



## **TPS is Now a Lawful Entry!**

**Margaret O'Donnell**

IMMIGRATION ATTORNEY

655 S. Orcas St. Suite 210 | Seattle, WA 98108

206-774-8758



Good news for TPS holders who live in the western part of the US! The 9th U.S. Circuit Court of Appeals recently ruled that a grant of Temporary Protected Status (TPS) counts as a lawful entry to the United States for purposes of adjustment of status eligibility.

What does this mean? Typically, a person who has entered the country illegally, or “without inspection” is not eligible to apply for their permanent residence in the U.S.—even if they are married to a U.S. citizen, or have a U.S. citizen child over the age of 21, or any other approved immigrant petition—because they do not have a lawful entry to the U.S.

Previously, TPS holders could obtain a lawful entry to the U.S. by seeking “Advance Parole,” or advance permission to leave and re-enter the country. When they return to the U.S. with Advance Parole, they have a lawful entry, which can open the door to applying for their residence in the U.S. However, many people could not or did not want to leave the U.S. with Advance Parole, and so they did not have any immigration options beyond TPS.

Now, under the new court ruling, TPS holders who live in the area covered by the US Ninth Circuit Court of Appeals (Alaska, Arizona, California, Hawaii, Idaho, Montana,

Nevada, Oregon, and Washington) are automatically considered to have a lawful entry. This means that if you have TPS and are married to a U.S. citizen or have a U.S. citizen child over the age of 21, you may now be eligible to file an application to become a permanent resident of the United States.

Please do NOT file such an application without first consulting with an immigration attorney. In some circumstances, those with TPS have a prior order of removal, or have a case in which the immigration court still has jurisdiction. There may be other circumstances that will affect TPS holders' ability to take advantage of the new ruling.

To find out how this new ruling affects you, call our office at 206-774-8758 to schedule an appointment.

For appointments call 206-774-8758 or email  
[info@globallawadvocates.com](mailto:info@globallawadvocates.com)

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