



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance*


DEVAL L. PATRICK
Governor

JOHN W. POLANOWICZ
Secretary

STACEY MONAHAN
Commissioner

**Operations Memo 2014-31
April 3, 2014**

To: Department of Transitional Assistance Staff

From:  Lydia Conley, Acting Assistant Commissioner for Policy, Program and External Relations

Re: EAEDC: Temporary Protected Status (TPS) Extended for Haiti

Overview

In January 2010, the Department of Homeland Security (DHS) designated the country of Haiti for Temporary Protected Status (TPS) following a major earthquake that occurred in Haiti on January 12, 2010.

TPS is a temporary immigration benefit, authorized under Section 244 of the Immigration and Nationalization Act (INA) granted by the U.S. Citizenship and Immigration Services (USCIS). It allows nationals of a TPS designated country to remain in the U.S. for a specified period of time and work because conditions in that country are preventing them from returning there.

Haiti has been granted several TPS extensions since 2010. The current TPS extension will expire July 22, 2014.

On March 3, 2014, DHS extended the TPS for Haiti for an additional 18 months, beginning July 23, 2014 through January 22, 2016.

Purpose of Memo

This Operations Memo:

- advises staff about the extension of the TPS designation for Haiti and how it affects current Haitian TPS beneficiaries;

**Purpose of
Memo
(continued)**

- reminds TAO staff about EAEDC eligibility for foreign nationals who have TPS;
 - instructs TAO staff on how the INS Designation page in BEACON must be completed for clients who have TPS; and
 - advises staff about how and where TPS re-registrations should be filed with USCIS and about filing fees and fee waiver requests.
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**Haiti TPS
Extension
Requirements**

Effective July 23, 2014, DHS will allow Haitian nationals currently approved for TPS who have continuously resided in the U.S. since January 12, 2011 and who have been continuously present in the U.S. since July 23, 2011 to remain in the U.S. through January 22, 2016 provided they re-register with USCIS and continue to meet TPS eligibility requirements. Individuals may also renew their Employment Authorization Document (EAD) through January 22, 2016.

The 60-day re-registration period for the TPS extension and EAD renewal runs from March 3, 2014 through May 2, 2014.

Note: Certain Haitian nationals who have not previously applied for TPS may be eligible to file a TPS late initial application. Individuals should contact USCIS as soon as possible for the required late application and eligibility requirements.

Individuals who are approved for the Haitian TPS extension will have documentation from USCIS verifying their temporary status and its duration. These individuals will be allowed to remain in the U.S. through January 22, 2016.

**Eligibility for
EAEDC**

Individuals granted TPS are considered Permanently Residing Under Color of Law (PRUCOL) for purposes of EAEDC eligibility, and are eligible for EAEDC benefits provided they meet all other EAEDC nonfinancial and financial requirements.

EAEDC Policy Reference: 106 CMR 320.620(A) (7).

Reminder: Haitians who have TPS are not considered Cuban/Haitian Entrants, and accordingly, are not eligible for TAFDC and SNAP.

**EAEDC Clients
Affected by the
Haiti TPS
Extension**

A BEACON query was run to determine if there are current EAEDC clients from Haiti affected by the Haiti TPS extension. The Brockton, EOHHS Chelsea Center, Malden and Newmarket Square TAOs have EAEDC clients affected by this extension.

The list of clients will be sent electronically with this memo to the directors and assistant directors of these TAOs to be distributed to the appropriate case manager.

**Case Manager
Responsibility**

Once the list is received, the case manager must schedule an appointment with the client to determine if (s)he has re-registered or intends to re-register for TPS. At the appointment, the case manager should complete an eligibility review if the client is due for review.

Important: Individuals granted TPS may later have adjusted their status. Be sure to ask the client about any change that may have occurred to his/her immigration status and update the INS Designation page in BEACON, accordingly.

**How to Complete
the INS
Designation
Page for TPS**

The case manager **must** complete the INS Designation page as follows:

- On the Detail tab, select PRUCOL in the INS designation drop-down box;
- Select TPS in the Section reference field; and

Note: Do not select the Section 244 or Section 244(a)(3) designations that appear in the drop-down box.

- Enter all information provided by USCIS required to complete the INS Designation page, for the individual with TPS.

Annotate the BEACON Narrative tab with: “EAEDC applicant/client who is a Haitian national with Temporary Protected Status (TPS).”

How and Where to File

USCIS does not allow electronic filing of TPS and EAD applications for Haiti. Individuals re-registering or filing a late initial application must mail completed paper applications to:

- USCIS, P.O. Box 24047, Phoenix, AZ 85074-4047; or
- send by courier delivery services:

USCIS
Attn.: Haiti TPS
1820 E. Skyharbor Circle S, Suite 100
Phoenix, AZ 85034

USCIS Fees and Fee Waivers

USCIS will not charge a fee to file a re-registration application for Haiti TPS, but fees for biometric services (such as fingerprinting) are required.

However, USCIS may require individuals to pay a biometric service fee to file a TPS late initial application and also a fee for an EAD application. The case manager should inform the client that he or she may ask USCIS to waive these fees by submitting a USCIS Form I-912 *Request for Fee Waiver* along with both the TPS late initial application and the EAD application, or the client may submit personal letters to request fee waivers.

The case manager should give the client two income verification letters to submit with the fee waiver requests.

Note: USCIS will reject TPS and EAD applications that are filed without submitting the proper fee, a fee waiver request or a personal letter with each application.

Clients should be told that they may call USCIS toll-free at 1-800-870-3676 for all USCIS forms, or visit USCIS websites: www.uscis.gov/forms, for applications and www.uscis.gov/i-912, for Form I-912 *Request for Fee Waiver* forms.

Obsolete Memo

Operations Memo 2012-47 is obsolete.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline.
