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Update on Travel by Temporary Protected Status Beneficiaries In Removal Proceedings

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Submitted by Chief Editor on Dec 23rd 2019

U.S. Citizenship and Immigration Services is updating the USCIS Policy Manual to clarify the effect of travel outside the United States by Temporary Protected Status (TPS) beneficiaries who are subject to removal proceedings.

In particular, this [update \(PDF, 317 KB\)](#) ^[2] covers beneficiaries who have final removal orders, and who depart the United States and return with an [advance parole travel document](#) ^[3]. TPS beneficiaries in removal proceedings who travel abroad temporarily with the authorization of DHS remain subject to those removal proceedings. If they are under a final order of removal, the travel does not execute or fulfill the order. The alien in question remains subject to the removal order.

The Executive Office for Immigration Review of the Department of Justice will generally have jurisdiction over an adjustment of status application filed by a TPS beneficiary subject to removal proceedings. USCIS continues to have jurisdiction over requests from aliens initially paroled into the United States. By statute, upon return to the United States with TPS travel authorization, TPS beneficiaries retain the same immigration status they held before departing the United States.

Team Notes:

Agency:

USCIS ^[4]

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Links:

[1] <https://immigration.com/news/update-travel-temporary-protected-status-beneficiaries-removal-proceedings>

[2] <https://www.uscis.gov/sites/default/files/policymanual/updates/20191220-TPSTravel.pdf>

[3] <https://www.uscis.gov/i-131>

[4] <https://immigration.com/agencies/agency/dhs/uscis>