



Temporary Protected Status: Calendar Year 2019 Annual Report

Report to Congress



Homeland
Security

U.S. Citizenship and Immigration Services



**Homeland
Security**

June 26, 2020

Foreword

I am pleased to present the following “Temporary Protected Status: Calendar Year 2019 Annual Report,” which has been prepared by U.S. Citizenship and Immigration Services.

Pursuant to statutory requirements, this report is being provided to the following Members of Congress:

The Honorable Jerrold Nadler
Chairman, House Committee on the Judiciary

The Honorable Jim Jordan
Ranking Member, House Committee on the Judiciary

The Honorable Lindsey Graham
Chairman, Senate Committee on the Judiciary

The Honorable Dianne Feinstein
Ranking Member, Senate Committee on the Judiciary

Inquiries relating to this report may be directed to me at (202) 447-5890.

Respectfully,

A handwritten signature in blue ink that reads "Beth Spivey".

BETH SPIVEY
Assistant Secretary for Legislative Affairs

Executive Summary

Under section 244 of the *Immigration and Nationality Act* (INA), 8 U.S.C. § 1254a, the Secretary of Homeland Security (Secretary) may designate a foreign state (or part thereof) for Temporary Protected Status (TPS) after consulting with appropriate agencies of the U.S. Government. The Secretary may then grant TPS to eligible nationals of that foreign state or eligible aliens having no nationality who last habitually resided in that state. Section 244(b)(1) of the INA provides the circumstances and criteria under which the Secretary may exercise his or her discretion to designate a foreign state for TPS.¹ In accordance with section 244(i)(1) of the INA, the Secretary submits this annual report to Congress on the operation of section 244 (the TPS statute) during the previous calendar year.

At the close of Calendar Year (CY) 2019, there were approximately 410,747 TPS beneficiaries.

During CY 2019, the Secretary announced extensions of the existing TPS designations for South Sudan and Syria.

During CY 2019, the Department of Homeland Security (DHS) announced actions to ensure its continued compliance with the preliminary injunction orders of the U.S. District Court for the Northern District of California in *Ramos, et al. v. Nielsen, et al.*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018) (“*Ramos*”) and the U.S. District Court for the Eastern District of New York in *Saget, et al., v. Trump, et al.*, No. 18-cv-1599 (E.D.N.Y. Apr. 11, 2019) (“*Saget*”), and with the

¹ Section 244(b)(1) of the INA provides:

The [Secretary of Homeland Security], after consultation with appropriate agencies of the Government, may designate any foreign state (or any part of such foreign state) under this subsection only if--

- (A) the [Secretary] finds that there is an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety;
- (B) the [Secretary] finds that--
 - (i) there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected,
 - (ii) the foreign state is unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state, and
 - (iii) the foreign state officially has requested designation under this subparagraph; or
- (C) the [Secretary] finds that there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the [Secretary] finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.

A designation of a foreign state (or part of such foreign state) under this paragraph shall not become effective unless notice of the designation (including a statement of the findings under this paragraph and the effective date of the designation) is published in the *Federal Register*. In such notice, the [Secretary] shall also state an estimate of the number of nationals of the foreign state designated who are (or within the effective period of the designation are likely to become) eligible for temporary protected status under this section and their immigration status in the United States.

order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019) (“*Bhattarai*”).

Specifically, the Secretary announced the following TPS actions during CY 2019:

- On March 8, 2019, Former Secretary Kirstjen M. Nielsen announced the extension of the TPS designation for South Sudan for 18 months, effective May 3, 2019, through November 2, 2020.²
- On August 1 2019, Former Acting Secretary Kevin K. McAleenan announced the extension of the TPS designation for Syria for 18 months, effective October 1, 2019, through March 31, 2021.³

On March 1, 2019, DHS announced actions to ensure its continued compliance with the *Ramos* preliminary injunction order.⁴

On May 1, 2019, DHS announced actions to ensure its compliance with the *Bhattarai* order staying the proceedings.⁵

On November 1, 2019, DHS announced further actions to ensure its continued compliance with the *Ramos* and *Saget* preliminary injunction orders, and the *Bhattarai* order staying those proceedings.⁶

² See 84 FR 13688 (April 5, 2019) (18-month extension of South Sudan’s TPS designation through November 2, 2020).

³ See 84 FR 49751 (September 23, 2019) (18-month extension of Syria’s TPS designation through March 31, 2021).

⁴ See 83 FR 54764 (October 31, 2018) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).

⁵ See 84 FR 20647 (May 10, 2019) (compliance with the order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019)).

⁶ See 84 FR 59403 (November 4, 2019) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).



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I. Legislative Requirement

Section 244(i) of the *Immigration and Nationality Act* (INA) (8 U.S.C. § 1254a(i)) provides:

(i) Annual Report and Review.-

(1) Annual report.- Not later than March 1 of each year (beginning with 1992), the [Secretary of Homeland Security], after consultation with the appropriate agencies of the Government, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of this section during the previous year. Each report shall include—

(A) a listing of the foreign states or parts thereof designated under this section,

(B) the number of nationals of each such state who have been granted temporary protected status under this section and their immigration status before being granted such status, and

(C) an explanation of the reasons why foreign states or parts thereof were designated under subsection (b)(1) and, with respect to foreign states or parts thereof previously designated, why the designation was terminated or extended under subsection (b)(3).

(2) Committee report.- No later than 180 days after the date of receipt of such a report, the Committee on the Judiciary of each House of Congress shall report to its respective House such oversight findings and legislation as it deems appropriate.

II. Background

Section 244(b)(1) of the *Immigration and Nationality Act* (INA) provides the Secretary with the authority to designate a foreign state, or any part of such state, for Temporary Protected Status (TPS) upon finding, among other things, that such state is experiencing ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions. (See Executive Summary, fn. 1, for specific statutory requirements for each type of designation.) The Secretary may grant TPS to an eligible national of the designated foreign state (or to an eligible alien having no nationality who last habitually resided in such state) who, as described in section 244(c)(1)(A) of the INA and implementing regulations in 8 C.F.R. § 244.2:

- Has been continuously physically present in the United States since the effective date of the most recent designation of the state as published in the *Federal Register* notice for the country designation;
- Has continuously resided in the United States since a date determined by the Secretary and published in the *Federal Register* notice;
- Is admissible as an immigrant except as otherwise provided under section 244(c)(2)(A) of the INA;
- Is not ineligible for TPS under section 244(c)(2)(B) of the INA; and
- Registers during an initial registration period of not less than 180 days, as announced by public notice in the *Federal Register*, or the applicant meets late initial registration criteria during any subsequent extension of TPS designation pursuant to 8 C.F.R. § 244.2(f)(2).

During the period for which the Secretary has designated a foreign state for TPS, registered TPS beneficiaries are eligible to remain in the United States, cannot be removed, and are authorized to work, so long as their TPS has not been withdrawn for individual ineligibility. They may also be granted authorization to travel abroad temporarily with the prior consent of the Secretary. See INA §§ 244(a)(1), 244(a)(2), and 244(f)(3).

The granting of TPS itself does not lead to permanent resident status. When the Secretary terminates a foreign state's TPS designation, beneficiaries return to the same immigration status they possessed prior to gaining TPS (unless that status has since expired or been terminated) or to any other status they may have obtained while registered for TPS. Beneficiaries who had no lawful status before obtaining TPS and who have not obtained any other lawful status after TPS return to unlawful status when the TPS designation ends.

III. Data Report

Section 3.1 Foreign States with TPS Designations in Calendar Year (CY) 2019

The following table reflects all of the foreign states (or parts thereof) that held a TPS designation in CY 2019. The table shows the most recent effective dates of each designation and/or extension, or termination, and the expiration date for each foreign state’s TPS designation as of December 31, 2019.⁷

Country	Last Action (as of 12/31/19)	Expiration (as of 12/31/19)	Federal Register Notice
El Salvador	compliance with the preliminary injunction order	pending further resolution of litigation	84 FR 59403 (November 4, 2019)
Haiti	compliance with the preliminary injunction order	pending further resolution of litigation	84 FR 59403 (November 4, 2019)
Honduras	compliance with the preliminary injunction order	pending further resolution of litigation	84 FR 59403 (November 4, 2019)
Nepal	compliance with the preliminary injunction order	pending further resolution of litigation	84 FR 59403 (November 4, 2019)
Nicaragua	compliance with the preliminary injunction order	pending further resolution of litigation	84 FR 59403 (November 4, 2019)
Somalia	18-month extension	March 17, 2020	83 FR 43695 (August 27, 2018)
South Sudan	18-month extension	November 2, 2020	84 FR 13688 (April 5, 2019)
Sudan	compliance with the preliminary injunction order	pending further resolution of litigation	84 FR 59403 (November 4, 2019)
Syria	18-month extension	March 31, 2021	84 FR 49751 (September 23, 2019)
Yemen	18-month extension	March 3, 2020	83 FR 40307 (August 14, 2018)

⁷ TPS actions taken by the Secretary between December 31, 2019, and the date of this report are not reflected in the table. Any such TPS actions will be noted on the TPS Calendar Year 2020 report.

Section 3.2 Number and Prior Immigration Status of TPS Beneficiaries During CY 2019

The following table reflects the number of TPS beneficiaries under each designated foreign state at the close of CY 2019.⁸

Country	Total
El Salvador	247,412
Haiti	55,218
Honduras	79,290
Nepal	14,549
Nicaragua	4,409
Somalia	454
South Sudan	96
Sudan	771
Syria	6,901
Yemen	1,647
Total	410,747

The following table reflects the prior immigration status of aliens with TPS at the close of CY 2019.⁹ Aliens who entered without inspection (EWI); who were stowaways (ST); as well as others who may have had no immigration status, may not recall their immigration status,¹⁰ or who had applications/petitions for status denied prior to obtaining TPS, are also listed in the table. Appendix A provides the description of each of the status abbreviations in the first column of the table. Under INA § 244(a)(5), an alien may continue to maintain his or her prior immigration status while holding TPS, provided he or she maintains eligibility for the prior immigration status.

⁸ Data may differ from prior reports due to annual fluctuations in the number of beneficiaries and to steps taken to improve data accuracy.

⁹ Data Source: Computer Linked Application Information Management System (CLAIMS), USCIS Electronic Immigration System (USCIS ELIS), and USCIS Service Center Operations Directorate, as adjusted. Prior immigration status is self-reported by TPS beneficiaries on Form I-821, Application for Temporary Protected Status.

¹⁰ This is based upon self-reported information, which is not always accurate. At the time of filing for TPS, the applicant is self-reporting that he or she cannot recall his or her immigration status. Immigration status, or lack of status, does not impact eligibility for TPS. *See* INA § 244(a)(5).

Status	El Salvador	Haiti	Honduras	Nepal	Nicaragua	Somalia	South Sudan	Sudan	Syria	Yemen
IB1	7	5	2	0	0	0	0	1	5	0
IB2	0	5	1	0	0	0	0	0	7	0
IBS	0	1	0	0	0	0	0	0	1	0
A1	9	2	1	2	0	0	5	2	0	1
A12	0	1	1	0	0	0	0	0	0	0
A2	8	2	2	6	0	0	1	4	0	3
A3	0	0	3	1	0	0	0	0	1	2
AS	90	146	15	966	2	12	2	14	518	99
ASD	3	49	0	2	0	1	0	2	8	0
ASY	50	0	1	0	0	2	0	0	0	0
B1	16	62	33	14	26	0	1	9	40	3
B1A	1	0	0	1	0	0	0	0	0	1
B2	153	451	231	87	103	5	4	33	546	39
C1	1	3	11	3	2	0	0	0	0	0
C4	2	1	0	0	1	0	0	0	0	0
CH	9	96	4	5	1	0	0	1	3	0
CP	1	4	2	1	0	0	0	0	1	0
CR6	0	0	0	0	0	0	0	1	0	0
CW1	0	0	0	8	0	0	0	0	0	0
CW2	0	0	0	4	0	0	0	0	0	0
D1	2	3	1	0	0	0	0	0	0	0
DA	159	25	58	6	3	0	0	1	1	1
DE	4	3	1	0	0	0	0	0	0	0
DT	1	0	0	0	1	0	0	0	3	0

Status	El Salvador	Haiti	Honduras	Nepal	Nicaragua	Somalia	South Sudan	Sudan	Syria	Yemen
E1	5	1	2	0	0	0	0	0	0	0
E2	1	0	0	1	0	0	0	0	0	0
EAO	64	1	6	0	2	0	0	0	0	0
EB2	0	0	0	1	0	0	0	0	1	0
ENT	315	0	67	0	4	0	0	0	0	0
EWI	4,139	846	3,421	163	170	7	0	3	29	3
F1	5	116	22	2,006	3	1	7	30	175	133
F2	2	10	3	426	1	0	0	4	32	22
FUG	2	0	0	0	0	0	0	0	0	0
G1	2	2	1	7	0	0	0	1	0	6
G2	0	0	0	0	0	0	0	0	0	5
G4	0	1	0	5	0	0	0	0	1	1
G5	0	2	0	1	1	0	0	0	0	0
GB	0	0	0	1	0	0	0	0	0	0
GT	0	0	1	0	0	0	0	0	0	0
H-1	0	0	0	0	0	0	0	1	0	0
H1	0	1	1	21	0	0	0	0	14	0
H1A	0	0	0	0	0	0	0	0	1	0
H1B	1	9	2	644	0	0	1	13	181	2
H2	21	5	10	1	2	0	0	0	0	0
H2A	16	15	2	3	0	0	0	0	1	0
H2B	27	34	21	7	1	0	0	0	0	0
H3A	0	0	0	0	0	0	0	0	0	1
H4	2	3	4	290	0	0	0	1	76	3
I	1	0	1	0	0	0	0	0	0	0
IMM	65	199	32	1	2	2	0	0	2	0
IN	0	2	3	0	0	0	0	0	0	0
IR0	1	0	0	0	0	0	0	0	0	0

Status	El Salvador	Haiti	Honduras	Nepal	Nicaragua	Somalia	South Sudan	Sudan	Syria	Yemen
J1	3	20	4	28	4	0	0	3	78	14
J1S	0	1	0	0	0	0	0	0	1	0
J2	0	2	1	25	0	0	0	3	23	6
K1	0	11	0	1	0	0	0	1	13	0
K2	0	5	1	0	0	0	0	0	5	0
K3	7	11	2	0	0	0	0	0	0	0
K4	0	7	0	0	0	0	0	0	0	1
L1	1	0	0	2	0	0	0	1	0	0
L1A	1	0	0	2	0	0	0	0	1	1
L1B	0	0	0	2	0	0	0	0	0	0
L2	1	1	0	2	0	0	0	1	6	1
LPR	0	1	0	0	0	0	0	0	0	0
M1	0	1	1	2	0	0	0	1	4	6
N1	32	18	8	3	0	0	0	0	0	0
N4	0	0	0	0	0	0	0	0	1	0
O1	0	0	0	2	0	0	0	1	1	1
O3	0	0	0	1	0	0	0	2	1	0
OP	1	5	3	0	0	0	0	0	0	0
P1	1	0	1	0	0	0	0	1	0	0
P2	0	1	0	0	0	0	0	0	0	0
P3	0	5	0	0	0	0	0	0	3	0
P3S	0	0	1	0	0	0	0	0	0	0
PAR	277	967	173	37	3	2	0	2	85	8
Q1	5	0	0	0	0	0	0	0	0	0
Q3	0	1	0	0	0	0	0	0	0	0

Status	El Salvador	Haiti	Honduras	Nepal	Nicaragua	Somalia	South Sudan	Sudan	Syria	Yemen
R1	1	9	0	5	1	0	0	0	3	0
R2	0	5	0	4	2	0	0	0	6	0
RE	22	148	18	1	4	0	0	0	2	0
RE5	0	537	0	0	0	0	0	0	0	0
REF	0	0	1	0	1	0	0	0	0	0
S1	2	8	2	0	0	0	0	0	1	1
S9	0	1	0	0	0	0	0	0	0	0
SL6	0	1	0	0	0	0	0	0	0	0
ST	2	12	3	1	0	0	0	0	0	0
T1	7	8	2	1	0	0	0	0	0	0
T2	0	1	0	0	0	0	0	0	0	1
T3	0	1	0	0	0	0	0	0	0	0
T4	0	0	0	0	1	0	0	0	0	0
T5	1	0	1	0	0	0	0	0	0	0
TD	1	1	0	0	0	0	0	0	1	0
TPS	3,305	0	1,014	0	112	1	0	2	0	0
TWO	2	1	1	0	0	0	0	0	0	0
U1	13	2	3	1	1	0	0	0	0	0
U2	1	4	0	0	0	0	0	0	0	0
U4	5	0	3	0	0	0	0	0	0	0
UN	204,087	50,983	61,352	9,742	2,995	303	75	485	4,957	1,279
UNK	51	0	3	0	0	0	0	0	0	0
UU	10,963	193	2,682	1	191	14	0	28	2	0
V1	2	4	1	0	0	0	0	0	0	0
V2	0	6	0	0	0	0	0	0	1	0
V3	0	1	0	0	0	0	0	1	0	0
WB	2	3	1	1	0	0	0	0	3	0
WD	1	0	0	0	0	0	0	0	0	0
WI	372	72	456	0	19	4	0	0	2	0

Status	El Salvador	Haiti	Honduras	Nepal	Nicaragua	Somalia	South Sudan	Sudan	Syria	Yemen
WIT	26	0	3	0	1	0	0	0	0	0
WT	24	16	11	1	2	0	0	0	8	2
X	15	11	4	1	0	2	0	1	41	0
Blank	22,993	27	9,578	0	747	98	0	117	5	1
Total	247,412	55,218	79,290	14,549	4,409	454	96	771	6,901	1,647

Grand Total	410,747
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IV. Analysis/Discussion

Section 4.1 Legal Authority for the Secretary to Designate a Foreign State for TPS Under INA § 244(b)(1)

Under INA § 244(b)(1), the Secretary, after consultation with appropriate agencies of the U.S. Government, may designate a foreign state (or any part of such foreign state) if the conditions in the foreign state fall into one, or more, of three statutory categories, generally described as ongoing armed conflict, environmental disasters, or extraordinary and temporary conditions.¹¹ An initial TPS designation is purely discretionary and the Secretary can decline to make a designation even if he determines that eligible conditions exist in a foreign state. The Secretary may designate the foreign state for a period of 6 to 18 months.¹² When the Secretary designates a foreign state for TPS, he or she establishes the dates from which a TPS applicant must have continuously resided in and been continuously physically present in the United States in order to be eligible for TPS under the particular designation.¹³ By establishing these “continuous residence” and “continuous physical presence” dates in accordance with the TPS statute, the Secretary is able to afford temporary protection to the most appropriate group of aliens from the designated country.

Section 4.2 Legal Authority for the Secretary to Extend or Terminate TPS Designations of Foreign States Under INA § 244(b)(3)

As required by the INA, the Secretary conducts a periodic review of country conditions affecting each TPS designated-foreign state in consultation with appropriate agencies of the U.S. Government, to determine whether the conditions support extension or termination of the TPS designation, and whether a new designation may be warranted.¹⁴ In making this determination, the Secretary currently reviews country conditions information provided by DOS and USCIS’s Refugee, Asylum, and International Operations Directorate. At least 60 days prior to the current expiration of a country’s TPS designation, the Secretary must review the conditions in the designated foreign state and determine whether the conditions for such designation continue to be met. If the Secretary determines that the statutory conditions for designation no longer continue to be met, the TPS statute requires that he or she terminate the designation. If the Secretary finds, however, that the conditions for designation continue to be met (or makes no determination at all), the statute requires that the TPS designation be extended for a minimum of six months, or, in the Secretary’s discretion, for 12 or 18 months. USCIS publishes a notice in the *Federal Register* that announces the Secretary’s determination of whether to extend, extend and make a new designation, or terminate a country’s TPS designation.

¹¹ See *supra* note 1 (providing text of INA § 244(b)(1)).

¹² See INA § 244(b)(2)(B).

¹³ See INA § 244(c)(1)(A). The continuous residence date is such date as the Secretary may establish. *Id.* at §(244(c)(1)(A)(i). However, the continuous physical presence date is the effective date of the most recent designation, which itself is the *Federal Register* notice publication date of the designation or such later date as the Secretary may specify in the notice. See *Id.* at §244(b)(2)(A); §244(c)(1)(A)(ii).

¹⁴ See INA § 244(b)(3)(A-C).

That notice includes an explanation of the reasons for the determination. Section 4.3 below describes the specific reasons for the extensions of TPS designations announced in CY 2019. There were no terminations of TPS designations in CY 2019.

Section 4.3 Extensions of Designations Under INA § 244(b)(3)(C)

This section provides details about TPS actions announced by the Secretary in CY 2019 regarding foreign states for which the most recent action by the Secretary, as of December 31, 2019, was an extension of the state's existing TPS designation.

South Sudan

On March 8, 2019, Secretary Nielsen announced the extension of the TPS designation for South Sudan for 18 months, effective May 3, 2019, through November 2, 2020.¹⁵

The information below describing the reasons for the extension of South Sudan's TPS designation has been excerpted from the April 5, 2019 Federal Register Notice that announced the extension.

DHS has reviewed conditions in South Sudan. Based on the review, including input received from other U.S. Government agencies, the Secretary has determined that an 18-month extension is warranted because the ongoing armed conflict and extraordinary and temporary conditions supporting South Sudan's TPS designation remain.

Currently, 4.2 million individuals are displaced in or outside of South Sudan, and over 7 million of the country's 12 million people require humanitarian assistance. Numerous armed groups remain active in South Sudan. Since the 2017 extension of TPS for South Sudan, all parties to the conflict have continued to violate international humanitarian law and perpetrated serious human rights abuses against civilians. Armed conflict and lawlessness prevail in much of South Sudan, despite the warring parties' adoption of an agreement to cease hostilities in December 2017, followed by the signing of a new peace agreement in September 2018. Although violence is assessed to have declined in parts of the country where the ceasefire has taken hold, incidents of indiscriminate violence against South Sudanese civilians, humanitarian aid workers, and United Nations personnel persist today. In particular, while the United Nations Mission in South Sudan (UNMISS) reported a decline in the overall number of reported human rights violations and abuses by the signatory parties following the ceasefire, reported incidents of sexual violence and child soldier recruitment increased from 2017 to 2018.

Instances of the use of sexual violence—including against women and girls in government-controlled parts of the country and at UNMISS protection sites—remain widespread, even after the signing of the September 2018 peace agreement. Civilians, primarily women and girls, have reportedly been abducted by government forces and allied militias and raped in detention, where they were sometimes held for hours, days, or even weeks. Since mid-2018, there have been

¹⁵ See 84 FR 13688 (April 5, 2019) (18-month extension of South Sudan's TPS designation through November 2, 2020).

nearly 2,300 reported cases of gender-based violence in South Sudan, although the actual number of incidents is believed to be much higher. This represents a 72 percent increase in reported incidents from the same period in 2017. Children in South Sudan are routinely abducted and forced to join fighting forces. In December 2017, the United Nations Children's Fund (UNICEF) reported that armed groups had recruited more than 19,000 children since the civil conflict started—representing an overall increase since 2015, when a total of 16,000 children had been recruited and since 2016, when a total of 17,000 children had been recruited. An upsurge in intercommunal violence in 2018, including cattle raiding and revenge killings, in Lakes and Jonglei states increased civilian displacement, looting, and casualties. Conflicts in these regions also occurred because of the uneven disarmament of local militias, and other festering intercommunal tensions. This violence had spillover effects, including hampering the delivery of humanitarian assistance in 2018. Three aid workers were killed in September and October 2018 alone, bringing the total number of aid workers killed since the outset of the conflict to at least 112.

As of January 2019, 4.2 million South Sudanese were displaced; 1.9 million South Sudanese were internally displaced; and an estimated 2.3 million were refugees in neighboring countries. UNMISS hosted nearly 200,000 civilians seeking safety in five protection sites. The figures reflect an increase in displacement since August 2017, when 3.9 million were displaced, of which 1.9 million were internally displaced and 2 million had fled to neighboring countries. South Sudan hosted approximately 292,500 refugees from neighboring countries during the same time period. Additional information supporting the reasons for the extension of South Sudan's TPS designation are described at 84 FR 13688 (April 5, 2019).

Syria

On August 1, 2019, Acting Secretary McAleenan announced the extension of the TPS designation for Syria for 18 months, effective October 1, 2019, through March 31, 2021.¹⁶

The information below describing the reasons for the extension of Syria's TPS designation has been excerpted from the September 23, 2019 Federal Register Notice that announced the extension.

DHS has reviewed conditions in Syria. Based on the review, including input received from other U.S. Government agencies, the Secretary has determined that an 18-month extension is warranted because the ongoing armed conflict and extraordinary and temporary conditions supporting Syria's TPS designation remain.

Syria remains engulfed in an ongoing civil war marked by brutal violence against civilians, egregious human rights violations and abuses, and a humanitarian disaster on a devastating scale across the country. The Syrian Arab Republic Government (SARG) continues to arbitrarily and unlawfully kill, torture, and detain civilians on a large scale, and non-state armed groups of varying ideologies exert control over civilians in wide areas of the country. The SARG, with the

¹⁶ See 84 FR 49751 (September 23, 2019) (18-month extension of Syria's TPS designation through March 31, 2021).

support of government-linked paramilitary groups, Iranian and Iranian-backed proxy forces, and Russian forces, continues to engage in hostilities with Syrian opposition forces. In addition, following its incursion into northern Syria in early 2018, the Turkish military and Turkish-backed groups continue to fight the Kurdish People's Protection Units (YPG). Following the defeat of the self-described Islamic State of Iraq and Syria (ISIS) in March 2019, ISIS sleeper cells have stepped up insurgency operations in cities controlled by the Syrian Democratic Forces (SDF). On January 16, 2019, a suicide bombing claimed by ISIS killed four Americans and 15 others in the northern city of Manbij, in Aleppo province. One week later, a vehicle-borne improvised explosive device targeted a joint American-SDF patrol in the town of Ash Shaddadi in Hasakah province. At least 10 people were killed June 1, 2019, in ISIS attacks in Raqqa. Despite a September 2018 agreement between Russia and Turkey that designated Idlib province and surrounding areas a demilitarized zone, non-state armed organizations, including designated terrorist groups, have continued to fight each other within the zone. In January 2019, Hayat Tahrir Al-Sham (HTS) seized large areas of Idlib from rival armed groups, constituting a significant threat to Syrian civilians in the country's northwest and northeast, as well as Syrian refugees residing across the adjacent Turkish border. Since April 2019, a renewed SARG offensive is exacting a heavy toll on civilians and civilian infrastructure in the area. The renewed violence has displaced over 630,000 civilians, and killed at least 1,089 civilians, including many children.

Currently, 11.9 million Syrians are displaced in or outside of Syria, of which 6.2 million are Internally Displaced Persons (IDPs) and 5.7 million are UNHCR-registered refugees. Of the country's 23 million people, 11.7 million require humanitarian assistance. Approximately 1.6 million Syrians were displaced by hostilities in 2018, and the overall IDP population increased 16% in 2018. Syria hosted approximately 482,200 refugees during the same time period. Additionally, 1.4 million Syrian IDPs voluntarily returned to their home areas in 2018. Just over 56,047 refugees returned to Syria in 2018, and as of March 2019, 21,575 had returned. Despite the significant number of spontaneous refugee and IDP returns in 2018 and 2019, the United Nations High Commissioner for Refugees (UNHCR) assessed in February 2019 that “present conditions in Syria are not conducive for voluntary repatriation in safety and dignity as significant risks remain for civilians across the country.” Additional information supporting the reasons for the extension of Syria’s TPS designation are described at 84 FR 49751 (September 23, 2019).

Section 4.4 Designations under INA § 244(b)(1)

The Secretary did not designate any foreign states, or parts thereof, in CY 2019.

Section 4.5 Terminations Under INA § 244(b)(3)(B)

The Secretary did not terminate the TPS designations of any foreign state any foreign states, or parts thereof, in CY 2019. *But see* discussion below of DHS’ compliance with court orders that currently prevent certain TPS termination decisions made by the former Secretary or a former Acting Secretary in previous years.

Section 4.6 Preliminary Injunction Orders and Order to Stay Proceedings

This section provides details about TPS actions announced by DHS in CY 2019 to ensure its continued compliance with the preliminary injunction orders of the U.S. District Court for the Northern District of California in *Ramos, et al. v. Nielsen, et al.*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018) and the U.S. District Court for the Eastern District of New York in *Saget, et al., v. Trump, et al.*, No. 18-cv-1599 (E.D.N.Y. Apr. 11, 2019), and with the order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019).

Preliminary injunction order in *Ramos v. Nielsen*

In its Oct. 3, 2018 order, the U.S. District Court for the Northern District of California enjoined DHS from implementing or enforcing the determinations to terminate TPS for El Salvador, Haiti, Nicaragua, and Sudan while the case continued its way through the legal system. As a result, DHS may not effectuate the termination of TPS for these countries while the order remains in effect. The order also requires DHS to continue the validity of documentation showing lawful status and work authorization for affected, eligible TPS beneficiaries from those countries. DHS has published three *Federal Register* notices on Oct. 31, 2018,¹⁷ March 1, 2019,¹⁸ and November 4, 2019,¹⁹ to ensure DHS' compliance with the court's order.

Preliminary injunction order in *Saget v. Trump*

On April 11, 2019, in *Saget*, the U.S. District Court for the Eastern District of New York enjoined the termination of TPS for Haiti, pending a final decision on the merits of the case. As required by the order in *Saget*, the TPS designation for Haiti remains in effect pending further court order. Beneficiaries under the TPS designation for Haiti will maintain their status, but they must continue to meet all the individual requirements for TPS eligibility found in INA section 244(c) and 8 C.F.R. § 244, as well as in the instructions for Form I-821, Application for Temporary Protected Status.

The court order in *Bhattarai v. Nielsen*

On May 01, 2019, DHS announced actions to ensure its compliance with the order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai*.²⁰ The claims raised in *Bhattarai* are similar to, and will be informed by the resolution of, the claims being litigated before the Ninth Circuit Court of Appeals in *Ramos v. Nielsen*, No. 18-16981 (9th Cir.) (filed Oct. 12, 2018). For that reason, DHS will not implement or enforce the decision to

¹⁷ See 83 FR 54764 (October 31, 2018) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).

¹⁸ See 84 FR 7103 (March 1, 2019) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).

¹⁹ See 84 FR 59403 (November 4, 2019) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).

²⁰ See 84 FR 20647 (May 10, 2019) (compliance with the order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019)).

terminate TPS for Honduras or Nepal²¹ pending the resolution of the *Ramos* appeal, or by other order of the court. Beneficiaries under the TPS designations for Honduras and Nepal will retain their TPS, provided that an alien's TPS is not withdrawn because of ineligibility.

Continued compliance with the preliminary injunction orders

DHS has complied with the various court orders described above by publishing appropriate *Federal Register* notices that continue TPS for eligible beneficiaries and continue their TPS-related employment and status documentation while the litigation proceeds. Since October 1, 2018, DHS has published four FRNs to ensure its compliance with the court orders:

- 83 FR 54764 (October 31, 2018) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).
- 84 FR 7103 (March 1, 2019) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).
- 84 FR 20647 (May 10, 2019) (compliance with the order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019)).
- 84 FR 59403 (November 4, 2019) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).

In its November 4, 2019 FRN, DHS announced measures to continue its compliance with all of the relevant court orders in *Ramos*, *Saget* and *Bhattarai*.²² Beneficiaries under the TPS designations for El Salvador, Honduras, Nepal, Nicaragua, Sudan, and Haiti will retain their TPS while the various court orders the cover each country remain in effect, provided that an alien's TPS is not withdrawn because of individual ineligibility.

If the District Court reverses the preliminary injunction in *Ramos* and that decision is final, the terminations of the TPS designations for El Salvador, Nicaragua, and Sudan will take effect, unless the final court order places other limitations on the terminations. Should the government prevail in its challenge to the *Ramos* preliminary injunction, the Secretary's determination to terminate TPS for Nicaragua and Sudan will take effect no earlier than 120 days from the issuance of any appellate mandate to the district court. The Secretary's determination to terminate TPS for El Salvador will take effect no earlier than 365 days from the issuance of any appellate mandate to the *Ramos* district court in order to allow for an orderly transition for affected TPS beneficiaries.

Due to the preliminary injunction issued in *Saget v. Trump*, also enjoining the termination of TPS for Haiti, the government must prevail in its challenges to both the *Ramos* preliminary

²¹ See Termination of the Designation of Nepal for Temporary Protected Status, 83 FR 23705 (May 22, 2018); Termination of the Designation of Honduras for Temporary Protected Status, 83 FR 26074 (June 5, 2018).

²² See 84 FR 59403 (November 4, 2019) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).

injunction and the *Saget* preliminary injunction in order for TPS for Haiti to terminate. In the event that the government does prevail in both cases, the Secretary’s determination to terminate TPS for Haiti will take effect no earlier than 120 days from the issuance of the later of the two appellate mandates to the District Court in order to allow for an orderly transition.

The quoted information below, describing compliance with the preliminary injunction orders, has been excerpted from the November 4, 2019 Federal Register Notice implementing the Court’s order:

The previously announced determinations to terminate the existing designations of TPS for El Salvador, Nicaragua, and Sudan²³ will not be implemented or enforced unless and until the district court's order in *Ramos* is reversed and that reversal becomes final. The previously-announced determination to terminate the existing designation of TPS for Haiti will not be implemented or enforced unless and until the district court's orders in *Ramos* and *Saget* are reversed and those reversals become final.²⁴ As required by the order to stay proceedings in *Bhattarai*, DHS will not implement or enforce the previously-announced determinations to terminate the existing TPS designations for Honduras and Nepal²⁵ unless and until the district court's order in *Ramos* enjoining implementation and enforcement of the determinations to terminate the TPS designations for El Salvador, Haiti, Nicaragua, and Sudan is reversed and that reversal becomes final for some or all of the affected countries, or by other order of the court. Any termination of TPS-related documentation for beneficiaries under the TPS designations for Haiti, Honduras, Nicaragua, Nepal, and Sudan will go into effect no earlier than 120 days, and no earlier than 365 days for beneficiaries under the TPS designation for El Salvador, following the issuance of any mandate to the district court, as described in the “Possible Future Action” section of this Federal Register notice.²⁶

In further compliance with the orders, DHS is publishing this notice automatically extending the validity of the TPS-related documentation specified in the Supplementary Information section of this notice through January 4, 2021, for eligible beneficiaries under the TPS designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan. DHS will continue to issue notices that will automatically extend TPS-related documentation for all affected beneficiaries under the TPS designations for El Salvador, Honduras, Nicaragua, Nepal, and Sudan, so long as the *Ramos* preliminary injunction and *Bhattarai* order to stay proceedings remain in place; for Haiti so long as either the *Ramos* or *Saget* preliminary injunctions remain in place; or by other order of the court. However, should compliance with the *Ramos*, *Bhattarai*, and/or *Saget* court orders remain necessary, DHS may announce periodic re-registration procedures for eligible TPS beneficiaries

²³ See Termination of the Designation of Sudan for Temporary Protected Status, 82 FR 47228 (Oct. 11, 2017); Termination of the Designation of Nicaragua for Temporary Protected Status, 82 FR 59636 (Dec. 15, 2017); Termination of the Designation of Haiti for Temporary Protected Status, 83 FR 2648 (Jan. 18, 2018); Termination of the Designation of El Salvador for Temporary Protected Status, 83 FR 2654 (Jan. 18, 2018).

²⁴ See Termination of the Designation of Haiti for Temporary Protected Status, 83 FR 2648 (Jan. 18, 2018).

²⁵ See Termination of the Designation of Nepal for Temporary Protected Status, 83 FR 23705 (May 22, 2018); Termination of the Designation of Honduras for Temporary Protected Status, 83 FR 26074 (June 5, 2018).

²⁶ An additional provision in the *Bhattarai* Order to Stay Proceedings states that if the Government moves to vacate that Order, TPS will remain in effect for Honduras and Nepal for at least 180 days following an order of the District Court vacating its stay of proceedings order.

in accordance with the INA and DHS regulations. DHS further continues its commitment to a transition period, as described above.

All TPS beneficiaries must continue to maintain their TPS eligibility by meeting the requirements for TPS in INA section 244(c) and 8 CFR part 244. DHS will continue to adjudicate any pending TPS re-registration and pending late initial applications for affected beneficiaries under the TPS designations for El Salvador, Haiti, Honduras, Nicaragua, Nepal, and Sudan, and continue to make appropriate individual TPS withdrawal decisions in accordance with existing procedures if an alien no longer maintains TPS eligibility. DHS will take appropriate steps to continue its compliance with the orders, and with all statutory requirements.

Appendix A – Immigration Status Codes²⁷

Code	Description	Code	Description
1B1	H-1B1 SPECIALTY OCCUPATION	EAO	EMPLOYMENT ADVISORY OPTION
1B2	H-1B2 DoD SPECIALTY OCCUPATION	EB1	EMPLOYMENT-BASED, FIRST PREFERENCE (PRIORITY WORKERS)
1BS	NONIMMIGRANT VISA, VARIATION OF TEMPORARY EMPLOYMENT	EB2	EMPLOYMENT-BASED, SECOND PREFERENCE (WORKERS WITH PROFESSIONAL OR ADVANCED DEGREE, ETC.)
A1	AMBASSADOR/DIPLOMAT/PUBLIC MINISTER/CONSULAR OFFICER (OR IMMEDIATE FAMILY)	ENT	ENTER WITHOUT INSPECTION
A2	OTHER DIPLOMATIC OFFICIAL (OR IMMEDIATE FAMILY)	EWI	ENTRY WITHOUT INSPECTION
A3	ATTENDANT/SERVANT/PERSONAL EMPLOYEE OF A1 OR A2 (OR IMMEDIATE FAMILY)	F1	STUDENT-ACADEMIC
A12		F2	SPOUSE/CHILD OF F1
AS	ASYLUM APPLICANT	FUG	FAMILY UNITY PROGRAM, STATUS GRANTED ALLOWING EXTENDED VOLUNTARY DEPARTURE
ASD	ASYLUM DENIED	G1	PRINCIPAL REP RECOGNIZED FOREIGN GOVT/STAFF/IMMEDIATE FAMILY
ASY	IMMIGRANT VISA – ASYLUM	G2	OTHER REP RECOGNIZED FOREIGN GOVT/ IMMEDIATE FAMILY
B1	TEMP VISITOR FOR BUSINESS	G4	OFFICER/EMPLOYEE OF INT'L ORG AND IMMEDIATE FAMILY
B1A	NONIMMIGRANT VISA – TEMPORARY VISITORS FOR BUSINESS	G5	ATTENDANT/SERVANT/PERSONAL EMPLOYEE OF G1/G2/G3/G4
B2	TEMP VISITOR FOR TRAVEL	GB	TEMPORARY VISITOR FOR BUSINESS UNDER GUAM VISA WAIVER PILOT PROGRAM
C1	ALIEN IN TRANSIT THROUGH U.S.		
C4	NONIMMIGRANT VISA – TRANSIT WITHOUT VISA (TWOV)	GT	TEMPORARY VISITOR FOR PLEASURE UNDER GUAM VISA WAIVER PILOT PROGRAM
CH	PAROLEE (HUMANITARIAN/HQ AUTH)	H-1	ALIEN IN A SPECIALTY (PROFESSIONAL OCCUPATION)
CP	PAROLEE (PUBLIC INTEREST/HQ AUTH)	H1	SPECIALTY OCCUPATION
CR6	SPOUSE OF U.S. CITIZEN - CONDITIONAL	H1A	REGISTERED NURSE / SPOUSE / CHILDREN
CW1	NONIMMIGRANT VISA FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS TRANSITIONAL WORKERS	H1B	SPECIALTY OCCUPATION
CW2	DEPENDANT OF CW1	H2	TEMP WORKER FOR SERVICES NOT AGRICULTURE SERVICES UNAVAILABLE IN U.S.
D1	ALIEN CREW DEPART SAME VESSEL	H2A	TEMP WORKER FOR AGRICULTURE SERVICES UNAVAILABLE IN U.S.
DA	ADVANCE PAROLE (DISTRICT AUTH)	H2B	TEMP WORKER FOR SERVICES NOT AGRICULTURE UNAVAILABLE IN U.S.
DE	PAROLEE (DEFERRED INSPECTION)	H3A	TRAINEE
DT	PAROLE GRANTED AT POE OR DIST OFF	H4	SPOUSE/CHILD OF H1/H1B/H2/H2A/H2B/H3
E1	TREATY TRADER/SPOUSE/CHILD	I	FOREIGN PRESS (AND SPOUSE/CHILD)
E2	TREATY INVESTOR/SPOUSE/CHILD	IMM	IMMIGRANT (INDEFINITE PAROLE)

²⁷ This reference chart of Immigration Status Codes includes both current codes and previously used historical codes, which are reflected in this document, Section 3.2: *Number and Prior Immigration Status of TPS Beneficiaries During CY 2019*. The data in CLAIMS, which USCIS reviewed to compile this TPS CY 2019 Congressional Report, contains references to both current and historical data codes.

Code	Description	Code	Description
IN	INDEFINITE PAROLE	RE5	REFUGEE – HAITI
IR0	PARENT OF U.S. CITIZEN	REF	REFUGEE
J1	EXCHANGE VISITOR	S1	SPECIAL AGRICULTURAL WORKER
J1S	VARIATION OF J1 NONIMMIGRANT STATUS (EXCHANGE VISITOR)	S9	EMERGENCY FARM WORKER TO PERFORM AGRICULTURAL SERVICES OR LABOR OF A TEMPORARY OR SEASONAL NATURE WHEN SERVICES ARE UNAVAILABLE IN THE U.S. AND WILL NOT ADVERSELY AFFECT WAGES AND WORKING CONDITIONS OF U.S. WORKERS
J2	SPOUSE/CHILD OF J1	SL6	JUVENILE COURT DEPENDENT
K1	ALIEN FIANC(E) OF USC	ST	STOWAWAY
K2	CHILD OF K1	T1	NONIMMIGRANT VISA –VICTIM OF SEVERE FORM OF TRAFFICKING IN PERSONS
K3	SPOUSE OF USC	T2	SPOUSE OF AN ALIEN CLASSIFIED AS T1, FIRST PREFERENCE (QUOTA) - NOT CURRENTLY IN USE
K4	CHILD OF K3	T3	1ST PREF CHILD OF ALIEN CL T1
L1	INTRA-COMPANY TRANSFEREE	T4	PARENT OF A T1 - NOT CURRENTLY IN USE
L1A	NONIMMIGRANT VISA – INTRACOMPANY TRANSFEREE (IN THE EXECUTIVE OR MANAGERIAL LEVEL)	T5	UNMARRIED UNDER 18 SIBLG T1 NI
L1B	SPECIALIZED KNOWLEDGE ALIEN WORKER	TD	CANADIAN OR MEXICAN CITIZEN SPOUSE OR CHILD OF TN
L2	SPOUSE OF L1	TPS	TEMPORARY PROTECTED STATUS
LPR	LEGAL PERMANENT RESIDENT ALIEN	TWO	TRANSIT WITHOUT A VISA
M1	STUDENT-VOCATIONAL/NON-ACAD	U1	VICTIM OF CRIMINAL ACTIVITY
N1	PRINCIPAL PERMANENT REPRESENTATIVE OF MEMBER STATE OF NATO	U2	SPOUSE OF U1
N1	PRINCIPAL PERMANENT REPRESENTATIVE OF MEMBER STATE OF NATO	U4	PARENT OF U1
N4	NONIMMIGRANT VISA – NORTH ATLANTIC TREATY ORGANIZATION (NATO-4) OFFICIALS, SPOUSES, OR CHILDREN	UN/UU or UNK	UNKNOWN, OR NOT REPORTED
O1	EXTRA ABILITY SCIENCES/ARTS/EDUCATION/ BUSINESS/ATHLETICS	V1	SPOUSE OF LPR AWAITING VISA
O3	SPOUSE/CHILD OF O-1, O-2	V2	CHILD OF LPR AWAITING VISA
OP	OVERSEAS PAROLEE	V3	CHILD OF V1 OR V2
P1	INTERNATIONALLY RECOGNIZED ATHLETE/ENTERTAINER	WB	VISITOR FOR BUSINESS – VISA WAIVER PROGRAM
P2	INDIVIDUAL PERFORMER OR PART OF A GROUP ENTERING TO PERFORM UNDER A RECIPROCAL EXCHANGE PROGRAM	WD	WITHDRAWAL
P3	CULTURALLY UNIQUE PROGRAM ARTIST/ENTERTAINER	WI	WITHOUT INSPECTION
P3S	VARIATION OF P-3 NONIMMIGRANT VISA STATUS (ARTISTIC OR ENTERTAINER COMING TO PERFORM OR TEACH)	WIT	ENTRY WITHOUT INSPECTION
PAR	PAROLEE	WT	TEMP TOURISM VISITOR – VISA WAIVER PROGRAM
PI	EMPLOYMENT AUTHORIZATION DOCUMENT FOR PACIFIC TRUST TERRITORIES	X	NON-PREFERENCE QUOTA
Q1	NONIMMIGRANT VISA – INTERNATIONAL CULTURAL EXCHANGE PROGRAM PARTICIPANT		
Q3	DEPENDENTS OF IRISH PPCT PROGRAM OR CHILD OF ALIEN CLASS Q-1 (Q1M)		
R1	RELIGIOUS WORKER		
R2	SPOUSE/CHILD OF R1		
RE	REFUGEE		