

TPS for Syrians: 5 Key Facts You Should Know Before You Apply

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Because of the continuing armed conflict and worsening of country conditions in Syria, the Department of Homeland Security (DHS) recently announced an extension of Temporary Protected Status (TPS) for certain Syrian nationals and residents who are in the United States. If you intend to apply, here are five key facts you need to know:

1. What is TPS?

TPS is a legal status designated by the DHS, which allows qualified applicants to remain in the U.S. without fear of deportation. It is not permanent residence (green card) and does not lead to a green card. Rather, it is a temporary program of the DHS that can be terminated at any time. Currently, for Syrian nationals and residents, TPS has been extended through March 31, 2015, which means those granted TPS will keep that status through that date. Depending upon country conditions in Syria in 2015, TPS could be extended or terminated at that time.

2. What will happen to applicants if and when TPS ends?

TPS is a temporary benefit. If the DHS terminates the TPS program, your TPS status will be terminated, and you will revert to the status you had before receiving TPS. For example, if you were an F-1 student when you received TPS, you will revert to F-1 status if TPS terminated, provided you are still enrolled in school. If your previous

legal status expired, then you are deportable once TPS ends and are expected to leave the United States. Keep in mind that registration for TPS does not prevent you from:

- Applying for any other nonimmigrant status, such as H-1B temporary worker status.
- Filing for the green card based on an immigrant petition through qualifying employment or family relationship.
- Applying for any other immigration benefit or protection such as asylum, if eligible.

It's important to know that denial of an application for asylum or any other immigration benefit does not affect your ability to register for TPS. However, the reasons for denial of that application may also lead to denial of TPS.

3. Who qualifies for TPS?

Currently, TPS is available for nationals and residents of Syria, El Salvador, Haiti, Honduras, Nicaragua, Somalia, Sudan, and South Sudan. Syrian nationals and habitual residents are eligible if the following requirements are met:

- You must be a national of Syria, or have no nationality but last normally resided in Syria;
- You must have continuously resided in the United States since June 17, 2013 and remain physically present in the U.S. through October 1, 2013;
- You must not have been convicted of any felony or two or more misdemeanors committed in the United States;

- You must not have been found inadmissible in previous immigration proceedings as an immigrant under certain grounds, including non-waivable criminal and security-related grounds; and
- You must not be subject to any of the mandatory bars to asylum, such as participating in the persecution of another individual or engaging in or inciting terrorist activity.

4. What are benefits of TPS?

The primary benefit of TPS is legal status in the United States, albeit temporary. In addition, applicants can get work authorization in the form of an employment authorization document (EAD) that allows employment with any employer. Applicants also may receive advance parole to allow them return to the United States after international travel. An applicant who leaves the United States without requesting advance parole may lose TPS and may be denied re-entry to the United States. Even with approval of advance parole, you should seek legal advice before international travel. In certain circumstances, such as unlawful presence before receiving TPS, you may lose immigration benefits because of international travel.

5. What is the procedure for TPS?

- If you already have TPS from the first registration period in 2012, you must file an application and re-register for TPS from June 17, 2013 through August 16, 2013.
- If your TPS application is pending, you do not need to file another application at this time.
- If you do not have TPS or do not have a pending TPS application, you must apply for TPS between June 17, 2013 and December 16, 2013.

TPS is a valuable benefit for those who qualify and its legal consequences should be understood before applying. Always consult with an immigration attorney when considering any changes to your immigration status. This information is provided as an educational service by Badmus Law Firm. If you have questions about TPS or other complex immigration rules that affect you, you are invited to call us 888-849-9104 or [click here for a consultation](#).