

# Applying for Nepal TPS

A guide for Nepali nationals evaluating the benefits of Temporary Protected Status

NEPAL EARTHQUAKE RECOVERY 2015

 CitizenPath



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# What's in the Guide

This guide provides an overview of Temporary Protected Status (TPS), benefits of TPS status and how to apply for Nepal TPS.

The guide will cover:

- ✔ What is Temporary Protected Status (TPS)
- ✔ Benefits of TPS
- ✔ Who Qualifies for Nepal TPS
- ✔ How to Apply for Nepal TPS
- ✔ More Ways to Get Information and Help Nepal

Additional information about the TPS application and Frequently Asked Questions can be found on the U.S. Citizenship and Immigration Services (USCIS) website at [www.uscis.gov/i-821](http://www.uscis.gov/i-821) or CitizenPath website at [www.CitizenPath.com/i-821](http://www.CitizenPath.com/i-821)

Visit [www.OneStopPortal.org](http://www.OneStopPortal.org) to get accurate information about the Nepal earthquake and learn specific ways that you can help with the relief efforts.

# What is TPS?

The United States Department of Homeland Security may designate a country for Temporary Protected Status (TPS) due to conditions in the country that may make it dangerous for that country's nationals to return. Examples include wars and natural disasters such as an earthquake. U.S. Citizenship and Immigration Services (USCIS) is the government agency responsible for administering the program. During the designated temporary period, TPS beneficiaries:

- ✔ Are not removable from the United States
- ✔ Can obtain an Employment Authorization Document (work permit)
- ✔ May be granted travel authorization

On June 24, 2015, the U.S. Department of Homeland Security (DHS) announced the designation of Nepal for TPS and that eligible Nepali nationals (and people without nationality who last habitually resided in Nepal) residing in the United States may apply for TPS.

TPS is a way for the United States to support Nepal. Individuals can get permission to stay in the U.S. longer to lessen the burden on the Nepali government during the rebuilding period. What's more, Nepali nationals in the U.S. are given employment authorization so that they can support themselves and family back in Nepal.

# Benefits of TPS

Temporary Protected Status (TPS) is expected to positively affect up to 20,000 Nepali nationals currently living within the United States.

If you are approved for the Nepal TPS, you:

- ✔ Are not removable and may continue to live in the United States
- ✔ Can request employment authorization (work permit) in the U.S.
- ✔ May be granted travel authorization back to Nepal and other countries

The Nepal TPS benefits will last through December 24, 2016, and may be extended by DHS. If DHS extends the TPS designation for Nepal, beneficiaries will need to re-register.

## Federal/State Benefits

Once your employment authorization card arrives in the mail, you can apply for a Social Security number at a local office Social Security Administration office. To look up your local office and to learn what documents you need to apply for a Social Security number, visit [www.ssa.gov](http://www.ssa.gov).

TPS recipients will not be eligible for federal public benefits, including federal financial aid, food stamps, and housing subsidies.

It will be up to each state to decide if TPS beneficiaries are eligible for state benefits and privileges such as driver's licenses, in-state

tuition, and professional licenses. At this time most TPS recipients are eligible for driver's licenses in the overwhelming majority of states.

## TPS is Not a Path to Citizenship

TPS itself does not provide a path to U.S. citizenship or permanent resident status (green card). TPS offers temporary benefits for living and working in the U.S. only. However, registration for TPS does not prevent you from:

- ✔ Applying for non-immigrant status
- ✔ Filing for adjustment of status based on an immigrant petition (green card)
- ✔ Applying for any other immigration benefit or protection for which you may be eligible

## Travel Abroad with TPS

Once you have been granted TPS benefits, you may apply for advance parole. Advance parole is a travel document that provides for re-entry to the United States after traveling abroad. Do not leave the United States until you have been granted advance parole. Without advance parole you may break your continuous physical presence requirement and disqualify yourself from TPS benefits.

# Who Qualifies for Nepal TPS?

Temporary Protected Status (TPS) is designed to assist Nepali nationals with short-term humanitarian relief. Virtually all Nepali nationals that meet the eligibility guidelines can receive benefits. Even undocumented applicants may apply.

If you already have permanent resident status, TPS is not for you. Your immigration benefits exceed the benefits that TPS beneficiaries will receive.

To be eligible for Nepal TPS, you must meet all the following criteria:

- ✔ **Be a national of a Nepal, or a person without nationality who last habitually resided in Nepal**
- ✔ **File the TPS application by December 21, 2015, or meet the requirements for late initial filing during any extension of Nepal's TPS designation**
- ✔ **Have been continuously physically present (CPP) and continuously residing (CR) in the United States since June 24, 2015** – You must have arrived in the United States and been physically present by June 24, 2015. Brief, innocent and casual departures outside the U.S. will not break the continuous physical presence period. But if you left the United States for prolonged periods of time, you may not qualify.

You may NOT be eligible for TPS or to maintain your TPS in the future if you:

- ❌ Have been convicted of any felony or two or more misdemeanors committed in the United States;
- ❌ Are found inadmissible as an immigrant under applicable grounds in INA section 212(a), including non-waivable criminal and security-related grounds;
- ❌ Are subject to any of the mandatory bars to asylum. These include, but are not limited to, participating in the persecution of another individual or engaging in or inciting terrorist activity;
- ❌ Fail to meet the continuous physical presence and continuous residence in the United States requirements;
- ❌ Fail to meet initial or late initial TPS registration requirements; or
- ❌ If granted TPS, you fail to re-register for TPS, as required, without good cause.

After you initially apply for Nepal TPS, USCIS will send you an appointment notice for a biometrics appointment at a USCIS office. At the biometrics appointment, USCIS will obtain your fingerprints and photograph to be used in a criminal background check. If you believe USCIS may find an arrest record in your background check, contact an experienced immigration attorney before applying for TPS benefits.



# How to Apply for Nepal TPS

Eligible applicants for Nepal TPS must file the following forms with USCIS:

- 📄 Form I-821, Application for Temporary Protected Status
- 📄 Form I-765, Application for Employment Authorization

Both forms can be downloaded for free at [www.uscis.gov/i-821](http://www.uscis.gov/i-821).

CitizenPath provides step-by-step guidance through both applications in one simple process. The self-help website was designed by immigration attorneys so that applications can be prepared and filed the same day. The website is free to try. Users pay a preparation fee only once the process is complete and the user is completely satisfied.

Regardless of how you prepare the forms, you will be required to submit several items to support your application:

✔ **Submit evidence that proves your identity and Nepali nationality**

Examples of acceptable documents include copies of:

- Passport showing your picture, name, and date of birth
- Birth certificate accompanied by photo identification
- A visa issued by a foreign consulate
- Any national identity document from Nepal bearing your photo and/or fingerprint

Expired documents will most likely be acceptable.

✔ **Submit evidence that proves your date of entry into the United States by June 24, 2015**

Examples of acceptable documents include copies of:

- Passport
- I-94 Arrival/Departure Record

If you cannot provide a copy of your passport or Arrival/Departure Record, you may also submit a document from the list in the following section that proves you lived in the U.S. by June 24, 2015.

✔ **Submit evidence that proves your continuous residence in the United States since June 24, 2015**

The continuous residence requirement is in place to demonstrate that you have been living continuously in the U.S. since June 24, 2015. It is most effective to provide one or more of the following documents for each month since June 24, 2015. Examples of acceptable documents include copies of:

- Employment records (e.g. pay stubs, W-2 forms, letters from employers, or letters from banks and other businesses if you are self-employed) In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters from employers must be in affidavit form and the employer must also sign and attest to the affidavit under penalty of perjury. Such employer letters must include:
  - Your address at the time of employment
  - Exact periods of employment
  - Periods of layoff
  - Duties with the company

- Rent receipts, utility bills (gas, electric, phone, etc.), receipts, or letters from companies showing the dates during which you received service.
- School records (letters, report cards, etc.) from the schools that you or your children have attended in the United States, showing the name(s) of the schools and periods of school attendance.
- Hospital or medical records concerning treatment or hospitalization of you or your children, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization.
- Attestations by churches, unions, or other organizations to your residence identifying you by name. The attestation must be signed by an official (whose title is shown); show the inclusive dates of membership; state the address where you resided during membership period(s); include the seal of the organization impressed on the letter or letterhead of the organization; establish how the author knows you; and establish the origin of the information being attested to.
- Additional documents may include money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; Selective Service card; automobile license receipts, title, vehicle registration; deeds, mortgages and insurance policies.

 **Submit two identical passport-style color photographs of yourself taken within 30 days of filing the application.**

The photos should:

- Be 2" x 2" in size
- Have head height of 1" to 1 3/8" from top of hair to bottom of chin
- Have eye height between 1 1/8" to 1 3/8" from bottom of photo
- Have bare head unless you are wearing a headdress as required by a religious order of which you are a member (face must be visible)
- Have a white to off-white background
- Be printed on thin paper with a glossy finish
- Not be mounted or retouched
- Have your name and Alien Registration Number (A-Number) written lightly in pencil on the back of each photo. If you do not have an A-Number, write your birthday.

### ✔ **Submit USCIS fees**

The fees for an initial Nepal TPS application vary based on age and if you are requesting an employment authorization document (EAD). All applicants must submit \$50 for Form I-821. Applicants age 14 and older must submit a biometrics fee of \$85. Applicants between the age 14-65 must submit an additional \$380 if they are request the EAD. A detailed breakdown of fees can be found at [www.uscis.gov/i-821](http://www.uscis.gov/i-821).

Generally USCIS allows applicants to submit photocopies of the above documents. However, in some cases and for some specific items, they may request originals.

# How to Support Nepal

In the immediate aftermath of the earthquake in Nepal, there arose two fundamental needs:

- ✓ Rescue and relief for people within the affected regions and
- ✓ Reliable news and information for the people without.

In the spirit of fulfilling these needs, Nepali diaspora in the U.S. came together to develop three collaborative efforts:

- ✓ [OneStopPortal.org](http://OneStopPortal.org) to consolidate and disseminate information and analyses related to the Nepal earthquake
- ✓ [Kaha.co](http://Kaha.co) to develop an open source tool to help match the resources available to the people who need it most
- ✓ [FactCheckNepal](http://FactCheckNepal) to bring truth in Nepal by checking statements from the government, media outlets, and Facebook pages for accuracy

Visit [www.OneStopPortal.org](http://www.OneStopPortal.org) today  
to see how you can help Nepal

# Get the Latest Information

Sign up for all the latest TPS news and information at CitizenPath. By signing up for our newsletter, you'll get:

- ✓ 15% discount on our services
- ✓ Additional information on TPS
- ✓ News about other immigration statuses and how you may qualify

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