

Immigration resource news magazine for United states of america

Immigration Magazine

TPS for Haiti Has Been Extended for an Additional 18 Months, Until January 22, 2013

Tiyalaw · Friday, May 20th, 2011

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Temporary Protected Status (TPS) for Haiti has been extended for another 18 month (until Jan. 22, 2013). The re-designation was published in the Federal Register on May 19, 2011, and U.S. Citizenship and Immigration Services (USCIS) encourages applicants to review the Federal Register (at <http://www.gpo.gov/fdsys/pkg/FR-2011-05-19/html/2011-12440.htm>) which contains filing instructions for initial TPS application. TPS applicants (new or re-registration) may also visit www.uscis.gov/tps for additional information on application and/or re-registration procedures on TPS and work authorization.

Under the 2010 designation, TPS applicants were required to show that they had continuously resided in the United States since Jan. 12, 2010. Under the re-designation, eligible individuals who arrived up to one year of the earthquake in Haiti may now apply for TPS. However, individuals who are now attempting to enter the United States illegally will not be granted TPS.

The re-designation of TPS for Haiti encompasses the following TPS applicants:

A. Individuals who do not have TPS or a pending TPS application may begin filing immediately, starting May 19, 2011 and no later than Nov. 15, 2011.

- **Individuals filing for the first time and who do not currently have TPS:** Additional Haitians (and persons without nationality who last habitually resided in Haiti) who have continuously resided in the United States since Jan. 12, 2011, can apply for TPS, if they meet all other Haiti TPS eligibility criteria.
- **Individuals with pending TPS applications:** Individuals who have already applied for TPS under the initial designation announcement in January 2010 and whose applications are still pending as of May 19, 2011, will not need to file a new Form I-821, Application for Temporary Protected Status. These applicants with pending I-821 who need to extend or request an Employment Authorization Document (EAD) must file a new Form I-765,

Application for Employment Authorization, starting May 23, 2011.

B. Individuals who already have Haiti TPS must wait to file for re-registration when a Federal Register notice describing the re-registration procedure is published on May 23, 2011.

- **Individuals re-registering for TPS:** Individuals who already have approved TPS for Haiti must re-register starting May 23, 2011, and ending Aug. 22, 2011, once the Federal Register notice with re-registration instructions is published. For expedited processing, TPS beneficiaries are encouraged to file for re-registration as soon as the re-registration period begins on May 23, 2011.

All individuals registering for the first time or re-registering for TPS must file a Form I-821 and a Form I-765, with any required fees or a fee waiver request. Applicants of TPS re-registration will need to check the Federal Register, being published on May 23, 2011, for fee information. Eligible applicants may also request a waiver of application fees by filling an additional form I-912, and can obtain more information on fee waiver procedures at USCIS website at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=6fbad59ae8a8e010VgnVCM1000000ecd190aRCRD&vgnnextchannel=fe529c7755cb9010VgnVCM10000045f3d6a1RCRD>.

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We represent employers, and individuals and their families in green card and work visa matters in U.S. immigration law. We also have a focus on self-petition green card cases such as extraordinary ability and national interest waiver.

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