

TEMPORARY PROTECTED STATUS (TPS) FOR VENEZUELA

On September 20, 2023, the Department of Homeland Security announced an extension and re-designation of Temporary Protected Status (TPS) for Venezuela for the next 18 months due to the continuation of extraordinary conditions in Venezuela which prevent the safe return to that country. Through this information sheet, we will answer some of your questions about TPS. **This information is current as of November 2, 2023.**

The information contained in this document is general information and does not constitute legal advice. ProBAR and its Immigration Court Helpdesk team are not your attorneys.

1. What is TPS?

TPS, or temporary protected status, is a temporary status designated by the U.S. government to citizens of certain countries that are currently present in the United States. TPS provides protection from removal to people that are in the United States when the political, social, or economic conditions in their country prevent their safe return there. The U.S. government can designate a country for TPS when there are extraordinary circumstances occurring in that country, such as wars, natural disasters, and other national emergencies.

TPS is a temporary status and does not necessarily give access to permanent legal status in the United States.

2. What are the benefits of TPS?

TPS offers the following benefits:

- Protection from removal or deportation.
- Work permit and a social security number (the work permit should be renewed periodically).
- Can live legally in the United States as long as you continue to register for TPS and the designation of TPS for your country continues to be in effect.
- Can travel within the United States while your TPS is valid.

3. How long does TPS protection last?

This protection is valid for 18 months unless the U.S. government extends it. Extension of this protection is not guaranteed. This determination is made by the U.S. government depending on the conditions in the country at the end of the 18-month designation.

If the government extends the TPS designation, you should re-register to continue receiving this protection.



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4. Is temporary protected status granted automatically?

No. To get TPS, you must file an application for TPS with the U.S. Citizenship and Immigration Services (USCIS) within the registration period. This is done using form I-821, Application for Temporary Protected Status, which you can file with an application for a work permit, form I-765 Application for Employment Authorization (EAD).

In addition to filing an application for TPS, you should meet all the eligibility requirements for that status.

If your application for TPS were to be denied, you have the right to apply again or possibly appeal the denial. Consult with an immigration attorney to evaluate your case if your application is denied.

5. What requirements do I have to meet to be eligible for TPS?

In general, you could be eligible for TPS if:

- You are a citizen or national of a country designated for TPS by the U.S. government.
- Have been continuously physically present and have resided in the United States since the date of the most recent designation for your country. In the case of Venezuela, this new designation means that you must have been present in the United States on or before July 31, 2023.
- Apply within the registration dates for TPS.

In addition, you must be considered admissible into the United States. People with certain criminal or immigration histories may be ineligible for TPS. It is important to consult with an immigration attorney to correctly determine your eligibility for TPS.

6. If I am here with my family, do each of us have to apply for TPS?

Yes, each member of the family must submit their own application for TPS and individually meet the requirements to receive this protection.



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7. I am Venezuelan, and I entered the United States after July 31, 2023. Can I apply for TPS?

No. Unfortunately, you do not meet the requirement of physical presence and residence in the United States for the designation date. Consult with an immigration attorney about what other legal remedies you may have available.

8. Can I apply for TPS if I applied for asylum with the court or USCIS?

Yes, you can apply for TPS even when you have already applied for asylum. In fact, you may be able to continue with your asylum application even if you have been granted TPS. You may also be able to terminate your removal proceedings based on TPS approval. However, you should continue to appear for your court hearings until your case has been terminated by a judge, or you may risk being ordered removed even though you have applied for TPS.

Consult with an immigration attorney to obtain appropriate options according to your specific circumstances.

9. When can I apply for TPS?

The Department of Homeland Security announced that it will begin accepting initial applications for this new designation of TPS from October 3, 2023, until April 2, 2025.

10. How long will it take to receive a decision about TPS?

Current processing times for TPS applications are around 20 months. This is an approximate timeframe and can change.



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11. What is the cost of the application? *

People 66 years or older

- Form I-821, TPS: \$50.00
- Form I-765, EAD: \$0
- Biometrics fee: \$85.00
- Total **\$ 135.00****

People 14-65 years old

- Form I-821, TPS: \$50.00
- Form I-765, EAD: \$410.00
- Biometrics fee: \$85.00
- Total **\$ 545.00****

Children under 14 years of age

- Form I-821, TPS: \$50.00
- Form I-765, EAD: \$0
- Biometrics fee: \$0
- Total **\$ 50.00****

*Cost of initial application

**Cost is subject to change

Depending on your situation, you may be eligible for a fee waiver. It is recommended that you consult an immigration attorney to see if you can apply for a waiver.

12. Can I travel outside of the United States with TPS?

TPS does not allow entries and exits from the United States. However, under certain circumstances, USCIS may authorize you to travel and return to the United States. You should have an approved authorization before you leave the country. In addition, you should remember that you must maintain continuous presence in the United States in order to maintain TPS. Please consult with an immigration attorney if you believe you may need this kind of authorization.



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