

FACTSHEET: Temporary Protected Status (October 2005)¹

Q: What is “Temporary Protected Status”?

A: Temporary protected status (TPS) is a temporary immigration status granted by the United States to eligible nationals of designated countries (or parts thereof). It is granted where there is evidence of civil unrest, violence, or natural disasters, or where there are extraordinary, temporary conditions that make a country impossible to return to or unsafe.

Q: Who designates TPS?

A: The Secretary of the Department of Homeland Security (DHS) may designate a country (or parts thereof) for TPS; or Congress may pass legislation designating a country (or parts thereof) for TPS.

Q: What will TPS do?

A: TPS prevents eligible individuals from forcibly being removed from the United States (individuals under deportation proceedings or whose visas are expiring) to return to homelands where the living conditions have been substantially disrupted. Once a TPS designation is made, individuals from the country designated have to then apply through the US Citizenship and Immigration Service for TPS status.

Q: What can people who receive TPS after applying for it do?

A: Individuals eligible for TPS can work and reside legally in the United States, for the time that the “TPS” period extends. **However**, TPS does not necessarily lead to lawful permanent resident status. When the TPS designation of a country is terminated, beneficiaries revert to the same immigration status they maintained before TPS, or to the status they acquired while under TPS.

Q: Who is eligible to apply for “TPS”?

A: Foreign nationals eligible for TPS can apply for the status once the designation is made by the U.S. government. This can include individuals without status, or those who are on visas that may expire.

¹ *This factsheet has been created by SAALT with assistance from the New York Immigration Coalition and the Asian American Justice Center. It has been created for community education/awareness purposes, with an emphasis on the current efforts to advocate for TPS for Pakistani nationals.*

In order to apply for TPS, one must:

- be a national of a country designated for TPS;
- apply for TPS during the specified registration period;
- have been *continuously physically present* in the United States since the TPS designation began, or since the effective date of the most recent re-designation;
- have continuously resided in the United States since the date specified in the notice of designation; and
- be admissible as an immigrant and *not otherwise ineligible* for TPS.

Q: In the past, when has the United States granted “TPS”?

A: In 1998, the Clinton Administration granted TPS to Montserrat, Honduran and Nicaraguan nationals after volcanic eruptions and hurricanes destroyed their homelands. In 2001, the Bush Administration granted TPS to El Salvador nationals following two earthquakes. There is an effort ongoing now to grant Guatemalans TPS due to the environmental disaster there in 2005. As of January 2005, nationals of eight designated countries have been able to apply for TPS: Burundi, El Salvador, Honduras, Liberia, Montserrat, Nicaragua, Somalia, and Sudan.

Q: Why should Pakistanis receive TPS?

A: The earthquake that hit parts of South Asia on October 8, 2005, has taken a tremendous toll on Pakistan, leaving the area damaged and changed. It would be nearly impossible for individuals to return to Pakistan at this time. The grant of TPS would complement the ongoing humanitarian and relief efforts to assist Pakistan and its residents.

- The death toll has reached over 70,000. Nearly 70,000 people have suffered injuries. Hundreds of towns have been destroyed (*United Nations Office for the Coordination of Humanitarian Affairs, November 5, 2005*).
- More than 2 million individuals are in need of food, and 3 million are homeless (*United Nations Office for the Coordination of Humanitarian Affairs, November 2, 2005*).
- The Pakistani Embassy reports that there has been \$5 billion worth of damage to infrastructure in the country, with 15,000 villages directly affected and 8,000 schools destroyed. Moreover, over 20,000 earthquake victims have been admitted to military and civilian hospitals (*Embassy of Pakistan, November 1, 2005*).
- There are an estimated 3.2 to 3.5 million people in Pakistan who require medical care, and up to 4 million who need primary health care (*United Nations Office for the Coordination of Humanitarian Affairs, November 1, 2005*).

In a situation as grave as this, it is not safe or possible for Pakistanis in the United States to return to Pakistan until the situation in the country improves. Due to the extent of the natural disaster and its consequences, Pakistani nationals in the United States should be allowed to remain in the country for a temporary period.

Q: What are the current efforts to press for TPS for Pakistani nationals?

A: Nearly 50 ethnic, faith-based and immigrant and refugee service organizations endorsed a letter sent to the Secretary of the Department of Homeland Security on November 7, 2005, asking him to grant TPS. In addition, Representative Al Green (D-TX) has introduced the “Pakistani TPS Act of 2005” (H.R. 4073) in the House of Representatives. Congressional members, including Representatives Rahm Emmanuel (D-IL) and Jan Schakowsky (D-IL), have expressed support and requested President Bush to direct the Administration to grant TPS for Pakistani nationals.

Q: How can I help?

A: You can help in many ways, including contacting the appropriate agencies/officials and educating the community about TPS. *When making contact with the below agencies/officials listed below, please also emphasize the importance of increasing relief efforts (specifically, helicopters, medical supplies and personnel, and supplies for the impending winter) to aid the victims of the earthquake.*

- Contact the White House at (202) 456-1414 and ask the President to direct Secretary Chertoff to designate “TPS” for Pakistani nationals in the United States
- Send a letter to Secretary Chertoff asking him to grant TPS to Pakistani nationals
- Contact your Congressional member and ask him or her to become a cosponsor of the H.R. 4073 bill that is pending in the House of Representatives
- Educate community members about TPS and its importance to the Pakistani community in America at this time