



TPS & ASYLUM: CAN I APPLY FOR BOTH?

There are different ways to legally remain in the United States. Sometimes, individuals may qualify for more than one way to remain here. **You can apply for all the forms of immigration status for which you qualify. There is no rule against submitting multiple applications to the government, especially if you have no immigration status at all right now.** If you already have an immigration status, you should check with an expert immigration attorney first before applying for something different to make sure it doesn't cause a problem with your current status.

Two immigration statuses that may overlap are asylum and temporary protected status (TPS) because they both help people who are afraid of returning to their home country.

- ⇒ **Asylum** allows a person to remain *permanently* in the U.S. if they can show they have been harmed or fear they will be harmed in their home country because of the person's race, religion, nationality, membership in a particular group, or political opinion. People granted asylum are eligible to apply for lawful permanent residence (a "green card") after one year.
- ⇒ **TPS** provides *temporary* protection and work authorization to nationals of certain countries experiencing armed conflict, natural disasters, and other emergencies. Even if you have already applied for asylum, you can also apply for TPS, and vice versa.

"If I'm eligible for both, what do I need to keep in mind?"

① Both processes have **time limits**:

- **Asylum:** An individual must apply for asylum within one year of their last arrival in the U.S. unless they meet certain exceptions.
- **TPS:** Each qualifying country for TPS has its own application deadlines for both first applications and later renewals, if TPS is extended for your country.
Check here: <https://www.uscis.gov/humanitarian/temporary-protected-status>.

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- ① Applying for TPS is usually faster, **but provides only temporary legal status.**
- ① Applying for asylum is usually much more challenging than applying for TPS, **but it can lead to a green card.**
- ① Both allow for **work permits** if approved.
 - **TPS:** Applicants can apply for a work permit at the same time they apply for TPS.
 - **Asylum:** Applicants cannot apply for a work permit until the asylum application is pending for between 150 ([if a member of Asylum Seeker Advocacy Project \(ASAP\)](#)) or 365 days from filing. Once asylum is granted, then the person is eligible to work.
- ① Both allow for applications for permission to travel outside the U.S. if approved, though asylum status could be revoked if the asylee travels to their home country.
- ① If you are already in removal proceedings, you may still apply for TPS and asylum if you qualify. **Make sure to get the assistance of an attorney to discuss your options.**

“If I already have an application for asylum pending, what should I consider when applying for TPS?”

- Because TPS is a temporary protection, it is best to not withdraw or have your asylum application dismissed after you apply for TPS.

Remember: You can apply for multiple forms of status as long as you qualify for them.

To apply for asylum and TPS, renew TPS, or to request a travel permit, speak to a legal service provider. To find a free or low-cost legal service provider in your area, visit the *Immigration Advocates Network's* National Immigration Legal Services Directory at: <https://bit.ly/ianimmhelp>.

RELATED RESOURCES:

- [Immigration Preparedness Toolkit](#)
- [Avoiding Fraud When Seeking Immigration Legal Services](#)
- [Ready to Stay TPS resources](#)



Are you a student enrolled in a California Community College or California State University? If so, you are eligible to receive **FREE** immigration legal services!

Find out more by clicking on your corresponding code or by scanning it with your smartphone.



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