asylum
 - (d) Voluntary departure
 - (e) Removal, including those under review or appeal

Qualify TPS beneficiaries may apply for green card, other nonimmigrant or visa status, based on other non-TPS immigration sponsorships/applications. Some may require separate waiver applications when applying for immigration benefits. For those who have advance parole documents to travel internationally, they must have their immigration thoroughly reviewed before they embark on any international travels. All TPS beneficiaries/applicants should have their immigration history status thoroughly reviewed as they may need separate waiver applications.

For further information on I-601 waiver applications/cases, please also read our articles on "Permanent or long-term residency in the U.S. does not mean "permanent", even for those with U.S. citizen spouse/child(ren), I-131 advance parole/re-entry permit, and/or green card!" at <http://tiyalaw.blogspot.com/2010/04/permanent-or-long-term-residency-in-us.html> and "I-601 Waivers: Improvement in Standards for Extreme Hardships, Concurrent Filings With I-130 Alien Relative Immigrant Petition, Adjudication, Processing Time Are Coming Soon!" at <http://www.immigrationresource.net/united-states-of-america/us-visas/i-601-waivers-improvement-in-standards-for-extreme-hardships-concurrent-filings-with-i-130-alien-relative-immigrant-petition-adjudication-processing-time-are-coming-soon/> or <http://tiyalaw.blogspot.com/2010/06/improvements-in-adjudication-standards.html>

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We represent companies, and individuals and their families in U.S. immigration law such as green card, work visa and waiver matters. We represent clients within the U.S. and abroad.

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