



What's Next for TPS?: The *Ramos* Decision Explained (September 2020)

In *Ramos v. Wolf*, a three-judge panel of the Ninth Circuit ruled two-to-one that the Trump Administration's TPS termination decisions could go into effect.¹ However, this decision is not final. As of today, the TPS terminations have *not* gone into effect. Below, we explain what comes next and answer some common questions:

1. Can we appeal further? YES. We will first appeal to the full Ninth Circuit, through what is called the "en banc" process. We will ask all 29 judges to vote that our case be re-heard. If that fails, we will ask the United States Supreme Court to review our case.
2. As a TPS holder, do I still have immigration status? YES. TPS remains in effect, at least for now. It will remain in effect *at least* until **March 5, 2021** for Haiti, Honduras, Nepal, Nicaragua, and Sudan; and *at least* until **November 5, 2021** for El Salvador. However, those dates could be extended if the appeals process takes more time.²
3. As a TPS holder, is my Employment Authorization Document (aka EAD, or "work permit") still valid? YES. Your work permit will remain valid for as long as your TPS status remains in effect. It is illegal for an employer to fire you (or refuse to hire you) based on your immigration status so long as your work permit remains valid. You also still have the right to renew your driver's license: your previous EAD along with the November 4, 2019 Federal Register Notice are sufficient to establish your lawful presence for all purposes.
4. What can I do now to protect TPS? SPEAK UP! The Trump administration wanted to end TPS nearly three years ago. TPS remains alive because the TPS community has raised its voices to build political power. Support your local TPS committee and the National TPS Alliance's efforts to protect TPS holders.³
5. Are there other cases that could protect TPS holders? YES. A case in New York, *Saget v. Trump*, 375 F. Supp. 3d 280 (E.D.N.Y. 2019), currently provides separate protection for Haitians. The Trump administration appealed that decision, and the appellate court has not yet decided. Also, *Centro Presente v. Trump*, 332 F.Supp.3d 393 (D.Mass. 2018), could provide separate protection for Haitians, Hondurans, and Salvadorans.⁴
6. Can I take other steps to protect myself? Maybe. The immigration laws constantly change. If you have not recently consulted an immigration attorney, you should. In particular, if you are married to a U.S. citizen or have a U.S. citizen child over age 21, you may be able to adjust status to lawful permanent residence (i.e., to get a green card). You can do this *even if you entered unlawfully* in some parts of the country (including the states of Alaska, Arizona, California, Hawaii, Idaho, Kentucky, Michigan, Montana, Nevada, Ohio, Oregon, Tennessee, and Washington). You should consult an immigration lawyer to assess your options.⁵

¹ The official case name is *Ramos v. Wolf*, --- F.3d --- (9th Cir. Sept. 14, 2020). You can read the decision here: <https://cdn.ca9.uscourts.gov/datastore/opinions/2020/09/14/18-16981.pdf>

² The rules for when the TPS terminations can go into effect are described here: <https://www.federalregister.gov/documents/2019/11/04/2019-24047/continuation-of-documentation-for-beneficiaries-of-temporary-protected-status-designations-for-el>. The separate rule giving Salvadorans additional time based on an agreement between the governments of El Salvador and the United States is described here: <https://www.dhs.gov/news/2019/10/28/us-and-el-salvador-sign-arrangements-security-information-sharing-give-salvadorans>

³ To learn more about the National TPS Alliance, see here: <https://www.nationaltpsalliance.org/>

⁴ For more information on all the cases challenging the Trump Administration's TPS terminations, see <https://cliniclegal.org/resources/humanitarian-relief/temporary-protected-status-and-deferred-enforced-departure/challenges>.

⁵ An immigration attorney will also be able to address other concerns relating to your case in particular, including whether it could be beneficial to travel outside the country with an I-131 advance parole.