

FAQs



**U.S. Citizenship
and Immigration
Services**

Statelessness and the Ability to Work for Joint F-1/TPS

1) Can someone with a non-immigrant status (e.g. F-1, B-2, etc.) apply for TPS? If so, will having or using a TPS-related EAD affect his or her other status?

Yes, a person with F-1, B-2, or any other nonimmigrant status may apply for and receive TPS. The individual can continue to hold both statuses, as long as he or she remains eligible for both. For example, if an F-1 (student) applies for and obtains TPS, but he or she continues to abide by all of the F-1 eligibility requirements, he/she can continue to maintain F-1 status and simultaneously hold TPS. Any individual who applies for and is granted TPS must continue to comply with the separate eligibility requirements of all other statuses (e.g., F-1, H-1B) that he or she seeks to maintain.

It is up to the individual to know and understand the requirements of all statuses he/she holds or is seeking to obtain and/or maintain. Receiving TPS or a TPS-related EAD does not alter any rules limiting employment for certain nonimmigrants, such as F-1 students or B-2 visitors. Before someone holding both nonimmigrant status and TPS chooses to work using a TPS-related EAD, he or she should carefully consider whether that employment could violate the terms of the nonimmigrant status, potentially resulting in violation of the nonimmigrant status. F-1 students who are considering working on a TPS-related EAD may want to talk with their Designated School Official (DSO) and/or an immigration attorney to discuss how employment could affect their F-1 status. We note that students who are experiencing severe economic hardship as a result of unforeseen circumstances may follow the usual process to request off-campus employment authorization due to the hardship by filing an I-765, Application for Employment Authorization. Recognizing the effects of the earthquakes in Nepal, USCIS has announced that it will work to expedite the adjudication and approval, where possible, of requests for off-campus employment authorization for F-1 students from Nepal experiencing severe economic hardship.

2) What type of evidence should a TPS applicant submit to demonstrate nationality? How can a TPS applicant demonstrate statelessness (and habitual residence in the TPS country)?

Among other requirements, to establish eligibility for TPS, the individual must be a national of a country designated for TPS, or a person with no nationality (stateless) who last habitually resided in the designated country. When filing an initial TPS application, you must submit evidence of identity and evidence of nationality of or residence in the designated TPS country.

Note that every case is treated individually and eligibility is determined based on the proper consideration of all evidence/documentation in the file, including the weight, relevance, and probative value of the evidence submitted. Applicants are encouraged to submit as much primary evidence of identity and nationality that is available to them. In the table below, the items listed as Primary Evidence should be included if available. If USCIS does not find that the documents you submit with your application are sufficient to meet your burden of proving eligibility for TPS, we may send you a request for additional evidence (RFE).

The following table provides examples of the different types of evidence you may provide with your Form I-821. This table is not meant to be an exhaustive list of evidence to support your case and you may

choose to provide additional items not listed here that provide evidence of your identity and/or nationality.

<p>Primary Evidence (Always include if available)</p>	<ul style="list-style-type: none"> • A copy of your passport • A copy of your birth certificate, accompanied by government issued photo identification • Any national identity document bearing your photograph and/or fingerprint issued by your country, including such documents issued by your country's Embassy or Consulate in the United States, such as a national ID card or naturalization certificate
<p>No Primary Evidence</p>	<p>If you do not have any of the primary evidence listed above, you must submit an affidavit with:</p> <ul style="list-style-type: none"> • Proof of your unsuccessful efforts to obtain such documents; and • An explanation why the consular services of Nepal in the United States are unavailable to you, and you must affirm that you are a national of Nepal. <p>Generally, USCIS will schedule an interview with you regarding your identity and nationality if you cannot provide copies of the Primary Evidence listed above. You may also submit additional evidence of your nationality and identity at the interview if available, some examples of which are listed below as Secondary Evidence.</p>
<p>Secondary Evidence</p>	<ul style="list-style-type: none"> • Nationality documentation, such as a naturalization certificate, even if it does not have your photograph and/or fingerprint • Your baptismal certificate if it indicates your nationality or a parent's nationality • Copies of your school or medical records if they have information supporting your claim that you are a national from a country designated for TPS • Copies of other immigration documents showing your nationality and identity • Affidavits from friends or family members who have close personal knowledge of the date and place of your birth and your parents' nationality. The person making the affidavit should include information about how he or she knows you or is related to you, and how he or she knows the details of the date and place of your birth and the nationality of your parents. The nationality of your parents is important if you are from a country where nationality is derived from a parent.

You may also provide any other document or information that you believe helps prove your identity or nationality. A similar chart and other information about TPS are available on the USCIS website's main TPS page at www.uscis.gov/tps.

A stateless person is someone who is not considered a national by any State under the operation of its law. If you are claiming to be a stateless individual who last habitually resided in Nepal, you must demonstrate that you are not a national of any country. To further assist with processing your TPS application, we recommend that you submit as much evidence as possible to prove that you are stateless. Note that each case is unique and it is your responsibility to provide the evidence to support your claim. Examples of documents you may provide to prove your identity are listed above. If you are claiming to be stateless, you could include a personal statement explaining why you have never acquired any nationality through birth or lineage. In addition to demonstrating that you have no country of nationality, a stateless individual must also demonstrate that he/she last habitually resided Nepal prior to his or her U.S. entry. The type of documentation you may submit to demonstrate last habitual residence in the TPS country is similar to the types of evidence an applicant can submit to demonstrate meeting the continuous residence and continuous physical presence requirements for TPS, as listed in the Form I-821 instructions on page 4.