



Office of Special Counsel for Immigration-Related Unfair Employment Practices

U.S. Department of Justice Civil Rights Division

Form I-9 Document Issues:

Temporary Protected Status (TPS)

Deferred Enforced Departure (DED)

Employers Should Know:

1. ***The TPS and DED programs are temporary humanitarian programs administered by U.S. Citizenship and Immigration Services (USCIS) a division of the Department of Homeland Security.***
 - TPS is a temporary immigration benefit allowing qualified individuals from designated countries who are in the U.S. to stay here for a limited time period, due to certain conditions, such as on-going armed conflict, environmental disaster, or other extraordinary and temporary conditions in the designated country.
 - DED is not a specific immigration status. By issuing a DED order, the President may designate groups of persons to be protected from enforced removal from the U.S. for a limited period of time. The Presidential order states whether employment authorization is permitted.
 - TPS and DED time periods may be extended multiple times.
2. ***Persons covered by TPS or DED are entitled to receive work authorization.***
 - USCIS issues an Employment Authorization Document, Form I-766 (EAD) to persons covered by TPS or DED if an EAD is requested.
 - Like all employees, individuals with TPS or DED status must be allowed to choose which documents to present for Form I-9 (employment eligibility verification) purposes.
3. ***When a country's TPS or DED is extended, USCIS sometimes issues a blanket extension of all expiring EADs for that country, to allow time for USCIS to issue new EADs with updated validity dates.***
 - USCIS announces the extension of the TPS or DED program, and the automatic extension of expiring EADs, in the ***Federal Register***, the official journal of the Federal Government of the United States that contains most routine publications and public notices of government agencies.
 - The ***Federal Register*** notice will inform employers how to tell if an EAD that bears an expiration date that has passed has been automatically extended. The websites for USCIS and OSC provide links for ***Federal Register*** notices regarding TPS and DED.
 - Employers should continue to employ employees whose EADs have expired if their EADs meet the criteria explained in the ***Federal Register*** notice.
4. ***If a current or new employee presents an EAD that has been automatically extended, an employer may not ask for additional documentation to prove work authorization, country of origin or registration for program extensions.***
 - Requesting more or different documents than are required by the I-9 process may violate the anti-discrimination provision of the Immigration and Nationality Act (INA).
5. ***When to contact USCIS or OSC:***
 - For general questions or concerns about TPS, DED or automatic extensions of EADs, contact the USCIS National Customer Service Center at 1-800-357-2099.
 - For general TPS and DED information, a list of countries currently designated for TPS or covered under DED, and links to ***Federal Register*** notices concerning TPS or DED, visit www.uscis.gov.
 - For information on accepting documents in a non-discriminatory manner, contact the Office of Special Counsel for Immigration-Related Unfair Employment Practices at 1-800-255-8155, or visit www.justice.gov/crt/about/osc.