

**TEMPORARY PROTECTED STATUS:
PRACTICE AND STRATEGIES**

1ST EDITION

TABLE OF CONTENTS

CHAPTER 1	OVERVIEW OF TEMPORARY PROTECTED STATUS.....	1
§ 1.1	What is Temporary Protected Status?	1
§ 1.2	Sources of Law	1
§ 1.3	Current Landscape.....	2
§ 1.4	Orientation to this Manual.....	3
CHAPTER 2	REQUIREMENTS OF TEMPORARY PROTECTED STATUS	5
§ 2.1	Introduction and Background on TPS	5
§ 2.2	Country Designation.....	6
§ 2.3	TPS Eligibility Requirements.....	7
§ 2.4	Decisions and Appeals	16
§ 2.5	TPS in Context	17
CHAPTER 3	INELIGIBILITY ISSUES PART 1: CRIMINAL BARS TO TPS	19
§ 3.1	Overview of TPS Crime Bars.....	19
§ 3.2	Clients with Criminal Records	20
§ 3.3	Immigration Definition of “Conviction”	22
§ 3.4	Definition of “Any Felony or Two Misdemeanors”.....	26
§ 3.5	Permanent Bar Unless Eliminated by Post-Conviction Relief.....	27
§ 3.6	Basis for Withdraw of TPS Status.....	27
CHAPTER 4	INELIGIBILITY ISSUES PART 2: ASYLUM BARS TO TPS.....	29
§ 4.1	Overview of TPS Ineligibility Based on Mandatory Bars to Asylum.....	29
§ 4.2	Persecutor Bar	30
§ 4.3	Conviction of a Particularly Serious Crime.....	32
§ 4.4	Serious Nonpolitical Crime Bar	35
§ 4.5	Danger to the Security of the United States	36
§ 4.6	Terrorism-Related Bar.....	37
§ 4.7	Firm Resettlement	43
CHAPTER 5	INELIGIBILITY ISSUES PART 3: GROUNDS OF INADMISSIBILITY FOR TPS.....	49
§ 5.1	The Grounds of Inadmissibility and TPS	49
§ 5.2	Grounds of Inadmissibility that do NOT apply to TPS.....	50
§ 5.3	Non-waivable Grounds of Inadmissibility	51
§ 5.4	Grounds of Inadmissibility with Waiver Available.....	52
§ 5.5	Common Non-Crime Grounds of Inadmissibility Eligible for Waiver.....	53
§ 5.6	Common Crimes-Based Grounds of Inadmissibility	58

§ 5.7	Crimes Involving Moral Turpitude	60
§ 5.8	Controlled Substance Offenses	64
§ 5.9	TPS Waiver of Inadmissibility	68
CHAPTER 6	INITIAL REGISTRATION	71
§ 6.1	Application Process	71
§ 6.2	Supporting Evidence	74
§ 6.3	Requests for Evidence and Notices of Intent to Deny	78
§ 6.4	Denials, Appeals, and Motions to Reconsider and Reopen	79
§ 6.5	Applying While in Immigration Court Proceedings	79
§ 6.6	Late Initial Registration	81
CHAPTER 7	BENEFITS, TRAVELING, AND RE-REGISTRATION	83
§ 7.1	Benefits of Having Temporary Protected Status	83
§ 7.2	TPS and Travel	86
§ 7.3	TPS Re-Registration and Auto-Extensions	89
CHAPTER 8	SPECIAL CONSIDERATIONS	93
§ 8.1	TPS and Non-Immigrant Visas	93
§ 8.2	TPS and Asylum	94
§ 8.3	TPS and Family-Based Adjustment of Status	98

INDEX OF APPENDICES

Appendix A	ILRC Criminal Records Check Advisory
Appendix B	USCIS, TPS Webinar (Haiti) Questions and Answers
Appendix C	ILRC reference chart of the TPS grounds of inadmissibility
Appendix D	Sample TPS initial registration cover letter and exhibit list
Appendix E	Sample motion to administratively close removal proceedings based on TPS grant
Appendix F	Sample late TPS initial registration cover letter and exhibit list
Appendix G	Sample I-512L Advance Parole document for TPS recipient
Appendix H	Sample letter describing automatic extension of TPS and EAD