

TABLE OF CHANGES – INSTRUCTIONS
Instructions for Form I-821, Application for Temporary Protected Status
OMB Number: 1615-0043
05/19/2020

Reason for Revision: Biometrics Rule
Project Phase: NPRM

Legend for Proposed Text:

- Black font = Current text
- Red font = Changes

Expires 03/31/2019

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| Current Page Number and Section | Current Text | Proposed Text |
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| <p>Pages 2-4, General Instructions</p> | <p>[page 3]</p> <p>...</p> <p>Biometric Services Appointment. USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application, petition, or request. After USCIS receives your application and ensures it is complete, we will inform you in writing or by email notice if you e-file your application, if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment.</p> <p>If you are required to provide biometrics, at your appointment you must sign an oath</p> | <p>[page 3]</p> <p>...</p> <p>Biometric Services Appointment. Every individual who is an applicant, petitioner, derivative, beneficiary, or sponsor of an immigration benefit request or other request submitted to USCIS is required to submit biometrics unless USCIS waives or exempts the requirement. You will be notified of the time and place of your appointment if you must appear and you will be provided requirements for rescheduling if necessary. If you fail to submit any biometrics as required, USCIS may deny your application, petition, or request.</p> <p>DHS may store the biometrics submitted by an individual and use or reuse biometrics to conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), verify identity, produce documents, determine eligibility for immigration and naturalization benefits, or to perform any other functions necessary for administering and enforcing immigration and naturalization laws, and any other law within DHS authority.</p> <p>If you are required to provide biometrics, at your appointment you must sign an oath</p> |

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| | <p>reaffirming that: ...</p> <p>3. All of this information was complete, true, and correct at the time of filing.</p> <p>...</p> <p>If you fail to attend your biometric services appointment, USCIS may deny your application.</p> <p>Copies. You should submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.</p> <p>...</p> | <p>reaffirming that: ...</p> <p>3. All of this information was complete, true, and correct at the time of filing.</p> <p>[deleted]</p> <p>Copies. You should submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.</p> <p>...</p> |
| <p>Pages 9-13, General Requirements</p> | <p>[page 13]</p> <p>...</p> <p>If documents, such as identity and nationality documents, are not available to you, you may provide an affidavit showing proof of unsuccessful efforts to obtain such documents, why the consular process is unavailable to you (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.</p> <p>7. Will TPS applicants need to provide fingerprints, photographs, and a signature?</p> <p>A. Yes. Except as noted below, all applicants for initial registration, re-registration, or renewal of TPS must provide fingerprints, photographs, and a digital signature, which are referred to as “biometrics.” For re-registrations, USCIS</p> | <p>[page 13]</p> <p>...</p> <p>If documents, such as identity and nationality documents, are not available to you, you may provide an affidavit showing proof of unsuccessful efforts to obtain such documents, why the consular process is unavailable to you (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.</p> <p>[deleted]</p> |

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| | <p>may be able to re-use your previously collected biometrics for identity verifications, background checks and other authorized purposes. Applicants for both initial TPS and for re-registration who are 14 years of age and older must submit the \$85 biometric services fee or a fee waiver request. See Item Number 9. below for information about fee waiver requests.</p> <p>B. TPS applicants under 14 years of age who are not filing for an Employment Authorization Document (EAD) are exempt from biometrics collection.</p> <p>C. USCIS may, in its discretion, waive the collection of certain biometrics.</p> <p>D. When a biometric services appointment is necessary, USCIS will send a notice to TPS applicants and re-registrants 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.</p> <p>8. Can Form I-765, Application for Employment Authorization, be filed at the same time as Form I-821?</p> <p>...</p> <p>9. May the filing fee and biometric services fee for Forms I-821 and I-765 be waived?</p> <p>...</p> | <p>7. Can Form I-765, Application for Employment Authorization, be filed at the same time as Form I-821?</p> <p>...</p> <p>8. May the filing fee and biometric services fee for Forms I-821 and I-765 be waived?</p> <p>...</p> |
| <p>Pages 14-15, What Is the Filing Fee?</p> | <p>[page 14]</p> <p>What Is the Filing Fee?</p> <p>Initial TPS Applications</p> <p>1. An initial (first-time) applicant must submit a \$50 application fee for Form I-821. Additionally:</p> <p>A. If you are 14 years of age or older, you must pay an \$85 biometric services fee or a fee waiver request; and</p> <p>B. If you are seeking employment</p> | <p>[page 14]</p> <p>What Is the Filing Fee?</p> <p>Initial TPS Applications</p> <p>1. An initial (first-time) applicant must submit a \$50 application fee for Form I-821 and an \$85 biometric services fee – a total of \$135. You may submit a fee waiver request for these fees.</p> <p>[deleted]</p> |

authorization, you must submit Form I-765.
2. If you are between 14 and 65 years of age and seeking employment authorization, you must submit a **\$410 filing fee** and the Form I-765, in addition to the **\$50 application fee** and **\$85 biometric services fee** – a total of **\$545 or a fee waiver request**.

3. If you are under 14 years of age or over 65 years of age and seeking an EAD, you **are not required to pay a fee for the EAD** when filing for initial TPS registration. Your only fees are the **\$50 application fee** and **\$85 biometric services fee** – a total of **\$135 or a fee waiver request**.

TPS Re-Registration

1. If you have TPS and you are filing for re-registration, you must submit the completed Form I-821, but **you are not required to pay the \$50 application fee for Form I-821**. However:

A. If you are 14 years of age or older, you must still pay the \$85 biometric services fee; and

B. If you are seeking employment authorization, you must still submit Form I-765.

2. Regardless of your age, if you are filing Form I-765 to request an EAD with your re-registration, you must pay the **\$410**

2. If you are **also seeking employment authorization with your initial TPS application, you** must submit Form I-765.

A. If you are between 14 and 65 years of age and seeking employment authorization, you must submit the **\$410 filing fee** for Form I-765, the **\$50 application fee for Form I-821**, and an **\$85 biometric services fee** – a total of **\$545**. You may submit a fee waiver request for these fees.

B. If you are under 14 years of age or over 65 years of age and **seeking employment authorization, you are not required to pay the \$410 filing fee for Form I-765**. However, you must submit the **\$50 application fee for Form I-821** and the **\$85 biometric services fee** – a total of **\$135**. You may submit a fee waiver request for these fees.

TPS Re-Registration

1. If you have TPS **and are** filing for re-registration, but are not seeking employment authorization, you must submit the completed Form I-821 and pay the **\$85 biometric services fee**. You are not required to pay the **\$50 application fee for Form I-821**.

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2. If you are seeking employment authorization as part of your TPS re-registration, you must submit Form I-765 in addition to Form I-821. You must pay the **\$410 filing fee for Form I-765** and pay the **\$85 biometric services fee**. You are not required to pay the **\$50 application fee for Form I-821**. The total fee to file for TPS re-registration and also seek employment authorization is **\$495**.

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| | <p>filing fee for Form I-765.</p> <p>A. If you are 14 years or older and requesting an EAD, your fees will be the \$85 biometric services fee and the \$410 EAD filing fee – a total of \$495.</p> <p>B. If you are under 14 years of age and requesting an EAD, your only fee will be the \$410 EAD filing fee.</p> <p>NOTE: When filing an initial or re-registration TPS application, if you are not seeking employment authorization, you do not need to file Form I-765 and you do not need to pay the \$410 fee.</p> <p>3. The Form I-821 filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this application. DO NOT MAIL CASH. You must submit all fees in the exact amounts.</p> <p>...</p> <p>2. Call the USCIS National Customer Service Center at 1-800-375-5283 and ask for the fee information. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>NOTE: If you are age 14 or older and, therefore, must pay the biometric services fee with your Form I-821, you can use the same procedure to obtain the correct biometric services fee.</p> <p>Fee Waiver</p> <p>You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fees with this application. You can review the fee waiver guidance at www.uscis.gov/feewaiver.</p> | <p>3. The Form I-821 filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this application. DO NOT MAIL CASH. You must submit all fees in the exact amounts.</p> <p>...</p> <p>2. Call the USCIS National Customer Service Center at 1-800-375-5283 and ask for the fee information. For TTY (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>[deleted]</p> <p>Fee Waiver</p> <p>You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fees with this application. You can review the fee waiver guidance at www.uscis.gov/feewaiver.</p> |
| <p>Page 16, Processing Information</p> | <p>[page 16]</p> <p>...</p> <p>Requests for Interview. We may request that you appear at a USCIS office for an interview based on your application. At the</p> | <p>[page 16]</p> <p>...</p> <p>Requests for Interview. We may request that you appear at a USCIS office for an interview based on your application. At the</p> |

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| | <p>time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.</p> <p>...</p> | <p>time of any interview or other appearance at a USCIS office, we may require that you provide your biometrics to verify your identity and/or update background and security checks.</p> <p>...</p> |
| <p>Page 17, Paperwork Reduction Act</p> | <p>[Page 17]</p> <p>Paperwork Reduction Act</p> <p>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 Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 2 hours and 25 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, attaching necessary documentation, and submitting the application. The collection of biometrics, where required, is estimated to require 1 hour and 10 minutes. 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.</p> | <p>[Page 17]</p> <p>Paperwork Reduction Act</p> <p>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 Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 2 hours and 25 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, attaching necessary documentation, and submitting the application. The collection of biometrics, where required, is estimated to require 3 hours and 40 minutes. 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.</p> |
| <p>Page 18, Checklist</p> | <p>[page 18]</p> <p>...</p> <p>Did you include other required supporting documents (such as photos) for your application?</p> <p>...</p> | <p>[page 18]</p> <p>...</p> <p>Did you include other required supporting documents for your application?</p> <p>...</p> |