

TPS Extended For Sudan, Nicaragua, Haiti, and El Salvador

U.S. Citizenship and Immigration Services announced on Friday, March 1, 2019, the automatic extension of Temporary Protected Status (TPS) documentation for beneficiaries under the TPS designations for Sudan, Nicaragua, Haiti, and El Salvador until January 2, 2020. This automatic extension to January 2, 2020, applies to the validity of TPS-related Employment Authorization Documents (EADs), Forms I-797, Notice of Action (Approval Notice), and Forms I-94 Arrival/Departure Record from TPS beneficiaries from the countries noted above. Affected TPS beneficiaries must remain otherwise individually eligible for TPS.

The Secretary of Homeland Security may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely or where the country is unable to handle the return of its nationals adequately. The secretary can also designate a country for TPS due to the following temporary conditions in the country: (1) ongoing armed conflict (such as civil war), (2) an environmental disaster, and (3) "other extraordinary and temporary conditions."

This automatic extension will ensure that Department of Homeland Security (DHS) will continue to comply with the preliminary injunction in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018). In *Ramos*, the plaintiffs alleged that the Department of Homeland Security's decision to terminate TPS for Sudan, Nicaragua, Haiti, and El Salvador violated the Administrative Procedures Act, stemmed from racial discrimination, and infringed on the constitutional rights of TPS beneficiaries and their U.S. citizen children. In the event the primary injunction is reversed and the reversal is finalized, DHS will allow for "an orderly transition" period. DHS will issue a subsequent notice describing the steps DHS will take after January 2, 2020, should continued compliance with the preliminary injunction be necessary.



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