

August 22, 2023

Secretary Alejandro Mayorkas  
U.S. Department of Homeland Security  
3801 Nebraska Avenue NW  
Washington, DC 20016

Director Ur Jaddou  
U.S. Citizenship and Immigration Services  
20 Massachusetts Ave NW  
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Deputy Ombudsman Nathan Stiefel  
Office of the Citizenship and Immigration Services Ombudsman  
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**RE: REQUEST FOR AN EXTENSION OF THE RE-REGISTRATION PERIOD FOR RAMOS BENEFICIARIES**

Secretary Mayorkas, Director Jaddou, and Deputy Ombudsman Stiefel:

I write on behalf of our coalition of immigrant rights organizations, community service providers, and legal practitioners serving the impacted immigrant communities in their Temporary Protected Status (TPS) applications. We are writing with urgency to request your engagement concerning the need for an extension for current TPS beneficiaries under the Ramos litigation to re-register to retain their protection and benefits under TPS.

Following the Department of Homeland Security's (DHS) recent announcement of the rescission of the terminations of TPS for El Salvador, Nicaragua, Honduras, and Nepal, DHS announced extensions of TPS designations for the four countries for a period of 18 months. Each country's Federal Register Notice (FRN) outlines the re-registration process within a 60-day registration window. Over 300,000 existing beneficiaries are eligible to apply and benefit under the extensions to maintain their TPS for 18 months, so long as they re-register for TPS within the 60 days registration period.

We are writing to share feedback from service providers who have noticed fewer clients seeking assistance in applying for TPS under the current extension. They have provided testimonials indicating that clients' applications are being delayed due to confusion, insufficient education, resources, and a lack of independent communication with individual beneficiaries who rely on agency updates to understand their status and procedures. In light of this information, our coalition is writing today to request extensions of the re-registration period for El Salvador, Nicaragua, Honduras, and Nepal. We offer recommendations to inform the U.S. Citizenship and Immigration Services (USCIS) about the community's needs and the urgency of safeguarding eligible individuals to ensure their continued protection.

**I. Registration period of 60 days negatively impacts TPS beneficiaries**

Out of the four countries, El Salvador has the initial re-registration period starting on July 12, 2023, and ending on September 10, 2023. About 239,000 TPS beneficiaries from El Salvador

need to re-register within this timeframe to maintain their TPS status. With the re-registration deadline looming, we are concerned by the low number of affected individuals seeking assistance from community groups and service providers to renew their TPS under the extension.

- Many Salvadorans are under the misconception that TPS is automatically renewed and that they shouldn't submit application forms as a result.
- Some beneficiaries who obtained work permits in early 2023 think they don't need to re-register as their permit expires on June 30, 2024.
- According to service providers, only an estimated 30 to 40% of clients have successfully re-registered seeking their assistance, and there has been a significant drop in clients requesting assistance with TPS applications.
- A significant number of applicants are facing financial difficulties in submitting their Application for Employment Authorization (Form I-765) for work permit extensions until March 2025, and are apprehensive about their fee waiver requests being rejected.
- With TPS relief lasting over two decades, many Salvadoran TPS holders have aged beyond 60 years, many surviving chronic illnesses. While they remain in the workforce, they secure jobs with reduced daily hours, impacting their ability to accumulate necessary funds for the application fees.
- After five years of auto-extensions, TPS holders are suspicious of anyone asking them to reapply for the I-821 and the I-765 believing providers are trying to take advantage of them.
- Some legal service providers said that their legal teams are at capacity assisting asylum seekers, particularly in cities receiving migrants bussed from Texas and Florida. This has made it more difficult for them to provide legal assistance to TPS holders.
- Severe weather events are affecting the re-registration process. On August 21st, Southern California was severely impacted by tropical storm Hilary, flooding, landslides, and power outages.<sup>1</sup> Providers noted that this impacted people's ability to make it to their appointments, while providers struggled to keep their offices open. Texas is under alert and likely facing similar devastation.<sup>2</sup> Los Angeles is home to 30,415 Salvadoran TPS holders.<sup>3</sup>
- Recovery and reconstruction from the tropical Hilary storm will require workers to immediately reopen the affected areas. Just in California 7, 200 construction workers are TPS holders from El Salvador.<sup>4</sup> By 2019, approximately 5,800 Salvadorans in Texas with TPS constituted nearly a quarter (24 percent) of the state's Salvadoran construction workforce.<sup>5</sup> Employers will likely ask them to work around the clock, limiting their chances to re-register on time.

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<sup>1</sup> Reuters. "Tropical Storm Hilary Releases Fury on Southern California." 21 Aug. 2023, <https://www.reuters.com/world/us/tropical-storm-hilary-releases-fury-southern-california-2023-08-21/>

<sup>2</sup> National Hurricane Center (@NHC\_Atlantic). "Tweet." Twitter, 15 Feb. 2022, [https://twitter.com/NHC\\_Atlantic/status/1693636124000854489](https://twitter.com/NHC_Atlantic/status/1693636124000854489).

<sup>3</sup> National Immigration Forum. "Fact Sheet: Temporary Protected Status (TPS)." <https://immigrationforum.org/article/fact-sheet-temporary-protected-status/>. Accessed August 22, 2023.

<sup>4</sup> American Immigration Council. "Workers with Temporary Protected Status in Key Industries and States." <https://www.americanimmigrationcouncil.org/research/workers-temporary-protected-status-key-industries-and-states>. Accessed August 22, 2023.

<sup>5</sup> Id.

As stated on the USCIS webpage, "Existing TPS beneficiaries who wish to extend their status must re-register during the 60-day re-registration period for their country's designation."<sup>6</sup> The FRN highlights that failing to re-register properly within this period without good cause could result in the withdrawal of TPS.<sup>7</sup>

The 18-month extension of TPS for El Salvador goes into effect on September 10, 2023, and runs through March 9, 2025. Applying before the end of the registration period, September 10, is the only way to ensure ongoing protection beyond the auto-extension ending on June 30, 2024, and to mitigate the risks of the ongoing *Ramos v Mayorkas* litigation. As a result, **beneficiaries of TPS are at risk of losing their status and their ability to obtain a work permit till the end of the designation period without an extension of the re-registration period.**

## II. Fee Waiver and Employment Authorization Document (EAD)

Applicants do not have to pay a fee for form I-821, Application for Temporary Protected Status, to re-register for TPS.<sup>8</sup> Applicants are not required to submit an application for work authorization at the time of reregistering for TPS. If a beneficiary holds an existing EAD issued under El Salvador's TPS designation that has been auto-extended through June 30, 2024, they can continue to use that EAD through that date.<sup>9</sup> However, to obtain a new EAD valid until March 9, 2025, beneficiaries need to submit the form I-765 and pay the filing fee, or request a fee waiver. Although the application for employment authorization is not time-bound and can be applied later provided the applicant has TPS or a pending application, beneficiaries are impacted by the hefty fee of \$410, and may also be required to pay a biometric fee of \$85.

USCIS offers applicants the ability to ask for a fee waiver by filing the I-912, Request for Fee Waiver. According to the FRN for El Salvador's TPS extension, in the event an application for a fee waiver gets denied, an applicant must refile within the 60-day registration period itself.<sup>10</sup> TPS holders face significant backlogs in the review and adjudication of their applications and often don't receive notices for months at a time.<sup>11</sup> According to USCIS's case processing times, the average processing time for the I-765 for Salvadorans at the Texas Service Center is 13.5

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<sup>6</sup> U.S. Citizenship and Immigration Services. "DHS Rescinds Prior Administration's Termination of Temporary Protected Status Designations for El Salvador." USCIS Newsroom, 8 Dec. 2022, <https://www.uscis.gov/newsroom/news-releases/dhs-rescinds-prior-administrations-termination-of-temporary-protected-status-designations-for-el>.

<sup>7</sup> Federal Register. "Reconsideration and Rescission of Termination of the Designation of El Salvador for Temporary Protected Status." 21 June 2023, <https://www.federalregister.gov/documents/2023/06/21/2023-13018/reconsideration-and-rescission-of-termination-of-the-designation-of-el-salvador-for-temporary>; 8 CFR 244.14.

<sup>8</sup> Id.

<sup>9</sup> Notice published at 87 FR 68717.

<sup>10</sup> Federal Register. "Reconsideration and Rescission of Termination of the Designation of El Salvador for Temporary Protected Status." 21 June 2023.

<sup>11</sup> TPS-DED AAC Policy Brief: Results from Practitioner Survey on Issues with TPS Adjudication, March 2023. <https://static1.squarespace.com/static/60b79f3630f94f1039bd0125/t/64259afdbed67f2898a5b226/1680186110024/2023-3-14+Policy+Brief+TPS+Adjudications.pdf>; TPS-DED AAC, Letter Re Processing Backlogs for Temporary Protected Status, December 19, 2022. <https://static1.squarespace.com/static/60b79f3630f94f1039bd0125/t/63a0dbd87cba852679f3edb6/1671486424565/2022-10-13+Letter+re+TPS+Backlog.pdf>

months, and 2.5 months at the Vermont Service Center.<sup>12</sup> There is no guarantee that TPS holders will receive a denial of the fee waiver within the 60-day period or with reasonable time at hand before the deadline. This places them under significant levels of stress, due to the immediate need for TPS holders to reapply before the expiration.

Applicants facing financial challenges are significantly hindered from moving forward with the process. The 60-day deadline places them at risk of losing their jobs and other crucial benefits, directly affecting their livelihood and families. In addition, the tremendous stress and backlogs cause further delays in obtaining protection. **It is imperative that USCIS grant an extension of the registration period, fee waiver for applicants, and guarantee expedited processing.**

### **III. Public engagement and the need for additional resources**

TPS beneficiaries have navigated numerous changes spanning two administrations, a five-year lawsuit, extension announcements, and challenges including backlogs and adjudication issues. While the TPS extension is a positive step, it brings forth many challenges for community service providers, practitioners serving impacted members, and most importantly, the beneficiaries who are still grappling with the instability they've endured over the past years.

USCIS bears the responsibility to engage in comprehensive public interactions with the impacted community, to inform and educate them about their rights, available reliefs, and procedures for obtaining protections. The timely publication of the FRN is merely one facet of the lengthy process of helping beneficiaries meet application requirements. The affected community lacks individual communication, such as direct notices from USCIS, detailing the steps they must take to maintain their status. Current beneficiaries are in direct reach to USCIS than with any service provider, and so the responsibility lies on the shoulders of the government to ensure that those that can benefit are receiving their rightful benefits. **The community lacks resources and education and is far behind in meeting the 60-day deadline due to these reasons.**

Organizations and service providers have been actively leading educational campaigns since the extension announcement, providing materials to explain the re-registration process, timeline, and fees. In response to low registration numbers and the deadline approaching, organizations have ramped up awareness campaigns to warn Salvadoran TPS holders about the consequences of failing to re-register.<sup>13</sup> Organizations are extending office hours, even on weekends, to offer re-registration assistance. Despite these efforts, the demands of the community exceed organizational capacity and have overburdened staff. There is an urgent need for USCIS to engage on the issue.

**The administration has exercised discretion in authorizing registration periods often spanning the entire duration of the designation itself, as seen in cases like**

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<sup>12</sup> U.S. Citizenship and Immigration Services. "Check Case Processing Times." Accessed August 22, 2023. <https://egov.uscis.gov/processing-times/>.

<sup>13</sup> National TPS Alliance. "TPS Alliance Launches Informative Campaign to Promote Re-Registration Process for TPS Protections." <https://www.nationaltpsalliance.org/tps-alliance-launches-informative-campaign-to-promote-re-registration-process-for-tps-protections/>; Alianza Americas. "TPS holders, it's time to renew!" Facebook, July 12, 2023, <https://www.facebook.com/AlianzaAmericas/posts/664956159002943>; Alianza Americas. "TPS holders: To remain protected, you must re-register!" Twitter, August 17, 2023, <https://twitter.com/ALIANZAAMERICAS/status/1692322608404931019>.

Afghanistan and Ethiopia's initial designation, and redesignation for many countries. **We urge the administration to extend the same benefits to beneficiaries from the Ramos countries under the extensions.** While we acknowledge the re-registration periods for existing designations have consistently been 60 days, the Ramos countries have faced exceptional circumstances that warrant consideration of more lenient procedures to ensure they remain protected.

#### **IV. Conclusion and Recommendations**

We are thankful for DHS's decision to extend TPS for El Salvador, Nicaragua, Honduras, and Nepal, and in the interest of maintaining protections for current beneficiaries we respectfully make the following recommendations to mitigate the harm to TPS applicants

1. Extend the re-registration period from 60 days to 180 days
2. Waive biometrics fees and application fees for I-765 for all applicants
3. Engage in a robust public information campaign to inform the impacted community about the need to re-register for TPS to avoid falling out of status
4. Additionally, we request USCIS to keep us periodically updated by sharing data about the number of applications they have received in order for our coalition to ramp up efforts to engage impacted community members
5. We recommend that you contact the Embassy of El Salvador to access information on the number of people they have assisted through their consular services and the number of people who have sought assistance, which has reduced despite the re-registration deadline in under a month

We deeply appreciate your efforts in supporting immigrant lives. We'd like to formally connect and discuss the upcoming re-registration deadlines for the Ramos countries. Please let us know if you're available to meet this week or the next. We look forward to hearing from you. Please contact Yanira Arias ([yarias@alianzaamericas.org](mailto:yarias@alianzaamericas.org)), or Ramya ([ramya@masadc.com](mailto:ramya@masadc.com)) with any questions.

Sincerely,

The Temporary Protected Status Deferred Enforced Departure Administrative Advocacy Coalition ([TPS-DED AAC](#))