

Temporary Protected Status for Afghan Nationals: Frequently Asked Questions



What is Temporary Protected Status (TPS)?

Temporary Protected Status is a temporary immigration status that allows people from certain countries to remain in the United States. Generally, only the citizens from countries that the U.S. government has designated for TPS can apply for this special protection. The U.S. government may designate a country for TPS if conditions there would temporarily prevent that country's nationals from returning safely. For example, TPS may be designated if there is an ongoing armed conflict (such as civil war) or an environmental disaster which would make it difficult for people currently in the U.S. to return home. People granted TPS enjoy a temporary reprieve from deportation, are eligible to apply for employment authorization, and once granted TPS, may apply for permission to travel abroad temporarily and return to the U.S. with lawful status.¹

As the name implies, TPS is temporary. TPS alone does not provide a pathway to lawful permanent resident status, or to any other permanent immigration status in the U.S. It does not provide a pathway to petition for or reunite with family members located abroad. People with TPS may, and should, still apply for other immigration benefits for which they are eligible, especially those that could provide a pathway to permanent status in the U.S., like asylum and Special Immigrant Visas.

How can someone apply for TPS?

A grant of TPS is not automatic. An eligible applicant must apply for TPS with USCIS using Form I-821. If the applicant also would like work authorization, they must also include Form I-765 with their application. They must also include evidence that they are a citizen of the designated country (like a passport or national ID card), and that they have been continuously present and residing in the U.S. since the designation date. TPS applications require a filing fee, and if the applicant cannot afford to pay the fee, they may seek a fee waiver using Form I-912 (see below).

Afghan citizens applying for TPS must provide proof that they entered and have been continuously residing in the U.S. since before March 15, 2022.

How long will TPS last, and what happens when it expires?

TPS is typically designated for an 18-month period. Sixty days before a country's TPS designation is set to expire, the Department of Homeland Security will make an announcement regarding the future of this designation. It will either: (1) re-designate and extend TPS, which would allow current TPS holders to renew their status, and also allow other citizens of that country to apply for the first time; (2) extend TPS, which would allow current TPS holders to renew, but would *not* allow others who did not previously qualify or apply for TPS to apply for the first time; or (3) terminate TPS, setting an expiration date for the status of current TPS holders. If TPS is not re-designated or extended, DHS will provide details about when and how TPS holders should plan to return to their country. If TPS is terminated for a particular country, we encourage all TPS holders interested in remaining in the U.S. to consult with a trustworthy immigration attorney to evaluate all options and avenues for permanent immigration relief, or other options to remain in the U.S.

¹ TPS holders interested in traveling abroad should consult a reputable attorney before traveling to ensure that such travel will not negatively impact any other pending immigration matters, including a pending asylum claim.

How much does it cost to apply for TPS?

The TPS application requires a filing fee of \$50. Applicants 14 years old or older must also submit an additional \$85 biometrics fee. Individuals interested in applying for employment authorization, ages 14–65, must submit a separate a filing fee of \$410 to apply for an employment authorization document. Unlike other applications for immigration benefits in the U.S., Afghans are not exempt from the filing fees for TPS, and Afghans will be expected to either submit their applications with the required fee, or seek a fee waiver.

If an applicant cannot afford these fees, they may be able to apply for a fee waiver if they can show one of the following:

- Their income is at or below [150% of the federal poverty guidelines](#)
- They receive a means-tested benefit like Medicaid, Supplemental Nutrition Assistance Program (“SNAP” or “Food Stamps”), Temporary Assistance to Needy Families (TANF), or Supplemental Security Income (SSI)
- They are experiencing an extreme financial hardship, like medical expenses of family members, unemployment, eviction, or homelessness

Who is eligible for TPS?

Afghans who were already residing in the U.S. as of March 15, 2022 may be eligible for TPS. Individuals who arrived after March 15, 2022 will not be eligible for TPS. There may be other issues that can impact a person’s eligibility for TPS, including if they hold dual nationality, if they resided in a third country prior to their arrival to the U.S., if they have any criminal convictions, or if they have ever provided material support to terrorist groups. We recommend that interested applicants speak to a lawyer about their options before filing for TPS.

When can an eligible individual apply for TPS?

Afghanistan was designated for TPS on March 15, 2022. The 18-month designation of TPS for Afghanistan will go into effect upon publication of a notice in the Federal Register. Eligible Afghans cannot apply for TPS unless and until the notice has been published in the Federal Register. When Afghans can apply for TPS, more information about how to do so, and where to file the application, will be available on the USCIS website.

When is the deadline for filing for TPS?

Once TPS is published in the Federal Register, you will be able to apply for TPS during the designated registration period. Additional details about the registration period will be available on the USCIS website upon publication of a notice in the Federal Register.

Should someone with a pending asylum case also apply for TPS?

An otherwise eligible citizen of Afghanistan could apply for TPS as soon as the notice is published in the Federal Register. If they are eligible for TPS, they might want to apply right away if they do not have a valid work authorization card, or if they are in removal proceedings. Being granted TPS may protect someone from deportation if the immigration judge does not otherwise grant them relief.

If an individual is seeking asylum before the Asylum Office, and are not in proceedings before the immigration court, they may choose to apply for TPS. Having TPS will not interfere with the ability of the Asylum Office to grant asylum. However, if the Asylum Office does not grant the asylum application, and the applicant holds

TPS or another immigration status (including parole status) at the time of the interview, the application for asylum will simply be denied and the applicant will not have a chance to renew their request for asylum before an immigration judge.

In contrast, if the Asylum Office does not approve an asylum case for someone who is not otherwise in a lawful immigration status, the Asylum Office will issue a document called a “Notice to Appear” (the charging document for immigration removal proceedings) and will refer the case to the Immigration Court. If an asylum case is referred to Immigration Court, the applicant can renew their request and an Immigration Judge can consider their asylum application. Some individuals may want a second chance to present their asylum case if the asylum office does not grant it; other individuals may just prefer to hold any temporary status and avoid the prospect of removal proceedings. If an Afghan asylum applicant has a pending case with USCIS, we recommend that they speak to a lawyer about their options before filing for TPS.

Should an Afghan parolee should I apply for TPS now?

Although many Afghan parolees may want to apply for TPS if they are not eligible for or pursuing another immigration status (like asylum or SIV), there may not be any significant benefit to applying right away, especially if they already hold a valid work authorization card. We would encourage Afghan parolees to plan to apply for TPS before the registration period ends, and at least 6-9 months before their parole status expires, if they have not otherwise been granted another immigration benefit that would permit them to remain in the U.S. and maintain valid work authorization. We strongly encourage eligible TPS applicants speak to an immigration attorney about their options.

Will TPS affect an Afghan Parolee’s Parole Status or Eligibility for APA Benefits?

No. A grant of TPS alone will not jeopardize a parolee’s parole status or their eligibility for APA Benefits. They will still eligible for benefits until March 31, 2023, or until parole expires, whichever is earlier.

However, a parolee who is granted TPS should keep some considerations in mind to preserve their rights and their status. Although individuals granted TPS may choose to seek permission to travel abroad, they should be aware that traveling abroad may have negative consequences for their current status or pending applications in the U.S. For example, a TPS holder who is also a parolee who travels abroad would likely lose their parole status upon their departure, even though they had permission – through the TPS – to travel. Likewise, a TPS holder with a pending application for asylum might jeopardize their asylum case by traveling abroad – even if they had permission to travel through the TPS – because it may constitute an abandonment of their asylum claim, or using their foreign passport to travel may be considered a form of availing themselves to the benefits and protections of the country they are concurrently stating cannot protect them from harm or persecution. We strongly encourage Afghan parolees applying for TPS to consult with a trusted immigration attorney about consequences of traveling abroad with TPS Advance Parole before seeking such permission.