

Temporary Protected Status (TPS) Bills

Title	ESPERER Act of 2017 (H.R. 4184)	American Promise Act of 2017 (H.R. 4253)	ASPIRE TPS Act 2017 (H.R. 4384)	TPS Act (H.R. 4750)	SECURE Act (S. 2144)
Sponsor	Rep. Carlos Curbelo (R-FL)	Rep. Nydia Velazquez (D-NY)	Rep. Yvette Clarke (D-NY)	Rep. Mike Coffman (R-CO)	Sen. Chris Van Hollen (D-MD)
Co-Sponsors	12 (As of Jan 19, 2018) Bipartisan	74 (As of Jan 19, 2018) All Democrats	14 (As of Jan 19, 2018) Bipartisan	0 (As of Jan 19, 2018)	17 (As of Jan 19, 2018) All Democrats
Adjustment	Adjustment of status to lawfully admitted for permanent residence (LPR). Spouse, or unmarried minor or adult child of successful applicant may also adjust status to lawfully admitted for permanent residence subject to certain conditions.	Adjustment of status to lawfully admitted for permanent residence (LPR). Spouse, parent, or unmarried minor or adult child of successful applicant may also adjust status subject to certain conditions.	Eligible for newly created, renewable 6-year protected status. Adjustment to lawfully admitted for permanent residence (LPR) in cases of extreme hardship. Adjustment of family members only through current law mechanisms.	Automatic 3-year extension for those possessing temporary protected status on date of enactment, or a pending application for temporary protected status that is subsequently granted. Permits subsequent adjustment to lawfully admitted for permanent residence (LPR). While an application for LPR status is pending, the applicant will have provisional protected presence. Adjustment of family members only through current law mechanisms.	Adjustment of status to lawfully admitted for permanent residence (LPR). Spouse, domestic partner, parent, or unmarried minor or adult child of successful applicant may also adjust status subject to certain conditions.
Application deadline for adjustment	Must apply before January 1, 2021.	Must apply within 3 years after bill's date of enactment.	Must apply within registration period established by the Secretary of Homeland Security, which must be at least one year.	May apply for adjustment to LPR status beginning 6 months before the end of the 3-year extension period. No end date is specified.	No deadline specified.
Eligible countries	Haiti, Nicaragua, El Salvador, or Honduras.	All 13 countries that were designated for TPS or DED as of January 1, 2017.	All 13 countries that were designated for TPS or DED as of January 1, 2017.	All countries that were designated for TPS as of date of enactment.	All countries that have been designated for TPS, or that are designated in the future.

TPS status or eligibility	Have TPS status on January 13, 2011 and on the date of application.	Have been granted or eligible for TPS, or granted DED on or before October 1, 2017	Had been granted or was eligible for TPS or DED on January 1, 2017	Have TPS status or pending application for TPS status on date of enactment.	Have or had been granted TPS, or eligible for TPS at the time the last designation was made
Residence and TPS eligibility requirements	Meets the TPS residence requirements for the nationality, was physically present in the U.S. on January 12, 2011, has been physically present for at least one year, and is physically present on the application date.	Meets the TPS residence requirements for the nationality, plus continuous physical presence in the U.S. for at least 3 years. Waiver of the 3-year requirement authorized in cases of extreme hardship and brief or emergency absences would not count against the requirement.	Meets the TPS residence requirements for the nationality, plus continuous residence in the U.S. for at least 5 years. Brief, casual and innocent absences would not count against the 5-year continuous residence requirement and it does not apply to persons applying for adjustment due to extreme hardship.	Meets the TPS residence requirements and all other requirements to retain TPS during 3-year extension period. Applicants for adjustment to LPR status must be admissible under current law except they are exempted from requirements for labor certification or to possess certain travel documents. The Secretary may waive other conditions on humanitarian grounds but not most requirements regarding criminal and national security issues.	Meets the TPS residence requirements for the nationality, plus continuous physical presence in the U.S. for at least 3 years and physically present on date of application. One or more absences of 180 days or less do not count against the 3-year requirement and a waiver is authorized in cases of extreme hardship.
Other requirements	Must meet the current law criminal, national security, and specified other grounds of admissibility and non-deportability, plus must not have been convicted of a felony or more than 2 misdemeanors. That is in addition to the criminal, national security, and other requirements to be eligible for TPS	Must meet all current law criminal, national security, and other requirements for admissibility, except that public charge and certain other grounds don't apply, and all others may be waived. That is in addition to the criminal, national security, and other requirements to be eligible for TPS	Must meet the TPS criminal, national security, and other requirements, except that the following may not be considered: (1) misdemeanors committed more than 6 years before the application and (2) expunged offenses.	Must meet current law criminal, national security, and most other requirements for admissibility. Must submit biometric and biographic data as specified by the Secretary. The Secretary must utilize the biometric data in performing background and security checks on applicants, and adjustment cannot be granted until such checks are complete to the satisfaction of the Secretary.	Must meet current law criminal, national security, and certain other requirements for admissibility and deportability. That is in addition to the criminal, national security, and other requirements to be eligible for TPS

Fees	Fee based on assessment of cost to the government (current law)	Fee based on assessment of cost to the government (current law)	\$50 plus standard work authorization fee	Fee for adjustment to LPR status based on cost to the government. Fees for extending TPS status and providing employment authorization documents not specified in the bill and could rely on fees in current law.	Fee based on assessment of cost to the government (current law)
Deportation relief	Yes, while application pending	Yes, while application pending	Yes, if prima facie eligible and application pending or within first 30 days of registration period.	Yes, if prima facie eligible and application pending. Provisional protected status can be revoked if the Secretary finds the applicant poses a threat to national security or public safety, or has traveled outside the U.S. without authorization.	Yes, while application pending or if individual is prima facie eligible and indicates intent to file application
Work authorization while application under review?	Yes, after 180 days. At DHS discretion prior to that.	Yes.	Yes, if prima facie eligible and application pending or within first 30 days of registration period.	Yes, if prima facie eligible and application pending. (Work authorization also included in 3-year extension of TPS.)	Yes.
Path to Citizenship	Individual typically can apply for naturalization 5 years after adjusting to LPR status under the bill (current law).	Individual can only apply for naturalization 5 years after adjusting to LPR status under the bill. English language test is waived, and applicant may take the civics test in their own language	No path to citizenship for those granted new 6-year protected status. Those granted LPR status under the extreme hardship provision typically can apply for naturalization 5 years after adjusting to LPR status (current law).	Individual typically can apply for naturalization 5 years after adjusting to LPR status under the bill (current law)	Individual typically can apply for naturalization 5 years after adjusting to LPR status under the bill (current law).
TPS reforms or termination	n/a	n/a	Specifies that TPS holders shall be considered inspected and admitted	Would permanently eliminate Temporary Protected Status going forward other than the 3-	n/a

			to the US under immigration law, eliminating a current limitation that prevents many from adjusting to LPR status when they are otherwise qualified to do so. Also provides that expunged convictions are not counted for TPS eligibility.	year extension for those who possess the status on the date of enactment, or have a pending application for TPS on that date that is subsequently granted.	
Adjustment of visas				Beginning in fiscal year 2022, the total number of immigrant visas available under the INA section 201 for (c) (family reunification, (e) employment based and (d) diversity shall be reduced by 50,000 annually from the number otherwise available. The visas shall be reduced in the same proportion as the number of visas otherwise available. However, in any fiscal year this visa reduction would be capped at the difference between the cumulative number of individuals who have adjusted their status under the bill, and the cumulative number of visa reductions made by the bill.	

H.R. 4184, “Extending Status Protection for Eligible Refugees with Establish Residency Act of 2017” or “ESPERER Act of 2017”

Rep. Carlos Curbelo (R-FL 26th District)

The bill would allow certain recipients of Temporary Protected Status to adjust to lawful permanent resident status.

Section 2

- Adjustment of status to lawfully admitted for permanent residence. To qualify, the individual must:
 - Be a national of Haiti, Nicaragua, El Salvador, or Honduras
 - Apply before January 1, 2021
 - Have had TPS status on January 13, 2011 and on the application date,
 - Meet other physical presence and continuous physical presence requirements.
 - Meet various existing requirements for admissibility and non-deportability in addition to those required for TPS, including those for criminal, security related, public charge, and health, and not have been convicted of a felony or three or more misdemeanors that resulted in more than a total of 90 days imprisonment
- If the application is successful, any prior order for removal will be vacated.
- Applicant shall not be removed from the US during proceedings while the application is processed.
- The Secretary of Homeland Security may provide work authorization to an applicant, and must do so if the application is pending more than 180 days.
- The spouse, unmarried child under 21 years old, or unmarried adult child of a TPS holder who adjusts to LPR status under this bill may also adjust if they meet certain requirements
- Determination of status is subject to administrative review, but will then be final and not subject to review by any court
- Adjustment of status will not reduce the number of immigrant visas issued

H.R. 4253, "American Promise Act of 2017"

Rep. Nydia Velazquez; (D-NY 7th District)

The bill would allow certain recipients of Temporary Protected Status to adjust to lawful permanent resident status.

Section 2

- Adjustment of status to lawfully admitted for permanent residence. The individual must:
 - Apply within 3 years after bill's enactment.
 - Have been granted or be eligible for Temporary Protected Status, or been granted Deferred Enforced Departure, on or before October 1, 2017, or if not, had a TPS or DED designation that expired after January 1, 2017.
 - Meet various existing requirements for admissibility and non-deportability in addition to the requirements for TPS, including those for criminal, security related, and health, although these requirements may be waived for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.
 - Continuous physical presence for at least 3 years since the effective date of the Act, or if less than 3 years, the Attorney General or DHS Secretary determines that removal would result in extreme hardship to the immigrant, their spouse or domestic partner, their children, or their parents.
- If the application is successful, any prior order for removal will be vacated.
- Applicant is authorized to work pending processing of application.
- A spouse, parent, or unmarried child regardless of age of individuals who adjust under this provision can also adjust if they apply within 3 years after the date of enactment.
- Determinations on applications are subject to administrative review
- Adjustment of status will not reduce the number of immigrant visas issued

Section 3

- If a country is terminated from Temporary Protected Status, the Attorney General must provide (within 3 days) a report including:
 - What event prompted the TPS designation;
 - How the country has remedied conditions that prompted designation;
 - An analysis of the country's ability to reabsorb its population; and
 - The economic and social impact of repatriation.

Section 4

- Immigrants eligible for adjustment under this bill may count their time in TPS status towards the continuous physical presence requirement for non-LPR cancellation of removal

Section 5

- Immigrants who obtain LPR status under the bill must wait at least 5 years after obtaining such status before applying to naturalize, but do not have to take the English language test and they may take the civics test in their own language.

H.R. 4384, “Act to Sustain the Protection of Immigrant Residents Earned Through TPS Act 2017” or “ASPIRE TPS Act of 2017”

(Rep. Yvette Clarke, D-NY, 9th District)

The bill would allow certain recipients of Temporary Protected Status to apply for a new form of protected status good for renewable, six-year terms. In cases of extreme hardship, the TPS holder would be able to adjust to lawful permanent resident status.

Section 2

- Creates a new, renewable six-year protected status for certain individuals. To qualify, an individual must:
 - Be granted or eligible for Temporary Protected Status (TPS) or Deferred Enforced Departure (DED) on January 1, 2017;
 - Have continuously resided in the US since at least 5 years before enactment;
 - Meet the admissibility and other requirements for TPS except that a conviction for a misdemeanor that occurred more than six years prior to the date of application for protected status or renewal of protected status is not disqualifying.
 - Apply during a registration period of at least one year, as specified by the Secretary of Homeland Security.
- Successful applicants must register with the Secretary of Homeland Security every 36 months, and may apply for additional 6-year renewals of the protected status during which period the applicant:
 - Shall be authorized to work
 - Shall be treated as a “qualified immigrant” for government benefits purposes, and
 - May travel abroad without prior authorization
- The Secretary of Homeland Security must notify individuals who have been granted TPS or DED about the new protected status, including those in removal proceedings.
- During the period before registration begins, and for the first 30 days of registration period, a person who establishes prima facie eligibility shall not be put into proceedings or removed, and shall be granted work authorization.
- While an application is pending, an applicant who establishes prima facie eligibility shall be granted work authorization and may not be put into proceedings or removed until a final decision on their application for protected status has been made.
- If the application is successful, any prior order for removal will be vacated.
- Protected status may not be denied based on the applicant’s current immigration status, and may not be conditioned on any kind of waiver of rights under immigration law.
- The Secretary shall withdraw protected status once granted if the Secretary determines the individual was not eligible for the status, or if the individual fails, without good cause, to comply with the 36-month registration requirements.
- Certain applicants may be eligible to adjust to LPR status if removal would result in extreme hardship to the individual or their spouse, unmarried minor child, or parent who are citizens or lawful permanent residents.
- The Secretary may require a fee of not more than \$50 to apply for the protected status, in addition to a fee for work authorization.
- Determinations are subject to for administrative review
- Adjustment of status will not reduce the number of immigrant visas issued
- Information provided under this section cannot be used for immigration enforcement

Section 3

- Clarifies that expunged or pardoned convictions do not bar an individual from eligibility for TPS
- TPS holders are considered to have been inspected and admitted for purposes of immigration law, thereby eliminating a current limitation that prevents many TPS recipients from adjusting to LPR status when they are otherwise qualified to do so.

Section 4

- Requires the Secretary of Homeland Security to submit a report to the House and Senate Judiciary Committees every 90 days, beginning with the date of enactment, that includes: the number of applicants for the new protected status, the number of successful applicants; the overall number of such individuals living in the United States and information about the length and location of their residency.

H.R. 4750, "TPS Act"

Rep. Mike Coffman (R-CO 6th District)

The bill would terminate Temporary Protected Status going forward. It would provide an automatic 3-year extension of Temporary Protected Status for current participants and those with pending applications that are subsequently granted. At the end of the 3-year period, this group would generally be eligible to apply for adjustment to lawful permanent resident status. Beginning in fiscal year 2022, the number of immigrant visas otherwise available for family reunification, employment or diversity would be reduced to offset the number of individuals adjusting to LPR status under the bill.

Section 2

- Terminates new grants of temporary protected status as of the date of enactment, with the exception of applications pending on the date of enactment that are subsequently granted.
- Individuals who possess temporary protected status on the date of enactment are automatically granted a 3-year extension
- Individuals with pending TPS applications on the date of enactment that are subsequently approved are granted status for the 3-year window beginning on the date of enactment
- Documentation and work permits relative to an individual's TPS are deemed valid for the 3-year extension.

Section 3

- Allows individuals with the extended TPS status to apply for adjustment to lawful permanent resident.
- The application period for such adjustment will begin six months before the end of the 3-year extension period with no deadline specified
- The Secretary shall create, by rulemaking, a process that allows TPS holders to apply for adjustment without being placed in removal proceedings and without regard to the immediate availability of immigrant visas under current law.
- The application process will also provide a way for minors to apply for adjustment, including through a guardian or legal counsel
- While an application is pending, the applicant who is prima facie eligible shall be granted provisional protected status which includes work authorization
- Provisional protected status can be rescinded if the Secretary determines that the applicant is a threat to national security or public safety or has traveled outside the United States without authorization
- Applicants must submit biometric and biographic data that must be used in conducting background checks; adjustment cannot be granted before such checks are complete to the Secretary's satisfaction
- Beginning in fiscal year 2022, reduces the number of visas otherwise available for family reunification, employment and the diversity program by 50,000 per fiscal year. These reductions would be made proportionately across the three categories. However in any given fiscal year, the reduction could not exceed the difference between the cumulative total of individuals adjusted to lawful permanent resident status under the bill and the cumulative reduction in available immigrant visas.

S. 2144, “Safe Environment for Countries Under Repression and in Emergency Act” or “SECURE Act”
Senator Chris Van Hollen, D-MD

The bill would allow certain recipients of Temporary Protected Status to adjust to lawful permanent resident status.

Section 2

- Adjustment of status to lawfully admitted for permanent residence. To qualify, the individual must:
 - Hold Temporary Protected Status, have held TPS, or have been qualified to hold TPS at the time the last designation was made.
 - Meet existing criminal and national security and certain other admissibility and non-deportability requirements in addition to the requirements for TPS.
 - Have had continuous physical presence for at least 3 years since the application date for LPR status under the act, or if less than 3 years, the Attorney General or DHS Secretary determines that removal would result in extreme hardship to the immigrant, their spouse or domestic partner, their children, or their parents.
- An individual ordered removed or permitted voluntarily to depart can apply for adjustment of status if they are in the United States, and can not be deported while the application is pending.
- An individual cannot be removed if an individual cites eligibility to apply as a defense to a removal order, provided such an application has not already been denied in a final administrative determination.
- If the application is successful, any prior order for removal will be vacated.
- An applicant is authorized to work pending processing of application.
- A spouse, domestic partner, parent, or minor or adult unmarried child of an individual who adjusts under this provision can also adjust their status if they are physically present in the US when the individual applies for adjusted status under the act, and generally are otherwise eligible for admission (although an adult unmarried child may not adjust their status until he or she has been physically present in the US at least one year).
- Determinations on applications are subject to administrative review
- Adjustment of status will not reduce the number of immigrant visas issued

Section 3

- If a country is terminated from Temporary Protected Status, the Secretary of Homeland Security must provide (within 3 days) a report including:
 - What event prompted the TPS designation;
 - How the country has remedied conditions that prompted the designation;
 - Whether the country has requested a designation, redesignation or extension; and
 - An analysis of the country’s ability to reabsorb its population, including economic factors and political conditions.

Section 4

- Individuals eligible to adjust status under the act are not precluded from seeking adjustment under any other legal provision that applies.