

## Fact Sheet on **T**emporary **P**rotected **S**tatus for Clients from Venezuela

### Overview

On March 8, 2021, the Department of Homeland Security (Immigration) designated Venezuela as a Temporary Protected Status (“TPS”) country, due to “extraordinary and temporary conditions in Venezuela that prevent nationals from returning safely, including a complex humanitarian crisis marked by widespread hunger and malnutrition, a growing influence and presence of non-state armed groups, repression, and a crumbling infrastructure.” As such, individuals from Venezuela who can prove that they have been present in the United States since yesterday’s announcement and who are not disqualified due to serious criminal convictions may immediately submit initial TPS applications.

**To qualify for TPS, a person must 1) be a citizen or national of Venezuela, 2) submit the application form, filing fee or fee waiver, and supporting materials to USCIS starting on March 9, 2021, 3) attend a fingerprinting appointment, and 4) if ever arrested, demonstrate that they are not barred from TPS eligibility and that they still merit an approval.**

*Although individuals can prepare TPS applications on their own, Step 4 is the trickiest part and should be done with the assistance of an attorney or representative, if applicable.*

The TPS registration period for Venezuela opens on **March 9, 2021 and closes on September 5, 2021**. Individuals who do not submit an application within that time frame become ineligible.

You may seek TPS if you meet the above requirements, even if you have another temporary immigration status—but note, if you are a Lawful Permanent Resident (“LPR” or Green Card Holder) you do not need TPS. You may also apply for TPS if you have no immigration status, are in deportation proceedings, or even if you have an order of deportation against you. The TPS designation period will last 18 months from the date of enactment (not the date that a person’s application is granted). **The TPS designation period for Venezuela starts on March 9, 2021 and ends on September 9, 2022.** Immigration usually extends TPS designation periods several times, and if it does, you may submit a renewal application at that time, assuming you applied for and were granted TPS during the initial designation period.

Once granted TPS, individuals can receive an Employment Authorization Document (“EAD” work permit), permission to remain in the United States for the designated period (and through any period that DHS extends the designation period, assuming individual timely files a renewal application), and the ability to seek permission to travel internationally for short periods of time. Other state-specific benefits may apply, including Medicaid eligibility in NYC. **There are no derivative benefits under TPS, meaning that each member of an eligible family will have to submit their own application and pay a separate filing fee or submit a fee waiver request.**

## **TPS Eligibility Criteria:**

### **(1) Prove you are Venezuelan**

- a. Passports, birth certificates with photo identification, OR national identity document from Venezuela with your photo and/or fingerprint.

### **(2) Prove you were in the U.S. on March 8, 2021,**

- a. Passport entry stamp, I-94 Arrival/Departure Record, OR
- b. Other documents that prove your entry to the U.S. on or before March 8, 2021.

### **(3) Prove you have been residing in the U.S. continuously since then. Examples of documents that you can submit to prove this criterion include:**

- a. Employment records (pay stubs, W-2 forms, IRS tax transcripts, state verification of filing state taxes, letters from your employer, statements from banks with whom you have done business)
- b. Rent receipts, utility bills (gas, electric, phone, etc.), receipts, or letters from companies showing dates you received service.
- c. School records (report cards, letters, etc.) from schools you or your children attended in the U.S., showing names of the schools and dates of attendance.
- d. Hospital or medical records for treatment you or your children received, showing name of the medical facility or physician and the dates of treatment or hospitalization.
- e. Attestations by churches or other organizations, concerning your residence and identifying you by name.
- f. Other miscellaneous documents, such as birth certificates of your children born here, dated bank transactions and wire transfers, letters, U.S. Social Security card, driver's license, Selective Service card, contracts, mortgages, insurance policies, etc.

## **Forms**

To apply for TPS, you will need to file at least **Form I-821**. If you would like an Employment Authorization Document (“EAD” or “work permit”), you will need to also file **Form I-765**. If you would like to request a fee waiver, you will need to file **Form I-912** (or ask for a fee waiver in writing). You might need to file Form I-601, if certain “inadmissibility grounds” apply in your case.

The forms can all be downloaded for free from the USCIS website ([www.uscis.gov](http://www.uscis.gov)), but there are filing fees that must be paid, unless the fees are waived.