



U.S. DEPARTMENT OF JUSTICE
IMMIGRANT & EMPLOYEE RIGHTS SECTION
CIVIL RIGHTS DIVISION

INFORMATION FOR EMPLOYERS ON TEMPORARY PROTECTED STATUS (TPS) AND DEFERRED ENFORCED DEPARTURE (DED)

The TPS and DED programs are temporary humanitarian programs that the U.S. Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) administers that allow certain individuals to stay in this country for a designated period of time.

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 in the designated country, such as on-going armed conflict, environmental disaster, or other extraordinary and temporary conditions. The law governing TPS is found at 8 U.S.C. § 1254(a) and regulations are at 8 C.F.R. Part 244.

DED protects groups of persons from enforced removal from the U.S. for a limited period of time as ordered by the President. The Presidential order can direct USCIS to issue employment authorization to those with DED. The President can authorize DED as part of the President's power to conduct foreign relations.

The government often extends TPS and DED time periods multiple times.

Persons covered by TPS or DED are entitled to receive work authorization.

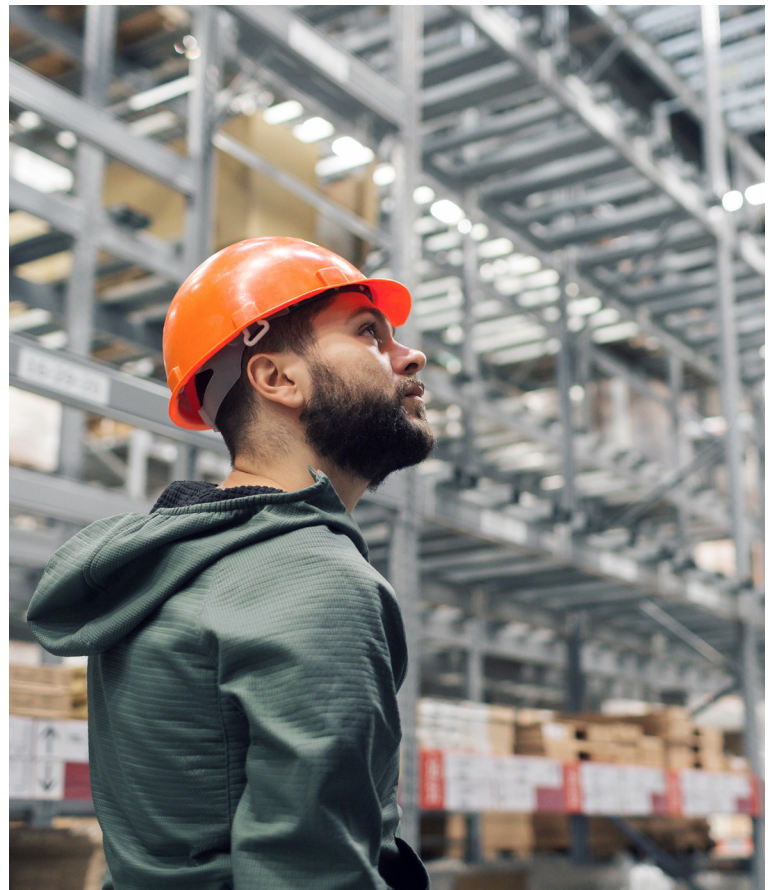
USCIS issues an Employment Authorization Document, Form I-766 (EAD) to workers with TPS or DED who request an EAD. You can get more information on the categories of people eligible for EADs by contacting the Immigrant and Employee Rights Section (IER) or USCIS, and at 8 C.F.R. 274a.12.

Workers with TPS or DED, like all employees, have the right to provide their choice of valid documentation to demonstrate their identity and work authorization. An employer that treats workers differently in the employment eligibility verification process (Form I-9 and E-Verify) based on the worker's citizenship status or national origin may violate the law that IER enforces, at 8 U.S.C. § 1324b(a)(6).

When the government extends a country's TPS or DED, USCIS sometimes issues a blanket extension of all expiring EADs for that country, to allow time for USCIS to issue new EADs.

USCIS announces TPS and DED extensions in the Federal Register, the U.S. Government's official journal that contains government agencies' routine publications and public notices.

If USCIS also issues a blanket extension for EADs, the Federal Register notice will inform the public how to tell if an EAD has been automatically extended. [USCIS's website](#) provides links to TPS and DED Federal Register notices.



If the government does not issue a blanket extension for TPS EADs, a TPS worker may still be able to keep working after the expiration date on the EAD. If a TPS worker applies for a renewal EAD following the instructions in the Federal Register Notice, the worker can present the TPS (but not DED) EAD with the I-797C receipt notice showing that the government received the worker's EAD renewal application. This document combination is valid for 180 days after the original EAD expiration date. You can get more information by contacting IER and at 8 C.F.R. 274a.2(b)(1)(vii). If a Federal Register notice automatically extends a TPS worker's EAD, the Federal Register notice explains that the worker does not have to show an I-797C with the EAD to keep working.

Employees whose EADs have been extended beyond their original expiration date continue to be authorized to work until the end of the EAD extension period. You can get more information on EAD automatic extensions in this [USCIS Fact Sheet](#), the [Handbook for Employers on Completing the Form I-9](#) Section 4.2, and 8 C.F.R. 274a.2(b)(1)(vii). You can also call IER for more information.

Depending on the facts, an employer that asks for additional documentation when it is not required may violate the law that IER enforces at 8 U.S.C. § 1324b(a)(6).

By the end of the EAD extension period, the employer must see another document to confirm that the worker is allowed to continue working.

When the EAD extension period ends, that EAD is no longer valid unless the Department of Homeland Security issues an additional extension. Under a different law (8 U.S.C. § 1324a), the employer needs to see another document for the Form I-9 to see whether the worker is authorized to work. At the end of this extension period, the worker may show a new EAD or any other acceptable [List A](#) or [List C](#) document. The rules for when an employer must ask for documents again are discussed in the Handbook for Employers and at 8 C.F.R. 274a.2(b)(1)(vii).



Immigrant and Employee Rights Section (IER)

1-800-255-8155

www.justice.gov/ier

Calls can be anonymous and language services are available.

TTY 1-800-237-2515

U.S. Citizenship and Immigration Services (USCIS)

1-800-375-5283

www.uscis.gov/tps

TTY 1-800-767-8339

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