

USCIS' Responses to Questions from the Catholic Legal Immigration Network, Inc. About Temporary Protected Status for Afghan Nationals

April 20, 2022

- 1. Does a TPS approval result in terminating parolee status? Per our analysis, there's nothing in the law that prevents someone from having two noncitizen statuses at the same time if they meet all requirements, but it would be helpful for USCIS to confirm whether someone can have both TPS and parole simultaneously, since parole is not a nonimmigrant status.**

A person who is paroled into the United States can apply for Temporary Protected Status (TPS) and, if eligible, have TPS and still maintain their parole. As for any TPS designation, individuals must demonstrate their continuous residence in the United States since the date specified in the TPS designation and continuous physical presence in the United States since the designation date in the Federal Register notice.

- 2. Would it help the TPS holder to maintain their underlying parole if they did not use a TPS-based EAD to work but continued to work on the basis of the parole-based EAD? In other words, if I have parole and want to apply for TPS, should I also apply for a TPS-based EAD or can I just use my (c)(11) EAD?**

When filing an initial TPS application, individuals can request an Employment Authorization Document (EAD) by submitting Form I-765, with their Form I-821, Application for Temporary Protected Status. They may also file Form I-765 separately at a later date from their Form I-821 with the appropriate fee for the EAD or a fee waiver if they already have a valid EAD from their initial parole.

- 3. If an Afghan parolee is granted TPS, will that mean they lose access to ORR benefits or other federal benefits as of the date TPS is granted or can they continue to qualify for benefits through the date of their parole grant?**

If an eligible individual under the Afghanistan Supplemental Appropriations Act 2022 (ASA) applies for and obtains TPS, the individual will remain eligible for ASA and ORR benefits and services until March 31, 2023, or the end of the individual's parole term, whichever is later, due to their underlying ASA-eligible immigration category or status as outlined in [ORR PL 22-02](#). Note, however, that Afghans with only TPS and no underlying ORR-eligible immigration category or status as outlined in ORR PL 22-02 are not eligible for ASA or ORR benefits and services.

Please contact the Office of Refugee Resettlement for more information or visit their Afghan Assistance Resources page at acf.hhs.gov/orr/programs/refugees/afghan-assistance-resources.

- 4. Assuming you can have TPS and be a parolee, would travel on TPS advance parole terminate someone's humanitarian parole? The government has taken the position under MTINA that a person who re-enters with parole returns with the same status they**

had when they left. For people in this position, would they return as someone with both TPS and humanitarian parole?

The individual would return as someone with TPS. In this example, parole terminates upon the parolee's departure from the United States.