

PUBLICATION

TPS Work Cards Automatically Extended

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The INS has continued to amend, in effect, the list of acceptable documents of employment eligibility for I-9 purposes by extending automatically the INS-issued work cards for foreign nationals who are eligible for extension of their "Temporary Protected Status" (TPS). This is because the Attorney General decides to extend a particular country's TPS designation shortly before an existing designation is to expire, and INS anticipates that workers will not file extension applications early enough (indeed, INS prohibits the filing of "re-registration" applications until the present cards actually expire) and that INS will not grant new cards fast enough for the workers to have the new cards before the old work cards expire. Without an official announcement allowing continued use of the old cards, employers would be forced by I-9 rules to fire employees who ought to be able to maintain work authorization through continuous TPS status.

Thus, in a notice dated July 11, 2002, INS has automatically extended TPS-based work cards from September 9, 2002 (their present expiration date) to March 9, 2003 for Salvadorans. And in a notice dated May 3, 2002, INS has automatically extended TPS-based work cards for Hondurans and Nicaraguans from July 5, 2002 to December 5, 2002.

These notices only affect work cards bearing a notation that reflects they were granted in connection TPS status. Those notations, on the face of the card, are as follows:

On Form I-766: "A-12" or "C-19" under "category"

On Form I-688B: "274A.12(A)(12)" or "274A.12(A)(19)" under "provision of law"

In re-verifying employment eligibility on Form I-9, employers can write "Federal Register notice" as the document, the specific notice's date of publication or its Federal Register citation as the document number, and the new expiration date should be the date the automatic extension expires.

Any worker who is covered by these extensions should be encouraged to file for re-designation on time (for Nicaraguans and Hondurans, between May 3, 2002 and ends July 2, 2002; for Salvadorans, between September 9, 2002 and November 9, 2002).