

TEMPORARY PROTECTED STATUS (TPS)

What is Temporary Protected Status (TPS)?

Temporary Protected Status (TPS) is a temporary immigrant status created by Congress that allows individuals already in the United States to remain if something catastrophic happens in their country of origin to prevent safe return. The Secretary of Homeland Security may designate or redesignate a country for TPS due to ongoing conflict, environmental disaster, or "other extraordinary and temporary conditions."¹ TPS provides individuals temporary protection from deportation, permission to work, and permission to travel.²

To qualify for TPS, an individual must be a national of a country designated for TPS by the Department of Homeland Security (DHS) and must have lived in the United States continuously since the date of DHS's designation. When a country is redesignated for TPS, the date of continuous presence is updated to the most recent date of designation. TPS does not provide a pathway to citizenship, though beneficiaries may pursue initial applications for permanent residency, non-immigrant visas, or any other immigration benefit or protection for which they are eligible.

Who Has TPS?

Currently, there are 16 countries designated for TPS, benefitting over 354,000 people.³ Many TPS beneficiaries have resided in the United States for an average of 27 years, around 68,000 of whom arrived as children under the age of 16.⁴ Approximately 360,000 U.S. citizen children have parents who are TPS beneficiaries.⁵

Why is TPS Important for Children?

TPS protects non-citizens in the United States, including children, from being returned to a country that cannot safely receive them and where they are likely to experience harm. Where TPS is warranted, it protects U.S. citizen children of non-citizens. Without some form of protection like TPS, children of people who are undocumented experience the fear of family separation, which causes toxic stress and can have long-term negative effects on children's physical and mental health. Where a family member faces deportation, families must make difficult decisions about either separating from their child or taking their children into unsafe situations and away from the country they call home. TPS also provides work authorization, which gives families the ability to work and provide for their children.

Conclusion

By creating TPS, Congress recognized our country's obligation to prevent the return of people to harm in their home country, both in U.S. law and international treaty obligations.⁶ When a country experiences extraordinary yet temporary conditions, the Executive Branch must exercise its authority to designate and redesignate TPS for that country's people.

¹ Temporary Protected Status, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/humanitarian/temporary-protected-status>, (last updated Jan. 3, 2023).

² Id.

³ Id. The countries are Afghanistan, Myanmar, Cameroon, El Salvador, Ethiopia, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, Ukraine, Venezuela, and Yemen.

⁴ Robert Warren & Donald Kerwin, A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti, 5 J. on Migration & Hum. Security 577 (2017), available at <https://journals.sagepub.com/doi/pdf/10.1177/233150241700500302>. Temporary Protected Status Is Critically Important Immigration Relief for TPS Holders and the U.S. Economy, FWD.us (April 13, 2022), <https://www.fwd.us/news/temporary-protected-status-report/>.

⁵ Temporary Protected Status Is Critically Important Immigration Relief for TPS Holders and the U.S. Economy, supra note 4

⁶ Jill H. Wilson, Temporary Protected Status: Overview and Current Issues, Congressional Research Service (April 1, 2020), www.everycrsreport.com/files/20200401_RS20844_234bceecdf5e83dc354590e7862953603997186b.html.