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DHS Preserves, Extends TPS Status for Nepal and Honduras in Compliance with Court Order

UNITED STATES

At a glance

- *Complying with a federal court order, DHS will preserve Temporary Protected Status (TPS) for nationals of Nepal and Honduras, while lawsuits challenging the termination of TPS for these and other countries continue.*
- *The validity of TPS-related documentation, including employment authorization documents, for nationals of Nepal will be automatically extended through March 24, 2020.*
- *For now, the TPS designation for Honduras remains in effect through January 5, 2020, and USCIS will extend TPS-related documentation for the country in November.*

The situation

Today the Department of Homeland Security (DHS) published a [Federal Register notice](#) that temporarily preserves Temporary Protected Status (TPS) designations for nationals of Nepal and Honduras, countries previously scheduled by DHS to lose TPS designation. TPS was originally set to be terminated for [Nepal](#) on June 24, 2019 and for [Honduras](#) on January 5, 2020.

The notice was published in compliance with the March 12, 2019 [stay proceedings](#) in *Bhattarai et al. v Nielsen et al.*, whose resolution will be informed by the decision in a [separate California district court lawsuit](#) challenging TPS terminations, *Ramos et al. v Nielsen et al.* In recognition of the similarities between these two cases, DHS agreed to follow the *Ramos* court order for Nepal and Honduras, and to keep TPS designations for the two countries in place until there is a final judicial order in the *Ramos* appeal.

Extension of EADs and other TPS-related documents

TPS Employment Authorization Documents (EADs), Forms I-797 Approval Notices, and Forms I-94 for nationals of **Nepal** are automatically extended through **March 24, 2020**, provided they meet certain registration and documentary requirements set forth in the Federal Register notice.

Beneficiaries under the TPS designation for **Honduras** who either have been approved for re-registration or have pending TPS re-registration and EAD applications, either have or will receive TPS-related documentation that will remain in effect until **January 5, 2020**. DHS will issue a Federal Register Notice approximately 45 days before January 5, 2020 that will announce an automatic extension of TPS-related documentation for these beneficiaries. The automatic extension announced in today's Notice does not apply to them.

DHS plans to issue Federal Register notices that will automatically extend TPS-related documentation for beneficiaries under the TPS designations for Nepal and Honduras in nine-month intervals as long is necessary to comply with the *Bhattarai* or other court orders.

Possible future outcomes for TPS designations

If a court ultimately permits DHS to move forward with TPS terminations, TPS status and work authorization will terminate either 120 days after the final court order, or on the TPS country's original termination date, whichever is later. As noted above, TPS for Nepal and Honduras had originally been set to expire on June 24, 2019 and January 5, 2020, respectively.

Impact on employers and foreign nationals

I-9 employment eligibility verification: TPS beneficiaries eligible for automatic EAD extensions may complete or update their I-9 employment eligibility records by providing an employer with a copy of today's [Federal Register notice](#), an eligible expiring or expired TPS EAD, and any other required I-9 documents. The Federal Register notice provides specific instructions on proper completion of an I-9 form to reflect an automatically extended TPS EAD.

New EADs: While it is not necessary for TPS beneficiaries from Nepal and Honduras to obtain a new EAD in order to benefit from the automatic EAD extension, they may do so by filing a Form I-765 (Application for Employment Authorization) with USCIS, along with the filing fee (or fee waiver request).

Pending TPS and/or EAD applications: If a pending application is approved, approval notices and document expiration dates will reflect the latest expiration date, March 24, 2020 (Nepal) or January 5, 2020 (Honduras). There is no need for a foreign national to file either application again in order to benefit from today's extension.

Fragomen will continue to provide updates on TPS designations and related developments.

This alert is for informational purposes only. If you have any questions, please contact the immigration professional with whom you work at Fragomen.

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