

Temporary Protected Status (TPS): *Updates for Health and Human Service Teams*

Background

Temporary Protected Status (TPS) is a form of status for non-immigrants who cannot return to their country due to temporary, extreme conditions (such as large-scale natural disasters). People with TPS can work, live, and travel in the United States without fear of deportation while they are here. The program generally is either renewed or allowed to expire at the end of each designated period—and it is supposed to be renewed if conditions in the other country remain unsafe.

But federal policy is changing, and the Department of Homeland Security is terminating TPS programs *before* conditions in home countries have improved.

- TPS for people from **Sudan, Nicaragua, Nepal, Haiti, El Salvador, and Honduras** was terminated by mid-2018.
- People from only four countries with TPS status – Yemen, Somalia, South Sudan, and Syria – received an extension!
- People are experiencing confusion and concern about how to plan for life after the terminations.

Challenging the New Policy in Court



On October 3, 2018, a federal judge concluded that TPS was wrongfully terminated for people from **El Salvador, Haiti, Nicaragua, and Sudan** because the policy was changed “based on animus against nonwhite, non-European immigrants.” *Ramos v. Nielsen*, 321 F.Supp.3d 1083 (2018). The court held that the terminations had to be undone! This was great news—for *everyone except Nepalese and Honduran populations*, who still must choose between returning to unsafe conditions or risking deportation.

The Department of Homeland Security now has two sets of policies:

Countries **included** in the court case (El Salvador, Haiti, Nicaragua, and Sudan) now have:

- *Automatic nine-month TPS extensions indefinitely* unless a higher court overturns the decision
- *One final six-month TPS extension after the decision* if a higher court does overturn it
- *The ability to re-register for TPS at no cost* if the person had not done so already

For TPS holders from countries **not included** in the court case:

- Nepali TPS terminates on June 24, 2019
- Honduran TPS terminates on January 5, 2020