



IMMIGRANT LEGAL ADVOCACY PROJECT

Temporary Protected Status for Afghanistan: Updated Guidance for OAW Afghan Parolees & Other Afghans in Maine

Last updated: Feb. 7, 2023

This advisory is for general reference only, is not legal advice, and does not substitute for the advice of an immigration expert.

General Information:

What is TPS?

TPS gives people temporary protection from deportation, legal status, and the ability to apply for a work permit (Employment Authorization Document). The current designation of Afghanistan TPS is for 18 months and ends on November 20, 2023. At that time, the U.S. government can extend TPS or choose to end it.

What is the Deadline to Apply for TPS for Afghanistan?

The current deadline to apply for TPS for Afghanistan is November 20, 2023.

What are the Qualifications for Afghanistan TPS?

You may qualify for Afghanistan TPS if:

- You are a citizen of Afghanistan
- You have been in the U.S. since March 15, 2022, or earlier
- **NOTE:** Certain crimes and other factors may make you ineligible for TPS

What Documents Do I Need to Apply for TPS?

To apply for TPS, you will need:

- An Afghanistan passport, birth certificate, national ID, (or other evidence showing nationality if these are not available);
- A visa, even if expired, passport stamp, NTA, or any other immigration paperwork;
- Documents showing you have been in the U.S. since March 15, 2022, such as medical records, leases, pay stubs, or school records;
- Records for any arrests, charges, and criminal court cases you may have in the U.S. at any time.



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What Else Do I Need to Know?

Beware of fraud and people who try to trick immigrants out of their money by pretending they can help with immigration cases. Learn more about how to protect yourself here: <https://ilapmaine.org/protect>.

OAW Afghan Parolees:

The below information is to assist Afghan Operation Allies Welcome (OAW) parolees in deciding whether and when to apply for Temporary Protected Status (TPS). Parole and the corresponding Employment Authorization Documents (EADs) for many OAW Afghan parolees will expire in September or October 2023 and you may need to start planning now to avoid a gap in employment authorization.

Should OAW Afghan Parolees Apply for TPS at this Time?

For those who have not yet received asylum, a Special Immigrant Visa, or another path to a green card, TPS may be the best option to ensure you may continue to work when your parole expires and maintain status in the U.S. All immigrants must have a valid employment authorization in order to work. Depending on the expiration date of your parole and EAD card, you may need to start planning now to avoid a gap in employment authorization. ILAP recommends applying at least six months before your parole ends and before the TPS deadline.

Why Should I Apply for TPS if it Expires on November 20, 2023?

Under the law, the U.S. government may extend TPS while there are dangerous conditions in a country that make it impossible for nationals in the U.S. to safely return. TPS may be extended in 6-, 12-, or 18-month periods for as long as the dangerous conditions remain.

The U.S. government may extend TPS beyond November 20, 2023, (but it is not required to). Parole is not a status that is typically renewed under U.S. law. Therefore, TPS is the best option for Afghan parolees who have not yet secured permanent status in the United States.

What if I Am Already Working with an Attorney or Accredited Representative?

If you are already working with an attorney or accredited representative on asylum, SIV, or another immigration cases, make sure to consult with them before applying for TPS.

Afghans Who Arrived in the U.S. After March 15, 2022:

Afghans who arrived after March 15, 2022, are not eligible under the current Afghanistan TPS designation. The U.S. government may update the TPS requirements to allow people who arrived after March, 15, 2022 to apply, (but it is not required to). Look for updates from the U.S. government and qualified immigration legal services organizations for reliable information on Afghanistan TPS. All Afghans should seek qualified legal assistance to help them understand their immigration options, no matter when they arrived in the United States.