

DHS Announces Extension of TPS for El Salvador, Haiti, Honduras, Nepal, Nicaragua, Sudan

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The Department of Homeland Security (DHS) [announced a further extension of status and work authorization until October 4, 2021](#), for Temporary Protected Status (TPS) beneficiaries from El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan on December 9, 2020.

TPS allows individuals to remain in the U.S. because of disease, natural disaster, or conflict in their home countries. Approximately 400,000 nationals from 10 countries have been granted TPS. Many of those beneficiaries have been in the U.S. for years and have U.S. citizen children. Since 2017, the Trump Administration [has been trying to terminate TPS](#) for most countries. Some of the Administration's actions, however, have been enjoined by court challenges that are still continuing. In response to court orders, DHS has been extending both TPS and work authorization for the covered beneficiaries.

As of December 9, 2020, work authorization for beneficiaries from El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan [will be extended automatically if](#):

- The individual's current EAD was issued with an A-12 or C-19 category code, and
- Carries an expiration date of:
 - July 22 or November 2, 2017
 - January 5, January 22, March 9 June 24, July 5, or November 2, 2018
 - January 5, April 2, June 24, July 22, or September 9, 2019
 - January 2, January 5, or March 24, 2020
 - January 4, 2021

Forms I-94 and I-797 also will be automatically extended until October 4, 2021, [if the beneficiaries properly filed for re-registration](#) during one of the DHS-announced re-registration periods.

To complete or update Form I-9 Work Authorization Verifications, the beneficiary may present their EAD card (with one of the above expiration dates) along with the Federal Register notice automatically extending work authorization until October 4, 2021.

Extending work authorization for current employees based upon this automatic extension does not require Form I-9, Section 3 reverification. Instead, the employer should update the Section 2 Additional Field noting EAD EXT, October 4, 2021 (and then initial and date the correction). In this situation, [reverification would not be required until October 5, 2021](#).

If any of the cases that have blocked the TPS terminations conclude in the government's favor before October 4, 2021, DHS has promised there will be winddown periods of at least 120 days to allow a reasonable repatriation. Since President-Elect Joseph Biden [has pledged to review TPS for those in vulnerable populations](#) who cannot safely return to their home countries, it would seem that the timing of the extension, along with the upcoming inauguration, may favor those in TPS.

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