

NOVO LEGAL GROUP

TPS El Salvador Transition Checklist

Six paths. Which ones apply to your family?

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How to use this checklist

A triage guide for Salvadoran TPS holders — not legal advice

El Salvador TPS ends **September 9, 2026**. There is no extension and no live court order blocking it. This checklist maps six transition paths that may apply to your situation. **No path fits every family.** The goal is to help you identify which options are worth discussing with an immigration attorney — before September 9, not after.

How to use each path page: Read the "Applies if" line first. If it clearly does not apply to you, skip that page. If it might apply, read the eligibility bullets, note the red-flag cautions, and write down the next step. Bring your notes to your consultation.

One rule that applies to every path on this list: Do not travel outside the United States before consulting with an attorney about your specific unlawful-presence history. The August 13, 2026 BIA decision in *Matter of Delcarmen-Lara* changed the analysis around Advance Parole travel. A trip that seemed like a safe fix before that ruling may now carry a 10-year bar consequence.

CRITICAL DATE

September 9, 2026 — last day of TPS status and last day of A12/C19 EAD validity. September 10 — unlawful-presence clock restarts and employer I-9 reverification is required. The 30 days before September 9 are the most important window you have.

What this checklist does not do: It does not assess your individual facts, tell you which path will work for you, or replace a consultation with an immigration attorney. Immigration law is fact-specific. A path that is clearly open for one TPS holder may be clearly closed for another with a different entry history, criminal record, or family situation.

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This checklist is provided for general informational purposes only. It is not legal advice and does not create an attorney-client relationship. Immigration law changes frequently. Whether any path applies to you depends on facts specific to your case. Do not act or refrain from acting based on this content without consulting a qualified immigration attorney. Novo Legal Group PLLC. (888) 746-5245. novo-legal.com

The six transition paths

Each path has its own page ahead. Skip anything that clearly does not fit your situation.

1. Family-Based Adjustment of Status (I-130 / I-485)

Applies if you have a U.S.-citizen or LPR spouse, a U.S.-citizen parent (if you are unmarried and under 21, or the beneficiary of a preference-category petition), or a U.S.-citizen child at least 21 years old who can petition for you.

2. Consular Processing + I-601A Provisional Waiver

Applies if you have an approved I-130 (usually through a USC or LPR spouse or parent), are not eligible to adjust status inside the country, and have a USC or LPR spouse or parent who would suffer extreme hardship if you were barred from returning.

3. Asylum

Applies if you have a well-founded fear of persecution in El Salvador based on race, religion, nationality, political opinion, or membership in a particular social group, and either file within one year of your last entry or can show a changed or extraordinary circumstance that excuses the deadline.

4. VAWA / U-Visa / T-Visa (Victim-Based Relief)

Applies if you are the abused spouse, child, or parent of a U.S. citizen or LPR (VAWA); a victim of a qualifying crime in the U.S. who has been helpful to law enforcement (U-visa); or a victim of a severe form of trafficking (T-visa).

5. Cancellation of Removal (INA § 240A(b) — "42B")

Applies if you have been placed in removal proceedings before the Immigration Court and meet the four statutory prongs: ten years of continuous physical presence, good moral character, no disqualifying convictions, and exceptional and extremely unusual hardship to a qualifying relative.

6. Employment-Based (H-1B / EB-2 / EB-3 / EB-5)

Applies if you have an employer willing to sponsor a permanent position and your role and qualifications support an employment-based preference category.

Not every path applies to every family, and this list does not replace a consultation. Talk to an immigration attorney before September 9 to find out which path, if any, fits your facts. Call (888) 746-5245.

Family-Based Adjustment of Status (I-130 / I-485)

APPLIES IF

- ▶ You have a U.S.-citizen spouse, or a U.S.-citizen child who is 21 or older
- ▶ You have a U.S.-citizen parent and you are unmarried and under 21
- ▶ You have an LPR spouse and the F2A priority date for El Salvador is current
- ▶ A family member filed an I-130 or labor certification for you on or before April 30, 2001 and you were physically present in the U.S. on December 21, 2000 (INA § 245(i) grandfather lane)

Eligibility checkpoints

- ▶ TPS status alone does NOT create eligibility to adjust status inside the U.S. (*Sanchez v. Mayorkas*, 2021). You generally must have been "inspected and admitted."
- ▶ A prior Advance Parole trip that returned you to the U.S. before August 13, 2026 may qualify as an "admission" under USCIS Policy Alert PA-2022-16 — counsel can evaluate whether this applies to your file.
- ▶ In Washington (9th Circuit), TPS grant itself may count as an admission under *Ramirez v. Brown* — a distinct and broader rule than the rest of the country.
- ▶ In Colorado (10th Circuit), there is no controlling circuit case; current USCIS policy position is the operative rule.
- ▶ If you have an LPR (not USC) petitioner, check the monthly Visa Bulletin for El Salvador F2A chargeability. F4 (siblings) has a decades-long backlog.
- ▶ § 245(i) grandfather: pay the \$1,000 penalty and adjust regardless of entry manner if you qualify. Dig up any 2001-era petition filed for you.

AP TRAVEL RED FLAG — READ BEFORE BOOKING ANY TRIP

Matter of Delcarmen-Lara (BIA Aug. 13, 2026) held that Advance Parole travel counts as a physical departure that can trigger the 10-year unlawful-presence bar if you accrued more than one year of unlawful presence before your TPS grant. Most 2001-era Salvadoran TPS holders did accrue that prior unlawful presence. Do NOT travel before getting individualized advice from counsel who has read this ruling.

▶ If this looks plausible: bring your I-130 approval notice (if any), every EAD you have held, and travel history to your consultation. Tell counsel your entry date, how you entered, and whether you have ever traveled on Advance Parole.

This is a checklist, not legal advice. Eligibility depends on your individual facts. Schedule a consultation before taking any action.

Consular Processing + I-601A Provisional Waiver**APPLIES IF**

- ▶ You have an approved I-130 (usually USC or LPR spouse or parent)
- ▶ You are not eligible to adjust status inside the U.S.
- ▶ You have a USC or LPR spouse or parent who would suffer extreme hardship if you were barred

- ▶ File the I-601A waiver **before you depart** so you know the result before taking the risk of leaving
- ▶ The waiver covers unlawful-presence bars only — other inadmissibility grounds need separate waivers
- ▶ Consular interview in San Salvador; processing times vary — check current USCIS and consular processing times before relying on any estimate
- ▶ Strong hardship case = strong waiver case: USC spouse with medical condition, U.S.-born children with special needs, single-earner household
- ▶ Without a viable I-130 petitioner, this path is not available

▶ **If this applies: gather hardship documentation for your USC/LPR qualifying relative before your consultation.**

Asylum**APPLIES IF**

- ▶ You have a well-founded fear of persecution in El Salvador based on race, religion, nationality, political opinion, or particular social group
- ▶ You can meet the one-year filing deadline — OR show changed/extraordinary circumstances that excuse it

- ▶ Most Salvadoran TPS holders who arrived in 2001 are long past the one-year deadline from their last entry
- ▶ TPS termination may qualify as a "changed circumstance" that reopens the deadline — this is fact-specific, not automatic
- ▶ Salvadoran claims: gang persecution, family-membership PSG, gender-based violence, political opinion — all fact-specific; none are automatic wins
- ▶ A denied *affirmative* asylum application is referred to Immigration Court — this places you in removal proceedings

RED FLAG

Do not file asylum as a defensive backup without understanding that denial = removal proceedings. Discuss country-conditions evidence and your personal record with counsel before filing.

▶ **If this applies: write down every incident that caused you fear in El Salvador and bring it to your consultation.**

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VAWA Self-Petition / U-Visa / T-Visa

APPLIES IF

- ▶ **VAWA:** You are an abused spouse, child, or parent of a U.S. citizen — or abused spouse or child of an LPR — and the abuse occurred during the qualifying relationship
- ▶ **U-visa:** You have been the victim of a qualifying crime in the U.S., suffered substantial harm, and have been (or are willing to be) helpful to law enforcement
- ▶ **T-visa:** You are a victim of severe trafficking in persons, present in the U.S. on account of the trafficking, and have complied with reasonable law-enforcement requests

Key points — VAWA

- ▶ Filed confidentially — the abusive spouse never knows and has no role in the petition
- ▶ No current immigration status required to file
- ▶ Leads to a green card; for a Salvadoran TPS holder with an abusive USC or LPR spouse, often the fastest path available
- ▶ Safe to file even if you are afraid the abuser will retaliate — VAWA has confidentiality protections by statute

Key points — U-visa and T-visa

- ▶ Both confer nonimmigrant status, work authorization, and a later path to a green card
- ▶ U-visa requires a certification (I-918B) from a qualifying law-enforcement agency — police, prosecutor, judge, USCIS officer, labor agency, or child protective services
- ▶ U-visa is subject to an annual statutory cap; the backlog is long, but *interim benefits* during the wait (work authorization via Bona Fide Determination, deferred action) have historically bridged petitioners through the wait
- ▶ T-visa is subject to a separate, lower annual cap; far fewer are issued each year than under the U-visa program; the law-enforcement certification requirement is somewhat more flexible

U-VISA BFD FLAG — VERIFY CURRENT STATUS BEFORE FILING

USCIS's Bona Fide Determination (BFD) process for U-visa petitioners — which provides interim work authorization during the wait — has been the subject of policy revisions in 2026 that may affect timing of that interim benefit. Ask your attorney what the current BFD posture is at the time of your filing. The mechanics may not look like they did in 2024 or 2025.

▶ If VAWA applies: call Novo Legal confidentially at (888) 746-5245. You can describe your situation without giving your name. If U/T applies: bring police reports, medical records, or any law-enforcement contact documentation to your consultation.

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Cancellation of Removal (INA § 240A(b) — "42B")**APPLIES IF**

- ▶ You are already in removal proceedings before the Immigration Court (EOIR)
- ▶ You meet all four statutory prongs (see below)

The four prongs you must show:

- ▶ **1. Ten years of continuous physical presence** immediately before the application — no "stop-time" event (the NTA or a criminal conviction can stop the clock)
- ▶ **2. Good moral character** during those ten years
- ▶ **3. No disqualifying convictions** (INA §§ 212(a)(2), 237(a)(2), 237(a)(3))
- ▶ **4. Exceptional and extremely unusual hardship** to a USC or LPR spouse, parent, or child — this is a higher bar than "extreme hardship"

RED FLAG — REMOVAL PROCEEDINGS REQUIRED

Cancellation is not something you affirmatively file for. It is a defense raised once you are already in removal proceedings. Triggering enforcement to gain access to this path is a decision that requires counsel. Grants are capped at 4,000 per fiscal year nationwide.

▶ If you are already in proceedings: bring your NTA and any prior hearing notices to your consultation. Never miss a court date.

Employment-Based (H-1B / EB-2 / EB-3 / EB-5)**APPLIES IF**

- ▶ You have an employer willing to sponsor a permanent position
- ▶ Your role and qualifications support an employment-based preference category
- ▶ EB-2 and EB-3 require PERM labor certification — employer demonstrates no qualified U.S. worker is available
- ▶ Employer pays significant legal fees and must meet prevailing-wage requirements
- ▶ For service, construction, or hospitality workers: employer sponsorship is uncommon but not impossible if your tenure and role are strong
- ▶ For skilled professionals with long employer relationships: this is real — ask your employer this month if they have ever considered sponsoring you
- ▶ EB-5 investor path requires substantial capital investment — out of reach for most TPS holders
- ▶ Timeline from PERM to green card varies widely by country chargeability and preference category — check current USCIS and Department of Labor processing times before relying on any estimate
- ▶ If this applies: approach your HR department or manager in August 2026 — before September 9 — and ask whether sponsorship is an option. If they say yes, contact counsel immediately.

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Gather these before September 9

Check off each item. Bring what you have — do not wait until everything is perfect.

Your TPS / Immigration records

- ▶ Every EAD card you have held (originals + copies)
- ▶ Every I-821 TPS approval notice from each re-registration cycle
- ▶ Any I-130 petition filed for you — even from 2001 or earlier
- ▶ Any labor certification filed for you — even decades ago
- ▶ Any prior Notice to Appear (NTA) or immigration court paperwork
- ▶ Your A-number (on your EAD or any USCIS notice)
- ▶ Travel history: dates of any Advance Parole trips + return stamps
- ▶ Your original entry date and how you entered the U.S.

Family & personal records

- ▶ Passport (yours + family members')
- ▶ Birth certificates — yours, your children's, your parents' (if petitioning)
- ▶ Marriage certificate (if applicable)
- ▶ USC or LPR family members' green cards or naturalization certificates
- ▶ Tax returns for the last 10 years (W-2s, 1099s)
- ▶ Pay stubs and employment verification letters
- ▶ Lease, mortgage, or utility bills (establishes physical presence)
- ▶ Medical records for any family member with a serious condition
- ▶ Any police reports or court records (for U-visa / VAWA clients)

I-9 EMPLOYER ACTION — KNOW BEFORE SEPTEMBER 9

Tell your HR department now that USCIS's August 12, 2026 update instructs employers to reverify your I-9 on September 10 using "September 9, 2026" as the EAD expiration date. If you have a pending I-485, U-visa, or VAWA petition with a valid EAD tied to it, bring documentation of that status to your HR contact. Employers may NOT terminate you before September 9 based solely on the announced termination date.

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When to call Novo Legal

- › You have a U.S.-citizen spouse or a child who has turned 21 and you have not evaluated adjustment of status or consular processing options
- › You have ever traveled on Advance Parole — or are considering it before September 9. Post-*Delcarmen-Lara*, this analysis is not straightforward
- › A family member filed an I-130 or labor certification for you on or before April 30, 2001 — even if it went nowhere
- › You have been the victim of a crime, trafficking, or family violence in the United States
- › You are already in removal proceedings with a hearing scheduled near September 9
- › Your employer has raised the September 9 issue and is pushing you toward a decision before then
- › You have any criminal history — even a decades-old misdemeanor or a deferred sentence you were told would not affect immigration

Every attorney at Novo Legal Group is bilingual in English and Spanish — se habla español at every office. We serve Salvadoran TPS holders in Denver, Seattle, Kent, and throughout Colorado and Washington.

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SCHEDULE A CONSULTATION

www.novo-legal.com/en/contact

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