

## TEMPORARY PROTECTED STATUS & PROVING WORK AUTHORIZATION

# Sample Letter to Employer

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[Insert Date]

[Insert Employer Representative's Name]

[Insert Company Name]

[Insert Address]

Re: TPS Work Authorization  
[Insert Worker's Name]

Dear Sir or Madam:

It is our understanding that your employee, [Insert Worker's Name], has been granted Temporary Protected Status (TPS) in the United States and may have an expired Employment Authorization Document (EAD), or work permit. We are writing to advise you of this worker's continued authorization to work, despite the apparent expiration date appearing on the worker's EAD, and the potential consequences if you choose not to accept this worker's valid EAD.

[Insert Worker's Name] is a national of El Salvador [or insert country of origin] who has been granted TPS in the U.S. Individuals granted TPS are authorized to work in the U.S. In fact, the authorization to work is part of or incident to TPS. See 8 C.F.R. § 274a.12(a). U.S. Citizenship and Immigration Services (CIS) generally extends TPS and the expiration date for TPS employment authorization documents by publishing a notice in the Federal Register.

On June 15, 2006 [or insert date of TPS extension notice], CIS extended TPS for nationals of El Salvador [or insert country or origin/nationality]. See 71 FR 34637–41 (June 15, 2006) [or insert cite to the applicable Federal Register Notice]. The extension also automatically extended all Salvadoran [or insert country of origin/nationality] TPS employment authorization documents (EADs) to March 9, 2007, [insert applicable TPS extension date]. The Notice at page 34640 [insert applicable page number from Federal Register Notice] provides instructions as to how an employer can verify or reverify the employment eligibility of Salvadoran [or insert applicable country of origin/nationality] nationals granted TPS. By means of a subsequent notice, CIS clarified that the automatic extension of employment authorization of Salvadorans who were granted TPS applies to both those with EADs that expire on July 5, 2006, and those with EADs that expire on September 9, 2006. See 71 FR 37941 (July 3, 2006). Specifically, the notice states:

Until March 9, 2007, qualified individuals who have received an automatic extension of their EADs by virtue of this Federal Register

**[Insert Employer Representative's Name]**

**[Insert Date]**

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Notice or the June 15, 2006 Notice published at 71 FR 34637 may present to their employer a TPS-based EAD, as described above, as proof of identity and employment authorization until March 9, 2007. . . . To minimize confusion over this extension at the time of hire or re-verification, qualified individuals may also present a copy of this Federal Register Notice regarding the automatic extension of employment authorization documentation to March 9, 2007.

71 FR at 37942 (July 3, 2006). **[Cite from the actual applicable Federal Register Notice]**.

A copy of the Federal Register, 71 FR 37941 (July 3, 2006) **[insert citation to the applicable Federal Register Notice]**, is attached for your reference.

Failing to accept **[Insert Worker's Name]**'s EAD can be considered unlawful discrimination under federal law and a violation of his/her right to legally work in the U.S. See U.S. v. Lasa Marketing Firms, 1 OCAHO 106 (Nov. 27, 1989) (Knowing discrimination includes failure to exercise reasonable care to acquire knowledge of legal significance of immigration related employment documents and to conduct employment practices in a fair and consistent matter.); INA § 274B, 8 U.S.C. § 1324b. The federal antidiscrimination protections are enforced by the U.S. Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC). You may contact OSC toll-free at (800) 255-8155 with any questions or concerns.

Accordingly, because **[Insert Worker's Name]** has been granted temporary protected status and is authorized to work, we request that your company allow him/her to continue to work immediately and provide any applicable back pay.

In advance, thank you for your cooperation.

Sincerely,