

Global Immigration alert

October 2024

United States

DHS announces protections for Lebanese nationals currently in the United States

Executive summary

On 17 October 2024, the Department of Homeland Security (DHS) announced new immigration protections for Lebanese nationals currently in the United States in light of the ongoing armed conflict in Lebanon.

DHS has designated Lebanon for Temporary Protected Status (TPS) for 18 months. TPS will be available for individuals who have continuously resided in the United States since 16 October 2024 who are either Lebanese nationals or are individuals with no nationality who last habitually resided in Lebanon.

Second, U.S. Citizenship and Immigration Services (USCIS) established procedures for those Lebanese nationals covered by President Biden's 26 July 2024 grant of Deferred Enforced Departure (DED) allowing them to apply for an Employment Authorization Document (EAD) that will be valid through 25 January 2026.

Lastly, DHS is publishing a Special Student Relief Notice for F-1 non-immigrant students whose country of citizenship is Lebanon, or who have no nationality who last habitually resided in Lebanon. This relief will allow eligible students to request employment authorization, work an increased number of hours while school is in session, and reduce their course load while allowing them to continue maintaining F-1 status through the DED designation period.

Background

DHS designates a foreign country for TPS when conditions in the country, such as a natural disaster, armed conflict, or other extraordinary and temporary conditions, prevent the country's nationals from safely departing the United States and returning to that country. TPS beneficiaries are not removable from the United States and are permitted to apply for and receive authorization to work. TPS does not create eligibility for any other immigration status. However, it does not prevent the beneficiary from applying for asylum, another non-immigrant status (such as H-1B or F-1), or adjustment of status (lawful permanent residency), if otherwise eligible.

DED defers the removal of certain individuals present in the United States, subject to various conditions. DHS estimates that approximately 11,000 Lebanese nationals will likely be eligible for DED and TPS. Additionally, 1,740 F-1 non-immigrant students from Lebanon in the United States may be eligible for Special Student Relief.

Analysis

The designation of Lebanon for TPS is based on ongoing armed conflict and extraordinary temporary conditions.

To qualify for TPS, the individual must:

- ▶ Be present in the United States;
- ▶ Have been continuously residing in the United States since 16 October 2024; and
- ▶ Be a Lebanese national, or an individual with no nationality who last habitually resided in Lebanon.

To apply for TPS, the individual must prepare and file Form I-821, Application for Temporary Protected Status, which is available online and in paper form. To request an EAD, the individual should prepare Form I-765, Request for Employment Authorization. Form I-765 may be submitted at the same time as Form I-821, or separately after the I-821 has been submitted.

Supporting documents for Form I-821 include evidence of identity and nationality to demonstrate the applicant's identity and nationality (or lack thereof and last habitual residence), and documentation of date of entry into the United States.

There is no derivative TPS status for minor children or parents of TPS beneficiaries; each person must independently apply for TPS and show eligibility for protection. TPS is renewable, subject to the registration period of the designated country and possible re-registrations once the initial period ends.

What this means

U.S. resident Lebanese nationals and other eligible individuals may apply for TPS if the above criteria are satisfied. The grant of TPS will protect against immigration consequences due to their inability to return to Lebanon during the current ongoing armed conflict.

We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional.

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