

ARE YOU A NATIONAL OF HAITI? YOU MAY BE ELIGIBLE FOR TEMPORARY PROTECTED STATUS (TPS)

Disclaimer: This advisory has been created by The Legal Aid Society, Immigration Law Unit. This advisory is not legal advice, and does not substitute for the advice of an immigration expert.

If you are a Haitian national who has been in the U.S. since July 29, 2021 and you do not have permanent immigration status here, you may be able to apply for Temporary Protected Status (TPS), which would allow you to live and work legally in the U.S. for as long as Haiti is designated a TPS country.

What is Temporary Protected Status?

Temporary Protected Status (TPS) is a status that allows you to live and work legally in the U.S. It is valid for 18 months at a time, allows you to apply for a work permit and a Social Security Number, and may be renewed for as long as Haiti is designated a TPS country.

When can I apply for TPS?

The TPS registration period for Haitian nationals is open from August 3, 2021 and ends on February 3, 2023.

If I am approved, how long will TPS be valid for?

The current period of TPS for Haiti starts on August 3, 2021 and ends on February 3, 2023. The U.S. government could choose to extend TPS for Haiti. If it does get extended and you were approved during this current registration period, you would need to renew your registration during the next registration period.

If I had TPS before under the January 2010 or January 2011 designations, do I need to apply now under this designation?

Even if you already have Haitian TPS through October 4, 2021 because of earlier designations, you should apply now as a first-time applicant under the August 3, 2021 designation.

What documents will I need for my TPS application?

In order to apply for TPS, you will need to prove three things: (1) that you are Haitian, (2) that you were residing in the U.S. on July 29, 2021, and (3) that you have been residing in the U.S. continuously since then.

(1) Proof of Haitian Nationality

- Passport, birth certificate with photo identification, OR national identity document from Haiti with your photo and/or fingerprint.

(2) Date of Entry

- Passport entry stamp, I-94 Arrival/Departure Record, OR other documents that prove your entry to the U.S. on or before July 29, 2021.

(3) Residence in U.S. from on or before July 29, 2021 to the present:

- 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).
- Rent receipts, utility bills (gas, electric, phone, etc.), receipts, or letters from companies showing dates you received service.
- 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.
- 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.
- Attestations by churches, unions or other organizations, concerning your residence and identifying you by name.
- 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.

If I am from Haiti, is TPS guaranteed for me?

No. Even if you are from Haiti, you would be ineligible for TPS if:

1. you have voluntarily returned to Haiti or to a country in which you last habitually resided outside the U.S.;
2. you have not continuously resided in the U.S. since July 29, 2021;
3. you have been convicted of any felony or 2 or more misdemeanors committed in the United States.
 - a. If you have ever been arrested, cited or convicted of an offense, you should obtain a Certificate of Disposition for each matter, and you should speak to an immigration law expert before applying for TPS.

Which forms will I need to file?

To apply for TPS, you will need to file at least Form I-821. If you would like an employment authorization document (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 also 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), but there are filing fees that must be paid, unless the fees are waived.

For more information, please call the Legal Aid Society's Immigration Helpline from 9:00am-5:00pm Monday through Friday at (844) 955-3425.