

TPS Legislative Comparison Chart

Markings reflect approvals and disapprovals of the National TPS Alliance legislative principals that keep family unity at the forefront. The National TPS Alliance believes that the American Promise Act and the SECURE Act are current legislations plans that have proven policy to provide relief to the the cruel consequences of TPS terminations.

As of January 2018

Title	ESPERER ACT of 217 (H.R. 4184)	American Promise Act 2017 (H.R. 4253)	ASPIRE TPS Act2017 (H.R 4384)	SECURE Act (S. 2144)	TPS ACT of 2018 (H.R 4750)
Sponsor	Rep. Carlos Curbelo (R-FL-26)	Rep. Nydia Velazquez (D-NY-7)	Rep. Yvette Clarke (D-NY-9)	Sen. Chris Van Hollen (D-MD)	Rep. Mike Coffman (R-CO)
Adjustment of Status	 Adjustment of status to lawfully admitted for permanent residence (LPR). Spouse, or unmarried minor or adult child of successful applicant may also adjust status to lawfully admitted for permanent residence subject to certain conditions.	 Adjustment of status to lawfully admitted for permanent residence (LPR). Spouse, parent, or unmarried minor or adult child of successful applicant may also adjust status subject to certain conditions.	Adjustment of status to <u>renewable 6-year protected status</u> .  Adjustment to lawfully admitted for <u>permanent residence (LPR) in cases of extreme hardship</u> .  Adjustment of family members <u>only through current law mechanisms</u> . 	 Adjustment of status to lawfully admitted for permanent residence (LPR). Spouse, domestic partner, parent, or unmarried minor or adult child of successful applicant may also adjust status subject to certain conditions.	Automatic 3-year extension for those possessing temporary protected status on date of enactment, or a pending application for TPS that is subsequently granted. Permits subsequent adjustment to lawfully admitted for permanent residence (LPR). While an application for LPR status is pending, the applicant will have provisional protected presence.  Adjustment of family members only through current law mechanisms.
Application deadline for adjustment	Must apply before January 1, 2021.	Must apply within 3 years after bill's date of enactment.	Must apply within registration period established by the Secretary of Homeland Security, which must be at least one year.	No deadline specified.	May apply for adjustment to LPR status beginning 6 months before the end of the 3-year extension period. No end date is specified.
Eligible Countries	 Haiti, Nicaragua, El Salvador, or Honduras.	 All 13 countries that were designated for TPS or Deferred Enforced Departure (DED) as of January 1, 2017.	 All 13 countries that were designated for TPS or DED as of January 1, 2017.	 All countries that have been designated for TPS, or that are designated in the future.	 All countries that were designated for TPS as of date of enactment.
TPS status or eligibility	 Have TPS status on January 13, 2011 and on the date of application	Have been granted or eligible for TPS, or granted DED on or before October 1, 2017.	Had been granted or was eligible for TPS or DED on January 1, 2017.	Have or had been granted TPS, or eligible for TPS at the time the last designation was made.	 Have TPS status or pending application for TPS status on date of enactment.
Residence and TPS eligibility requirements	Meets the TPS residence requirements for the nationality, was physically present in the U.S. on January 12, 2011, has been physically present for at least one year, and is physically present on the application date.	Meets the TPS residence requirements for the nationality, plus continuous physical presence in the U.S. for at least 3 years. Waiver of the 3-year requirement authorized in cases of extreme hardship and brief or emergency absences would not count against the requirement.	Meets the TPS residence requirements for the nationality, plus continuous residence in the U.S. for at least 5 years. Brief, casual and innocent absences would not count against the 5-year continuous residence requirement and it does not apply to persons applying for adjustment due to extreme hardship.	Meets the TPS residence requirements for the nationality, plus continuous physical presence in the U.S. for at least 3 years and physically present on date of application. One or more absences of 180 days or less do not count against the 3-year requirement and a waiver is authorized in cases of extreme hardship.	Meets the TPS residence requirements and all other requirements to retain TPS during 3-year extension period. Applicants for adjustment to LPR status must be admissible under current law except they are exempted from requirements for labor certification or to possess certain travel documents. The Secretary may waive other conditions on humanitarian grounds but not most requirements regarding criminal and national security issues.
Other requirements	Must meet the current law criminal, national security, and specified other grounds of admissibility and non-deportability, plus not have been convicted of a felony or more than 2 misdemeanors. In addition to the criminal, national security, and other requirements to be eligible for TPS.	Must meet all current law criminal, national security, and other requirements for admissibility, except public charge and certain other grounds don't apply, and all others may be waived. In addition to the criminal, national security, and other requirements to be eligible for TPS.	Must meet the TPS criminal, national security, and other requirements, except that the following may not be considered: (1) misdemeanors committed more than 6 years before the application and (2) expunged offenses.	Must meet current law criminal, national security, and certain other requirements for admissibility and deportability. That is in addition to the criminal, national security, and other requirements to be eligible for TPS.	Must meet current law criminal, national security, & other requirements for admissibility. Must submit biometric & biographic data as specified by the Secretary. The Secretary must utilize biometric data in performing background & security checks on applicants, adjustment cannot be granted until checks are complete to satisfaction of the Secretary.

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Fees	Fee based on assessment of cost to the government (current law).	Fee based on assessment of cost to the government (current law).	\$50 plus standard work authorization fee.	Fee based on assessment of cost to the government (current law).	Adjustment fee to LPR status based on cost to the government. Fees for extending TPS status and providing employment authorization documents not specified in the bill and could rely on fees in current law.
Deportation Relief	Yes, while application pending.	Yes, while application pending.	Yes, if prima facie eligible and application pending or within first 30 days of registration period.	Yes, while application pending or if individual is prima facie eligible and indicates intent to file application.	Yes, if prima facie eligible and application pending. Provisional protected status can be revoked if the Secretary finds the applicant poses a threat to national security or public safety, or has traveled outside the U.S. without authorization.
Work authorization while application is under review?	Yes, after 180 days. At DHS discretion prior to that.	Yes.	Yes, if prima facie eligible and application pending or within first 30 days of registration period.	Yes.	Yes, if prima facie eligible and application pending. (Work authorization also included in 3-year extension of TPS.)
Path to Citizenship	✔ Individual typically can apply for naturalization 5 years after adjusting to LPR status under the bill (current law).	✔ Individual can only apply for naturalization 5 years after adjusting to LPR status under the bill. English language test is waived and applicant may take the civics test in their own language	✘ No path to citizenship for those granted new 6-year protected status. Those granted LPR status under the extreme hardship provision typically can apply for naturalization 5 years after adjusting to LPR status (current law).	✔ Individual typically can apply for naturalization 5 years after adjusting to LPR status under the bill (current law).	✔ Individual typically can apply for naturalization 5 years after adjusting to LPR status under the bill (current law)
TPS Reform	n/a	n/a	Specifies that TPS holders shall be considered inspected and admitted to the US under immigration law, eliminating a current limitation that prevents many from adjusting to LPR status when they are otherwise qualified to do so. Also provides that expunged convictions are not counted for TPS eligibility.	n/a	✘ Would permanently eliminate Temporary Protected Status going forward other than the 3-year extension for those who possess the status on the date of enactment, or have a pending application for TPS on that date that is subsequently granted.
OTHER					✘ Beginning in fiscal year 2022, the total number of immigrant visas available under the INA section 201 for (c) (family reunification, (e) employment based and (d) diversity shall be reduced by 50,000 annually from the number otherwise available. The visas shall be reduced in the same proportion as the number of visas otherwise available. However, in any fiscal year this visa reduction would be capped at the difference between the cumulative number of individuals who have adjusted their status under the bill, and the cumulative number of visa reductions made by the bill.