



# Biden Administration Gives Temporary Protected Status (TPS) to Venezuelans

Under a New DHS Policy, Venezuelans can Apply for TPS Until  
September of 2021

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# About the Author

Jacob graduated from the University of Richmond School of Law and was accepted to the Virginia Bar in 2012. Less than 30 days later, he launched his own legal practice.

What began in Jacob's home office has quickly grown to a practice of multiple attorneys and staff which serves thousands of clients both in the Commonwealth of Virginia and throughout the world.

Jacob primarily focuses on immigration cases, and he has personally handled more than one thousand immigration matters in his last several years of practicing law, ranging from family-based green card applications to deportation defense, immigrant rights litigation, and business immigration.

Additionally, Jacob helps various local businesses and non-profit organizations with issues ranging from branding and marketing to trademark registration, business organization, corporate management, and contractual matters.

On top of his role as the managing partner at Tingen & Williams, Jacob also teaches an immigrant rights practicum as adjunct faculty at the University of Richmond School of Law.



**Jacob Tingen**

Managing Partner at  
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Have a Question About  
TPS or Immigration Law?

Feel free to call our office at

(804) 477-1720

Or, ask us a question at

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Thank you!

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## Introduction

On March 8th, 2021 it was announced that the Biden administration was extending temporary protected status (TPS) to individuals from Venezuela.

If you are a person from Venezuela, or you know someone who might benefit from TPS, you should consider speaking with an attorney about your case.

In this article, we'll cover the basics of what TPS is and how it can help Venezuelans who are currently living in the United States.

Note, however, that only an attorney who has reviewed your entire case can tell you for sure whether or not you qualify for TPS under the new ruling.

## Venezuelan TPS: What You Need to Know

On Monday, March 8th, the Biden administration announced that it will offer deportation relief and work permits to Venezuelan immigrants living in the U.S. through a program known as “Temporary Protected Status,” or “TPS.”

You can read the news release from the Department of Homeland Security here:

- [Secretary Mayorkas Designates Venezuela for Temporary Protected Status for 18 Months](#)

To summarize, the Secretary of Homeland Security is designating Venezuela for TPS for 18 months, until September of 2022.

This means that Venezuelan nationals living in the United States can file applications for Temporary Protected Status, provided they meet certain eligibility requirements.

USICS will accept applications for TPS within a 180 day registration period (from early March until early September, 2021).



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If they are approved for TPS, these individuals:

1. Are not removable from the United States (e.g. they will not be deported).
2. Can obtain an employment authorization document (EAD) so they can legally work in the United States.
3. May be granted travel authorization so they can leave and reenter the country.

Note as well that individuals with TPS can apply for nonimmigrant status, file for an adjustment of status (green card), and apply for any other immigration benefit provided to individuals legally living in the country.

Reportedly, this change in policy will affect an estimated 320,000 Venezuelans currently living in the country.

### **Additional Venezuela TPS Details**

TPS Designated Through:	Sept. 9, 2022
Registration Period:	March 9, 2021 – Sept. 5, 2021
Continuous Residence in U.S. Since:	March 8, 2021
Continuous Physical Presence in U.S. Since:	March 9, 2021
TPS Designation Date	March 9, 2021
Federal Register Notice Citation:	<a href="#">2021-04951</a>

Taken from the USCIS page on Venezuelan TPS.



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## Temporary Protected Status FAQ

Below, we'll answer a few common questions people have about temporary protected status.

If you have any further questions, or would like more information about TPS in general, you should chat with an attorney about your case.

### What is TPS?

Temporary protected status, also known as TPS, is a legal immigration status given to individuals who meet the following conditions:

1. They are nationals of (or recently lived in) a country with an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions.
2. They are currently living in, or plan to live in, the United States at least temporarily while conditions improve in their home country.
3. They are not otherwise inadmissible to the United States due to factors such as a criminal history.

The primary benefit of TPS is that immigration officials **will not remove or deport** someone who has applied for and received temporary protected status.

Individuals with TPS can also apply for an employment authorization document and may be granted travel authorization.



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## What are the Eligibility Requirements?

There are several eligibility requirements for TPS.

Specifically, you must:

- Be a national of a country designated for TPS (in this case, a citizen of Venezuela).
- File during the initial registration period (March to September, 2021).
- Have been continuously physically present in the United States since the effective date (March 9th, 2021).
- Have been continuously residing in the United States since the date specified for the country (March 8th, 2021).

More importantly, there are certain factors that may disqualify you from TPS eligibility.

For example, you may not be eligible for TPS if you:

- Have been convicted of a felony or two or more misdemeanors committed in the United States.
- Are found inadmissible due to factors outlined in [INA § 212\(a\)](#) such as public charge or health-related issues (such as disease).
- Are subject to a mandatory asylum bar.
- Fail to meet continuous physical presence or continuous residence (such as if you travel outside the country).

If any of these factors apply to your case, you should speak with an attorney immediately to see if there's a way to apply for an eligibility waiver.





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## **What Happens if I Have a Criminal Record?**

As we mentioned above, the presence of a criminal history may bar you from temporary protected status, depending on the circumstances of your case and the severity of the crimes committed.

If you have a criminal history but still want to apply for TPS, you should seek out an attorney immediately to discuss your case.

Additionally, you should note that you **must** get certified court records for your cases, as you'll have to submit these with your application.

## **How Do I File for TPS?**

Filing for TPS is actually relatively simple.

Generally speaking, all you have to do is submit for I-821, Application for Temporary Protected Status alongside any related forms, various identity and nationality evidence, evidence of your presence and residence in the United States, and a few other procedural documents about your case.

You can find all the information you'll need about filing for TPS [on the USCIS website](#).



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## Conclusion

On March 8th, the Biden administration announced that it would release an executive order which gives temporary protected status (TPS) to Venezuelans currently living in the United States.

Under this status, these individuals will be able to live and work in the country legally until such point that the humanitarian crisis in Venezuela is resolved.

If you or someone you know who is Venezuelan is currently living in the country without status, you should strongly consider speaking with an immigration attorney immediately.

The deadline to apply for TPS is only 180 days from March 9th (i.e. early September), and it's important that you register as soon as possible.

At the barest of minimums, you should speak with an attorney about your case to see if you or your family members qualify for TPS under this new rule.



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### **Forms:**

- [I-821, Application for Temporary Protected Status](#)

### **Resources:**

- [“Secretary Mayorkas Designates Venezuela for Temporary Protected Status for 18 Months,” U.S. Department of Homeland Security](#) — The official release on the DHS website that summarizes the TPS designation.
- [“Temporary Protected Status,” U.S. Citizenship and Immigration Services](#) — The official information page for TPS, published by USCIS.
- [“Temporary Protected Status: Venezuela,” U.S. Citizenship and Immigration Services](#) — The official information page for Venezuelan TPS, published by USCIS.
- [“Designation of Venezuela for Temporary Protected Status and Implementation of Employment Authorization for Venezuelans Covered by Deferred Enforced Departure,” U.S. Department of Homeland Security](#) — An in-depth resource that contains all the information you need to know about TPS for Venezuelans. Note, however, that it’s a bit technical, so it may take a while to read in full, or discuss its contents with an attorney.

### **En Español**

- [La Administración de Biden Otorga Estatus de Protección Temporal \(TPS\) a Los Venezolanos](#)



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