Temporary protected status (TPS) is granted upon application to foreign nationals in the United States whose home countries have been designated by the Secretary of Homeland Security as undergoing temporary conditions too unsafe or overly dangerous to return home. When considering a residence appeal of a student holding TPS, it was the prior position of the State Residence Committee (SRC) that the student did not have capacity to establish residency for tuition purposes. The SRC has reconsidered its position and has decided that individuals under TPS may establish capacity to qualify for in-state tuition. Effective as of November 14, 2012, student applicants in a valid TPS classification should no longer be precluded, solely on the basis of the student’s TPS classification, from consideration as residents for tuition purposes.

The Secretary of Homeland Security may issue TPS for periods of 6 to 18 months and may extend these periods if qualifying conditions persist in the designated country. Individuals applying for TPS file an I-821 Application for Temporary Protected Status with the U.S. Citizenship and Immigration Services (USCIS). USCIS does not always issue an I-797 Notice of Action Approval Notice for the Form I-821 Application depending on whether this is the individual’s initial application for TPS or an application for re-registration pursuant to an extension of TPS.

To document TPS classification, the student applicant should provide one of the following:

1. Original or legible photocopy of the Form I-797 Notice of Action Approval Notice for the Form I-821 Application for Temporary Protected Status indicating a current validity date.

2. Original or legible photocopy of a current Employment Authorization Document (Form I-766) bearing the category “A-12” or “C-19.”

Please note that, on occasion, USCIS automatically extends the validity of Employment Authorization Documents (EAD) for TPS beneficiaries when USCIS is unable to process I-821 re-registration applications and issue new EADs before the original EADs expire. Unless TPS has been denied or withdrawn, TPS beneficiaries will continue to have work authorization during the automatic extension period pursuant to published notice in the Federal Register. If the student applicant’s EAD has expired, he or she should provide a copy of the published notice in the Federal Register.

cc: State Residence Committee