



Instructions for Application for Temporary Protected Status

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-821
OMB No. 1615-0043
Expires 10/31/2013

What Is the Purpose of This Form?

The **purpose of this form** is to apply for Temporary Protected Status (TPS).

Do **NOT** use Form I-821 to request Deferred Action for Childhood Arrivals (DACA). Form I-821 is only for TPS purposes. Form I-821D must be used to request Deferred Action for Childhood Arrivals.

When Should I Use Form I-821?

Use Form I-821 when registering or re-registering for TPS.

Who May File Form I-821?

You must be an eligible national of a foreign state (*or an alien having no nationality who last habitually resided in a foreign state*) that **was** designated for TPS by the Secretary of Homeland Security pursuant to section 244 of the Immigration and Nationality Act (INA). You should check with the nearest **USCIS** office for designations currently in force or visit the USCIS Web site at www.uscis.gov/tps.

General Instructions

If you are completing this form on a computer, the data you enter will be captured using 2D barcode technology. This capture will ensure that the data you provide is accurately entered into USCIS systems. As you complete each field, the 2D barcode line at the bottom of each page will shift as data is captured. Upon receipt of your form, USCIS will use decoding equipment to extract the data from the form. **Do not damage the 2D barcode** (e.g., puncture, staple, spill on, write on, etc.) as this could affect the ability of USCIS to timely process your form.

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which is **downloadable** for free at <http://get.adobe.com/reader/>.

You must properly sign and file each application. A photocopy of a signed application or typewritten name in place of a signature is not acceptable. If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf.

An application is not considered properly filed until accepted by USCIS.

Evidence. You must submit all required initial evidence **and** supporting documentation with your application at the time of filing. If you are electronically filing this application, you must follow the instructions provided on the USCIS Electronic Immigration System (USCIS ELIS) Web site at www.uscis.gov/uscis-elis. Also refer to the most recently published Federal Register notice specific to the country designation under which you are applying.

Biometrics Services Appointment. After **USCIS receives** your application and **ensures it is complete, the agency** will inform you in writing (or through electronic notice if you e-file your application in USCIS ELIS) if you need to attend a biometrics services appointment. If an appointment is necessary, the written notice will provide you with the location of the local USCIS Application Support Center (ASC) and the date and time of your appointment. If you fail to attend your biometrics services appointment, USCIS may deny your application.

Copies. You may submit a legible photocopy of documents requested, unless the instructions specifically state that you must submit an original document. Original documents submitted when not required may remain a part of the record and **USCIS** will not automatically **return them** to you.

Translations. Any document **you submit** to USCIS with information in a foreign language must be accompanied by a full English translation. The translator must certify that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

How to Fill Out Form I-821

1. Type or print legibly in black ink.
2. If you need extra space to complete any item, attach a **separate sheet of paper**. Write your name and Alien Registration Number (A-Number) (*if any*) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers (e.g., **Part 4., Item Number 5.a.**); and date and sign each sheet.
3. Answer all questions fully and accurately. If an item is not applicable or the answer is "none," leave the space blank or type or print "N/A" in the appropriate space. However, you must respond to the following questions:
 - A. **Part 1.**;
 - B. **Part 2., Item Numbers 1.a., 1.b., 2.b. - 2.g., 7., 10., and 11.**;
 - C. **Part 4., all questions**; and
 - D. **Parts 5., 6., and 7.**

Specific Instructions

1. **USCIS ELIS Account Number** (*if any*). If you, your spouse, or children previously filed a benefit request using USCIS ELIS, provide the USCIS ELIS Account Numbers you, your spouse, or children were issued by the system. Your USCIS ELIS Account Number is **not** the same as your A-Number. If you, your spouse, or children were issued USCIS ELIS Account Numbers, enter them in the spaces provided.
2. **Additional Information.** You must provide the biometrics information requested in **Part 2., Item Numbers 16. - 21.** Providing this information as part of your application may reduce the amount of time you spend at your USCIS ASC appointment.

Categories and Definitions for Ethnicity and Race

- A. **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. (**NOTE:** This category is only included under Ethnicity in **Item Number 16.**)
 - B. **White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
 - C. **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
 - D. **Black or African American.** A person having origins in any of the black racial groups of Africa.
 - E. **American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
 - F. **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
3. **Form I-94 Arrival-Departure Record.** Complete **Item Numbers 25.a. - 25.f.** in **Part 2. Information About You** of the form regarding the admission or travel document. If U.S. Customs and Border Protection (CBP) or USCIS issued you a Form I-94, Arrival-Departure Record, provide your I-94 admission number and date that your authorized period of stay expires or expired (as shown on the Form I-94). The I-94 admission number also is known as the Departure Number on some versions of Form I-94.

NOTE: If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, you may have been issued an electronic Form I-94 by CBP, instead of a paper Form I-94. You may visit the CBP Web site at www.cbp.gov/i94 to obtain a paper version of an electronic Form I-94. CBP **does not** charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013 with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP Web site without charge. If your Form I-94 cannot be obtained from the CBP Web site, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS **does** charge a fee for this service.

Passport and Travel Document Numbers. If you used a passport or travel document to travel to the United States, enter either the passport or travel document information in the appropriate space on the form, even if the passport or travel document is currently expired.

4. Statement, Certification, Signature, and Contact Information of the Applicant

Select the box that indicates if you filled out this form or if someone interpreted it for you. Also select the box that indicates if someone filled out this form for you, if applicable. Every form must contain the original signature of the applicant. A photocopy of a signed application or a typewritten name in place of a signature is not acceptable. Sign and date the form and provide your daytime telephone number, mobile telephone number, and e-mail address. If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf.

5. Contact Information, Certification, and Signature of the Interpreter

If you used an interpreter to read the instructions and complete the questions on this form, the interpreter must fill out this section. The interpreter must provide his or her full name, the name of his or her business or organization, an address, a daytime telephone number, and an e-mail address. He or she must also sign and date the form.

6. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant

This section must contain the original signature of the person who completed this form, if other than the person in Part 2. If the person who completed this form is associated with a business or organization, he or she must provide the business/organization name and address. If the person completing this form is an attorney or accredited representative, he or she must submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with this application.

General Requirements

1. What documents should you submit?

You do not need to provide original documents with this application.

You must give USCIS copies of documents to prove you are a national of a country designated for TPS (or have no nationality and last *habitually* resided in a country designated for TPS), your date of entry into the United States, and your U.S. residence. In addition:

A. In certain circumstances, USCIS may ask you to submit original documents.

B. Documentation exception: If you are filing this application for re-registration (Part 1., Item Number 1.b., of Form I-821), you do not have to submit any copies of documentation. However, USCIS may ask you for additional information and/or documentation in certain circumstances.

2. What documents do you need to provide to prove identity and nationality?

Examples of documents that you can submit include copies of any of the following:

A. Passport;

B. Birth certificate accompanied by photo identification; or

C. Any national identity document from your country of origin bearing your photo and/or fingerprint.

3. What documents do you need to provide to prove date of entry into the United States to meet the continuous residence requirement for this program?

Examples of documents that you can submit include copies of any of the following:

- A. Passport;
- B. **Form I-94**, Arrival-Departure Record; or
- C. Documents specified in **Item Number 4.** below.

4. What documents do you need to provide to prove residence in the United States?

Submit copies of any relevant documents such as:

- A. Employment records (e.g., pay stubs; W-2 Forms; certification of the filing of Federal income tax returns; state verification of the filing of state income tax returns; letters from employers; or, if you are self employed, letters from banks and other firms with whom you have done business).

NOTE: In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters from employers must be in affidavit form and the employer must also sign and attest to the affidavit under penalty of perjury.

Such letters must include:

- (1) Your address at the time of employment;
- (2) Exact periods of employment;
- (3) Periods of layoff; and
- (4) Duties with the company.

If the employment records are unavailable, submit an affidavit explaining why you cannot obtain these records. Your employer must sign and attest to the affidavit under penalty of perjury.

- B. Rent receipts, utility bills (gas, electric, phone, etc.), receipts or letters from companies showing the dates during which you received service.
- C. School records (letters, report cards, etc.) from the schools that you or your children have attended in the United States, showing the names of the schools and periods of school attendance.
- D. Hospital or medical records concerning treatment or hospitalization of you or your children, showing the name of the medical facility or physician, and the dates of the treatment or hospitalization.
- E. Attestations by churches, unions, or other organizations to your residence, identifying you by name. The attestation must be signed by an official (whose title is shown); show inclusive dates of membership; state the address where you resided during membership periods; include the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationery; establish how the author knows you; and establish the origin of the information being attested to.
- F. Additional documents may include copies of money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; Selective Service card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, contracts to which you have been a party; tax receipts; insurance policies; receipts; letters; or
- G. Any other relevant document.

5. What documents should I submit if I was arrested or convicted for a criminal offense?

A. Court Disposition Records

If you were ever arrested, charged, and/or convicted for a criminal offense, you will need to provide court disposition records.

Provide a certified copy of all arrest reports, court dispositions, **sentencing documents**, and any other relevant documents. You may also include any **mitigating** evidence concerning the circumstances of your arrests or convictions that you would like USCIS to consider if you have been arrested or convicted of a crime. If you were placed on probation, you must provide evidence to show that you completed your probationary period.

You do not need to submit documentation for traffic fines and incidents (unless the traffic fines or incidents were alcohol- or drug-related) that did not involve an actual arrest if the penalty was only a fine of less than \$500 or points on your driver's license. However, if you were arrested for any traffic offense, provide disposition documentation, so USCIS can properly assess whether your conviction may relate to your TPS eligibility.

NOTE: Provide the conviction and disposition documentation even if your records were sealed, expunged, or otherwise cleared. You must provide the documentation even if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record or that you do not have to disclose the information.

B. Particularly Serious Crimes and Serious Nonpolitical Crimes

If you **were** ever convicted of or ever committed a “particularly serious crime” that constitutes a “danger to the community of the United States,” or there are serious reasons for believing that you have committed “serious nonpolitical crimes” outside of the United States before your arrival in this country, you cannot be granted TPS. USCIS will make the determination as to whether your crimes fall into either of these categories. You must, however, provide information and, if available, any supporting documentation on all crimes which you have committed or **were** convicted of in the United States or outside of this country so that USCIS can make an appropriate decision. If you believe that any of your arrests or convictions were based on political reasons, describe why in your supplemental statements.

6. What if documents are not available?

If documents are not available, you may give USCIS an affidavit showing proof of unsuccessful efforts to obtain the documents, explaining why the consular process is unavailable (for identity documents), and affirming that you are a national of the designated state. USCIS may require a statement from the appropriate issuing authority certifying that the document is not available. Affidavits may also be used to help prove your date of entry into the United States and residence in the United States.

7. Will TPS applicants need to provide fingerprints and photographs?

- A. Yes. Except** as noted below, all applicants for initial registration, re-registration, or renewal of **TPS** must provide fingerprints, photographs, and signatures, which are biometrics. Applicants 14 years of age and older must submit the **\$85 biometrics services fee** or a fee waiver request. See **Item Number 9. below** for information about fee waiver requests.
- B.** TPS applicants under 14 years of age who are not filing for an EAD are exempt from biometrics collection.
- C.** USCIS may, in its discretion, waive the collection of certain biometrics.
- D.** When a biometrics appointment is necessary, **USCIS will send** a notice to TPS applicants scheduling them to appear at an ASC for biometrics collection. Failure to comply with this notice may result in the denial of the TPS application.

8. Are you also required to file Form I-765, Application for Employment Authorization?

Yes. For administrative reasons, each applicant, regardless of age, must also submit a completed Form I-765, even if employment authorization is not requested. As noted in the **What is the Filing Fee section of the instructions**, only those applicants requesting employment authorization must pay the **filing** fee for Form I-765.

If you are under 14 years **of age** or over 65 years **of age**, you may request an Employment Authorization Document (EAD) without fee when filing an initial TPS application. All applicants, regardless of age, must pay the Form I-765 **filing** fee if requesting an EAD when submitting a TPS re-registration application

NOTE: An EAD is not a travel document. If your application for TPS is granted and you must travel outside the United States and return, you must request advanced parole from USCIS by filing Form I-131, Application for Travel Document. **USCIS will issue a Form I-512 travel document to you if your request is granted. For more information on filing Form I-131, visit the USCIS Web site at www.uscis.gov/I-131 or call the USCIS National Customer Service Center at 1-800-315-5285. For TDD (deaf or hard of hearing) call: 1-800-767-1833.**

9. May the filing and biometrics services fees for Forms I-821 and I-765 be waived?

Yes. If you are unable to pay the filing and biometrics services fees, 8 CFR 103.7(c) states that you may request a waiver of the fees. To request a fee waiver, a person requesting an immigration benefit must submit a written request or a Form I-912, Request for Fee Waiver, accompanied by documentation of your inability to pay the required fee. In your request you should indicate why you believe you are entitled to or deserving of the benefit requested, the reason for your inability to pay the fees, and evidence to support the reasons you give. **You may not appeal the denial of your fee waiver request.**

10. Can any of the grounds of inadmissibility that apply to TPS be waived if an applicant is found to be inadmissible on one or more of those grounds?

Yes. **USCIS may waive some**, but not all, of the grounds of inadmissibility in section 212(a) of the INA applicable to TPS, as a matter of discretion, provided that USCIS determines that a waiver is appropriate for humanitarian purposes, to assure family unity, or is otherwise in the public interest. If you are subject to an inadmissibility ground that may be waived, USCIS will send you a notice informing you of your opportunity to apply for a discretionary waiver on Form I-601, Waiver of Grounds of Inadmissibility. If you already know that you are inadmissible on a waivable ground that requires a Form I-601 for TPS purposes, you may also file the Form I-601 with **the** appropriate fee, (*or Form I-912 or fee waiver request*), at the time you file your Form I-821.

Please note that **USCIS cannot waive** some inadmissibility grounds, by law, including certain criminal grounds in INA 212(a)(2)(A-C) and national security, terrorism-related, and persecution grounds in INA 212(a)(3)(A-C, E). If you answered "Yes" to any of the questions in **Part 4. Eligibility Standards** that are *not* related to crimes, national security, terrorism, genocide, persecution of others, or human rights abuses, you *may* be able to obtain a discretionary waiver. For further information on procedures for applying for a waiver, see the TPS section of the Form I-601 instructions and additional information on the TPS page on **the** USCIS Web site at www.uscis.gov/tps. You may also wish to obtain legal advice if you believe you may be subject to any ground of inadmissibility or another TPS ineligibility ground.

If you are re-registering for TPS and you **were already** granted a waiver of a ground of inadmissibility in conjunction with your prior TPS application, you do not need to seek another waiver for the *same* action, incident, or circumstance. For example, if on a prior TPS application, USCIS previously granted you a waiver of the health ground of inadmissibility **because you** had tuberculosis that **was** treated, you do not need to apply for another waiver for that same health incident. However, you would need to file for a waiver if you have contracted another communicable disease for which a waiver is necessary.

What Is the Filing Fee?

1. An initial (first-time) applicant must submit a **\$50 application fee** for Form I-821. Additionally:
 - A. If you are 14 years **of age** or older, an **\$85 biometrics services fee** is required; and
 - B. If you are seeking employment authorization, you must submit a **\$380 filing fee** and the Form I-765, if you are between the ages of 14 and 65 (inclusive).
 - C. If you are not seeking employment authorization, you must still file the Form I-765 but you do not need to pay the filing fee.

NOTE: Applicants under 14 **years of age** and over age 65 **years of age** may request an EAD without a fee when filing **for** initial TPS registration.
2. An applicant for TPS re-registration must submit the completed Form I-821 but is not required to pay the filing fee, unless:
 - A. You are 14 years **of age** or older; then, an **\$85 biometrics services fee** is required; and
 - B. Regardless of your age, if you are filing Form I-765 to request an EAD with your re-registration, a **\$380 filing fee** for Form I-765 is required.
 - C. If you are not seeking employment authorization, you must still file Form I-765, but you do not need to pay the fee.
3. You must submit the fees in the **exact** amount. Fees cannot be refunded. **Do not mail cash.** Please ensure that if a check or money order is drawn on the account of a person other than yourself, your name appears in the lower left corner on the face of the check or money order. If the check is not honored, USCIS will charge you \$30.

Use the following guidelines when you prepare your check or money order:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

How to Check If the Fees Are Correct

The **filing and biometrics services** fees on this form are current as of the edition date appearing in the lower left corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit the USCIS Web site at www.uscis.gov, select "**FORMS**" and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for the fee information. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

Where to File?

For filing instructions, refer to the most recently published Federal Register notice specific to the country designation under which you are applying. You may also check the USCIS Web site at www.uscis.gov/tps and choose a TPS country-specific page, or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

Address Change

You must inform USCIS if you change your address. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the USCIS Lockbox facilities do not process change of address requests.

Processing Information

Initial Processing

After USCIS accepts your Form I-821, the agency will check it for completeness, including submission of the required initial evidence. If you do not completely fill out the form and required supplements, or file it without the required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-821.

Requests for More Information or Interview

USCIS may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision

The decision on your Form I-821 involves a determination of whether you have established eligibility for the requested benefit. USCIS will notify you of the decision in writing.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with Form I-821, we will deny your Form I-821 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

USCIS Forms and Information

To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through the USCIS Internet-based system, **InfoPass**. To access the system, visit the USCIS Web site at infopass.uscis.gov/. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

USCIS Privacy Act Statement

AUTHORITIES: Section 244 of the Immigration and Nationality Act (INA), as amended, and 8 CFR 244.9 authorize USCIS to collect the information and the associated evidence for this benefit application. INA 264(f) (8 U.S.C. 1304(f)) also provides the Secretary of Homeland Security with the authority to collect **Social Security Number (SSN)** information.

PURPOSE: The primary purpose for providing the requested information on this form is to determine if you have established eligibility for the Temporary **Protected** Status for which you are filing. USCIS may also use the information you provide to grant or deny the benefit sought.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in denial of your request for Temporary **Protected** Status.

ROUTINE USES: The information you provide on this **form** may be disclosed to other Federal, state, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published system of records notices, DHS-USCIS-007 - Benefits Information System, DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records and DHS/USCIS-015 - Electronic Immigration System-2 Account and Case Management System of Records, which can be found at www.dhs.gov/privacy. USCIS may also make the information available, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 1 hour and 55 minutes per response, including the time for gathering the required documentation and information, reviewing the instructions, and completing and submitting the application. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0043. **Do not mail your completed Form I-821 to this address.**

Checklist

Please ensure that you complete the following actions before you file Form I-821 with USCIS.

- Did you answer each question?
- Did you sign your Form I-821?
- Did you include the required applications and filing and biometrics services fees, (or Form I-912, Request for Fee Waiver, or a written request for a waiver of the filing fees)?**
- Did you include full, certified English language translations for any supporting document containing information in another language, with your application?
- Did you include the supporting evidence to prove identity, nationality, date of entry, and residence, with your application?
- Did you include other required supporting documents (such as photos, etc.) for your application?
- If you were ever arrested or convicted for any criminal offense, did you include certified copies of all arrest reports, court dispositions, sentencing documents, and any other relevant documents?
- Did you include Form I-765? If you are also requesting employment authorization, did you submit the Form I-765 filing fee (if applicable) or **Form I-912** or a written request for a waiver of the filing fee? (See instructions, **General Requirements, Item Numbers 8.** and **9.**).
- If you used an interpreter and/or a preparer to complete this application, did he or she complete **Part 6.** and/or **Part 7.** on your Form I-821?**