

Temporary Protection Status (TPS) for Haiti

In response to the January 12, 2010 earthquake tragedy in Haiti, the U.S. Department of Homeland Security (DHS) Secretary, Janet Napolitano, announced on January 15, 2010 that the United States will be granting Temporary Protection Status (TPS) for Haiti for 18 months. TPS is a temporary immigration status to qualified foreign nationals from Haiti.

To be eligible for this TPS, the applicant must meet criteria such as:

1. The applicant must either be a national of Haiti, or does not have any nationality but whose last habitual residence was Haiti.
2. The applicant must have been continuously present in the United States (U.S.) since January 12, 2010 and the date when TPS can be submitted to the immigration.

People who are not eligible to apply for this TPS include:

1. Those arriving in the U.S. after January 12, 2010.
2. Those convicted of a felony, or two or more misdemeanors.
3. Those subject to several other criminal and security-related bars to asylum, including participating in the persecution of another individual or engaging in or inciting terrorist activity.

These TPS applications can only be submitted to the government in the time frame below:

1. When the federal government publishes the TPS eligibility in the Federal Register. A Federal Register is an official journal of the federal government of the United States.

2. Once published in the Federal Register, the TPS application must be submitted to the government within 180 days.

For those with existing or future immigration applications, not related to this TPS:

1. Such TPS application does not affect an existing or other immigration case which was previously submitted to the immigration.
2. Similarly, a TPS applicant who has already applied for TPS but who has another form of immigration relief such as marriage- or employment-based sponsorship may continue to apply for the non-TPS immigration benefit, if eligible.

By virtue of the TPS application, an applicant will also be eligible to apply for employment authorization to work in the U.S. A TPS applicant will also be eligible to apply for advance parole, a type of travel document for international travel. How ever, a foreign national planning to travel internationally even with an advance parole should consult an experienced immigration attorney prior to the international travel because an advance parole document does not serve as a guarantee for re-entry into the U.S.

Advance parole is merely a document for the traveler to apply for permission to re-enter the U.S., and certain foreign nationals may not be allowed re-entry into the U.S. after their international travels.

The standard documents required to apply for TPS will include proof of nationality, or if lack of nationality, habitual residence for Haiti; and continuous presence in the U.S. since January 12, 2010. Secondary evidence may be used, where applicable. The final procedures for filing the TPS application will be announced in the Federal Register.

Separate government application filing fees will be apply for a TPS application, employment authorization document and advance parole. Under certain circumstances, the filing fee(s) may be waived.

Most non-United States (U.S.) citizens (even green card holders) who are in the U.S. are required by law to notify DHS of any change of address within 10 days after moving to a new address by filing a Form AR-11, Change of Address. The form AR-11 may be filed electronically on DHS website at <https://egov.uscis.gov/crisgwi/go?action=coa>

Failure to comply with the U.S. change of requirement is a misdemeanor crime, punishable by fine (up to \$200) and/or imprisonment (up to 30 days), and may also subject the non-U.S.

citizen to deportation.

By Aik Wan Kok of Tiya PLC.

www.tiyaimmigration.com ; www.tiyalaw.blogspot.com ; www.immigrationresource.net

All Rights Reserved.□

This article is intended for informational purposes only, and should not be relied on as a legal advice or an attorney-client relationship