



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
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What Is the Purpose of Form I-821?

If you are an eligible national of certain countries that the Secretary of Homeland Security (Secretary) has designated for Temporary Protected Status (TPS) or a person without nationality who last habitually resided in the designated country, then you may apply for TPS by filing Form I-821, Application for Temporary Protected Status. This form is also used if you have TPS and are filing for TPS re-registration.

Do **NOT** use Form I-821 to request Consideration Of Deferred Action for Childhood Arrivals (DACA). Form I-821D must be used to request DACA. Form I-821 is only used to apply for Temporary Protected Status (TPS).

When Should I Use Form I-821?

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

Do I Have to Request Employment Authorization with My Form I-821?

If you want to request an Employment Authorization Document (EAD), **you must file** Form I-765, Application for Employment Authorization, **with** your Form I-821.

You may wait to file a Form I-765 until after USCIS decides your TPS application. However, please note that if you wait to request an EAD until after USCIS grants TPS or approves re-registration, you will not receive your EAD (assuming you are eligible) until several weeks after you file the Form I-765.

Who May File Form I-821?

You must be an eligible national of a foreign state (or a person having no nationality who last habitually resided in a foreign state) that the Secretary has designated for TPS under section 244(b) of the Immigration and Nationality Act (INA). You should check with the nearest U.S. Citizenship and Immigration Services (USCIS) office for countries currently designated for TPS and for information pertaining to re-registration periods, or visit the USCIS website at www.uscis.gov/tps.

Who Is Eligible For TPS?

To be eligible for TPS, you must be admissible to the United States as an immigrant under the applicable grounds in INA section 212(a), with certain exceptions. USCIS may grant discretionary waivers for some, but not all of the applicable inadmissibility grounds (See the **What Waivers are Available For TPS** section of these Instructions.)

What Waivers are Available For TPS?

USCIS may grant discretionary waivers of certain inadmissibility grounds for humanitarian purposes, to assure family unity, or because it is otherwise in the public interest. However, USCIS cannot waive some inadmissibility grounds, by law, including certain criminal grounds in INA sections 212(a)(2)(A-C) and national security, terrorism-related, and persecution grounds in INA sections 212(a)(3)(A-C, E). If you are inadmissible on grounds that can be waived, you may be able to obtain a discretionary waiver. For further information on waivers, including how to apply, see the TPS page on the USCIS website 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 will need to file for a waiver if you have contracted another communicable disease for which a waiver is necessary.

Does My Spouse, Child, or Parent Have to File a Form I-821?

Each person seeking TPS must apply for him or herself on a separate Form I-821. There is no derivative TPS status, meaning that your spouse, children or parents cannot obtain TPS as a result of your approval for TPS. They must each qualify for TPS individually.

However, USCIS may accept late initial TPS applications from certain individuals who had a qualifying relationship to a spouse or child during the initial registration period for the TPS-designated country and that relative is also currently eligible for TPS. Even where such a relationship exists, the applicant must still meet all other TPS eligibility requirements before USCIS may grant TPS. Please see the TPS page on the USCIS website at www.uscis.gov/tps or the latest Federal Register Notice regarding the TPS designation for your country for further information on late initial filing.

General Instructions

We provide free forms through the USCIS website. To view, print, or complete our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have internet access, you may call the USCIS Contact Center and ask that we mail a form to you.

Signature. You (or your signing authority) must properly complete your application. USCIS will not accept a stamped or typewritten name in place of any signature on this application. If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf. A legal guardian may also sign for a mentally incompetent person. If your application is not signed, or if the signature is not valid, we will reject your application. See 8 CFR 103.2(a)(7)(ii)(A). If USCIS accepts a request for adjudication and determines that it has a deficient signature, USCIS may deny the request.

Validity of Signatures. USCIS will consider a photocopied, faxed, or scanned copy of an original handwritten signature as valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten ink signature.

Filing Fee. See Form G-1055, Fee Schedule, available at www.uscis.gov/forms, for all information on filing fees.

Evidence. When you file your application, you must submit all evidence and supporting documents listed in the **What Evidence Must You Submit** and/or **Specific Instructions** sections of these Instructions. You should also refer to the most recently published country-specific Federal Register notice that announces the procedures for TPS registration or re-registration.

Biometric Services Appointment. USCIS may require you to appear for an interview or provide biometrics (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 or petition. If we determine that a biometric services appointment is necessary, we will send you an appointment notice with the date, time, and location of your appointment. If you are currently overseas, your notice will instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to schedule an appointment.

At your biometrics appointment, you must sign an oath reaffirming that:

1. You provided or authorized all information in the application;
2. You reviewed and understood all of the information contained in, and submitted with, your application; and
3. All of this information was complete, true, and correct at the time of filing.

For applicants and dependents who appear before an immigration judge, failure to attend a biometric services appointment, without good cause, may result in the immigration judge finding that your application was abandoned, and USCIS may also deny any other application you filed with USCIS.

If you do not attend your biometric services appointment, we may deny your application.

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.

NOTE: If you submit original documents when they are not required or requested, **USCIS or the Immigration Court may destroy them after we receive them.**

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification must also include the translator's signature, printed name, the signature date, and the translator's contact information.

USCIS Contact Center. For additional information on the application and Instructions about where to file, change of address, and other questions, visit the USCIS Contact Center at www.uscis.gov/contactcenter or call at **800-375-5283** (TTY **800-767-1833**). The USCIS Contact Center provides information in English and Spanish.

Disability Accommodations/Modifications. To request a disability accommodation/modification, follow the instructions on your appointment notice or at www.uscis.gov/accommodationsinfo.

How To Complete Form I-821

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this application, use the space provided in **Part 11. Additional Information** or attach a separate sheet of paper. Type or print 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; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have?" or "How many times have you departed the United States?"), type or print "None," unless otherwise directed.

4. The following **Parts** and **Item Numbers** cannot be left blank and must have a response. Failure to provide a response may delay processing of your case or result in denial.
- A. **Part 1. Type of Application;**
 - B. **Part 2. Information About You, Item Numbers 1.a., 1.b., 2.a. - 2.c., 3.a. - 4.f., 9., and 12. - 16.;**
 - C. **Part 3. Biographic Information;**
 - D. **Part 7. Eligibility Standards** - All questions must be answered;
 - E. **Part 8. Applicant's Statement, Contact Information, Certification, and Signature;**
 - F. **Part 9. Interpreter's Contact Information, Certification, and Signature** (if you used an interpreter); and
 - G. **Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other than the Applicant** (if you used a preparer and/or have a legal representative).

Specific Instructions

This form is divided into eleven parts.

Part 1. Type of Application

Item Numbers 1.a. - 1.b. Type of Application. Select **Item Number 1.a.** if this is your first time applying for TPS and you currently do not have TPS. This means you are filing an "initial" TPS application. Please also select **Item Number 1.a.** if you do not currently have TPS, but you have previously applied. Read the Note on the form regarding additional information you must provide, if available, for any prior TPS applications you submitted. Select **Item Number 1.b. only** if you currently have TPS and are re-registering. If you select this item, you must also complete **Item Number 2.**

Item Number 2. TPS Granting Authority. Only complete this section if you selected **Item Number 1.b.** Select **USCIS** if you received a letter from USCIS granting your previous application for TPS. Select **Immigration Judge/ Board of Immigration Appeals** if you received a written decision from the Immigration Judge or Board of Immigration Appeals granting your previous application for TPS.

Item Numbers 3.a. - 3.b. Request For Employment Authorization Document (EAD). Select **Item Number 3.a.** if you are requesting an Employment Authorization Document (EAD) and are filing the Form I-765 with your Form I-821. Select **Item Number 3.b.** if you are not requesting employment authorization at this time.

NOTE: You can still apply for an EAD at a later date, after USCIS makes a decision on your application for TPS.

Item Number 4. TPS Country. Provide the name of the designated TPS country (or part thereof) under which you are applying.

Part 2. Information About You

Item Numbers 1.a. - 1.c. Your Full Name. Provide your full legal name in the spaces provided.

Item Numbers 2.a. - 3.c. Other Names Used (if any). Provide all other names you have used, including but not limited to, maiden names, married names, and nicknames in the space provided. If you need additional space to complete the section, use **Part 11. Additional Information.**

Item Numbers 4.a. - 5. U.S. Mailing Address. Provide the address where you would like to receive written correspondence regarding your application.

Item Numbers 6.a. - 6.e. U.S. Physical Address. Provide your physical address if it is different from your mailing address.

Item Number 7. Alien Registration Number (A-Number) (if any). Provide your A-Number. We use your A-Number to identify your immigration records. You can find this number on documents you received from USCIS, U.S. Immigration and Customs Enforcement (ICE), or U.S. Department of Justice Executive Office of Immigration Review (EOIR) during immigration proceedings in court.

Item Number 8. USCIS Online Account Number (if any). You will only have a USCIS Online Account Number (OAN) if you previously filed a form that has a receipt number that begins with IOE. If you filed the form online, you can find your OAN in your account profile. If you mailed us the form, you can find your OAN at the top of the Account Access Notice we sent you. If you do not have a receipt number that begins with IOE, you do not have an OAN. The OAN is not the same as an A-Number.

Item Number 9. U.S. Social Security Number (if any). Provide your U.S. Social Security number. If you do not have a U.S. Social Security number, type or print “N/A.”

Item Number 10. Date of Birth. Provide your date of birth in month/day/year (mm/dd/yyyy) format.

Item Numbers 11.a. - 11.b. Other Dates of Birth Used. Provide all other dates of birth used in mm/dd/yyyy format.

Item Number 12. Sex. Indicate whether you are male or female as provided on your birth certificate issued at the time of birth or issued closest to the time of birth or in secondary evidence you provided to USCIS, if applicable.

Item Number 13. City/Town/Village of Birth. Provide the city/town/village where you were born in the space provided.

Item Number 14. Country of Birth. Provide your country of birth in the space provided.

Item Numbers 15.a. - 15.d. Countries of Residence/You Entered (Before Entering the United States). List all of the countries you entered while traveling to the United States, including any countries where you resided as well as those where you transited through. Use **Part 11. Additional Information** to provide the dates when you were in those countries and any immigration status you may have had while in those countries. If you have ever been offered an immigration status in another country that you did not accept, please describe that status offer as well and why you did not accept it in **Part 11. Additional Information**.

Item Numbers 16.a. - 16.d. Country or Countries of Citizenship or Nationality. Provide the name of the country where you are a citizen and/or national. This is not necessarily the country where you were born. If you do not have citizenship in any country, type or print “stateless” and provide an explanation in **Part 11. Additional Information**.

Item Number 17. Marital Status. Select the appropriate category to indicate your current marital status. If you are uncertain of your marital status or have additional relevant information about your marital status, please use **Part 11. Additional Information**.

Item Number 18. Date of Current Marriage (if currently married). Provide the date of your current marriage (if currently married) in mm/dd/yyyy format.

Item Number 19. Date of Last Entry into the United States. Provide the date and place where you last entered the United States in mm/dd/yyyy format.

Item Number 20. Immigration Status (or Lack of Status) When You Last Entered the United States. Provide your immigration status, if any, at the time when you last entered the United States. For example, visitor, student, visa overstay. If you entered without inspection or admission or parole, type or print “No Status” as your immigration status.

Item Numbers 21.a. - 22.b. Place of Last Entry into the United States. Provide the U.S. Port of Entry (if any), city or town and state where you last entered into the United States.

Item Number 23. Form I-94 Arrival-Departure Record. If U.S. Customs and Border Protection (CBP) or USCIS issued you a Form I-94, Arrival-Departure Record, provide your Form I-94 number and date that your authorized period of stay expires or expired (as shown on Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.

NOTE: You may visit the CBP website at www.cbp.gov/i94 to obtain a paper version of an electronic Form I-94 if needed. If you cannot obtain the Form I-94 from the CBP website, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. See Form G-1055, available at www.uscis.gov/forms, for specific information about the fees applicable to Form I-102.

Item Number 24. Date Your Authorized Period of Stay in the United States Expired or Will Expire. Provide the date your authorized period of stay expired or will expire in mm/dd/yyyy format. You can locate the date on your Arrival Departure Record or Crewman's Landing Permit. If you were admitted for Duration of Status (D/S), please note "D/S" in the space provided.

Item Numbers 25. - 28. 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 spaces on the application, even if the passport or travel document is currently expired. If you have other valid passports, please list all of them and provide all of the requested information about each document. If you need additional space to complete this section, use the space provided in **Part 11. Additional Information**.

Item Number 29. Country of Issuance for Passport or Travel Document. Provide the country of issuance for passport or travel document.

Item Number 30. Expiration Date for Passport or Travel Document. Provide the expiration date for passport or travel document.

Item Number 31. Current Immigration Status (or Lack of Status). Provide your current immigration status (or lack of status) and indicate whether or not you are now in status. For example, visitor, student, visa overstay, and no status.

Item Numbers 32. - 36.c. Immigration Proceedings. If you have ever been in any type of immigration proceeding before the Department of Justice (DOJ), including an Immigration Court or the Board of Immigration Appeals (BIA), or administrative removal proceedings conducted by the former Immigration and Naturalization Service (INS) or the Department of Homeland Security (DHS), provide details. Also respond if you have been involved in any federal court proceeding involving immigration issues. Indicate which entities conducted your proceedings, as requested on the form. Provide all applicable responses, even if your cases involved the same immigration matter, such as when your case may have been on appeal to the BIA or in federal court. Also provide the locations where your proceedings occurred or are currently being held and the dates of your proceedings.

NOTE: Even if your removal, exclusion, or deportation proceedings are administratively closed, you are still "in proceedings" until EOIR terminates or dismisses your case.

Part 3. Biographic Information

Provide the biographic information requested in **Part 3., Item Numbers 1. - 6.** Providing this information as part of your application may reduce the time you spend at your USCIS ASC appointment as described in the **Biometric Services Appointment** section of these Instructions.

Item Numbers 1. - 2. Ethnicity and Race. Select the boxes that best describe your ethnicity and race.

Categories and Definitions for Ethnicity and Race

- (1) 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 **Part 3., Item Number 1.**)
- (2) 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.
- (3) 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.

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- (4) **Black or African American.** A person having origins in any of the black racial groups of Africa.
- (5) **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- (6) **White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Item Number 3. Height. Select the values that best match your height in feet and inches. For example, if you are five feet and nine inches, select “5” for feet and “09” for inches. Do not enter your height in meters or centimeters.

Item Number 4. Weight. Enter your weight in pounds. If you do not know your weight, or need to enter a weight under 30 pounds or over 699 pounds, enter “000.” Do not enter your weight in kilograms.

Item Number 5. Eye Color. Select the box that best describes the color of your eyes.

Item Number 6. Hair Color. Select the box that best describes the color of your hair.

Part 4. Information About Your Current Spouse (if any)

Complete this section about your current spouse only if you are filing a late initial application for TPS. Please see the TPS page on the USCIS website at www.uscis.gov/tps for information on late initial filing for TPS.

Item Number 1. USCIS Online Account Number. You will only have a USCIS Online Account Number (OAN) if you previously filed a form that has a receipt number that begins with IOE. If you filed the form online, you can find your OAN in your account profile. If you mailed us the form, you can find your OAN at the top of the Account Access Notice we sent you. If you do not have a receipt number that begins with IOE, you do not have an OAN. The OAN is not the same as an A-Number.

Item Number 2. Alien Registration Number (A-Number) (if any and available to you). Provide your spouse’s A-Number, if available to you. The A-Number is the number used to identify your spouse’s immigration records. Your spouse can find this number on documents he or she received from USCIS, U.S. Immigration and Customs Enforcement (ICE), or DOJ Executive Office of Immigration Review (EOIR) during immigration proceedings in court.

Item Numbers 3.a. - 3.c. Full Name. Provide your current spouse’s full name in the space provided.

Item Numbers 4.a. - 4.h. Mailing Address of Spouse. Provide your current spouse’s mailing address in the space provided.

Item Numbers 5. - 8.d. Other Information About Your Current Spouse. Provide your current spouse’s date of birth, date of present marriage, and place of present marriage.

Item Numbers 9. - 11. Your Current Spouse’s TPS. If your current spouse has ever had TPS, please indicate the dates of his or her TPS and whether your current spouse’s TPS is still valid, if this information is available to you.

Part 5. Information About Your Former Spouses (if any) (Completed by Late Initial Filers Only)

NOTE: Only complete this section if you are filing a late initial application for TPS. Please see the TPS page on the USCIS website at www.uscis.gov/tps for information on late initial filing for TPS. If you need additional space to complete this section, use the space provided in **Part 11. Additional Information**.

Item Numbers 1.a. - 1.c. and 11.a - 11.c. Former Spouse’s Full Name. Provide your former spouse’s full legal name.

Item Numbers 2. and 12. Former Spouse’s Nationalities. Provide your former spouse’s nationality or nationalities, if more than one.

Item Numbers 3. and 13. Alien Registration Number (A-Number) (if any). Provide your former spouse’s A-Number, if available to you. The A-Number is the number used to identify your former spouse’s immigration records.

Item Numbers 4. and 14. Date of Birth. Provide the date of your former spouse’s birth in a mm/dd/yyyy format.

Item Numbers 5. and 15. Date of Death (if applicable). Provide the date of your former spouse's death in a mm/dd/yyyy format.

Item Numbers 6.a. - 7. and 16.a. - 17. Dates of Marriage and How Marriage Ended.

Item Numbers 8. - 10. and 18. - 20. Your Former Spouse's TPS. If your former spouse ever had TPS, indicate the dates of his or her TPS and whether your former spouse's TPS is still valid, if known. Also indicate if your former spouse is re-registering for TPS, if that information is available to you.

Part 6. Information About Your Children (if any)

Item Numbers 1.a. - 1.c. and 8.a. - 8.c. Child's Full Name. Provide the child's full legal name.

Item Numbers 2. and 9. USCIS Online Account Number (if any). You will only have a USCIS Online Account Number (OAN) if you previously filed a form that has a receipt number that begins with IOE. If you filed the form online, you can find your OAN in your account profile. If you mailed us the form, you can find your OAN at the top of the Account Access Notice we sent you. If you do not have a receipt number that begins with IOE, you do not have an OAN. The OAN is not the same as an A-Number.

Item Numbers 3. and 10. Alien Registration Number (A-Number) (if any and available to you). Provide your child's A-Number, if available to you. The A-Number is the number used to identify your child's immigration records. You can find your child's A-number on documents from USCIS, U.S. Immigration and Customs Enforcement (ICE), or DOJ Executive Office of Immigration Review (EOIR) during immigration proceedings in court.

Item Numbers 4. and 11. Date of Birth. Provide the date of your child's birth in a mm/dd/yyyy format.

Item Numbers 5.a. - 5.h. and 12.a. - 12.h. Your Child's U.S. Mailing Address. Provide your child's U.S. mailing address.

Item Numbers 6.a. - 7. and 13.a. - 14. Your Child's TPS. If your child ever had TPS, please indicate the dates of his or her TPS, if known. Also indicate if your child is re-registering for TPS, if that information is available to you.

Part 7. Eligibility Standards

Item Numbers 1.a. - 41. Eligibility Standards. Complete **Item Numbers 1.a. - 41.** If you select "Yes" to any of **Item Numbers 3. - 41.**, provide an explanation in **Part 11. Additional Information.**

Part 8. Applicant's Statement, Contact Information, Certification, and Signature

Item Numbers 1.a. - 6.b. Select the appropriate box to indicate whether you read this application yourself or whether you had an interpreter assist you. If someone assisted you in completing the application, select the box indicating that you used a preparer. Further, you must sign and date your application and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every application **MUST** contain the signature of the applicant (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

Part 9. Interpreter's Contact Information, Certification, and Signature

Item Numbers 1.a. - 7.b. If you used anyone as an interpreter to read the Instructions and questions on this application to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the application.

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant

Item Numbers 1.a. - 8.b. This section must contain the signature of the person who completed your application, if other than you, the applicant. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 8.** and **Part 9.** If the person who completed this application is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this application **MUST** sign and date the application. A stamped or typewritten name in place of a signature is not acceptable. If the individual person who helped you prepare your application is an attorney or accredited representative whose representation extends beyond preparation of this application, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, or G-28I, Notice of Entry of Appearance as Attorney In Matters Outside the Geographical Confines of the United States along with your application.

Part 11. Additional Information

Item Numbers 1.a. - 7.d. If you need extra space to provide any additional information within this application, use the space provided in **Part 11. Additional Information.** If you need more space than what is provided in **Part 11.**, you may make copies of **Part 11.** to complete and file with your application, or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

We recommend that you print or save a copy of your completed application to review in the future and for your records. We recommend that you review your copy of your completed application before you come to your biometric services appointment at a USCIS ASC. At your appointment, USCIS will permit you to complete the application process only if you are able to confirm, under penalty of perjury, that all of the information in your application is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.

General Requirements

1. What documents should you submit?

NOTE: You do not need to provide original documents with this application unless USCIS requests that you provide the originals of any copies you submit.

You must provide 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:

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.

NOTE: If you are submitting a first-time re-registration with USCIS following an Immigration Judge or Board of Immigration Appeals decision granting your TPS application, please include a copy of that decision order with your Form I-821. This will aid USCIS in verifying your grant of TPS and processing your application, as USCIS may not have received records of your grant of TPS by either the immigration judge or the Board of Immigration Appeals.

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 of the following relevant documents.

- A. Employment records (for example, pay stubs; Form W-2, Wage and Tax Statement; 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 which 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 (for example, gas, electric and phone), and receipts or letters from companies showing the dates during which you received service.
- C. School records (for example, letters, and report cards) 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; deeds, mortgages, contracts to which you have been a party; tax receipts; insurance policies; receipts; and letters.
- G. Any other relevant documents.

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

In answering any question on this form about your criminal history:

You have been “convicted” for immigration purposes if:

- (1) A court has entered against you a judgment of guilt; or
- (2) The court has not entered a formal judgment, but;
- (3) You were found guilty after a trial, entered a guilty or “no contest” plea, or admitted in court to facts that would warrant a finding of guilt; and
- (4) The court has imposed any restrictions on your liberty, including any probation, punishment or other penalty.

“Felony” means a crime committed in the United States, punishable by imprisonment for a term of more than one year, regardless of the term such alien actually served, if any, except: When the offense is defined by the State as a misdemeanor and the sentence actually imposed is one year or less regardless of the term such alien actually served. Under this exception for purposes of TPS, the crime shall be treated as a misdemeanor. See 8 C.F.R. 244.1.

Misdemeanor means a crime committed in the United States, either:

- (1) **Punishable by imprisonment for a term of one year or less, regardless of the term such alien actually served, if any; or**
- (2) **A crime treated as a misdemeanor under the term “felony” of this section.**

For purposes of TPS, any crime punishable by imprisonment for a maximum term of five days or less shall not be considered a felony or misdemeanor. See 8 C.F.R. 244.1.

Please remember, however, that even if you were not convicted, you must provide records of any arrest or charge 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.

Please see **Item 6.** about what you should submit if you are not able to obtain a true copy of the official record concerning any arrest, charge, or conviction, including any records of juvenile criminal history or records that are otherwise sealed.

NOTE: An adjudication of juvenile delinquency is not a “conviction” under U.S. immigration law. However, if a minor is charged with a crime in a criminal court proceeding rather than being placed in a juvenile court proceeding, the charges could be relevant. You must disclose all arrests and charges. If any arrest or charge was disposed of as a matter of juvenile delinquency, include the court or other public record that establishes this disposition.

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 politically motivated, describe why in your supplemental statements.

6. What if official documents are not available?

USCIS always prefers receiving true copies of official records.

However, USCIS also understands that an applicant may not be able to obtain copies of some official records.

You do not need to submit an official record if you establish that the record is not available to you or your designated representative. (In some cases, the law will allow you to obtain your own records, but does not necessarily allow someone other than you or your designated representative to obtain the records. If you or your representative can obtain the records, you must do so.)

Ordinarily, a certificate from the custodian of the records explaining that the records cannot be disclosed to you is enough.

But if you claim that a record is not available because of a “confidentiality” law or other reason, please submit:

- (1) A copy of your petition or motion to the court or other custodian of the record seeking permission to obtain a copy to submit with your application; and
- (2) A copy of the court’s or custodian’s order denying permission, if possible.

If you show that you cannot obtain a copy of the official record, you can submit any secondary evidence that might be available, such as copies that you or your attorney may have retained.

If you cannot obtain primary or secondary evidence, you must provide at least one written statement. Each written statement must:

- (1) Be from a named individual who has personal knowledge to the proceeding;
- (2) Explain the source of the individual’s personal knowledge;
- (3) Describe the nature of the proceeding, the underlying charges, and the disposition; and
- (4) Be signed by the individual under oath, affirmation, or penalty of perjury.

If more than one individual provides a written statement, it must be a separate typed or written statement from each, that is, two individuals cannot sign the same statement.

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.

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

- 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 may be able to re-use your previously collected biometrics for identity verifications, background checks and other authorized purposes.
- B. USCIS may, in its discretion, waive the collection of certain biometrics.

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- C. 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.

8. Can Form I-765, Application for Employment Authorization, be filed at the same time as Form I-821?

Yes. When filing an initial TPS application with USCIS or re-registering for TPS, you can also request an Employment Authorization Document (EAD) by submitting a completed Form I-765 together with your Form I-821. If you are not requesting employment authorization, you do not need to file Form I-765. If you want to wait to file for an EAD until after USCIS decides your TPS application, you may file the Form I-765 later if you are approved for TPS. However, filing Form I-821 with Form I-765 helps you to receive your EAD more promptly if you are eligible for one.

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 an Advance Parole Document from USCIS by filing Form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Reports. USCIS will issue a Form I-512, Advance Parole Document, to you if your request is granted. For more information on filing Form I-131, visit the USCIS website at www.uscis.gov/I-131 or call the USCIS Contact Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

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

Yes. If you are unable to pay the filing fee and biometric services fee, 8 CFR Section 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 either submit a written request that the fee be waived or submit a Form I-912, Request for Fee Waiver. Either form of request must be 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. If your fee waiver request is denied, there is no appeal of the denial.

What Evidence Must You Submit?

You must submit all evidence requested in these Instructions with your application. If you fail to submit required evidence, USCIS may reject or deny your application for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions. See the **General Requirements** section of these Instructions for additional evidence that must be submitted.

Where to File?

Please see our website at www.uscis.gov/I-821 for the most current information about where to file this application.

If you are in proceedings in Immigration Court (that is, if you have been served with Form I-221, Order to Show Cause and Notice of Hearing; Form I-122, Notice to Applicant for Admission Detained for Hearing Before an Immigration Judge; Form I-862, Notice to Appear; or Form I-863, Notice of Referral to Immigration Judge, that DHS filed with the Immigration Court), you should file this application with the appropriate Immigration Court. The DHS attorney will provide you with pre-order filing instructions regarding background and security investigations.

Address Change

If you are not a U.S. citizen, you must notify USCIS of your new address within 10 days of moving from your previous residence. For information on changing your address, go to our website at www.uscis.gov/addresschange, or call the USCIS Contact Center.

If you are already in proceedings in Immigration Court, you must also notify the Immigration Court on EOIR Form 33/IC, Alien's Change of Address Form/Immigration Court, of any changes of address within five days of the change in address. The EOIR Form 33/IC is available on the EOIR website at www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing." OCC and the POC/WG will inform you whether you need to include this language on any other form packages.

NOTE: Do not submit a change of address request to the USCIS Lockbox.

Processing Information

Initial Processing. Once USCIS accepts your application, we will check it for completeness. If you do not properly complete this application, you will not establish a basis for your eligibility and we may reject or deny your application.

Requests for More Information. USCIS may request that you provide more information or evidence to support your application. We may also request that you provide the originals of any copies you submit. If we request an original document from you, we will return it to you after USCIS determines it is no longer needed.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your application. During your interview, USCIS may require you to provide your biometrics to verify your identity and/or update background and security checks.

Decision. The decision on Form I-821 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS or the Immigration Court will notify you of our decision in writing.

USCIS Forms and Information

To ensure you are using the latest version of this application, visit www.uscis.gov.

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.

DHS Privacy Notice

AUTHORITIES: The information requested on this application, and the associated evidence, is collected under INA sections 101 and 244.

PURPOSE: The primary purpose for obtaining the requested information on this application is to determine whether you have established eligibility for TPS, if you have not yet been granted TPS. DHS will use the information you provide to grant or deny the benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in denial of your application.

ROUTINE USES: DHS may, where allowable under relevant confidentiality provisions, share the information you provide on this application and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS-001 - Alien File, Index, and National File Tracking System, DHS/USCIS-007 - Benefits Information System, and DHS/USCIS-018 Immigration Biometric and Background Check System] and the published privacy impact assessment [DHS/USCIS/PIA-056 USCIS Electronic Immigration System] which you can find at www.dhs.gov/privacy. DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

USCIS may not conduct or sponsor an information collection, and you are 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 2.227 hours 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, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; 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 and include the required applications and filing fees?

Did you include the required applications, filing fees, and biometric services fee (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) 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?

If you are requesting an Employment Authorization Document, did you include Form I-765?

If you are requesting an Advance Parole Document, did you include Form I-131?

If you used an interpreter and/or a preparer to complete this application, did he or she complete **Part 9**, and/or **Part 10**, on your Form I-821?