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Supreme Court Ruling on Green Cards for TPS Recipients

The Supreme Court ruled unanimously on Monday, June 7, 2021 in *Sanchez v. Mayorkas* that recipients of Temporary Protected Status (TPS) in the United States who entered without inspection must undergo consular processing outside the U.S. if they want to obtain green cards or other adjustments of status. Thousands of people are affected by this ruling. Justice Kagan, writing for the Court, explained that while TPS-holders have been provided humanitarian protection from the government, “[t]he TPS program gives foreign nationals nonimmigrant status, but does not admit them.” The Justice also noted that “Congress, of course, could have gone further, by deeming TPS recipients to have not only nonimmigrant status but also a lawful admission. Legislation pending in Congress would do just that.”

Justice Kagan’s reference is to the American Dream and Promise Act of 2021 (H.R. 6, 117th Cong., 1st Sess.), passed by the House of Representatives in March 2021. This Act would provide most TPS, DACA, DED recipients in the United States, a pathway to Legal Permanent Residency. The Senate has held Committee hearings on the Act, but is unlikely to move it to a floor vote in the near future. Through his Congressional proxies, President Biden has introduced his own legislation, the U.S. Citizenship Act, (H.R. 1177, 117th Cong, 1st Sess.), which would also give TPS-holders a pathway to citizenship, but this proposal has gotten even less traction, receiving only references out to House committees and subcommittees.