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## It's About Time: Temporary Protected Status Designated for Nationals of the Syrian Arab Republic



March 23, 2012, the Secretary of Homeland Security announced its intent to designate Syrian nationals for Temporary Protected Status for eighteen months. [The Temporary Protected Status designation for Syria](#) became effective May 22, 2012 and remains in effect until September 30, 2013. This designation means that the United States will not deport eligible Syrian nationals residing in the United States since this country is temporarily unsafe or overly dangerous. The reason for this designation is hardly surprising. The political turmoil

and military actions in Syria have made it extremely dangerous for virtually everyone that is living there and it would be against human dignity to force someone to return to this climate. At this point, some of you may be asking what Temporary Protected Status is. Temporary Protected Status is a designation authorized by [§ 244 of the Immigration and Nationality Act](#). Pursuant to this statute, the government “protects” nationals from countries unsafe due to overly dangerous conditions such as armed conflict, severe natural disasters, etc. So long as an alien meets the requirements for Temporary Protected Status, the alien may be granted the same and “Shall not [be] removed” from the United States during the period this status is in effect. They are also granted employment authorizations and allowed work. It is important to note that this is different entirely from Asylum because Temporary Protected Status is country based and ends when the situation improves or the U.S. government otherwise decides to terminate TPS status.

As discussed, to qualify for Temporary Protected Status, a foreign national must meet the statutes’ requirements.

First, The alien must have been [continuously physically present and resided in the United States since the effective date of the designation](#). In the case of Syria, USCIS has stated this means you must demonstrate you [have been continually residing and been continually physically present in the United States since March 29, 2012](#)

Second, you must be [generally admissible as an immigrant](#). Even if you are not, you are likely eligible for a waiver. For example, if you have been in the country illegally for a prolonged length of time, then you are barred pursuant to [INA §212\(a\)\(9\)](#). However, [a waiver is available for Temporary Protected Status](#) applicants for humanitarian purposes, to assure family unity or when it would be in the public interest to grant the waiver (§§40.9.2.c.1.D.). However, you are most likely ***not*** eligible for a waiver if you have a criminal record or pose a serious threat to the U.S.A. The U.S. [government has stated all applicants from Syria will undergo rigorous background checks](#).

Fourth, ***and what is most important for you to know right now***, is that you have limited time to apply for this visa. Pursuant to [the law, you must register during the 180-day registration period](#). This period began ***ON MAY 21, 2012 and ends on September 25, 2012***. You should also know that this process is complex and you need an [experienced lawyer](#) to help you navigate the various forms and prepare the documents. Although the forms, the I-821 and I-765, seem easy to complete, there are many, many other nuances that make them very tricky. For example, you may have some admissibility problems that ***MUST*** be addressed and, if you fail to address them, you may have your application rejected even though you might have been eligible for a waiver. This could lead to tragedy, especially for those whose lives will be in danger if they are sent to Syria because of the armed conflict.

Also, after your application is approved, you may remain in the U.S. temporarily as long as Syria remains in the designated category until your country is removed from the designated list of countries. Even then, you may be eligible to file for other forms of relief with the help of an [experienced lawyer](#). There simply is no substitute to obtaining legal help when dealing with your immigration issue, which almost certainly more complex than you realize.

-Drake Shunneson (copyright 2012).

At [Shunneson Law Office](#), we are dedicated to helping you with your immigration problems. [Contact us](#) to schedule a consultation. Located in Lake County, Illinois, with meeting locations throughout Chicago, we have the ability to meet with you at any convenient Chicagoland location from 9:00 a.m. to 5:00 p.m., Monday-Friday. However, evening and weekend appointments are available upon request by calling 847.693.9120.

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