



# GMS Flash Alert

## Immigration Edition

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# United States - Updates on Temporary Protected Status (TPS) for Four Countries

The U.S. Department of Homeland Security (DHS) rescinded the Trump Administration's termination of Temporary Protected Status (TPS) designations for El Salvador, Honduras, Nepal, and Nicaragua effective June 9, 2023. The designations were each simultaneously extended for a period of 18 months.<sup>1</sup> This is a policy change for the Biden Administration, originally supporting the withdrawal of TPS designations for the four countries but since reversing its stance.

## WHY THIS MATTERS

This decision is critical to nationals of the four countries as it permits them to remain in the U.S. on TPS if they are unable to return home due to the ongoing peril associated with environmental disasters affecting their nations. Closely associated with the extended stay on TPS is the opportunity for current beneficiaries to renew the Employment Authorization Documents (EADs) permitted under the benefit, which can be done during the re-registration process. Beneficiaries should remain vigilant as to additional application information to be released by the DHS in the coming weeks leading up to the periods in which applicants may submit their requests for the benefit(s).

## Newly Extended TPS Timeframes

### El Salvador

The 18-month extension of the TPS designation for El Salvador is slated for September 10, 2023 through March 9, 2025. The period of eligibility that Salvadoran beneficiaries have for extending their statuses (through Form I-821) and respective work authorization (through Form I-765) will be for sixty (60) days from July 12, 2023 through September 10, 2023.<sup>2</sup>

## Nepal

The 18-month extension of the TPS designation for Nepal is slated for December 25, 2023 through June 24, 2025. The period of eligibility that Nepali beneficiaries have for extending their statuses (through Form I-821) and respective work authorization (through Form I-765) will be for sixty (60) days from October 24, 2023 through December 23, 2023.<sup>3</sup>

## Nicaragua and Honduras

The 18-month extension of the TPS designation for Honduras and Nicaragua is slated for January 6, 2024 through July 5, 2025. The period of eligibility that Honduran and Nicaraguan beneficiaries have for extending their statuses (through Form I-821) and respective work authorization (through Form I-765) will be for sixty (60) days from November 6, 2023 through January 5, 2024.<sup>4</sup>

## Eligibility for Re-Registration

The eligibility to re-register for TPS applies only to those beneficiaries who previously held the status through an application that was previously granted by USCIS under the designations given to these four countries. Eligible TPS beneficiaries seeking to extend their status must apply in a timely manner and receive an approval on their application(s) in order to remain and/or continue their U.S. employment.

In addition, any applicants who entered the U.S. after the continuous residence dates for the four countries are not eligible for TPS. As a reminder, the continuous residence dates are: December 30, 1998 for Honduras and Nicaragua; February 13, 2001 for El Salvador; and June 24, 2015 for Nepal.<sup>5</sup> Applicants who have pending TPS and/or EAD applications are not required to resubmit their applications in order to benefit from the extensions being offered by the DHS.

Additional information further explaining the application process will follow in the *Federal Register* that will be published prior to the beginning of the first registration period that starts on July 12, 2023 for El Salvador.

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## KPMG INSIGHTS

This decision from the Biden Administration to terminate the TPS withdrawals carried out by the Trump Administration will likely result in the settlement of the ongoing federal lawsuit pertaining to this matter, *Ramos v. Wolf*, brought by certain TPS beneficiaries. The preliminary injunction from the U.S. District Court for the Northern District of California requiring the reversal of the withdrawals remains in place while an *en banc* re-hearing of the case is currently pending in the United States Court of Appeals for the Ninth Circuit, after a three-judge panel of that court vacated the injunction against the Trump Administration's terminations.<sup>6</sup>

The DHS is set to make additional determinations on whether the TPS designations for the four countries will be renewed as the end dates of their 18-month extensions approach.

KPMG Law LLP in Canada will be tracking this matter closely. We will endeavor to keep readers of *GMS Flash Alert* informed on any important developments as they occur.

## FOOTNOTES:

1 Department of Homeland Security, “[DHS Rescinds Prior Administration’s Termination of Temporary Protected Status Designations for El Salvador, Honduras, Nepal, and Nicaragua](#)” (June 13, 2023).

2 Ibid.

3 Ibid.

4 Ibid.

5 Ibid.

6 *Ramos v. Wolf*, 975 F.3d 872 (9th Cir. 2020).

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## Contact us

For additional information or assistance, please contact your local GMS or People Services professional\* or one of the following professionals with the KPMG International member firm in Canada:



**Sylvia Yong**  
**Manager / Attorney, U.S. Immigration**  
KPMG Law LLP – Tax + Immigration,  
Canada  
Tel. +1 416-943-7894  
[sylviayong@kpmg.ca](mailto:sylviayong@kpmg.ca)



**Alexander Tolic**  
**Associate, Attorney, U.S. Immigration**  
KPMG Law LLP – Tax + Immigration,  
Canada  
Tel. +1 416-468-7553  
[atolic@kpmg.ca](mailto:atolic@kpmg.ca)

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