



U.S. Department of Justice  
Civil Rights Division  
Immigrant and Employee Rights Section

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## Information for Employers on Temporary Protected Status and Deferred Enforced Departure

Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) are programs that the U.S. Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) administers. These humanitarian programs allow certain non-U.S. citizens to stay in the United States for a designated period of time. The government often extends TPS and DED time periods multiple times. This document gives employment information for TPS and DED workers. Most information applies to both TPS and DED workers.

### **Persons covered by TPS or DED can receive permission to work.**

USCIS issues an Employment Authorization Document (EAD) to workers with TPS or DED who request an EAD. An EAD demonstrates a worker's identity and permission to work. Workers with TPS or DED, like all workers, have the right to provide their choice of acceptable documentation to show their employer their identity and permission to work. An employer that treats workers differently when verifying their permission to work (generally, while completing a Form I-9 or creating an E-Verify case) based on the worker's citizenship, immigration status or national origin may violate the law that IER enforces, at 8 U.S.C. § 1324b(a)(6).

### **When the federal government extends a country's TPS or DED designation, USCIS sometimes extends all expiring EADs for that country, to allow time for USCIS to issue new EADs.**

The Department of Homeland Security announces all TPS and DED extensions in the Federal Register, the U.S. Government's official journal.

If the Department of Homeland Security also issues a blanket extension for TPS or DED EADs, the Federal Register notice will let the public know how to tell if an EAD has been automatically extended. An automatic extension of an EAD means that it is valid beyond the expiration date on the document. [USCIS's website](#) provides links to TPS and DED Federal Register notices.

If the Department of Homeland Security automatically extends these EADs, the Federal Register notice explains that the worker does not have to show that they have applied for a new EAD in order to work.

### **TPS EADs can be extended in other ways.**

If the government does not issue a blanket extension for TPS EADs, a TPS worker may still be able to keep working with their EAD after the expiration date on the EAD. If a TPS worker applies for a renewal EAD following the instructions in the Federal Register notice, the worker can present the TPS (but not DED) EAD with the I-797C receipt notice showing that the government received the worker's EAD application. This document combination is valid for up to 540 days after the original EAD expiration date. TPS workers sometimes might get other EAD extensions, too. You can get more information by contacting IER.

### **EADs that are extended beyond their original expiration date remain valid until the end of the EAD extension period.**

You can get more information on EAD automatic extensions in the [Handbook for Employers M-274](#). You can also call IER for more information.

Depending on the facts, an employer that asks for additional documentation when it is not required may violate the law that IER enforces at 8 U.S.C. § 1324b(a)(6).

**By the end of the EAD extension period, the employer must see an acceptable document of the worker's choice to confirm that the worker is allowed to continue working.**

When the EAD extension period ends, that EAD is no longer valid unless the Department of Homeland Security issues an additional extension. By the time the extension period ends, the employer needs to see an acceptable document of the worker's choice, to determine whether the worker still has permission to work. The worker may show a new EAD or any other acceptable [List A](#) or [List C](#) document. The rules for when an employer must ask for documents again are discussed the [Handbook for Employers M-274](#).

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**Immigrant and Employee Rights Section (IER)**

**Employer Hotline 1-800-255-8155**

**Worker Hotline 1-800-255-7688**

Mon-Fri 9am-5pm ET

Calls can be anonymous and language services are available.

[www.justice.gov/ier](http://www.justice.gov/ier) | [www.justice.gov/crt-espanol/ier](http://www.justice.gov/crt-espanol/ier)

TTY 1-800-237-2515

**United States Citizenship and Immigration Services (USCIS)**

Customer Service 1-800-375-5283

[www.uscis.gov/tps](http://www.uscis.gov/tps)

TTY 1-800-767-8339