



Latest TPS Developments: Venezuela and Haiti

April 28, 2025

On Feb. 5, 2025, the Department of Homeland Security (DHS) published a [notice](#) in the Federal Register terminating the 2023 designation of Venezuela for Temporary Protected Status (TPS). The Biden administration had previously extended the 2023 designation until Oct. 2, 2026. A lawsuit challenging the Trump administration's actions is pending in federal district court and the presiding judge has ordered a postponement of the termination. Plaintiffs in this case have also asked the court to postpone implementation of a separate DHS decision to shorten the TPS designation period for Haiti. This FAQ addresses commonly asked questions regarding TPS for Venezuelans and Haitians.

What is the status of the TPS designation for Venezuela?

On March 31, 2025, a federal court judge issued an [order](#) in *NTPSA v. Noem*, No. 3:25-cv-01766 (N.D. Cal. Mar. 31, 2025) temporarily postponing the administration's decision to terminate the 2023 TPS designation for Venezuela. As such, Venezuelans with TPS under the 2023 designation will not lose their status or employment authorization on April 3, 2025, and will maintain their status until a final decision in the case is reached.

While this order is in effect, USCIS has [confirmed](#) that it will implement the Jan. 17, 2025, extension of Venezuela's 2023 TPS designation.

What does the Jan. 17, 2025, extension mean for Venezuelans?

On Jan. 17, 2025, DHS published a Federal Register Notice (FRN) formally announcing the extension of the 2023 TPS designation for Venezuela for 18 months. The notice was based on then Secretary Mayorkas's Jan. 10, 2025, determination that the conditions for the designation continued to be met. The 2021 designation was not extended. The FRN, however, consolidated the filing process for TPS beneficiaries under both the 2021 designation, which was to expire on Sept. 10, 2025, and the 2023 designation, which was set to expire on April 2, 2025. As a result, both groups may re-register and obtain TPS and an EAD valid through Oct. 2, 2026.

Are Venezuelan TPS holders covered by an automatic Employment Authorization Document (EAD) extension?

Yes, those who registered under either the 2021 or 2023 designation benefit from an automatic EAD extension through April 2, 2026. Venezuelan TPS beneficiaries who were issued an EAD with an expiration date of Sept. 10, 2025, April 2, 2022, March 10, 2024, or Sept. 9, 2022, receive the automatic EAD extension without having to take any further action.

What documents prove to an employer, the DMV, or other agency that a TPS beneficiary's status and EAD have been automatically extended?

As evidence of their status and employment authorization, TPS beneficiaries should provide their category A12 or C19 EAD with an expiration date of Sept. 10, 2025; April 2, 2025; March 10, 2024; or Sept. 9, 2022, as well as a copy of the Jan. 17, 2025, FRN.

While it is not required, it may be helpful to have these additional documents:

- Form I-797C, Notice of Action, indicating that the individual has filed a re-registration application.
- A copy of the court [order granting plaintiffs' motion to postpone](#).
- A letter from legal representative explaining the extension of TPS and employment authorization.

Should Venezuelan TPS holders re-register for TPS based on the Jan. 17, 2025, extension?

2021 TPS beneficiaries were previously required to re-register by March 10, 2024, to maintain their status through Sept. 10, 2025. Those who want to maintain their TPS through Oct. 2, 2026, must re-register again before Sept. 10, 2025.

2023 TPS beneficiaries must re-register before Sept. 10, 2025, to maintain TPS through Oct. 2, 2026.

Practitioners should make sure to screen potential clients before they file Form I-821 to confirm eligibility and provide appropriate guidance on the risks and benefits of re-registering.

Will U.S. Citizenship and Immigration Services (USCIS) process TPS re-registrations for those who entered via the Parole Process for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV)?

On Feb. 14, 2025, USCIS issued a memorandum imposing an administrative hold on all benefit requests filed by those who entered the United States through the CHNV pending additional screening and vetting. A lawsuit, *Doe v. Noem*, 1:25-cv-10495 (D. Mass. 2025) challenges the Trump administration's termination of CHNV and the suspension of processing for other immigration benefits submitted on behalf of CHNV and other categorical parolees. On April 14, 2025, the federal court judge temporarily blocked the premature revocation of parole for beneficiaries who currently have parole under the CHNV parole processes. As such the parole termination notices that were sent to CHNV parolees are stayed and not currently in effect. However, no new request for CHNV parole are being processed. The judge has not yet ruled on whether USCIS must resume adjudicating applications for other benefits, such as TPS.

Eligible TPS holders are encouraged to file timely re-registration applications so that they are more likely to avoid a gap in status and employment authorization if the hold is eventually lifted.

What is the status of the TPS designation for Haiti?

On Feb. 20, 2025, Secretary of Homeland Security Kristi Noem partially vacated the July 1, 2024, [notice](#) that extended and redesignated Haiti for TPS. The announcement shortens the period of extension and redesignation of Haiti for TPS from 18 months to 12 months, with a new end date of Aug. 3, 2025. The notice also changed the initial registration period for new applicants under the redesignation, which is now in effect through Aug. 3, 2025.

The re-registration period for those who previously held TPS closed on Aug. 30, 2024.

The plaintiffs in *NTPSA v. Noem* have requested that the government agree to a postponement of agency action regarding Haiti. If defendants do not stipulate to the postponement, the plaintiffs intend to file their motion to postpone agency action by April 29, 2025. If a postponement is granted, Haitian TPS would expire on Feb. 3, 2026.

Can my client travel with advance parole?

Individuals who have valid TPS may still apply for and travel with advance authorization. However, we urge those who are interested in traveling to be cautious. Advise clients of the potential for increased travel risks in the current climate. Some practitioners have reported that clients have been denied reentry despite having a valid Form I-512T, Authorization for Travel by a Noncitizen to the United States. Practitioners should monitor for further developments.

Should my client be concerned about being placed in removal proceedings?

Valid TPS provides protection from removal. However, if an individual's TPS is withdrawn, he or she could then be subject to removal proceedings. According to 8 CFR § 244.14, USCIS may withdraw the status of someone granted TPS if the agency determines that the individual: (1) was not eligible for TPS at the time it was granted or later becomes ineligible for TPS; (2) has not remained continuously physically present in the United States since being granted TPS; or (3) failed to reregister timely without good cause.