



Temporary Protected Status Designation Decisions: What You Should Know

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This resource explains the process of terminating a TPS designation and issues that practitioners should watch out for.

TPS status and TPS country designations are temporary.

Temporary Protected Status (TPS) is a temporary immigration status for nationals of a country that is experiencing ongoing armed conflict, environmental disaster, or another extraordinary and temporary condition. The Department of Homeland Security (DHS) may designate a country for TPS for a specific period. As the expiration date nears, DHS must review whether conditions in that country continue to make it unsafe for its nationals in the United States to return. Based on this review, DHS must issue a decision on whether it will extend or terminate the designation.

DHS will announce decisions over time.

Over the coming months the administration will make decisions about TPS designations for several countries, including:

- Nicaragua, designation is set to expire on July 5, 2025.
- Honduras, designation is set to expire on July 5, 2025.
- Syria, designation is set to expire Sept. 30, 2025.
- South Sudan, designation is set to expire Nov. 3, 2025.
- Burma (Myanmar), is set to expire Nov. 25, 2025.

TPS country terminations don't necessarily take effect immediately when they are announced.

INA § 244(b)(3) requires DHS to review the conditions in a TPS designated country at least 60 days prior to the designation's expiration to determine whether the conditions for the designation continue to be met. A decision whether to extend or terminate a country's TPS designation must be published timely, according to the statute. In practice, however, DHS has often published its decisions very close to a designation's expiration, resulting in concern and confusion for TPS beneficiaries and their families, as well as employers.

By law, termination can't take effect until 60 days after (a) the Federal Register notice of termination is published or (b) the expiration of the most recent extension, if that date is later. When DHS fails to publish a timely decision, this provision provides TPS beneficiaries a brief grace period before the announced termination actually takes effect.

Recent terminations for Venezuela and Afghanistan were all announced through the Federal Register more than 60 days before their respective dates, which meant that the designations for each country would end with the expiration of its most recent extension.

In contrast, the terminations of the designations for Cameroon and Nepal were not published timely. In those cases, DHS clarified that TPS would terminate 60 days after the announcements were published in the Federal Register, resulting in a short extension beyond the most recent expiration date.

To ensure an orderly transition, DHS may also extend TPS benefits for an additional period beyond the minimum required by statute. While DHS could grant TPS recipients additional time to prepare for a winddown of their status, that seems unlikely under the current Trump administration.

TPS recipients can maintain their benefits until the final termination date.

TPS and work authorization remain valid until: (1) TPS for a country is terminated; (2) the beneficiary no longer meets the eligibility requirements for TPS and their individual grant is revoked; or (3) their application for re-registration is denied.

Individuals with valid TPS may still apply for and travel with advance authorization. However, we urge those who are interested in traveling to be cautious. Practitioners should 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 further developments. Advise clients of the risks involved in traveling and help them to weigh these against any potential benefits of traveling.

TPS beneficiaries are not required to notify their employer of a change in their TPS status.

Employers are responsible for verifying work authorization at the time of hiring or when an employee's EAD expires. A TPS beneficiary may prove they are authorized to work by presenting an unexpired EAD. If they have properly applied to re-register and their expiring EAD is automatically extended, provide a copy of the I-797C receipt notices for each application and the Federal Register notice that explains that their work authorization remains valid. U.S. Citizenship and Immigration Service (USCIS)'s webpage on [Form I-9 Acceptable Documents](#) provides additional information on the type of documentation employees can show their employers to demonstrate authorization to work.

Once TPS termination takes effect, lawful status and work authorization will end.

Former TPS recipients will return to the status they held before receiving TPS (unless that status has since expired or terminated). Those who did not have lawful status before receiving TPS and did not obtain any other status while in TPS will return to having no lawful status. These individuals will lose their authorization to work. However, properly issued social security numbers are not affected and can still be used for non-employment purposes, such as banking, housing, and filing taxes, even if one loses their TPS status. Policies on driver's licenses, state-issued identification cards, and other public benefits vary by state. Most driver's licenses will remain valid until their expiration date. Check with your state's motor vehicle agency and stay aware of any changes to state laws.

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

Valid TPS provides protection from removal. However, if an individual's TPS expires or is withdrawn, they 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.

Those who lose TPS and have no other lawful status may be subject to immigration enforcement, including being arrested and placed into removal proceedings.

Under the Feb. 28, 2025, USCIS Notice to Appear (NTA) guidance, USCIS will generally issue an NTA if it denies an initial or re-registration TPS application or if the application is withdrawn and the applicant has no other lawful status or authorization to remain in the United States. If the DHS Secretary terminates a country's TPS designation, and the former TPS recipient has no other legal status or authorization to remain in the United States, USCIS "should coordinate with ICE and Customs and Border Protection (CBP) regarding the appropriate timing of any NTA issuances to former TPS beneficiaries after the country's TPS designation ends." For more information on the NTA guidance, see CLINIC's [USCIS Issues New NTA Guidance Memo](#).

Screen TPS beneficiaries to see if they are eligible for another type of relief.

TPS status is a protection against removal from the United States but by itself it is not a path to permanent residency or another lawful status. Given this administration's stated antipathy to TPS, beneficiaries should prepare for the potential termination of their status. Note that any inadmissibility grounds that were waived in the context of TPS will require a new I-601 waiver, which will be adjudicated under the standards of the new benefit sought.

Stay informed about changes to TPS and other developments in immigration law.

Visit the CLINIC website to find additional resources, including updates related to TPS, at cliniclegal.org/tps