

THE END OF THE *RAMOS* LITIGATION: TPS HOLDERS DECLARE VICTORY WHAT DOES THIS MEAN FOR TPS HOLDERS

FREQUENTLY ASKED QUESTIONS (FAQ)

What Is the *Ramos* Litigation?

In 2017 and 2018, the Trump administration announced the termination of Temporary Protected Status (TPS) for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan. Had the terminations taken effect, over 400,000 TPS holders—more than 98% of those who held TPS at the time—would have lost status.

TPS holders and their U.S. citizen children fought back, filing two lawsuits—*Ramos* and *Bhattarai*, later consolidated into one case, *Ramos v. Mayorkas*. Plaintiffs argued that the terminations were unconstitutionally motivated by racism and violated the Administrative Procedure Act. In 2018, they won a [preliminary injunction](#), which preserved TPS holders' lawful status for five years—through the duration of the Trump administration, and until the Biden administration redesignated or extended TPS for all affected countries. As a result, no TPS holders lost status due to the Trump administration's attempted terminations.

Why Is the *Ramos* Litigation Ending?

In June 2023, the Biden administration [rescinded](#) the Trump administration's TPS terminations, and extended TPS for more than 300,000 TPS holders from El Salvador, Honduras, Nepal and Nicaragua. Earlier, the Biden administration redesignated Haiti and Sudan for TPS. After the Biden administration took these actions, the government argued that the *Ramos* case was “moot,” or no longer live, and asked the district court to dismiss the case. On December 28, 2023, the court granted the government's request. The court cited the Biden administration's “unequivocal” policy change which “fully addressed Plaintiffs' objections by granting TPS status and/or rescinding TPS terminations at issue.”

In effect, the judge recognized that the plaintiffs – and TPS holders as a whole – had won all that they sought through the litigation. The plaintiffs, in turn, agree that the litigation and related organizing have been wholly successful and are not appealing the decision. This ends the litigation.

What Does This Mean? How Does the Litigation Ending Affect My TPS Status?

You will be able to maintain your TPS status as long as you *re-register* before your country's deadline.

As a result of the *Ramos* preliminary injunction, during the last five years, TPS holders from El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan have benefited from automatic extensions of their status. These automatic extensions will end on June 30, 2024. No new automatic extensions will be announced.

To maintain TPS status, TPS holders from El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan must timely re-register for TPS. Each country has different TPS re-registration, re-designation, or extension information that extends TPS validity. (See below for important deadlines.)

Will There Be Another Auto-Extension of TPS and Work Permits?

No! The TPS auto-extensions from the *Ramos* injunction will end on June 30, 2024. In order to maintain TPS status and work eligibility, all TPS holders must again register for TPS as they had consistently done prior to the decision by the Trump DHS to terminate TPS. No one lost TPS status from the Trump terminations; no one should lose status from failing to register.

What Is the Deadline to Register for TPS?

DHS has [extended](#) TPS for the maximum period of 18 months for all six of the *Ramos* countries. The [deadline](#) to register for TPS is the end date of the current TPS period for each of these countries:

- **El Salvador:** by March 9, 2025
- **Haiti:** Aug. 3, 2024
- **Sudan:** April 19, 2025
- **Nepal:** June 24, 2025
- **Honduras and Nicaragua:** July 5, 2025

Note that these registration deadlines are *after* the expiration dates identified in the [Jan. 26, 2023, Federal Register notice](#) for Haiti and the [Aug. 21, 2023, Federal Register notice](#) for Sudan, as well as the June 21, 2023 Federal Register notices for [El Salvador](#), [Honduras](#), [Nepal](#) and [Nicaragua](#).

How Do TPS Holders Re-Register?

To re-register, TPS beneficiaries must submit [Form I-821, Application for Temporary Protected Status](#), and [Form I-765, Application for Employment Authorization](#), at any time during the 18-month extensions of the TPS designations of these six countries. Re-registrants do not pay the \$50 filing fee for the Form I-821 required of initial applicants, but must pay the biometric services fee or request a fee waiver.

Note: Haitian and Sudanese TPS holders file the same application for TPS whether or not they have applied since the Biden administration's re-designation of TPS for these countries in 2021 and 2021 respectively. As with TPS holders from the other four countries which benefitted from the DHS extensions, TPS holders from Haiti and Sudan who had TPS before the Trump terminations need not pay the \$50 filing fee for the Form I-821 to reapply.

Do I Need to Re-Apply or Re-Register for TPS?

You need to re-register by the dates listed above if you have not yet done so. The form is the same form that you use for initial applications, and you can check the box for re-registration if you are from any of the *Ramos* countries. If you have already re-registered under the most recent re-

designations of TPS for Haiti or Sudan, or after the June 2023 extensions of TPS for El Salvador, Honduras, Nepal, or Nicaragua, you do not need to re-register again unless and until there is a new TPS decision for your country.

Is My TPS Status and Work Permit Still Valid Through June 30, 2024? Can I Still Use My Expired Work Permit?

TPS holders will continue to have an automatic extension of their TPS status and work authorization until June 30, 2024. This means that: 1) The latest auto-extension will stay in place. 2) You can use your expired work permit until the end date of TPS for your country, along with the [accompanying Federal Register notice](#) which explains that the expired work permit remains valid. A letter for employers about the continued validity of expired work permits through June 30, 2024 is available [here](#).

If I Do Not Re-Register by the Deadline, What Will Happen to My TPS Status?

You will lose your TPS status if you do not timely re-register. If a TPS holder fails to timely re-register, they can request late registration for good cause, but this is not straightforward and there is no guarantee such a request will be granted. It is very important that TPS holders register by the date established by the [most recent federal register notice](#), listed above.

If I Have Not Previously Had TPS, Can I Apply for TPS Now?

Because the DHS Secretary has only *extended*, and not *re-designated* TPS for El Salvador, Honduras, Nepal and Nicaragua, you may *not* apply for TPS if you have not previously had TPS *unless* you are from Haiti and Sudan and otherwise qualify.

The only people from the *Ramos* countries who can apply for TPS despite never before having had TPS are those:

- From [Haiti](#) who have lived in the United States since November 6, 2022, been continually present in the United States since February 4, 2023, and apply by August 3, 2024; and
- From [Sudan](#) who have lived in the United States since August 16, 2023, been continually present since October 20, 2023, and apply by April 19, 2025.

The information in this guide does not, and is not intended to, constitute legal advice, and is for general informational purposes only. You should contact an attorney for legal advice. Information in this guide also may not constitute the most up-to-date information and should be verified with official government information.

FAQ: TPS HOLDERS AND SOCIAL SECURITY BENEFITS

I Am a TPS Holder Who Has Been Working Lawfully in the United States. Can I Collect Social Security Retirement Benefits When I Retire?

Maybe! You are eligible for retirement benefits if you are 62 or older and worked lawfully in the US for at least 10 years, accumulating forty “credits” of work hours. The Social Security Administration calculates work “credits” based on annual earnings. You can earn up to four credits a year. The amount of earnings it takes to earn credits changes—in 2024, workers can earn one credit for \$1,730 in covered earnings, or four credits for \$6,920.

What If I Want to Retire in My Country of Origin? Will I Be Able to Collect Social Security Retirement Benefits There?

If you are a citizen of Afghanistan, Cameroon, El Salvador, Ethiopia, Haiti, Honduras, Myanmar, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Venezuela, or Yemen, you can continue receiving retirement benefits if you return to your country.

If you are a citizen of Syria or Ukraine, your benefits will generally end six months after departing the United States.

If you plan to move to a third country that is neither the United States nor your country of origin, your eligibility may be different. *For more information, see [Your Payments While You Are Outside the United States](#) and [Payments Abroad Screening Tool](#).*

What If I Lose My TPS Status, But Keep Living in the United States Without Authorization. Will I Be Able to Collect Social Security Retirement Benefits?

You cannot collect social security payments if you are living in the United States without authorization.

What About Other Types of Social Security Benefits? Could I Be Eligible for Disability or Survivor Benefits?

Like retirement benefits, if you remain in the United States as a TPS holder, you retain eligibility for any disability benefits (based on your own earnings) or survivor or dependent benefits (based on the earnings of a close family member). If you remain in the United States without status, you may not collect payments.

If you retire to your country of origin, eligibility is more complicated:

If you are a citizen of Afghanistan, Cameroon, El Salvador, Ethiopia, Haiti, Honduras, Myanmar, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Venezuela, or Yemen, you can receive disability payments if you lived in the United States for at least ten years or earned at least forty work credits. You can collect survivor or dependent benefits if the eligible earner lived in the United States for at least ten years or earned at least forty work credits AND you either lived in the United States for at

least five years in the family relationship on which your benefits were based or you were eligible for benefits before 1985.

If you are a citizen of Ukraine or Syria, your benefits will generally end six months after departing the United States.

If you plan to move to a third country that is neither the United States nor your country of origin, your eligibility may be different.

Note that several other factors, including military service or railroad employment, may impact your eligibility. For more information, see [Your Payments While You Are Outside the United States](#) and [Payments Abroad Screening Tool](#).

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FAQ: TRAVEL AUTHORIZATION & GREEN CARD ELIGIBILITY FOR TPS HOLDERS

Temporary Protected Status (TPS) holders may want to travel outside of the United States to visit family or for other reasons. For TPS holders who did not enter the United States with a visa, international travel with authorization from USCIS may be helpful in a future application to “adjust status” and obtain a green card. This short guide addresses what TPS holders need to know about travel authorization and green card eligibility and explains the steps to apply for travel authorization.

What is Travel Authorization (formerly known as Advance Parole)?

TPS holders who want to travel outside the United States may apply for a travel authorization document from USCIS. If approved, USCIS will issue you a Form I-512T–TPS Travel Authorization, authorizing your return to the United States with admission. The application process is described below.

How Can Travel Authorization Help Me Apply for a Green Card?

To be eligible to adjust status to become a lawful permanent resident (green card holder), you must show that you have been inspected and admitted or paroled to the US. If you entered the US on a visa, you already satisfy this requirement. If you have only ever entered the US without permission, you do not satisfy this requirement—but traveling can change that.

TPS holders who return to the US with travel authorization have been inspected and admitted to the United States. This means you may be eligible to adjust status and apply for a green card IF you meet other requirements, such as being the parent of a United States citizen who is over age 21, being the spouse of a US citizen or lawful permanent resident, or some employment options. You also must be otherwise “admissible.” Assessing admissibility requires a full consultation with an immigration attorney, who will need to review your full criminal and immigration history, among other considerations, at the time you apply for permanent resident status.

Travel authorization alone does *not* automatically make you eligible for a green card. You must still meet other requirements and submit a separate application to adjust to status to lawful permanent resident. However, for many, travel authorization provides that first step of eligibility because people who previously arrived in the United States without inspection will be “admitted” after returning on a TPS travel document.

What Do I Need to Do to Obtain Travel Authorization?

Use USCIS [Form I-131](#) to apply for travel authorization. In Part 2 (“Application Type”), select “1.d” (advance parole for temporary foreign travel).

Your application must include the following evidence:

- Copy of a photo ID (with photo, name and date of birth)
- Copy of a USCIS document showing your current TPS status in the United States (e.g., Form I-797C), or a work permit containing the code (c)(19).

- Two passport photos
- Application fee of \$575 , paid by check or money order from a U.S. bank or financial institution to “U.S. Department of Homeland Security”

Send your application and supporting evidence to the USCIS Dallas Lockbox at:

U.S. Postal Service (USPS):

USCIS

Attn: I-131 TPS

P.O. Box 660167

Dallas, TX 75266-0867

FedEx, UPS, and DHL deliveries:

USCIS

Attn: I-131 TPS

2501 S. State Hwy. 121 Business

Ste. 400

Lewisville, TX 7506

You will likely receive a notice to attend a biometrics appointment, and must attend at the set date and time.

TPS Travel Authorization applications are generally approved within six months; however USCIS processing times vary. If your request for travel authorization is approved, you will receive Form I-512T–TPS Travel Authorization. This form will authorize your entry and return. The approval will likely include specific dates of approved travel. You must be able to travel on those specific dates, and return prior to the specific USCIS approved return date. Please note that you will be placed into secondary inspection upon arrival at a port of entry, where Customs and Border Protection will review your case, and then approve your admission to the United States.

Caution:

- TPS holders traveling with a travel authorization document must return to the US *while your TPS is still valid*. You should ensure that your status is current, and also that there are no changes to the TPS status of your country during the time of your travel.
- TPS holders who have been previously ordered removed or who have been arrested or convicted of certain crimes after approval of your most recent TPS application *may not be permitted to return, even with a travel authorization document*. If you think you may fall into this category, it is especially important to consult an immigration attorney.
- If you have applied for asylum, or apply for asylum in the future, you may be risking your asylum application if you return to your home country.
- The risks of travel vary from person to person. It is very important to meet with an immigration attorney if you have ever been charged with a criminal offense, especially a

drug related offense, or have ever been detained at the border when coming to the US, or have ever been placed into removal or deportation proceedings.

- Verify the information included in this guide is up-to-date by reviewing the current information about application processes on the official USCIS website.

Special Notice to Salvadorans and Nicaraguans with TPS

Citizens of El Salvador and Nicaragua may be eligible for NACARA, which is an independent way to get permanent resident status.

For Salvadorans, you **or** a spouse **or** parent must meet (or have met) the following test:

- 1) first entered the United States on or before September 19, 1990 (ABC class member);
- 2) registered for ABC benefits on or before October 31, 1991 (either directly or by applying for Temporary Protected Status (TPS));
- 3) applied for asylum on or before February 16, 1996; and
- 4) was not apprehended at time of entry after December 19, 1990.

In addition, you **or** a spouse **or** parent may qualify if an asylum application was filed on or before April 1, 1990 and there has not been a final decision yet.

For Nicaraguans, an application for adjustment of status under NACARA had to have been filed by March 31, 2000. If your spouse or parent was granted residency under NACARA then you also may be eligible for residency.

If you believe that you are eligible for NACARA as a Salvadoran or Nicaraguan national, it is vital that you speak to an immigration attorney.

What if I Traveled on Advance Parole in the Past? Will Travel Authorization Still Help Me?

The rules for TPS holder travel have changed over time. Whether prior travel counts as an inspection and admission depends on when you traveled:

- If you traveled on advance parole between December 12, 1991 and August 20, 2020, you have been inspected and admitted.
- If you traveled on advance parole between August 20, 2020 and July 1, 2022, your travel did not automatically count as inspection and admission.
- If you traveled on advance parole or a travel authorization document after July 1, 2022, you have been inspected and admitted.

There is no guarantee the current rule will remain in place forever. There could be additional changes in the future to whether TPS holder travel with authorization counts as inspection and admission!

Where Can I Find an Attorney to Help Me Apply for Travel Authorization or Adjust My Status?

The National Immigration Legal Services Directory contains contact information for nonprofit organizations that provide free or low-cost immigration legal services: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

The American Immigration Lawyers Association provides a directory of private immigration attorneys: <https://www.aialawyer.com/>

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