



DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2747-23; DHS Docket No. USCIS-2022-0003]

RIN 1615-ZB91

Extension and Redesignation of Ukraine for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice of Temporary Protected Status (TPS) extension and redesignation.

SUMMARY: Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is extending the designation of Ukraine for Temporary Protected Status (TPS) for 18 months, beginning on October 20, 2023, and ending on April 19, 2025. This extension allows existing TPS beneficiaries to retain TPS through April 19, 2025, so long as they otherwise continue to meet the eligibility requirements for TPS. Existing TPS beneficiaries who wish to extend their status through April 19, 2025, must re-register during the 60-day re-registration period described in this notice. The Secretary is also redesignating Ukraine for TPS. The redesignation of Ukraine allows additional Ukrainian nationals (and individuals having no nationality who last habitually resided in Ukraine) who have been continuously residing in the United States since August 16, 2023, to apply for TPS for the first time during the initial registration period described under the redesignation information in this notice. In addition to demonstrating continuous residence in the United States since August 16, 2023, and meeting other eligibility criteria, initial applicants for TPS under this designation must demonstrate that they have been continuously physically present in

the United States since October 20, 2023, the effective date of this redesignation of Ukraine for TPS.

DATES: *Extension of Designation of Ukraine for TPS:* The 18-month designation of Ukraine for TPS begins on October 20, 2023, and will remain in effect for 18 months, ending on April 19, 2025. The extension impacts existing beneficiaries of TPS.

Re-registration: The 60-day re-registration period for existing beneficiaries runs from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] through [INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]. (Note: It is important for re-registrants to timely re-register during the registration period and not to wait until their Employment Authorization Documents (EADs) expire, as delaying reregistration could result in gaps in their employment authorization documentation.)

Redesignation of Ukraine for TPS: The 18-month redesignation of Ukraine for TPS begins on October 20, 2023, and will remain in effect for 18 months, ending on April 19, 2025. The redesignation impacts potential first-time applicants and others who do not currently have TPS.

First-time Registration: The initial registration period for new applicants under the Ukraine TPS redesignation begins on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] and will remain in effect through April 19, 2025.

FOR FURTHER INFORMATION CONTACT:

- You may contact Rená Cutlip-Mason, Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 800-375-5283.
- For further information on TPS, including guidance on the registration process and additional information on eligibility, please visit the USCIS TPS webpage at

<https://www.uscis.gov/tps>. You can find specific information about Ukraine's TPS designation by selecting "Ukraine" from the menu on the left side of the TPS webpage.

- If you have additional questions about TPS, please visit 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 (TTY 800-767-1833).
- Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at uscis.gov, or visit the USCIS Contact Center at <https://www.uscis.gov/contactcenter>.
- 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

Form I-131 – Application for Travel Document

Form I-765 – Application for Employment Authorization

Form I-797 – Notice of Action

Form I-821 – Application for Temporary Protected Status

Form I-9 – Employment Eligibility Verification

Form I-912 – Request for Fee Waiver

Form I-94 – Arrival/Departure Record

FR – Federal Register

Government – U.S. Government

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

IJ – Immigration Judge

INA – Immigration and Nationality Act

SAVE – USCIS Systematic Alien Verification for Entitlements Program

Secretary – Secretary of Homeland Security

TPS – Temporary Protected Status

TTY – Text Telephone

USCIS – U.S. Citizenship and Immigration Services

U.S.C. – United States Code

Purpose of this Action (TPS)

Through this notice, DHS sets forth procedures necessary for nationals of Ukraine (or individuals having no nationality who last habitually resided in Ukraine) to (1) re-register for TPS and to apply for renewal of their EADs with USCIS or (2) submit an initial registration application under the redesignation and apply for an EAD.

Re-registration is limited to individuals who have previously registered for TPS under the prior designation of Ukraine and whose applications have been granted.

Failure to re-register properly within the 60-day re-registration period may result in the withdrawal of your TPS following appropriate procedures. *See* 8 CFR 244.14.

For individuals who have already been granted TPS under Ukraine’s designation, the 60-day re-registration period runs from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] through [INSERT DATE 60 DAYS AFTER THE DATE

OF PUBLICATION IN FEDERAL REGISTER]. USCIS will issue new EADs with an April 19, 2025, expiration date to eligible Ukrainian TPS beneficiaries who timely re-register and apply for EADs. Given the time frames involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants may receive new EADs before their current EADs expire. Accordingly, through this *Federal Register* notice, DHS automatically extends the validity of certain EADs previously issued under the TPS designation of Ukraine through October 19, 2024. Therefore, as proof of continued employment authorization through October 19, 2024, TPS beneficiaries can show their EADs that have the notation A-12 or C-19 under Category and a “Card Expires” date of October 19, 2023. 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, E-Verify, and USCIS Systematic Alien Verification for Entitlements (SAVE) processes.

Individuals who have a Ukraine TPS application (Form I-821) and/or Application for Employment Authorization (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 USCIS approves an individual’s pending Form I-821, USCIS will grant the individual TPS through April 19, 2025. Similarly, if USCIS approves a pending TPS-related Form I-765, USCIS will issue the individual a new EAD that will be valid through the same date. There are currently approximately 26,000 beneficiaries under Ukraine’s TPS designation.

Under the redesignation, individuals who currently do not have TPS may submit an initial application during the initial registration period that runs from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] and runs through the full length of the redesignation period ending April 19, 2025. In addition to demonstrating continuous residence in the United States since August 16, 2023, and meeting other eligibility

criteria, initial applicants for TPS under this redesignation must demonstrate that they have been continuously physically present in the United States since October 20, 2023,¹ the effective date of this redesignation of Ukraine, before USCIS may grant them TPS. DHS estimates that approximately 166,700 individuals may become newly eligible for TPS under the redesignation of Ukraine.

What Is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a foreign state designated for TPS under the INA, or to eligible individuals without nationality who last habitually resided in the designated foreign state, regardless of their country of birth.
- 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 DHS discretion.
- 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 foreign state'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 terminated); or

¹ The “continuous physical presence date” (CPP) is the effective date of the most recent TPS designation of the country, which is either the publication date of the designation announcement in the *Federal Register* or such later date as the Secretary may establish. The “continuous residence date” (CR) is any date established by the Secretary when a country is designated (or sometimes redesignated) for TPS. See INA secs. 244(b)(2)(A) (effective date of designation); 244(c)(1)(A)(i–ii) (CR and CPP date requirements); 8 U.S.C. 1254a(b)(2)(A); 1254a(c)(1)(A)(i–ii).

- 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 Ukraine designated for TPS?

Ukraine was initially designated on the basis of an ongoing armed conflict and extraordinary and temporary conditions in Ukraine that prevented nationals of Ukraine from returning in safety. *See Designation of Nationals of Ukraine for Temporary Protected Status*, 87 FR 23211 (April 19, 2022).

What authority does the Secretary have to extend the designation Ukraine 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, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist.² The decision to designate any foreign state (or part thereof) is a discretionary decision, and there is no judicial review of any determination with respect to the designation, termination, or extension of a designation. *See* INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).³ The Secretary, in his or her discretion, may then grant TPS to eligible nationals of that foreign state (or individuals having no nationality who last habitually resided in the designated foreign state). *See* INA sec. 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

² INA section 244(b)(1) ascribes this power to the Attorney General. Congress transferred this authority from the Attorney General to the Secretary of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002). The Secretary may designate a country (or part of a country) for TPS on the basis of ongoing armed conflict such that returning would pose a serious threat to the personal safety of the country's nationals and habitual residents, environmental disaster (including an epidemic), or extraordinary and temporary conditions in the country that prevent the safe return of the country's nationals. For environmental disaster-based designations, certain other statutory requirements must be met, including that the foreign government must request TPS. A designation based on extraordinary and temporary conditions cannot be made if the Secretary finds that allowing the country's nationals to remain temporarily in the United States is contrary to the U.S. national interest. INA sec. 244(b)(1); 8 U.S.C. 1254a(b)(1).

³ This issue of judicial review is the subject of litigation. *See, e.g., Ramos v. Wolf*, 975 F.3d 872 (9th Cir. 2020), *petition for en banc rehearing* granted Feb. 10, 2023 (No. 18-16981); *Saget v. Trump*, 375 F. Supp. 3d 280 (E.D.N.Y. 2019).

At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation. *See* INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that the foreign state continues to meet 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 sec. 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 sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

What is the Secretary's authority to redesignate Ukraine for TPS?

In addition to extending an existing TPS designation, the Secretary, after consultation with appropriate Government agencies, may redesignate a country (or part thereof) for TPS. *See* INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1); *see also* INA sec. 244(c)(1)(A)(i), 8 U.S.C. 1254a(c)(1)(A)(i) (requiring that “the alien has been continuously physically present since the effective date of *the most recent designation of the state*”) (emphasis added).⁴

When the Secretary designates or redesignates a country for TPS, the Secretary also has the discretion to establish the date from which TPS applicants must demonstrate that they have been “continuously resid[ing]” in the United States. *See* INA sec. 244(c)(1)(A)(ii), 8 U.S.C. 1254a(c)(1)(A)(ii). The Secretary has determined that the “continuous residence” date for applicants for TPS under the redesignation of Ukraine shall be August 16, 2023. Initial applicants for TPS under this redesignation must also

⁴ The extension and redesignation of TPS for Ukraine is one of several instances in which the Secretary and, prior to the establishment of DHS, the Attorney General, have simultaneously extended a country's TPS designation and redesignated the country for TPS. *See, e.g.*, “Extension and Redesignation of Haiti for Temporary Protected Status” 76 FR 29000 (May 19, 2011); “Extension and Re-designation of Temporary Protected Status for Sudan” 69 FR 60168 (Oct. 7, 2004); “Extension of Designation and Redesignation of Liberia Under Temporary Protected Status Program” 62 FR 16608 (Apr. 7, 1997).

show they have been “continuously physically present” in the United States since October 20, 2023, which is the effective date of the Secretary's redesignation, of Ukraine. *See* INA sec. 244(c)(1)(A)(i), 8 U.S.C. 1254a(c)(1)(A)(i). For each initial TPS application filed under the redesignation, the final determination of whether the applicant has met the “continuous physical presence” requirement cannot be made until October 20, 2023, the effective date of this redesignation for Ukraine. USCIS, however, will issue employment authorization documentation, as appropriate, during the registration period in accordance with 8 CFR 244.5(b).

Why is the Secretary extending the TPS designation for Ukraine and simultaneously redesignating Ukraine for TPS through April 19, 2025?

DHS has reviewed country conditions in Ukraine. Based on the review, including input received from DOS and other U.S. Government agencies, the Secretary has determined that an 18-month TPS extension is warranted because ongoing armed conflict and extraordinary and temporary conditions supporting Ukraine’s TPS designation remain. The Secretary has further determined that redesignating Ukraine for TPS under INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C) is warranted and is changing the “continuous residence” and “continuous physical presence” dates that applicants must meet to be eligible for TPS.

Overview

On February 24, 2022, Russia massively expanded its unprovoked military invasion of Ukraine, marking the largest conventional military action in Europe since World War II.⁵ There is widespread fear and flight of Ukrainian nationals as Russia’s forces have continued to engage in significant, sustained bombardment of major cities

⁵ “Russia invades Ukraine on multiple fronts in ‘brutal act of war’,” *PBS*, Feb. 24, 2022, available at <https://www.pbs.org/newshour/world/russia-invades-ukraine-on-multiple-fronts-in-brutal-act-of-war> (last visited Mar. 1, 2022); Natalia Zinets and Aleksandar Vasovic, “Missiles rain down around Ukraine,” *Reuters*, Feb. 24, 2022, available at <https://www.reuters.com/world/europe/putin-orders-military-operations-ukraine-demands-kyiv-forces-surrender-2022-02-24/> (last visited Mar. 1, 2022).

across the country, including attacks on Ukraine's capital, Kyiv.⁶ Members of Russia's forces have also committed war crimes and the crimes against humanity of murder, torture, rape, and, alongside other Russian officials, deportation of population.⁷ This ongoing armed conflict poses a serious threat to the safety of nationals returning to Ukraine. Extraordinary and temporary conditions, including destroyed infrastructure, lack of access to healthcare, and displacement continue to prevent Ukrainian nationals from returning to their homes in safety.

Armed Conflict and Violence

Russia's expanded military invasion of Ukraine has placed civilians at significant risk of physical harm throughout the country and caused vast harm to infrastructure.⁸ By April 2023, the Office of the UN High Commissioner for Human Rights (OHCHR) recorded 22,734 civilian casualties in Ukraine, including 8,490 killed and 14,244 injured.⁹ OHCHR further found that most of the recorded civilian casualties were caused by explosive weapons, including shelling from heavy artillery, multiple launch rocket systems, missiles, and air strikes.¹⁰ Russian forces continue to launch aerial attacks across Ukraine, resulting in immense damage to civilian infrastructure. In Kyiv,

⁶ Amnesty Int'l, Amnesty International Report 2022/23: The State of the World's Human Rights, Ukraine, 2022, Mar. 27, 2023, available at <https://www.ecoi.net/en/document/2089403.html> (last visited May 8, 2023); ACLED – Armed Conflict Location & Event Data Project, War in Ukraine: One Year On, Nowhere Safe, Mar. 1, 2023, available at <https://acleddata.com/2023/03/01/war-in-ukraine-one-year-on-nowhere-safe/> (last visited May 8, 2023).

⁷ Antony J. Blinken, U.S. Sec'y of State, Virtual Remarks on Russia's Accountability for the Crimes in Ukraine, U.S. Dept. of State (Mar. 31, 2023) available at: <https://ua.usembassy.gov/secretary-antony-j-blinken-virtual-remarks-on-russias-accountability-for-the-crimes-in-ukraine/> (last visited May 4, 2023); Amnesty Int'l, Amnesty International Report 2022/23: The State of the World's Human Rights, Ukraine, at 377 – 82, available at <https://www.ecoi.net/en/document/2089403.html> (last visited May 4, 2023); <https://ua.usembassy.gov/crimes-against-humanity-in-ukraine/>; <https://www.state.gov/war-crimes-by-russias-forces-in-ukraine/>.

⁸ *Press briefing notes on Ukraine*, United Nations Office of the High Commissioner Human Rights, Mar. 1, 2022, available at <https://reliefweb.int/report/ukraine/press-briefing-notes-ukraine-01-march-2022-enru> (last visited May 15, 2022).

⁹ U. N. Human Rights Office of High Comm'r (OHCHR), Ukraine: civilian casualty update, Apr. 10, 2023, available at <https://www.ohchr.org/en/news/2023/04/ukraine-civilian-casualty-update-10-april-2023> (last visited May 4, 2023).

¹⁰U. N. Human Rights Office of High Comm'r (OHCHR), Ukraine: civilian casualty update, Apr. 10, 2023, available at <https://www.ohchr.org/en/news/2023/04/ukraine-civilian-casualty-update-10-april-2023> (last visited May 4, 2023).

damage to a thermal power plant led to loss of electricity and heating in parts of the city, while aerial attacks in oblasts including Kharkiv, Lviv, Zhytomyr, and others, resulted in numerous power outages.¹¹ Damage to buildings, infrastructure, energy, and agricultural sectors will cost roughly \$411 billion to repair.¹²

Humanitarian Situation and Human Rights Abuses

Loss of life, injuries, lack of access to healthcare, displacement, and damaged infrastructure as a result of the ongoing war in Ukraine have created a humanitarian crisis and has had a severe impact, with millions of Ukrainians requiring humanitarian assistance.¹³ According to the 2023 Humanitarian Needs Overview (HNO) for Ukraine, an estimated 17.6 million Ukrainian people require humanitarian assistance in 2023, of which 52% are assessed to have "severe" humanitarian needs and 28% have "catastrophic" (i.e., the most severe) humanitarian needs.¹⁴ Heavy fighting in eastern regions of Ukraine has led to large influxes of internally displaced persons (IDPs) from those areas into neighboring regions.¹⁵ There continues to be significant humanitarian concerns including lack of infrastructure, healthcare, and displacement. This ongoing humanitarian crisis constitutes extraordinary and temporary conditions that make it difficult for Ukrainian nationals and stateless habitual residents of Ukraine to safely return to their country.

In March 2022, the U.S. government assessed that members of Russia's forces

¹¹ USAID, Ukraine – Complex Emergency, Mar. 10, 2023, available at https://www.usaid.gov/sites/default/files/2023-03/2023-03-10_Ukraine_Complex_Emergency_Fact_Sheet_10.pdf (last visited May 5, 2023).

¹² The World Bank, Updated Ukraine Recovery and Reconstruction Needs Assessment, Mar. 23, 2023, available at: <https://www.worldbank.org/en/news/press-release/2023/03/23/updated-ukraine-recovery-and-reconstruction-needs-assessment> (last visited May 5, 2023).

¹³ Ukraine one year on: IRC survey reveals war has near universal impact, IRC, Feb. 22, 2023, available at <https://www.rescue.org/press-release/ukraine-one-year-irc-survey-reveals-war-has-near-universal-impact> (last visited Apr. 10, 2023).

¹⁴ U.N. Office for the Coordination of Humanitarian Affairs, Ukraine: Humanitarian Response Plan, , Feb. 15, 2023, available at <https://reliefweb.int/report/ukraine/ukraine-humanitarian-response-plan-february-2023-enuk> (last visited Mar. 24, 2023).

¹⁵ USAID, Ukraine – Complex Emergency, Mar. 10, 2023, available at https://www.usaid.gov/sites/default/files/2023-03/2023-03-10_Ukraine_Complex_Emergency_Fact_Sheet_10.pdf (last visited May 5, 2023).

committed war crimes in Ukraine. In February 2023, the Secretary of State determined that members of Russia's forces and other Russian officials had committed crimes against humanity in Ukraine.¹⁶ Widely reported atrocities and other abuses include torture, unlawful killings, sexual violence, disappearances, and attacks on hospitals and schools.¹⁷ Members of Russia's forces have unlawfully transferred or deported Ukrainian civilians, including children, within occupied areas of Ukraine and from occupied areas of Ukraine to the Russian Federation, which is a grave breach of the Fourth Geneva Convention and a war crime.¹⁸ The U.S. Department of State reported alarming findings from the Office of the UN High Commissioner for Human Rights Monitoring Mission in Ukraine (HRMMU) that, since February 24, 2022, there have been 86 documented cases of conflict-related sexual violence, including "rape, gang rape, forced nudity and forced public stripping, sexual torture, and sexual abuse."¹⁹

Loss of life, injuries, lack of access to healthcare, displacement, and damaged infrastructure as a result of the ongoing war in Ukraine have created a humanitarian crisis and have had a severe impact, with millions of Ukrainians requiring humanitarian assistance.²⁰ In June 2023, the Kakhovka dam collapsed causing serious environmental destruction including flooding of homes and farms, drying of irrigation canals, and the

¹⁶ Antony J. Blinken, U.S. Sec'y of State, Virtual Remarks on Russia's Accountability for the Crimes in Ukraine, U.S. Dept. of State, Mar. 31, 2023, available at: <https://ua.usembassy.gov/secretary-antony-j-blinken-virtual-remarks-on-russias-accountability-for-the-crimes-in-ukraine/> (last visited May 4, 2023).

¹⁷ Antony J. Blinken, U.S. Sec'y of State, Virtual Remarks on Russia's Accountability for the Crimes in Ukraine, U.S. Dept. of State, Mar. 31, 2023, available at: <https://ua.usembassy.gov/secretary-antony-j-blinken-virtual-remarks-on-russias-accountability-for-the-crimes-in-ukraine/> (last visited May 4, 2023); Amnesty Int'l, Amnesty International Report 2022/23: The State of the World's Human Rights, Ukraine, at 377 – 82, available at <https://www.ecoi.net/en/document/2089403.html> (last visited May 4, 2023).

¹⁸ Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova, International Criminal Court (ICC), Mar. 17, 2023, available at <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and> (last visited May 5, 2023).

¹⁹ U.S. Dept. of State, 2022 Country Report on Human Rights Practices: Ukraine, Mar. 20, 2023, available at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/ukraine/> (last visited May 5, 2023).

²⁰ Ukraine one year on: IRC survey reveals war has near universal impact, IRC, Feb. 22, 2023, available at <https://www.rescue.org/press-release/ukraine-one-year-irc-survey-reveals-war-has-near-universal-impact> (last visited Apr. 10, 2023).

loss of countless trees, plants, and crops.²¹ The dam collapse has led to increased pollution in the region, as flooding through industrial areas carried over 150 tons of machine oil into the Black Sea and caused oil slicks across Kherson.²² As a result of the dam's destruction, approximately 70 percent of the Kakhovka Reservoir, one of the largest in Europe, emptied and is currently below its operational threshold.²³ This has cut off or threatened clean water supplies for at least 200,000 people, a number that could increase to 700,000, across southern Ukraine.²⁴ Additionally, attacks on electrical grids pose a serious humanitarian concern, particularly in winter as frigid winter temperatures set in and Ukrainians were without heat.²⁵ Hundreds of schools have also been damaged or destroyed, resulting in severe disruption in the education of millions of students.²⁶ The WHO Surveillance System reported 763 attacks on healthcare facilities in 2022, leaving up to 50 percent of medical facilities non-functional in eastern and southern parts of Ukraine.²⁷ As a result of the ongoing attacks, health care workers were forced to flee,

²¹ Lori Hinnant, Sam McNeil, and Illia Novikov, *Ukraine's dam collapse is both a fast-moving disaster and a slow-moving ecological catastrophe*, Associated Press, June 11, 2023, available at: <https://apnews.com/article/ukraine-dam-environment-disaster-753d1e03810e6bd2e4a26cf2dd3aa97b> (last visited: July 19, 2023); Jamey Keaten, *Ukrainian dam breach: What's happening and what's at stake*, Associated Press, June 7, 2023, available at: <https://apnews.com/article/kakhovka-dam-ukraine-russia-war-whats-at-stake-a417dafefa79462bef5e4e63c0a94c8c> (last visited: July 19, 2023).

²² Lori Hinnant, Sam McNeil, and Illia Novikov, *Ukraine's dam collapse is both a fast-moving disaster and a slow-moving ecological catastrophe*, Associated Press, June 11, 2023, available at: <https://apnews.com/article/ukraine-dam-environment-disaster-753d1e03810e6bd2e4a26cf2dd3aa97b> (last visited: July 19, 2023).

²³ United Nations, Ukraine: 700,000 people affected by water shortages from dam disaster, June 16, 2023, available at: <https://news.un.org/en/story/2023/06/1137797#:~:text=Cut%20off%20from%20drinking%20water,empty%2C%20according%20to%20Ukrainian%20authorities> (last visited: July 19, 2023).

²⁴ United Nations, Ukraine: 700,000 people affected by water shortages from dam disaster, June 16, 2023, available at: <https://news.un.org/en/story/2023/06/1137797#:~:text=Cut%20off%20from%20drinking%20water,empty%2C%20according%20to%20Ukrainian%20authorities> (last visited: July 19, 2023).

²⁵ The Guardian, Ukrainians endure grim winter as Russia destroys infrastructure – in maps, Feb. 6, 2023, available at <https://www.theguardian.com/world/ng-interactive/2023/feb/06/ukrainians-endure-grim-winter-as-russia-destroys-infrastructure-in-maps> (last visited May 5, 2023).

²⁶ U.N. Office of the High Comm'r for Human Rights, Report on the human rights situation in Ukraine (1 August 2022 – 31 January 2023); Mar. 24, 2023, available at: <https://www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-august-2022-31-january-2023> (last visited on May 12, 2023).

²⁷ U.N. Office for the Coordination of Humanitarian Affairs (OCHA), Ukraine humanitarian response - Key achievements in 2022, Feb. 10, 2023, available at <https://reports.unocha.org/en/country/ukraine> (last visited May 5, 2023).

leaving few present to attend to growing needs.²⁸ More than 6.2 million Ukrainians are now refugees and an estimated 5.1 million Ukrainians are Internally Displaced Persons (IDP).²⁹ Large-scale displacement of this nature drives other protection concerns, including gender-based violence, separation of children from their families, and restrictions on movement.³⁰ In summary, Russia's invasion of Ukraine has led to large numbers of civilian casualties and a mounting record of serious human rights abuses by Russian forces against civilians. The war has created a deepening humanitarian crisis, including mass displacement, destruction of civilian infrastructure that is causing both economic and social harm, and limitations on access to vital healthcare.

Based upon this review and after consultation with appropriate U.S. Government agencies, the Secretary has determined that:

- The conditions supporting Ukraine's designation for TPS continue to be met. *See* INA sec. 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 Ukraine and, due to such conflict, requiring the return to Ukraine of Ukrainian nationals (or individuals having no nationality who last habitually resided in Ukraine) would pose a serious threat to their personal safety. *See* INA sec. 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A).
- There continue to be extraordinary and temporary conditions in Ukraine that prevent Ukrainian nationals (or individuals having no nationality who last habitually resided in Ukraine) from returning to Ukraine in safety, and it is not contrary to the national interest of the United States to permit Ukrainian TPS beneficiaries to remain in the

²⁸ OCHA, Ukraine humanitarian response - Key achievements in 2022, Feb. 10, 2023, available at <https://reports.unocha.org/en/country/ukraine/> (last visited May 5, 2023).

²⁹ UNHCR, Ukraine Refugee Situation, Aug. 1, 2023, available at: <https://data2.unhcr.org/en/situations/ukraine> (last visited Aug. 3, 2023); IOM, Ukraine — Internal Displacement Report — General Population Survey Round 13 (11 May - 14 June 2023), June 2023, available at: <https://dtm.iom.int/reports/ukraine-internal-displacement-report-general-population-survey-round-13-11-may-14-june-2023?close=true> (last visited Aug. 3, 2023).

³⁰ OCHA, Ukraine humanitarian response - Key achievements in 2022, Feb. 10, 2023, available at <https://reports.unocha.org/en/country/ukraine/> (last visited May 5, 2023).

United States temporarily. *See* INA sec. 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).

- The designation of Ukraine for TPS should be extended for an 18-month period, beginning on October 20, 2023 and ending on April 19, 2025. *See* INA sec. 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).
- Due to the conditions described above, Ukraine should be simultaneously extended and redesignated for TPS beginning on October 20, 2023 and ending on April 19, 2025. *See* INA 244(b)(1)(A) and (C) and (b)(2), 8 U.S.C. 1254a(b)(1)(A) and (C) and (b)(2).
- For the redesignation, the Secretary has determined that TPS applicants must demonstrate that they have continuously resided in the United States since August 16, 2023.
- Initial TPS applicants under the redesignation must demonstrate that they have been continuously physically present in the United States since October 20, 2023, the effective date of the redesignation of Ukraine for TPS.
- There are approximately 26,000 current Ukraine TPS beneficiaries who are eligible to re-register for TPS under the extension.
- It is estimated that approximately 166,700 additional individuals may be eligible for TPS under the redesignation of Ukraine. This population includes Ukrainian nationals in the United States in nonimmigrant status or without immigration status.

Notice of the Designation of Ukraine for TPS

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 U.S. Government agencies, the statutory conditions supporting Ukraine's designation for TPS on the basis of an ongoing armed conflict and extraordinary and temporary conditions are met and that designating Ukraine for TPS is not contrary to the national interest of the United States. *See* INA sec. 244(b)(1)(A) and (C), 8 U.S.C. 1254a(b)(1)(A) and (C). On the

basis of this determination, I am simultaneously extending the existing designation of Ukraine for TPS for 18 months, beginning on October 20, 2023 and ending on April 19, 2025, and redesignating Ukraine for TPS for the same 18-month period. *See* INA sec. 244(b)(1)(A) and (C) and (b)(2); 8 U.S.C. 1254a(b)(1)(A) and (C), and (b)(2).

Alejandro N. Mayorkas,
Secretary,
U.S. Department of Homeland Security.

Eligibility and Employment Authorization for TPS

Required Application Forms and Application Fees to register or re-register for TPS:

To register initially for TPS based on the designation of Ukraine, you must submit a Form I-821, Application for Temporary Protected Status, and pay the filing fee (or request a fee waiver, which you may submit on Form I-912, Request for Fee Waiver). You may be required to pay the biometric services fee. If you can demonstrate an inability to pay the biometric services fee, you may request to have the fee waived. Please see additional information under the “Biometric Services Fee” section of this notice.

TPS beneficiaries are eligible for an EAD, which proves their authorization to work in the United States. You are not required to submit Form I-765, Application for Employment Authorization, or have an EAD to be granted TPS, but see below for more information if you want an EAD to use as proof that you can work in the United States.

Individuals who have a Ukraine TPS application (Form I-821) that was still pending as of [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] do not need to file the application again. If USCIS approves an individual’s Form I-821, USCIS will grant the individual TPS through April 19, 2025.

For more information on the application forms and fees for TPS, please visit the USCIS TPS webpage at <https://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) (Oct. 1, 2020).

How Can TPS Beneficiaries Obtain an Employment Authorization Document (EAD)?

Everyone must provide their employer with documentation showing that they have the legal right to work in the United States. TPS beneficiaries are eligible to obtain an EAD, which proves their legal right to work. Those who want to obtain an EAD must

file a Form I-765 and pay the Form I-765 fee (or request a fee waiver, which you may submit on Form I-912, Request for Fee Waiver). TPS applicants may file this form along with their TPS application, or at a later date, provided their TPS application is still pending or has been approved. Beneficiaries with a Ukrainian TPS-related Form I-765 that was still pending as of [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] do not need to file the application again. If USCIS approves a pending TPS-related Form I-765, USCIS will issue the individual a new EAD that will be valid through April 19, 2025.

Refiling an Initial TPS Registration Application after a Denial of a Fee Waiver Request

If USCIS denies your fee waiver request, you can resubmit your TPS application. The fee waiver denial notice will contain specific instructions about resubmitting your application.

Filing Information

USCIS offers the option to applicants for TPS under Ukraine's designation to file Form I-821 and related requests for EADs online or by mail. When filing a TPS application, applicants can also request an EAD by submitting a completed Form I-765, with their Form I-821.

Online filing: Forms I-821 and I-765 are available for concurrent filing online.³¹ To file these forms online, you must first create a USCIS online account.³² However, if you are requesting a fee waiver, you cannot submit the applications online. You will need to file paper versions of the fee waiver request and the form for which you are requesting the fee waiver.

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

Table 1-Mailing Addresses

Mail your completed Form I-821, Application for Temporary Protected Status; Form I-765, Application for Employment Authorization, if applicable; Form I-912, Request for Fee Waiver (if applicable); and supporting documentation to the proper address in Table 1.

Table 1-Mailing Addresses

Alabama Alaska American Samoa Arizona Arkansas Colorado Connecticut Delaware District of Columbia Florida Georgia Guam Hawaii Idaho Illinois Indiana Iowa Kansas Kentucky Louisiana Maine Maryland	<p>USCIS Chicago Lockbox</p> <p>U.S. Postal Service (USPS): U.S. Citizenship and Immigration Services Attn: TPS Ukraine P.O. Box 4464 Chicago, IL 60680-4464</p> <p>FedEx, UPS, or DHL: U.S. Citizenship and Immigration Services Attn: TPS Ukraine (Box 4464) 131 S. Dearborn St., 3rd Floor Chicago, IL 60603-5517</p>
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³¹ Find information about online filing at “Forms Available to File Online,” <https://www.uscis.gov/file-online/forms-available-to-file-online>.

³² https://myaccount.uscis.gov/users/sign_up.

Massachusetts New York Ohio	
California Michigan Minnesota Mississippi Missouri Montana Nebraska Nevada New Hampshire New Jersey New Mexico North Carolina North Dakota Northern Mariana Islands Oklahoma Oregon Pennsylvania Puerto Rico Rhode Island South Carolina South Dakota Tennessee Texas Utah Vermont Virgin Islands Virginia Washington West Virginia Wisconsin Wyoming	<p>USCIS Phoenix Lockbox</p> <p>U.S. Postal Service (USPS): U.S. Citizenship and Immigration Services Attn: TPS Ukraine P.O. Box 24047 Phoenix, AZ 85074-4047</p> <p>FedEx, UPS, or DHL: U.S. Citizenship and Immigration Services Attn: TPS Ukraine (Box 24047) 2108 E. Elliot Rd. Tempe, AZ 85284-1806</p>

If you were granted TPS by an immigration judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD, please file online or mail your Form I-765 application to the appropriate mailing address in Table 1 regardless of whether you are requesting a fee waiver. If filing online, please include the fee. If filing by mail, please include the fee or fee waiver request. When you are 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 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 (*i.e.*, registering) for TPS on the USCIS website at <https://www.uscis.gov/tps> under “Ukraine.”

Travel

TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion. You must file for travel authorization if you wish to travel outside of the United States. If granted, travel authorization gives you permission to leave the United States and return during a specific period. To request travel authorization, you must file Form I-131, Application for Travel Document, available at <https://www.uscis.gov/i-131>. You may file Form I-131 together with your Form I-821 or separately. When filing Form I-131, you must:

- Select Item Number 1.d. in Part 2 on the Form I-131; and
- Submit the fee for Form I-131, or request a fee waiver, which you may submit on Form I-912, Request for Fee Waiver.

If you are filing Form I-131 together with Form I-821, send your forms to the address listed in Table 1. If you are filing Form I-131 separately based on a pending or approved Form I-821, send your form to the address listed in Table 2 and include a copy of Form I-797 for the approved or pending Form I-821.

Table 2- Mailing Addresses

If you are...	Mail to...
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Filing Form I-131 together with a Form I-821, Application for Temporary Protected Status	The address provided in Table 1.
<p>Filing Form I-131 based on a pending or approved Form I-821, and you are using the U.S. Postal Service (USPS):</p> <p>You must include a copy of the receipt notice (Form I-797 or I-797C) showing we accepted or approved your Form I-821.</p>	<p>USCIS Attn: I-131 TPS P.O. Box 660167 Dallas, TX 75266-0867</p>
<p>Filing Form I-131 based on a pending or approved Form I-821, and you are using FedEx, UPS, or DHL:</p> <p>You must include a copy of the receipt notice (Form I-797 or I-797C) showing we accepted or approved your Form I-821.</p>	<p>USCIS Attn: I-131 TPS 2501 S. State Hwy. 121 Business Ste. 400 Lewisville, TX 75067</p>

Biometric Services Fee for TPS:

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 the biometric services fee, you may request a fee waiver, which you may submit on Form I-912, Request for Fee Waiver. For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at <https://www.uscis.gov/tps>. If necessary, you may be required to visit an Application Support Center to have your biometrics captured. For additional information on the USCIS biometric screening process, please see the USCIS Customer Profile Management Service Privacy Impact Assessment, available at <https://www.dhs.gov/publication/dhsuscispia-060-customer-profile-management-service-cpms>

General employment-related information for TPS applicants and their employers

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

To get case status information about your TPS application, as well as the status of your TPS-based EAD request, you can check Case Status Online at uscis.gov, or visit the USCIS Contact Center at <https://www.uscis.gov/contactcenter>. If your Form I-765 has been pending for more than 90 days, and you still need assistance, you may ask a question about your case online at <https://egov.uscis.gov/e-request/Intro.do> or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

Am I eligible to receive an automatic extension of my current EAD through October 19, 2024, through this *Federal Register* notice?

Yes. Regardless of your country of birth, provided that you currently have a Ukraine TPS-based EAD that has the notation A-12 or C-19 under Category and a “Card Expires” date of October 19, 2023, this *Federal Register* notice automatically extends your EAD through October 19, 2024. Although this *Federal Register* notice automatically extends your EAD through October 19, 2024, you must re-register timely for TPS in accordance with the procedures described in this *Federal Register* notice to maintain your TPS and employment authorization.

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

You can find the Lists of Acceptable Documents on Form I-9, Employment Eligibility Verification, as well as the Acceptable Documents webpage 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 provides evidence of employment authorization), or you may present an acceptable receipt 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 <https://www.uscis.gov/I-9Central>. An EAD is an acceptable document under List A. See the section “How do my employer and I complete Form I-9 using my automatically extended EAD for a new job?” of this *Federal Register* notice for further information. If your EAD states A-12 or C-19 under Category and has a “Card Expires” date of October 19, 2023, it has been extended automatically by virtue of this *Federal Register* notice and you may choose to present your EAD to your employer as proof of identity and employment eligibility for Form I-9 through October 19, 2024, unless your TPS has been withdrawn or your request for TPS has been denied. Your country of birth notated on the EAD does not have to reflect the TPS designated country of Ukraine for you to be eligible for this extension.

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

Even though we have automatically extended your EAD, your employer is required by law to ask you about your continued employment authorization. Your employer may need to re-examine your automatically extended EAD to check the “Card Expires” date and Category code if your employer did not keep a copy of your EAD when you initially presented it. Once your employer has reviewed the Card Expiration date and Category code, your employer should update the EAD expiration date in Section

2 of Form I-9. See the section “What updates should my current employer make to Form I-9 if my EAD has been automatically extended?” of this *Federal Register* notice 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 USCIS has automatically extended your EAD through October 19, 2024, but you are not required to do so. The last day of the automatic EAD extension is October 19, 2024. Before you start work on October 20, 2024, your employer is required by law to reverify your employment authorization on Form I-9. By 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.

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

If I have an EAD based on another immigration status, can I obtain a new TPS-based EAD?

Yes, if you are eligible for TPS, you can obtain a new TPS-based EAD, regardless of whether you have an EAD or work authorization based on another immigration status. If you want to obtain a new TPS-based EAD valid through April 19, 2025, then you must file Form I-765, Application for Employment Authorization, and pay the associated fee (unless USCIS grants your fee waiver request).

Can my employer require that I provide any other documentation such as evidence of my status, proof of my Ukrainian citizenship, or a Form I-797C showing that I registered for TPS for Form I-9 completion?

No. When completing Form I-9, employers must accept any documentation you choose to present from 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 may not request proof of Ukrainian citizenship or proof of

registration for TPS when completing Form I-9 for new hires or reverifying the employment authorization of current employees. If you present an EAD that USCIS has automatically extended, employers should accept it as a valid List A document so long as the EAD reasonably appears to be genuine and to relate to you. 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 Form I-9 using my automatically extended EAD for a new job?

When using an automatically extended EAD to complete Form I-9 for a new job before October 20, 2024:

1. For Section 1, you should:

- a. Check “A noncitizen authorized to work until” and enter October 19, 2024, as the “expiration date”; and
- b. Enter your 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 “Card Expires” date of October 19, 2023.
- b. Write in the document title;
- c. Enter the issuing authority;
- d. Provide the document number; and
- e. Write October 19, 2024, as the expiration date.

Before the start of work on October 20, 2024, employers must reverify the employee's employment authorization on Form I-9.

What updates should my current employer make to Form I-9 if my EAD has been automatically extended?

If you presented a TPS-related EAD that was valid when you first started your job and USCIS has now automatically extended your EAD, your employer may need to re-examine your current EAD if they do not have a copy of the EAD on file. Your employer should determine if your EAD is automatically extended by ensuring that it contains Category A-12 or C-19 and has a “Card Expires” date of October 19, 2023. Your employer may not rely on the country of birth listed on the card to determine whether you are eligible for this extension.

If your employer determines that USCIS has automatically extended your EAD, your employer should update Section 2 of your previously completed Form I-9 as follows:

1. Write EAD EXT and October 19, 2024, as the last day of the automatic extension in the Additional Information field; and
2. Initial and date the correction.

Note: This is not considered a reverification. Employers do not reverify the employee until either the automatic extension has ended, or the employee presents a new document to show continued employment authorization, whichever is sooner. By October 20, 2024, when the employee's automatically extended EAD has expired, employers are required by law to reverify the employee's employment authorization on Form I-9.

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 a new employee by entering the number from the Document Number field on Form I-9 into the document number field in E-Verify. Employers should enter October 19, 2024, as the expiration date for an EAD that has been extended under this *Federal Register* notice.

If I am an employer enrolled in E-Verify, what do I do when I receive a “Work Authorization Documents Expiring” 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. Before this employee starts work on October 20, 2024, you must reverify their employment authorization on Form I-9. Employers may 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 I-9Central@uscis.dhs.gov. USCIS accepts calls and emails 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, Civil Rights Division, Immigrant and Employee Rights

Section (IER) 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.

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@uscis.dhs.gov. USCIS accepts calls in English, Spanish and many other languages. Employees or job applicants may also call the IER Worker Hotline at 800-255-7688 (TTY 800-237-2515) for information regarding employment discrimination based on citizenship, immigration status, or national origin, including discrimination related to 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 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” (mismatch) must promptly inform employees of the mismatch and give such employees an opportunity to take action to resolve the mismatch. A mismatch means that the information entered into E-Verify from Form I-9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold or lower pay, or take any adverse action against an employee because of a mismatch while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot confirm 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 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)

For Federal purposes, if you present an automatically extended EAD referenced in this *Federal Register* notice, you do not need to show any other document, such as a Form I-797C, Notice of Action reflecting receipt of a Form I-765 EAD renewal application or this *Federal Register* notice, to prove that you qualify for this extension. 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, show you are authorized to work based on TPS or other status, or that may be used by DHS to determine if you have TPS or another immigration status. Examples of such documents are:

- Your current EAD with a TPS category code of A-12 or C-19, even if your country of birth noted on the EAD does not reflect the TPS designated country of Ukraine;

- Your Form I-94, Arrival/Departure Record;
- Your Form I-797, Notice of Action, reflecting approval of your Form I-765; or
- Form I-797 or Form I-797C, Notice of Action, reflecting approval or receipt of a past or current Form I-821, if you received one from USCIS.

Check with the government agency requesting documentation regarding which document(s) the agency will accept. Some state and local government agencies use the SAVE program to confirm the current immigration status of applicants for public benefits.

While SAVE can verify that an individual has TPS, each agency's procedures govern whether they will accept an unexpired EAD, Form I-797, Form I-797C, or Form I-94, Arrival/Departure Record. If an agency accepts the type of TPS-related document you present, such as an EAD, the agency should accept your automatically extended EAD, regardless of the country of birth listed on the EAD. It may assist the agency if you:

- a. Give the agency 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 A-number, USCIS number, or Form I-94 number;
- b. Explain that SAVE will be able to verify the continuation of your TPS using this information; and
- c. 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 verifying your 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 automatic 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 <https://save.uscis.gov/casecheck/>. CaseCheck is a free service that lets you follow the progress of your SAVE verification case using your date of birth and one immigration identifier number (such as A-number, USCIS number, or Form I-94 number) or Verification Case 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 on or will act on a SAVE verification and you do not believe the SAVE response is correct, the SAVE website, <https://www.uscis.gov/save>, has detailed information on how to make corrections or update your immigration record, make an appointment, or submit a written request to correct records.

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