

In March, 2018, after DHS had terminated TPS for Haiti, Sudan, Nicaragua, and El Salvador, TPS holders from those countries sued challenging those terminations in the *Ramos* case in the US District Court for the Northern District of California. (*Ramos* is one of at least four federal court cases challenging the decision to end Haiti TPS; in another, *Saget v. Trump*, in the Eastern District of New York, trial was held January 7-10 and a decision is expected after February.)

There's been a big victory in *Ramos* of practical importance to all Haitians with TPS. On October 3, 2018, Judge Chen issued a preliminary injunction blocking DHS from ending TPS for Haiti, Sudan, Nicaragua, and El Salvador. The government appealed but has agreed to certain extremely important protections during the many, many months until *Ramos* will be finally resolved on appeal.

First, soon after the judge's October 3 order, the government published a Federal Register Notice that it won't end TPS for Sudan and Nicaragua during the six months between October 3 and April 2, 2019, which it had been planning to do. See October 31 [Federal Register Notice](#) ("FRN") ("Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador")

Secondly, and importantly for Haitians, the government agreed that if, by thirty days prior to April 2, there has not yet been a final decision in the case, DHS will publish **in March, 2019 another Federal Register Notice extending TPS for Haiti, Sudan, Nicaragua, and El Salvador for nine (9) months beyond April 2, i.e. to January 2020.** *Since as a practical matter there won't be a final decision by then, TPS holders from these four countries should be protected until at least January 2020.*

Thirdly, *DHS will continue to issue Federal Register Notices at nine-month intervals so long as there has not yet been a final decision in *Ramos*. So if there still isn't one by thirty days prior to January, 2020, DHS in December will publish another Federal Register Notice extending TPS for these countries for *an additional* nine months, to October 2020. (Again, *it's likely there won't yet be a final decision in *Ramos* by December, so this is likely.*)*

To sum up so far: Due to developments in *Ramos*, DHS will publish a Federal Register Notice in March extending TPS for Haiti, Sudan, Nicaragua, and El Salvador to January, 2020; if in early December, as is likely, there still is no final decision, DHS will then publish another Federal Register Notice extending these four TPS designations to October, 2020.

Importantly for the community to know, given notaries and scam artists, is that all of these extensions are automatic: TPS'ers don't have to pay anyone

or do anything at all to benefit from them; they need only print out and show their employer or the DMV the Federal Register notices officially extending the TPS designations for these four countries!

For example, Haitians who re-registered for TPS now have a work permit card or approval notice good to July 22, 2019. The Federal Register Notice to be published in March will extend the validity of those documents to January, 2020 as a matter of law. In dealing with a current or prospective employer, before or after July 22, all the Haitian with TPS will need to do is print out and show them the Federal Register Notice, to be published in March, extending Haiti TPS to January 2020. The employer is legally obligated to honor this.

The same goes for renewing one's driver's license. Shown the Federal Register Notice, the DMV should give them a new driver's license good for the period specified in it.

Vigilance against notaries and scam artists is especially necessary given **another extremely important favorable Ramos development!** Thousands of Haitians who had TPS failed to re-register for it in 2017 or 2018 under Trump. They can and should now re-register if they want to enjoy the benefits of the TPS extensions described above! The government has agreed in *Ramos* to give "presumptive weight" of validity to any such late-filed TPS re-registration applications for persons who failed to timely re-register out of fear, confusion, or other good cause in 2017 or 2018 under Trump but who do so now!

These thousands of Haitians who had TPS but who failed to re-register for it in 2017 or 2018 should be successful in doing so now -- late -- if they explain that they didn't do so on time due to fear, confusion, or other good reason. Such late-filers will need to pay the normal re-registration fees. But while they are strongly encouraged to take advantage of this great opportunity to be covered by the excellent *Ramos* extensions described above, it is important to clearly convey to the community that *only* they -- and not anyone who already has TPS because they timely re-registered in 2018! -- needs to now re-register for TPS.

No Haitian with a currently valid TPS document good until July 22, 2019 needs to do or pay anything at all to anyone to benefit from these extensions, which are automatic! That's so important for people to clearly understand! Only those Haitians who *used* to have TPS but who didn't timely re-register for it under Trump in 2017 or 2018 may and should now do re-register late "for good cause" to benefit from these good developments!

Beyond these favorable legal developments, it is essential that Congress should promptly act to provide a path to permanent status for the various TPS populations,

since the fate of the various court cases is extremely uncertain once they reach the Supreme Court. But these excellent *Ramos* legal developments mean that Haiti TPS and its protections will extend far beyond July 22.

For more information, contact Steve Forester, IJDH Immigration Policy Coordinator, steveforester@aol.com, 786 877 6999