



# Automatic Extension & I-9 Form Verification For Temporary Protected Status in the U.S.

Insights

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Temporary Protected Status (TPS) is available in the United States for individuals from foreign states where the U.S. Attorney General (AG) has determined that conditions in that country would result in a threat to the personal safety of individuals if they returned home (e.g., armed conflict, epidemic, or earthquake). Currently, the following countries have been designated for TPS: El Salvador, Haiti, Honduras, Nicaragua, Somalia, Sudan, South Sudan, and Syria. Once an individual has been granted TPS, he/she is not removable from the U.S., can apply for an employment authorization document (EAD), and may be granted travel authorization.

Each TPS country has a corresponding expiration date for all TPS EAD cards. The applicable expiration date can be found on the U.S. Department of Citizenship and Immigration Services (USCIS) [website](#). For example, the current EAD expiration date for El Salvador is March 9, 2015. If threatening conditions continue to exist, the AG may grant an extension of the TPS designation. When that occurs, the TPS foreign nationals are eligible to apply for an extension of their EAD.

The U.S. Department of Homeland Security may issue a blanket automatic extension of expiring TPS EADs for a specific country when they anticipate that there will be delays in processing EAD renewal applications. Automatic extension information may be found on the USCIS website (see above link). For example, the EADs for Haiti have been automatically extended through January 22, 2015. An employer in the U.S. may accept an expired EAD that has been auto-extended to complete the Form I-9 Employment Eligibility Verification process for new hires or to re-verify continuing employment if:

- The category on the EAD is either A-12 or C-19; and
- The expiration date of the last re-registration period is listed and corresponds to the USCIS information.

For new hires, enter the document name, document number and the auto-extended expiration date under List A in Section 2 of the Form I-9. For current employees, in Section 2 draw a line through the old expiration date and enter the auto-extended expiration date and write "EAD Ext." in the margin and initial and date with the current date. If the employee will continue to work beyond the auto-extended expiration date, the employer must re-verify the employee's employment authorization no later than the auto-extended expiration date.

