

# A Comparison of Temporary Protected Status (TPS) Bills:

|                          | <b>ESPERER Act of 2017<br/>(H.R. 4184)</b>  | <b>ASPIRE-TPS Act of 2017<br/>(H.R. 4384)</b>  | <b>American Promise Act of<br/>2017 (H.R. 4253)</b>   | <b>TPS Act (H.R. 4750)</b>   | <b>SECURE Act (S. 2144)</b>   |
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| <b>Title</b>             | “‘Extending Status Protection for Eligible Refugees with Established Residency’ (ESPERER) Act of 2017”                                | “‘Act to Sustain the Protection of Immigrant Residents Earned through TPS’ (ASPIRE-TPS) Act of 2017”   | “American Promise Act of 2017”  | “TPS Act”  | “‘Safe Environment from Countries Under Repression and Emergency’ (SECURE) Act”   |
| <b>Purpose</b>           | Allow certain long-time TPS recipients and their beneficiaries to apply for adjustment of status to lawful permanent residency (LPR). | Allow TPS and Deferred Enforced Departure (DED) recipients to apply for “protected status,” which is granted in renewable six-year periods.<br><br>Allow for adjustment of status to LPR for those who can show extreme hardship to applicant or applicant’s U.S. citizen or LPR spouse, parent, or child. | Allow TPS and DED recipients, as well as their beneficiaries, to apply for adjustment of status to LPR.   | Terminate ability to grant TPS and allow TPS recipients a three-year extension and ability to apply for adjustment of status to LPR. | Allow TPS recipients and their beneficiaries to apply for adjustment of status to LPR.  |
| <b>Introduced</b>        | October 31, 2017  | November 14, 2017  | November 3, 2017  | January 10, 2018   | November 16, 2017   |
| <b>Sponsor</b>           | Rep. Carlos Curbelo (R-FL-26)   | Rep. Yvette Clarke (D-NY-9)  | Rep. Nydia Velázquez (D-NY-7)   | Rep. Coffman (R-CO-6)  | Sen. Chris Van Hollen (D-MD)  |
| <b>Covered Countries</b> | Haiti, Honduras, El Salvador, Nicaragua   | All countries designated for TPS or DED as of January 1, 2017 (El Salvador, Guinea, Haiti, Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Yemen).  | All countries designated for TPS or DED as of January 1, 2017 (El Salvador, Guinea, Haiti, Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Yemen). | All countries designated for TPS as of the date of enactment of this bill.   | All countries previously designated for TPS at any time. (Angola, Bosnia-Herzegovina, Burundi, El Salvador, Guinea, Guinea-Bissau, Haiti, Honduras, Province of Kosovo, Kuwait, Lebanon, Liberia, Montserrat, Nepal, Nicaragua, Rwanda, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Yemen). |

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| <b>Status for Eligibility</b> | TPS recipient on January 13, 2011 AND at date of application for adjustment.  | TPS or DED recipients, or those eligible, on January 1, 2017.   | TPS recipients, or those eligible, or DED recipients on or before October 1, 2017.  | Current TPS recipients who retain TPS through the three-year extension period.   | Current TPS recipient, former TPS recipient, or those eligible for TPS at time of last designation by DHS.   |
| <b>Physical Presence</b>      | <p>Must: (1) have been present in U.S. on January 12, 2011; (2) have been present for at least 1 year;* AND (3) be present on date of application for adjustment.</p> <p><i>* Some exceptions for brief periods of departure apply.</i></p>   | <p>For initial applicants: must have been continuously present in the U.S. for five years prior to date of enactment.*</p> <p><i>* Some exceptions for brief periods of departure apply.</i></p> <p>For renewals: must not be absent from the U.S. for longer than one year since last application, unless applicant can show U.S. residence not abandoned.</p> | <p>Must have been continuously present in the U.S. for a period of at least three years since date of enactment.*</p> <p><i>* Some exceptions for brief periods of departure apply; waivers also available if individual can show that removal would result in extreme hardship to applicant or applicant's spouse, children, parents, or domestic partner.</i></p> | Not specified.   | <p>Must: (1) have been continuously present in the U.S. for at least three years;* AND (2) be present on date of application for adjustment.</p> <p><i>* Some exceptions for brief periods of departure apply; waivers also available if individual can show that removal would result in extreme hardship to applicant or applicant's spouse, children, parents, or domestic partner.</i></p> |
| <b>Application Deadline</b>   | January 1, 2021   | TBD – registration period will be at least one year and notice shall be provided to TPS and DED recipients.   | Three years from date of enactment.   | May apply to adjust six months prior to end of three-year extension period.  | Not specified.   |
| <b>Security Requirements</b>  | <p>Yes.</p> <p>Certain inadmissibility and deportability grounds apply. In addition to TPS eligibility requirements, individual must not have been convicted of: (1) a felony; OR (2) three or more misdemeanors (different dates) resulting in an aggregate sentence of imprisonment of 90 days or more.</p> | <p>Yes.</p> <p>Certain inadmissibility grounds apply. Like all TPS-eligible individuals, individual must not have been convicted* of: (1) a felony; OR (2) two or more misdemeanors.</p>  | <p>Yes.</p> <p>Certain inadmissibility grounds apply. Like all TPS-eligible individuals, individual must not have been convicted of: (1) a felony; OR (2) two or more misdemeanors.</p>   | <p>Yes.</p> <p>Certain inadmissibility grounds apply. Criminal and security background checks apply. Like all TPS-eligible individuals, individual must not have been convicted of: (1) a felony; OR (2) two or more misdemeanors.</p> | <p>Yes.</p> <p>Certain inadmissibility and deportability grounds apply. Criminal and security background checks apply. Like all TPS-eligible individuals, individual must not have been convicted of: (1) a felony; OR (2) two or more misdemeanors.</p>   |

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| <b>Removal /Vol-<br/>untary Depart-<br/>ure Order Bar</b> | No.   | Not specified.  | No.   | Not specified.   | No.  |
| <b>Protection from<br/>Removal</b>                        | Yes, while application is<br>considered.  | Yes, for those with prima<br>facie eligibility while ap-<br>plication is considered OR<br>prior to registration period<br>commencing and during<br>first 30 days of period.       | Not specified.  | Yes, for those with prima<br>facie eligibility while ap-<br>plication is considered. | Yes, while application is<br>considered, as well as for<br>those with prima facie eligi-<br>bility if they indicate intent<br>to file application. |
| <b>Employment<br/>Authorization</b>                       | Yes. Provided after<br>application is pending<br>for 180 days. DHS may<br>authorize employment<br>prior to that time. | Yes. For those with prima<br>facie eligibility: provided<br>while application pending<br>AND prior to registration<br>period commencing and<br>during first 30 days of<br>period. | Yes. Provided while applica-<br>tion is pending.          | Yes. Provided while appli-<br>cation is pending.                                     | Yes. Provided while applica-<br>tion is pending.   |
| <b>Beneficiaries</b>                                      | Eligible spouse, child,<br>or unmarried son or<br>daughter.   | N/A   | Eligible spouse, parent, or<br>unmarried son or daughter. | Not specified.   | Eligible spouse, domestic<br>partner, child, or unmarried<br>son or daughter.  |
| <b>Application Fee</b>                                    | Not specified.  | May collect fees up to \$50,<br>plus additional fees for em-<br>ployment authorization.   | Not specified.  | Not specified.   | Not specified.   |
| <b>Confidentiality</b>                                    | Not specified.  | With some exceptions,<br>information provided in ap-<br>plications will not be used<br>for immigration enforce-<br>ment.  | Not specified.  | Not specified.   | Not specified.   |

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| <b>Path to Citizenship</b>    | Yes. Under current law, LPRs can typically apply for citizenship after 5 years. | <p>Yes and No - depending on circumstance.</p> <p>No - There is no path to citizenship for those granted protected status.</p> <p>Yes - For those able to show extreme hardship and ability to adjust status, LPRs can typically apply for citizenship after 5 years.</p> | Yes. Under current law, LPRs can typically apply for citizenship after 5 years.   | Yes. Under current law, LPRs can typically apply for citizenship after 5 years.   | Yes. Under current law, LPRs can typically apply for citizenship after 5 years.                           |
| <b>Other Notable Elements</b> | N/A   | Amends existing TPS statute. Notes that expunged convictions are not a bar to eligibility AND TPS recipients are considered “inspected and admitted” to the U.S.  | Amends existing TPS statute. Requires report to Congress when DHS terminates a country’s TPS designation; for those TPS recipients eligible to adjust, their time in the U.S. under TPS will be counted towards the requirements for cancellation of removal; those adjusted under this bill may not naturalize before 5 years from the date of adjustment; AND provides waiver for those adjusted under this bill for language requirement for naturalization. | Essentially terminates the existing TPS statute. Proportionally reduces legal immigration by 50,000 visas per year for the period necessary to offset the total visas issued to TPS recipients adjusting status under the bill. | Amends existing TPS statute. Requires report to Congress when DHS terminates a country’s TPS designation. |