

## USCIS Announces TPS Updates

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U.S. Citizenship and Immigration Services (“USCIS”) recently announced several updates to Temporary Protected Status (“TPS”), which clarify immigration issues for nationals of qualifying countries. These announcements highlight the fluid nature of immigration status for countries in crisis and the power of the Department of Homeland Security to respond to urgent humanitarian needs.

### What is TPS?

TPS is a temporary immigration status created by Congress under the Immigration Act of 1990. Pursuant to the law, nationals of certain countries receive a protective status that prevents them from being removed to their native country. Conditions that give rise to TPS vary, but historically include armed conflict, environmental disaster, or other extraordinary conditions that prevent their safe removal. The decision to designate a country, or part of a country, for TPS falls within the discretion of the Secretary of Homeland Security. That said, the decision generally involves other agency input, including from the Department of State, the National Security Council, and the Department of Justice.

Under TPS, an individual receives work authorization in the United States and their deportation is stayed. In October 2021, an estimated 319,465 people benefited under the program, with nearly 500,000 eligible under new designations.

### Who Can Receive TPS?

To qualify for TPS, an individual must:

- Be a national of a country designated for TPS, or a person without nationality who last habitually resided in the designated country;
- File during the open initial registration or re-registration period, or meet the requirements for late initial filing during any extension of the country’s TPS designation;
- Have been continuously physically present in the United States since the effective date of the most recent designation date of the country; and
- Have been continuously residing in the United States since the date specified for the country,

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subject to exceptions for brief, casual departures.

- In addition, there are bars to qualification under the program. These apply to those who have certain criminal convictions, those who are found inadmissible under applicable grounds in Section 212(a) of the Immigration and Nationality Act (“INA”), and those who fall under other, similar bars.

As of May 2022, the following 14 countries are designated for TPS:

- Afghanistan (Valid through Nov. 20, 2023)
- Burma (Valid through Nov. 25, 2022)
- El Salvador (Extended until Dec. 31, 2022)
- Haiti (Extended until Feb. 2, 2023)
- Honduras (Extended until Dec. 31, 2022)
- Nepal (Extended until Dec. 31, 2022)
- Nicaragua (Extended until Dec. 31, 2022)
- Somalia (Extended until March 17, 2023)
- South Sudan (Extended until Oct. 19, 2023)
- Sudan (Extended until Oct. 19, 2023)
- Syria (Extended until Sept. 30, 2022)
- Ukraine (Valid through Oct. 19, 2023)
- Venezuela (Valid through Sept. 9, 2022)
- Yemen (Valid through March 3, 2023)

## **Recent Changes to the TPS Program**

TPS updates recently announced by USCIS include designations and redesignations for Sudan, South Sudan, Cameroon, and Ukraine.

On April 19, 2022, the Department of Homeland Security published a notice in the Federal Register detailing a new 18-month designation for individuals from Sudan. The registration period will remain open for 18 months, through Oct. 19, 2023. Individuals who hold prior Sudanese TPS are urged to register as initial applicants under the new designation. Additionally, DHS recently extended the existing designation for South Sudan for 18 months, from May 3, 2022, through Nov. 3, 2023.

On April 15, 2022, DHS announced an 18-month designation for Cameroon. To be eligible, an individual must have continuously resided in the United States since April 14, 2022. According to DHS Secretary Alejandro Mayorkas, “Cameroonian nationals currently residing in the U.S. who cannot safely return due to the extreme violence perpetrated by government forces and armed separatists, and a rise in attacks led by Boko Haram, will be able to remain and work in the United States until conditions in their home country improve.”

On April 19, 2022, following the invasion of Ukraine by Russian forces earlier in the year, DHS designated Ukraine for TPS. As with all other designations, individuals must meet the continuous residence requirement to qualify. The registration period for Ukrainians will remain open until Oct. 19, 2023.

TPS is an important aspect of immigration law, affecting many people every year who face dangerous circumstances in their home country. While TPS does not provide a direct path to lawful permanent residence, TPS recipients who are otherwise eligible for lawful permanent residence may apply.

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