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Fact Sheet: Temporary Protected Status for Afghanistan

This fact sheet is current as of September 25, 2023. It is not legal advice.

On September 21, 2023, the Secretary of Homeland Security Alejandro N. Mayorkas announced the extension and redesignation of Afghanistan for Temporary Protected Status (TPS) for 18 months, from Nov. 21, 2023, to May 20, 2025, due to ongoing armed conflict and extraordinary and temporary conditions in Afghanistan that prevent individuals from safely returning. The corresponding [Federal Register notice](#) provides information about how to register for TPS as a new or current beneficiary under Afghanistan's extension and redesignation.

What is temporary protected status (TPS)?

TPS is granted by the Secretary of the Department of Homeland Security (DHS) to eligible foreign-born individuals who are unable to return home safely due to conditions or circumstances preventing their return to their home country.

During the designated TPS period, TPS holders are not removable from the United States and not detainable by DHS based on their immigration status. TPS holders are eligible for an employment authorization document (EAD), and eligible for travel authorization.

What does the extension of TPS for Afghanistan mean?

If you have TPS under the Afghanistan designation, you can apply to extend your TPS. To receive the TPS extension, you must re-register for TPS by applying during the registration period. The re-registration period for existing TPS holders is from September 25, 2023, through November 24, 2023.

What does the redesignation of TPS for Afghanistan mean?

If you are an Afghan national and have never had TPS, you can now apply for TPS for the first time if you have lived in the United States continuously since September 20, 2023. You can apply for TPS during the registration period. You must also meet the eligibility requirements. The initial registration period for new applicants for TPS for Afghanistan is from September 25, 2023, through May 20, 2025.

How do I apply for TPS?

People interested in TPS must file an application with U.S. Citizenship and Immigration Services and pay the filing fee. They may also apply for an EAD and for travel authorization. All individuals applying for TPS undergo security and background checks as part of determining eligibility.

If you have TPS and are applying for an extension of your TPS under the Afghanistan designation your re-registration period runs from September 25, 2023, through November 24, 2023.

If you do not have TPS and are applying for TPS under the Afghanistan designation for the first time, your registration period runs from September 25, 2023, through May 20, 2025.

More details about the eligibility criteria to submit a TPS application and apply for an EAD can be found in the [Federal Register notice \(FRN\)](#).

Is TPS status given automatically?

No, TPS is not automatic. People must apply, pay a filing fee, and pass immigration screening. There are some facts that will make a person ineligible for TPS. For example, people with certain criminal convictions or who violated the human rights of others are not eligible for TPS. People who are inadmissible under certain sections of the law may have to file a waiver before they can be approved for TPS status. The application process can be complicated, and we recommend working with an immigration attorney.

How long will eligible individuals have protection under TPS?

TPS is a temporary status. The Secretary of Homeland Security Alejandro N. Mayorkas is extending and redesignating Afghanistan for TPS for an 18-month period, beginning on November 21, 2023, and ending on May 20, 2025. That said, TPS status can be extended.

I am from Afghanistan, and the police have given me tickets here. Can I apply for TPS?

Maybe. You need to show your tickets to an immigration lawyer before filing. A person with two misdemeanors or one felony cannot get TPS. A lawyer can tell you if the tickets will be a problem.

I am from Afghanistan, and I am in deportation proceedings. Can I apply for TPS to avoid deportation?

Yes. A person in removal proceedings can apply for TPS and, if approved, can request that the judge put the removal case on hold until TPS is approved, and then for the time it is in effect.

Does TPS Status provide a path to permanent residency?

No, TPS does not provide a path to lawful permanent resident status. However, some TPS holders may be independently eligible to adjust status through a family-based, employment-based, or other legal avenue. Please consult with an immigration lawyer regarding this issue.

May someone with a pending asylum application apply for TPS?

Yes. Applying for TPS, or being granted TPS, does not affect a pending asylum application. However, asylum applicants should consider their preferred strategy in the event that their asylum application is not granted by USCIS. Based on this, we strongly recommend obtaining an immigration lawyer to discuss this question with you.

If someone has TPS at the time their asylum application is denied, USCIS cannot refer their asylum case to an immigration judge where the applicant may present the asylum claim for reconsideration. Thus, if you have a weak asylum case that is unlikely to be granted by an immigration judge and have no other relief available, it may be best to proceed with applying for TPS. Those who have a strong case for asylum may prefer not to apply for TPS until after the affirmative asylum application has been denied. Again, it is important to obtain an immigration lawyer to discuss the merits of your asylum application.

Note that obtaining TPS status will “stop the clock” on the requirement to file for asylum within one year of arriving in the United States if the one-year clock has not already expired.

I arrived in the United States through “Operation Allies Welcome,” can I apply for TPS?

Maybe. You may be eligible for TPS but depending on your status you may not need to apply. We recommend talking to a licensed immigration attorney about your case.

Get Help

The Immigrant Law Center of Minnesota (ILCM) provides free immigration legal services to low-income immigrants in a variety of immigration matters. For more information about how we can assist you, please visit our website at www.ilcm.org or call us at (651) 641-1011.