

Good News for Haitians: TPS Extended Until January 22, 2013

Written by U.S Immigration News
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According to a Memo published by the Office of Communication of the U.S. Citizenship & Immigration Services on May 19, 2011, the “Secretary of Homeland Security Janet Napolitano has announced the re-designation of Haiti for Temporary Protected Status (TPS) and extended the country’s current TPS designation for 18 months—through Jan. 22, 2013.

Secretary Napolitano first announced that she was designating Haiti for TPS on Jan. 15, 2010, after major earthquakes devastated the country. The designation was effective on Jan. 21, 2010. Following consultations with other Federal Agencies, Secretary Napolitano has determined that current conditions in Haiti support extending the designation period for current TPS beneficiaries and re-designating Haiti for TPS. The re-designation re-establishes the date by which applicants must prove that they have continuously resided in the United States. Applicants must have continuously resided in the United States since Jan. 12, 2011.”

It appears that many more Haitians who were not eligible for TPS when it was first established last year will now be eligible since the required entry date has been changed from January 12, 2010 to January 12, 2011. If you are a Haitian and you entered the United States at anytime before January 12, 2011, you are eligible to apply for TPS.

According to the USCIS memo “The TPS re-designation of Haiti allows eligible Haitians (and persons without nationality who last habitually resided in Haiti) who do not currently have TPS, or have a pending TPS application, *and* who have continuously resided in the United States since Jan. 12, 2011, to start applying immediately. Applicants can file for TPS during a 180-day registration period that begins today and ends Nov. 15, 2011. The extension will also allow Haitians who currently have TPS to re-register from May 23, 2011, until Aug. 22, 2011, following the publication of the second *Federal Register* notice on May 23, 2011, outlining re-registration procedures. Haitians who already have TPS must not file before May 23, 2011, for re-registration or their applications will be rejected.

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Individuals who attempt to enter the United States illegally now will not be granted TPS and will be repatriated consistent with U.S. policy.”

General Eligibility Requirements

To qualify for TPS under the Haiti re-designation, you must:

Timely file your initial TPS application package during the 180-day registration period that runs from May 19, 2011, through Nov. 15, 2011;

Be a national of Haiti, or a person without nationality who last habitually resided in Haiti;

U.S. law defines a “national” as “a person owing permanent allegiance to a state.” USCIS accepts the definition of a Haitian national as stated in Haiti's constitution. If you have questions about the definition of a Haitian national, please consult a legal advisor.

Have continuously resided in the United States since Jan. 12, 2011;

Be continuously physically present in the United States since July 23, 2011, the effective date of the re-designation of Haiti as described in the *Federal Register* notice. USCIS will make the final determination of TPS eligibility after July 23, 2011, for applications under the re-designation, but employment authorization documentation will be issued during the registration period in advance of that date to initial applicants who are found *prima facie* eligible for TPS in accordance with 8 C.F.R. §244.5(b) (see below for description of *prima facie* eligibility);

Meet certain immigrant admissibility requirements;

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Meet other TPS eligibility requirements specified in section 244 of the INA and implementing regulations at 8 C.F.R. Part 244; and

Satisfactorily complete all TPS application procedures as described in the Federal Register notice announcing Haitian TPS, the TPS application (Form I-821) instructions, and appropriate regulations.

Individuals may **NOT** be eligible for TPS if they:

Have been convicted of any felony or two or more misdemeanors committed in the United States;

Are found inadmissible as an immigrant under applicable grounds in INA section 212(a), including non-waivable criminal and security-related grounds; or

Are subject to any of the mandatory bars to asylum. These include, but are not limited to, participating in the persecution of another individual or engaging in or inciting terrorist activity.”

This article is for your information only, it is not a legal advice and should not be substituted for legal advice that could only be rendered by your attorney. If you need an immigration attorney to help you apply for TPS, please call Attorney Famuyide’s office for appointment immediately at 718-647-6767 or send email to jfamuyide@aol.com .

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