

Interpreter Releases Report and analysis of immigration and nationality law
© 2008 Thomson Reuters/West.

November 24, 2008

***3139** 6. USCIS Extends TPS Re-Registration Period for Nicaraguans and Hondurans

U.S. Citizenship and Immigration Services (USCIS) has extended the re-registration period for nationals of Nicaragua and Honduras who have been granted temporary protected status (TPS) and are now eligible to re-register and maintain their status for an additional 18 months. Initially, the 60-day re-registration period for nationals of Honduras and Nicaragua began October 1, 2008, and ended on December 1, 2008. This re-registration period is now being extended through December 30, 2008.

Notices announcing that the TPS designations of Honduras [FN23] and Nicaragua [FN24] have been extended 18 months from January 6, 2009, through July 5, 2010, were published in the Federal Register on October 1, 2008. That same day, USCIS also published notice that the TPS designation of El Salvador was being extended. [FN25] Unlike the Nicaraguan and Honduran notices, the notice extending the designation of El Salvador establishes a 90-day re-registration period also beginning on October 1, 2008, but ending on December 30, 2008. [FN26] Therefore, USCIS has extended the Nicaraguan and Honduran re-registration periods to December 30 to avoid confusion among the three re-registration periods.

Unlike the prior extensions of TPS for Nicaragua and Honduras, the October 1 TPS extension notices did not automatically extend previously-issued employment authorization documents (EADs). However, USCIS will not be able to process and re-issue new EADs for all of the beneficiaries of the TPS extension by the January 5, 2009 date. As a result, USCIS has decided to automatically extend the validity of EADs for eligible Honduran and Nicaraguan TPS beneficiaries for six months through July 5, 2009. The automatic extension will begin on January 6, 2009, and is intended to allow eligible TPS beneficiaries to re-register and receive an EAD without any lapse in employment authorization.

Nicaraguan and Honduran nationals (and people having no nationality who last habitually resided in Honduras and Nicaragua) are eligible to receive the automatic six-month extension of their EADs if they applied for and received an EAD under the Nicaraguan or Honduran TPS designation and have not had TPS withdrawn or denied. This automatic extension is limited to EADs issued on Form I-766, Employment Authorization Document, bearing an expiration date of January 5, 2009. These EADs must also bear the notation "A-12" or "C-19" on the face of the card under "Category." New EADs or extension stickers showing the July 5, 2009 expiration date of the six-month automatic extension will not be issued, and employers should not ask for additional Form I-9 documentation if presented with an EAD that has been automatically extended and the EAD reasonably appears on its face to be genuine and to relate to the employee nor should an employer ask for proof of Nicaraguan or Honduran citizenship. USCIS advises that, to avoid confusion at the time of hire or re-verification, qualified individuals may present a copy of the applicable Federal Register notice regarding the automatic extension of EADs through July 5, 2009. After July 5, 2009, a qualified individual may present a new EAD valid through July 5, 2010. Alternatively, any legally acceptable document or combination of documents as listed on the Form I-9 may be presented as proof of identity and employment eligibility.

© 2008 Thomson Reuters/West. No Claim to Orig. US Gov. Works.