



9111-97

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Citizenship and Immigration Services**

**[CIS No. 2643-19; DHS Docket No. USCIS-2014-0004]**

**RIN 1615-ZB79**

**Extension of the Designation of South Sudan for Temporary Protected Status**

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** Through this Notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is extending the designation of South Sudan for Temporary Protected Status (TPS) for 18 months, from May 3, 2019, through November 2, 2020. The extension allows currently eligible TPS beneficiaries to retain TPS through November 2, 2020, so long as they otherwise continue to meet the eligibility requirements for TPS.

This Notice also sets forth procedures necessary for nationals of South Sudan (or aliens having no nationality who last habitually resided in South Sudan) to re-register for TPS and to apply for Employment Authorization Documents (EADs) with U.S. Citizenship and Immigration Services (USCIS). USCIS will issue new EADs with a November 2, 2020 expiration date to eligible beneficiaries under South Sudan's TPS designation who timely re-register and apply for EADs under this extension.

**DATES:** Extension of Designation of South Sudan for TPS: The 18-month extension of the TPS designation of South Sudan is effective May 3, 2019, and will remain in effect

through November 2, 2020. The 60-day re-registration period runs from **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]** through **[INSERT DATE 60 DAYS FROM DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. (**Note:** It is important for re-registrants to timely re-register during this 60-day period and not to wait until their EADs expire.)

**FOR FURTHER INFORMATION CONTACT:**

- You may contact Samantha Deshommes, Branch Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, by mail at 20 Massachusetts Avenue, N.W., Washington, DC 20529-2060, or by phone at 800-375-5283.
- For further information on TPS, including guidance on the re-registration process and additional information on eligibility, please visit the USCIS TPS web page at <http://www.uscis.gov/tps>. You can find specific information about this extension of South Sudan's TPS designation by selecting "South Sudan" from the menu on the left side of the TPS web page.
- If you have additional questions about TPS, please visit [uscis.gov/tools](http://uscis.gov/tools). Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800-375-5283.
- Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at <http://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).
- Further information will also be available at local USCIS offices upon publication of

this Notice.

**SUPPLEMENTARY INFORMATION:**

**Table of Abbreviations**

BIA – Board of Immigration Appeals

CFR – Code of Federal Regulations

DHS – U.S. Department of Homeland Security

DOS – U.S. Department of State

EAD – Employment Authorization Document

FNC – Final Nonconfirmation

FR – *Federal Register*

Government – U.S. Government

IJ – Immigration Judge

INA – Immigration and Nationality Act

IER – U.S. Department of Justice Civil Rights Division, Immigrant and Employee Rights  
Section

SAVE – USCIS Systematic Alien Verification for Entitlements Program

Secretary – Secretary of Homeland Security

TNC – Tentative Nonconfirmation

TPS – Temporary Protected Status

TTY – Text Telephone

USCIS – U.S. Citizenship and Immigration Services

USC – United States Code

Through this Notice, DHS sets forth procedures necessary for eligible nationals of

South Sudan (or aliens having no nationality who last habitually resided in South Sudan) to re-register for TPS and to apply for renewal of their EADs with USCIS. Re-registration is limited to persons who have previously registered for TPS under the designation of South Sudan and whose applications have been granted.

For individuals who have already been granted TPS under South Sudan's designation, the 60-day re-registration period runs from **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]** through **[INSERT DATE 60 DAYS FROM DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. USCIS will issue new EADs with a November 2, 2020 expiration date to eligible South Sudanese TPS beneficiaries who timely re-register and apply for EADs. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that not all registrants may receive new EADs before their current EADs expire on May 2, 2019. Accordingly, through this *Federal Register* notice, DHS automatically extends the validity of EADs issued under the TPS designation of South Sudan for 180 days, through October 29, 2019. Additionally, individuals who have EADs with an expiration date of November 2, 2017, and who applied for a new EAD during the last re-registration period but have not yet received their new EADs are also covered by this automatic extension. These individuals may show their EAD indicating a November 2, 2017, expiration date and their EAD application receipt (Notice of Action, Form I-797C) that notes the application was received on or after September 21, 2017, to employers as proof of continued employment authorization through October 29, 2019. This Notice explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and how this affects the Form I-9, Employment Eligibility

Verification, and E-Verify processes.

Individuals who have a South Sudan TPS Form I-821 and/or Form I-765 that was still pending as of [Insert date of publication in the FEDERAL REGISTER] do not need to file either application again. If the TPS application is approved, the individual will be granted TPS through November 2, 2020. Similarly, if a pending TPS-related application for an EAD is approved, it will be valid through the same date. There are approximately 84 current beneficiaries under South Sudan's TPS designation.

### **What Is Temporary Protected Status (TPS)?**

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the INA, or to eligible persons without nationality who last habitually resided in the designated country.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to obtain EADs so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion.
- The granting of TPS does not result in or lead to lawful permanent resident status.
- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(1)-(2), 8 U.S.C. 1254a(c)(1)-(2).
- When the Secretary terminates a country's TPS designation, beneficiaries return to one of the following:
  - The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or been terminated); or

- Any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid beyond the date TPS terminates.

### **When was South Sudan designated for TPS?**

South Sudan was initially designated for TPS on October 13, 2011, on the basis of ongoing armed conflict and extraordinary and temporary conditions in South Sudan that prevented nationals of South Sudan from safely returning. See Designation of Republic of South Sudan for Temporary Protected Status, 76 FR 63629 (Oct. 13, 2011). Following the initial designation, the Secretary extended and newly designated South Sudan for TPS in 2013, 2014, and 2016 respectively. See Extension and Redesignation of South Sudan for Temporary Protected Status, 78 FR 1866 (Jan. 9, 2013); Extension and Redesignation of South Sudan for Temporary Protected Status, 79 FR 52019 (Sept. 2, 2014); Extension and Redesignation of South Sudan for Temporary Protected Status, 81 FR 4051 (Jan. 25, 2016). Most recently, in 2017, the Acting Secretary extended South Sudan's TPS designation for 18 months, based on ongoing armed conflict and extraordinary and temporary conditions. See Extension of South Sudan for Temporary Protected Status, 82 FR 44205 (Sept. 21, 2017).

### **What authority does the Secretary have to extend the designation of South Sudan for TPS?**

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate agencies of the U.S. Government (Government), to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain

country conditions exist.<sup>1</sup> The Secretary may then grant TPS to eligible nationals of that foreign state (or eligible aliens having no nationality who last habitually resided in the designated country). See INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in the foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. See INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary does not determine that the foreign state no longer meets the conditions for TPS designation, the designation will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months. See INA section 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. See INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

### **Why is the Secretary extending the TPS designation for South Sudan through November 2, 2020?**

DHS has reviewed conditions in South Sudan. Based on the review, including input received from other U.S. Government agencies, the Secretary has determined that an 18-month extension is warranted because the ongoing armed conflict and extraordinary and temporary conditions supporting South Sudan's TPS designation remain.

---

<sup>1</sup> As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135, any reference to the Attorney General in a provision of the INA describing functions transferred from the Department of Justice to DHS "shall be deemed to refer to the Secretary" of Homeland Security. See 6 U.S.C. 557 (codifying the Homeland Security Act of 2002, tit. XV, section 1517).

Currently, 4.2 million individuals are displaced in or outside of South Sudan, and over 7 million of the country's 12 million people require humanitarian assistance.

Numerous armed groups remain active in South Sudan. Since the 2017 extension of TPS for South Sudan, all parties to the conflict have continued to violate international humanitarian law and perpetrated serious human rights abuses against civilians.

Armed conflict and lawlessness prevail in much of South Sudan, despite the warring parties' adoption of an agreement to cease hostilities in December 2017, followed by the signing of a new peace agreement in September 2018. Although violence is assessed to have declined in parts of the country where the ceasefire has taken hold, incidents of indiscriminate violence against South Sudanese civilians, humanitarian aid workers, and United Nations personnel persist today. In particular, while the United Nations Mission in South Sudan (UNMISS) reported a decline in the overall number of reported human rights violations and abuses by the signatory parties following the ceasefire, reported incidents of sexual violence and child soldier recruitment increased from 2017 to 2018.

Instances of the use of sexual violence – including against women and girls in government-controlled parts of the country and at UNMISS protection sites – remain widespread, even after the signing of the September 2018 peace agreement. Civilians, primarily women and girls, have reportedly been abducted by government forces and allied militias and raped in detention, where they were sometimes held for hours, days, or even weeks. Since mid-2018, there have been nearly 2,300 reported cases of gender-based violence in South Sudan, although the actual number of incidents is believed to be much higher. This represents a 72 percent increase in reported incidents from the same

period in 2017.

Children in South Sudan are routinely abducted and forced to join fighting forces. In December 2017, the United Nations Children's Fund (UNICEF) reported that armed groups had recruited more than 19,000 children since the civil conflict started – representing an overall increase since 2015, when a total of 16,000 children had been recruited and since 2016, when a total of 17,000 children had been recruited.

An upsurge in intercommunal violence in 2018, including cattle raiding and revenge killings, in Lakes and Jonglei states increased civilian displacement, looting, and casualties. Conflicts in these regions also occurred because of the uneven disarmament of local militias, and other festering intercommunal tensions. This violence had spillover effects, including hampering the delivery of humanitarian assistance in 2018. Three aid workers were killed in September and October 2018 alone, bringing the total number of aid workers killed since the outset of the conflict to at least 112.

As of January 2019, 4.2 million South Sudanese were displaced; 1.9 million South Sudanese were internally displaced; and an estimated 2.3 million were refugees in neighboring countries. UNMISS hosted nearly 200,000 civilians seeking safety in five protection sites. The figures reflect an increase in displacement since August 2017, when 3.9 million were displaced, of which 1.9 million were internally displaced and 2 million had fled to neighboring countries. South Sudan hosted approximately 292,500 refugees from neighboring countries during the same time period.

In September 2018, increases in acute malnutrition due to severe food insecurity, widespread conflict and displacement, poor access to services, high morbidity, extremely poor diets, and poor sanitation and hygiene continued to characterize South Sudan's

humanitarian situation. In October 2018, the Department of State (DOS) assessed that ongoing fighting continued to plague South Sudan and resulted in large-scale displacement, restricted humanitarian access, and disrupted market and agricultural activities.

Acute food insecurity has increased substantially since the outbreak of the conflict in 2013. In February 2019, Integrated Food Security Phase Classification (IPC) initiative data estimated that 6.17 million South Sudanese, over half of the total population, faced Crisis (IPC Phase 3) acute food insecurity or worse in January 2019, out of which 1.36 million people faced Emergency (IPC Phase 4) acute food insecurity and 30,000 people faced Catastrophe (IPC Phase 5) famine-like conditions. This is nearly four times the 1.6 million people estimated in “crisis” phase or worse in August 2013.

In 2018, for the third consecutive year, South Sudan was the most dangerous place for delivering humanitarian assistance, according to the United Nations. Nevertheless, a decline in the number of conflict incidents in November and early December 2018, when compared with early 2018 and the same months in 2016 and 2017, has allowed for some increased humanitarian access.

South Sudan’s economic collapse continued in 2018 according to the World Bank. The country’s real gross domestic product (GDP) contracted about 6.9 percent in Fiscal Year (FY) 2017 and in July 2018, and was projected to further contract by 3.5 percent in FY 2018. Average GDP per capita dropped from \$1,111 in 2014 to less than \$200 in 2017. Over 80 percent of South Sudan’s population lives below the poverty line.

As of December 2018, the protracted conflict and economic crisis has left over 5.7 million people in South Sudan without sufficient public health, water, and sanitation

services and made them more susceptible to disease and malnutrition. About 1.5 million people live in areas facing high levels of access constraints – places where armed hostilities, violence against aid workers and assets, and other access impediments render humanitarian activities severely restricted, or in some cases impossible. Based upon this review and after consultation with appropriate Government agencies, the Secretary has determined that:

- The conditions supporting South Sudan’s designation for TPS continue to be met. See INA section 244(b)(3)(A) and (C), 8 U.S.C. 1254a(b)(3)(A) and (C).
- There continues to be an ongoing armed conflict in South Sudan and, due to such conflict, requiring the return to South Sudan of South Sudanese nationals (or aliens having no nationality who last habitually resided in South Sudan) would pose a serious threat to their personal safety. See INA section 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A).
- There continue to be extraordinary and temporary conditions in South Sudan that prevent South Sudanese nationals (or aliens having no nationality who last habitually resided in South Sudan) from returning to South Sudan in safety, and it is not contrary to the national interest of the United States to permit South Sudanese TPS beneficiaries to remain in the United States temporarily. See INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).
- The designation of South Sudan for TPS should be extended for an 18-month period, from May 3, 2019 through November 2, 2020. See INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).

## **Notice of Extension of the TPS Designation of South Sudan**

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate Government agencies, the conditions supporting South Sudan's designation for TPS continue to be met. See INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). On the basis of this determination, I am extending the existing designation of TPS for South Sudan for 18 months, from May 3, 2019, through November 2, 2020. See INA section 244(b)(1)(A), (b)(1)(C); 8 U.S.C. 1254a(b)(1)(A), (b)(1)(C).

**Kirstjen M. Nielsen,**

*Secretary.*

## **Required Application Forms and Application Fees to Re-register for TPS**

To re-register for TPS based on the designation of South Sudan, you *must* submit an Application for Temporary Protected Status (Form I-821). You do not need to pay the filing fee for the Form I-821. *See* 8 CFR 244.17. You may be required to pay the biometric services fee. Please see additional information under the “Biometric Services Fee” section of this Notice.

Through operation of this *Federal Register* notice, your existing EAD issued under the TPS designation of South Sudan with the expiration date of May 2, 2019, is automatically extended for 180 days, through October 29, 2019. However, if you want to obtain a new EAD valid through November 2, 2020, you must file an Application for Employment Authorization (Form I-765) and pay the Form I-765 fee (or request a fee waiver). If you do not want a new EAD, you do not have to file Form I-765 or pay the Form I-765 fee. If you do not want to request a new EAD now, you may also file Form I-765 at a later date and pay the fee (or request a fee waiver), provided that you still have TPS or a pending TPS application.

Additionally, individuals who have EADs with an expiration date of November 2, 2017, and who applied for a new EAD during the last re-registration period but have not yet received their new EADs are also covered by this automatic extension through October 29, 2019. You do not need to apply for a new EAD in order to benefit from this 180-day automatic extension. If you have a Form I-821 and/or Form I-765 that was still pending as of [Insert date of publication in the FEDERAL REGISTER], then you do not need to file either application again. If your pending TPS application is approved, you will be granted TPS through November 2, 2020. Similarly, if you have a pending TPS-

related application for an EAD that is approved, it will be valid through the same date.

You may file the application for a new EAD either prior to or after your current EAD has expired. However, you are strongly encouraged to file your application for a new EAD as early as possible to avoid gaps in the validity of your employment authorization documentation and to ensure that you receive your new EAD by October 29, 2019.

For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at <http://www.uscis.gov/tps>. Fees for the Form I-821, the Form I-765, and biometric services are also described in 8 CFR 103.7(b)(1)(i).

### **Biometric Services Fee**

Biometrics (such as fingerprints) are required for all applicants 14 years of age and older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay for the biometric services fee, you may complete a Form I-912 or submit a personal letter requesting a fee waiver, with satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS website at <http://www.uscis.gov>. If necessary, you may be required to visit an Application Support Center to have your biometrics captured. For additional information on the USCIS biometrics screening process, please see the USCIS Customer Profile Management Service Privacy Impact Assessment, available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

### **Refiling a Re-registration TPS Application after Receiving a Denial of a Fee Waiver Request**

You should file as soon as possible within the 60-day re-registration period so USCIS can process your application and issue any EAD promptly. Properly filing early

will also allow you to have time to refile your application before the deadline, should USCIS deny your fee waiver request. If, however, you receive a denial of your fee waiver request and are unable to refile by the re-registration deadline, you may still refile your Form I-821 with the biometrics fee. This situation will be reviewed to determine whether you established good cause for late TPS re-registration. However, you are urged to refile within 45 days of the date on any USCIS fee waiver denial notice, if possible. See INA section 244(c)(3)(C); 8 U.S.C. 1254a(c)(3)(C); 8 CFR 244.17(b). For more information on good cause for late re-registration, visit the USCIS TPS web page at <http://www.uscis.gov/tps>. Following denial of your fee waiver request, you may also refile your Form I-765 with fee either with your Form I-821 or at a later time, if you choose.

**Note:** Although a re-registering TPS beneficiary age 14 and older must pay the biometric services fee (but not the Form I-821 fee) when filing a TPS re-registration application, you may decide to wait to request an EAD. Therefore, you do not have to file the Form I-765 or pay the associated Form I-765 fee (or request a fee waiver) at the time of re-registration, and could wait to seek an EAD until after USCIS has approved your TPS re-registration application. If you choose to do this, to re-register for TPS you would only need to file the Form I-821 with the biometrics services fee, if applicable, (or request a fee waiver).

**Mailing Information**

Mail your application for TPS to the proper address in Table 1.

**Table 1-Mailing Addresses**

<b>If you would like to send your application by:</b>	<b>Then, mail your application to:</b>
---	--

U.S. Postal Service	U.S. Citizenship and Immigration Services Attn: TPS South Sudan P.O. Box 6943 Chicago, IL 60680-6943
A non-U.S. Postal Service courier	U.S. Citizenship and Immigration Services Attn: TPS South Sudan 131 S. Dearborn Street – 3rd Floor Chicago, IL 60603-5517

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD or are re-registering for the first time following a grant of TPS by an IJ or the BIA, please mail your application to the appropriate mailing address in Table 1. When re-registering and requesting an EAD based on an IJ/BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your application. This will help us to verify your grant of TPS and process your application.

**Supporting Documents**

The filing instructions on the Form I-821 list all the documents needed to establish eligibility for TPS. You may also find information on the acceptable documentation and other requirements for applying or registering for TPS on the USCIS website at [www.uscis.gov/tps](http://www.uscis.gov/tps) under “South Sudan.”

**Employment Authorization Document (EAD)**

How can I obtain information on the status of my EAD request?

To get case status information about your TPS application, including the status of an EAD request, you can check Case Status Online at <http://www.uscis.gov>, or call the USCIS National Contact Center at 800-375-5283 (TTY 800-767-1833). If your Form I-765 has been pending for more than 90 days, and you still need assistance, you may

request an EAD inquiry appointment with USCIS by using the InfoPass system at <https://infopass.uscis.gov>. However, we strongly encourage you first to check Case Status Online or call the USCIS National Contact Center for assistance before making an InfoPass appointment.

Am I eligible to receive an automatic 180-day extension of my current EAD through October 29, 2019, using this *Federal Register* notice?

Yes. Provided that you currently have a South Sudan TPS-based EAD, this *Federal Register* notice automatically extends your EAD through October 29, 2019, if you:

- Are a national of South Sudan (or an alien having no nationality who last habitually resided in South Sudan); and either
- Have an EAD with a marked expiration date of May 2, 2019, bearing the notation A-12 or C-19 on the face of the card under Category, or
- Have an EAD with a marked expiration date of November 2, 2017, bearing the notation A-12 or C-19 on the face of the card under Category and you applied for a new EAD during the last re-registration period but have not yet received a new EAD.

Although this *Federal Register* notice automatically extends your EAD through October 29, 2019, you must re-register timely for TPS in accordance with the procedures described in this *Federal Register* notice if you would like to maintain your TPS.

When hired, what documentation may I show to my employer as evidence of employment authorization and identity when completing Employment Eligibility Verification (Form I-9)?

You can find lists of acceptable documents on the “Acceptable Documents” web

page for Form I-9 at <https://www.uscis.gov/i-9-central/acceptable-documents>. Employers must complete Form I-9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I-9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization), or one document from List B (which provides evidence of your identity) together with one document from List C (which is evidence of employment authorization), or you may present an acceptable receipt for List A, List B, or List C documents as described in the Form I-9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional information about Form I-9 on the I-9 Central web page at <http://www.uscis.gov/I-9Central>.

An EAD is an acceptable document under List A. If your EAD has an expiration date of May 2, 2019, or November 2, 2017 (and you applied for a new EAD during the last re-registration period but have not yet received a new EAD), and states A-12 or C-19 under Category, it has been extended automatically by virtue of this *Federal Register* notice and you may choose to present this Notice along with your EAD to your employer as proof of identity and employment eligibility for Form I-9 through October 29, 2019, unless your TPS has been withdrawn or your request for TPS has been denied. If you have an EAD with a marked expiration date of May 2, 2019, that states A-12 or C-19 under Category, and you properly filed for a new EAD in accordance with this Notice, you will also receive Form I-797C, Notice of Action that will state your EAD is automatically extended for 180 days. You may choose to present your EAD to your

employer together with this Form I-797C as a List A document that provides evidence of your identity and employment authorization for Form I-9 through October 29, 2019, unless your TPS has been withdrawn or your request for TPS has been denied. See the subsection titled, “How do my employer and I complete the Employment Eligibility Verification (Form I-9) using an automatically extended EAD for a new job?” for further information.

To reduce confusion over this extension at the time of hire, you should explain to your employer that your EAD has been automatically extended through October 29, 2019. You may also provide your employer with a copy of this *Federal Register* notice, which explains that your EAD has been automatically extended. As an alternative to presenting evidence of your automatically extended EAD, you may choose to present any other acceptable document from List A, a combination of one selection from List B and one selection from List C, or a valid receipt.

What documentation may I present to my employer for Employment Eligibility Verification (Form I-9) if I am already employed but my current TPS-related EAD is set to expire?

Even though your EAD has been automatically extended, your employer is required by law to ask you about your continued employment authorization no later than before you start work on May 3, 2019. You will need to present your employer with evidence that you are still authorized to work. Once presented, you may correct your employment authorization expiration date in Section 1 and your employer should correct the EAD expiration date in Section 2 of Form I-9. See the subsection titled, “What corrections should my current employer and I make to Employment Eligibility

Verification (Form I-9) if my employment authorization has been automatically extended?” for further information. You may show this *Federal Register* notice to your employer to explain what to do for Form I-9 and to show that your EAD has been automatically extended through October 29, 2019. Your employer may need to re-inspect your automatically extended EAD to check the expiration date and Category code if your employer did not keep a copy of this EAD when you initially presented it. In addition, if you have an EAD with a marked expiration date of May 2, 2019 that states A-12 or C-19 under Category, and you properly filed your Form I-765 to obtain a new EAD, you will receive a Form I-797C, Notice of Action. Form I-797C will state that your EAD is automatically extended for 180 days. You may present Form I-797C to your employer along with your EAD to confirm that the validity of your EAD has been automatically extended through October 29, 2019, unless your TPS has been withdrawn or your request for TPS has been denied. To reduce the possibility of gaps in your employment authorization documentation, you should file your Form I-765 to request a new EAD as early as possible during the re-registration period.

The last day of the automatic EAD extension is October 29, 2019. Before you start work on October 30, 2019, your employer must reverify your employment authorization. At that time, you must present any document from List A or any document from List C on Form I-9 Lists of Acceptable Documents, or an acceptable List A or List C receipt described in the Form I-9 Instructions to reverify employment authorization.

By October 30, 2019, your employer must complete Section 3 of the current version of the form, Form I-9 07/17/17 N, and attach it to the previously completed Form I-9, if your original Form I-9 was a previous version. Your employer can check the I-9

Central web page at <http://www.uscis.gov/I-9Central> for the most current version of Form I-9.

Note that your employer may not specify which List A or List C document you must present and cannot reject an acceptable receipt.

Can my employer require that I provide any other documentation to prove my status, such as proof of my South Sudanese citizenship?

No. When completing Form I-9, including reverifying employment authorization, employers must accept any documentation that appears on the Form I-9 “Lists of Acceptable Documents” that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers need not reverify List B identity documents. Employers may not request documentation that does not appear on the “Lists of Acceptable Documents.” Therefore, employers may not request proof of South Sudanese citizenship or proof of re-registration for TPS when completing Form I-9 for new hires or reverifying the employment authorization of current employees. If presented with EADs that have been automatically extended, employers should accept such documents as a valid List A document so long as the EAD reasonably appears to be genuine and relates to the employee. Refer to the Note to Employees section of this *Federal Register* notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

How do my employer and I complete Employment Eligibility Verification (Form I-9) using my automatically extended employment authorization for a new job?

When using an automatically extended EAD to complete Form I-9 for a new job before October 30, 2019, you and your employer should do the following:

1. For Section 1, you should:

a. Check “An alien authorized to work until” and enter October 29, 2019 as the “expiration date”; and

b. Enter your Alien Number/USCIS number or A-Number where indicated (your EAD or other document from DHS will have your USCIS number or A-Number printed on it; the USCIS number is the same as your A-Number without the A prefix).

2. For Section 2, employers should:

a. Determine if the EAD is auto-extended by ensuring it is in category A-12 or C-19 and has a May 2, 2019, expiration date (or November 2, 2017 expiration date provided your employee applied for a new EAD during the last re-registration period but has not yet received a new EAD);

b. Write in the document title;

c. Enter the issuing authority;

d. Provide the document number; and

e. Write October 29, 2019, as the expiration date.

Before the start of work on October 30, 2019, employers must reverify the employee’s employment authorization in Section 3 of Form I-9.

What corrections should my current employer and I make to Employment Eligibility Verification (Form I-9) if my employment authorization has been automatically extended?

If you presented a TPS-related EAD that was valid when you first started your job and your EAD has now been automatically extended, your employer may need to re-inspect your current EAD if they do not have a copy of the EAD on file. You may, and your employer should, correct your previously completed Form I-9 as follows:

1. For Section 1, you may:

- a. Draw a line through the expiration date in Section 1;
- b. Write October 29, 2019, above the previous date; and
- c. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:

- a. Determine if the EAD is auto-extended by ensuring:
  - It is in category A-12 or C-19; and
  - Has a marked expiration date of May 2, 2019, or November 2, 2017, provided your employee applied for a new EAD during the last re-registration period but has not yet received a new EAD.
- b. Draw a line through the expiration date written in Section 2;
- c. Write October 29, 2019, above the previous date; and
- d. Initial and date the correction in the Additional Information field in Section 2.

Note: This is not considered a reverification. Employers do not need to complete Section 3 until either the 180-day automatic extension has ended or the employee presents a new document to show continued employment authorization, whichever is sooner. By October 30, 2019, when the employee's automatically extended EAD has expired, employers must reverify the employee's employment authorization in Section 3.

If I am an employer enrolled in E-Verify, how do I verify a new employee whose EAD has been automatically extended?

Employers may create a case in E-Verify for these employees by providing the employee's Alien Registration number, USCIS number, and entering the receipt number as the document number on Form I-9 into the document number field in E-Verify.

If I am an employer enrolled in E-Verify, what do I do when I receive a "Work Authorization Documents Expiration" alert for an automatically extended EAD?

E-Verify automated the verification process for TPS-related EADs that are automatically extended. If you have employees who provided a TPS-related EAD when they first started working for you, you will receive a "Work Authorization Documents Expiring" case alert when the auto-extension period for this EAD is about to expire. The alert indicates that before this employee starts to work on October 30, 2019, you must reverify his or her employment authorization in Section 3 of Form I-9. Employers should not use E-Verify for reverification.

### **Note to All Employers**

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This *Federal Register* notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888-464-4218 (TTY 877-875-6028) or email USCIS at I9Central@dhs.gov. Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the

employment eligibility verification process (Form I-9 and E-Verify), employers may call the U.S. Department of Justice's Civil Rights Division, Immigrant and Employee Rights Section (IER) (formerly the Office of Special Counsel for Immigration-Related Unfair Employment Practices) Employer Hotline at 800-255-8155 (TTY 800-237-2515). IER offers language interpretation in numerous languages. Employers may also email IER at [IER@usdoj.gov](mailto:IER@usdoj.gov).

### **Note to Employees**

For general questions about the employment eligibility verification process, employees may call USCIS at 888-897-7781 (TTY 877-875-6028) or email USCIS at [I-9Central@dhs.gov](mailto:I-9Central@dhs.gov). Calls are accepted in English, Spanish, and many other languages. Employees or applicants may also call the IER Worker Hotline at 800-255-7688 (TTY 800-237-2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, including discrimination related to Employment Eligibility Verification (Form I-9) and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Employment Eligibility Verification (Form I-9) Instructions. Employers may not require extra or additional documentation beyond what is required for Form I-9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of "Tentative Nonconfirmation" (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the

TNC. A TNC case result means that the information entered into E-Verify from an employee's Form I-9 differs from Federal or state government records.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee because of the TNC while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888-897-7781 (TTY 877-875-6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800-255-7688 (TTY 800-237-2515). Additional information about proper nondiscriminatory Form I-9 and E-Verify procedures is available on the IER website at <https://www.justice.gov/ier> and on the USCIS and E-Verify websites at <https://www.uscis.gov/i-9-central> and <https://www.e-verify.gov>.

**Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)**

While Federal Government agencies must follow the guidelines laid out by the Federal Government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS

beneficiary and/or show you are authorized to work based on TPS. Examples of such documents are:

- (1) Your current EAD;
- (2) A copy of your Notice of Action (Form I-797C), the notice of receipt, for your application to renew your current EAD providing an automatic extension of your currently expired or expiring EAD;
- (3) A copy of your Notice of Action (Form I-797C), the notice of receipt, for your Application for Temporary Protected Status for this re-registration; and
- (4) A copy of your Notice of Action (Form I-797), the notice of approval, for a past or current Application for Temporary Protected Status, if you received one from USCIS.

Check with the government agency regarding which document(s) the agency will accept.

Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements (SAVE) program to confirm the current immigration status of applicants for public benefits. While SAVE can verify when an individual has TPS, each agency's procedures govern whether they will accept an auto-extended TPS-related document.

You should present the agency with a copy of the relevant Federal Register Notice showing the extension of TPS-related documentation in addition to your recent TPS-related document with your alien or I-94 number. You should explain that SAVE will be able to verify the continuation of your TPS. You should ask the agency to initiate a SAVE query with your information and follow through with additional verification steps, if necessary, to get a final SAVE response showing the TPS. You can also ask the agency to look for SAVE notices or contact SAVE if they have any questions about your immigration status or auto-extension of TPS-related documentation. In most cases, SAVE

provides an automated electronic response to benefit-granting agencies within seconds, but, occasionally, verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at the following link: <https://save.uscis.gov/casecheck/>, then by clicking the “Check Your Case” button. CaseCheck is a free service that lets you follow the progress of your SAVE verification using your date of birth and one immigration identifier number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency’s procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found on the SAVE website at <http://www.uscis.gov/save>.

[FR Doc. 2019-06746 Filed: 4/4/2019 8:45 am; Publication Date: 4/5/2019]