

ARE YOU A NATIONAL OF AFGHANISTAN? 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 national of Afghanistan (or if you have no nationality and last habitually resided in Afghanistan) and are in the U.S. now 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 Afghanistan 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 Afghanistan is designated a TPS country.

When can I apply for TPS?

The TPS registration period for nationals of Afghanistan (and for individuals who have no nationality and who last habitually resided in Afghanistan) is open from May 20, 2022 and ends on November 20, 2023.

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

The current period of TPS for Afghanistan starts on May 20, 2022 and ends on November 20, 2023. The U.S. government could choose to extend TPS for Afghanistan. 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.

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 a national of Afghanistan, (2) that you were residing in the U.S. on March 15, 2022, and (3) that you have been residing in the U.S. continuously since then.

(1) Proof of Afghan Nationality

- Passport, birth certificate with photo identification, OR national identity document from Afghanistan 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 March 15, 2022.

(3) Residence in U.S. from on or before March 15, 2022 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 Afghanistan, is TPS guaranteed for me?

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

1. you have voluntarily returned to Afghanistan 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 March 15, 2022;
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 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.

