



## Frequently Asked Questions: Latest TPS Developments for Venezuela and Haiti

Sept. 12, 2025

On Feb. 3, 2025, the Department of Homeland Security (DHS) published a [notice](#) in the Federal Register (FRN) vacating the extension of the 2023 designation of Venezuela for Temporary Protected Status (TPS). On Feb. 5, DHS then published a [notice](#) in the FRN terminating the 2023 designation of Venezuela for TPS.

On Sept. 3, DHS [announced](#) that it would also terminate the 2021 designation of Venezuela for TPS. The Biden administration had previously extended both designations until Oct. 2, 2026. A lawsuit challenging the Trump administration's actions is pending in federal district court. A court order issued on Sept. 11, 2025, requires U.S. Citizenship and Immigration Services (USCIS) to re-open the re-registration period for all Venezuelan TPS recipient for a 24-hour period by Sept. 15, 2025.

Plaintiffs in this case and others have also asked the courts to postpone implementation of separate DHS decisions to shorten the TPS designation period for Haiti and to terminate the TPS designation for Haiti. This FAQ addresses commonly asked questions regarding TPS for Venezuelans and Haitians.

### What is the current status of the TPS designation for Venezuela?

While litigation is ongoing, the vacatur of the Jan. 17, 2025, extension of TPS for Venezuelans and the termination of the 2023 designation has been set aside by a federal court judge's order on Sept. 5, 2025, in *NTPSA v. Noem*. TPS beneficiaries under both of Venezuela's designations who re-registered by Sept. 10, 2025, may be able to extend their status through Oct. 2, 2026.

USCIS has also announced the termination of the 2021 TPS designation for Venezuela, which is scheduled to take effect on Nov. 7, 2025. Legal challenges to this termination are expected.

### How has the litigation progressed?

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 did not lose their status or employment authorization on April 3, 2025, and were allowed to maintain their status as the litigation continued.

On May 19, 2025, the Supreme Court [granted](#) DHS Secretary Noem's application for a stay of the lower court's order, allowing the Trump administration to proceed with terminating the 2023 designation of TPS for Venezuela, even as the legality of this decision continues to be challenged in court.

The government appealed Judge Chen's decision to the Ninth Circuit, and on Aug. 29, 2025, a panel [determined](#) that the lower court had not abused its discretion by postponing the vacatur and the termination of the 2023 designation.

On Sept. 5, 2025, Judge Chen issued a [final judgment](#) finding that the Venezuela vacatur, the Venezuela 2023 termination, and the Haiti partial vacatur were all unlawful and ordered that each of those agency actions be set aside. The government will appeal the order. On Sept. 11, 2025, Judge Chen issued a compliance [order](#) requiring USCIS to re-open the re-registration period for all Venezuelans for a 24-hour period that will be announced on Sept. 12 or Sept. 15.

On Sept. 3, 2025, DHS announced the termination of 2021 TPS designation for Venezuelans. The termination is scheduled to take effect on Nov. 7, 2025, unless the courts take further action to postpone implementation. The termination of the 2021 designation is not subject to Judge Chen's most recent order.

### **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 have re-registered by Sept. 10, 2025.

[2023 TPS beneficiaries](#) must have re-registered by Sept. 10, 2025, to maintain TPS through Oct. 2, 2026.

USCIS should accept re-registration applications filed by Sept. 10, 2025. Though USCIS may not process the applications, some TPS holders may want to re-register to ensure they are included in the class action litigation. However, 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.

### **Can Venezuelans still re-register if they missed the initial Sept. 10, 2025, deadline?**

Yes. The government has been ordered to re-open the registration window for Venezuelans for at least 24 hours and to provide Plaintiffs' counsel with at least four hours' notice prior to reopening. The reopening must occur by Friday, Sept. 12, or Monday, Sept. 15, 2025. Venezuelans who register during this period will be deemed to have registered within the deadline provided by the Mayorkas extension.

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

#### Venezuela 2021:

Those who registered under the 2021 designation continue to be employment-authorized during the 60-day transition period announced with the termination of the designation.

DHS automatically extends the validity of certain EADs previously issued under the 2021 TPS designation of Venezuela through Nov. 7, 2025. Therefore, as proof of continued employment

authorization through Nov. 7, 2025, TPS beneficiaries can show their EADs that have the notation A-12 or C-19 under Category and a “Card Expires” dates of Sept. 9, 2022; March 10, 2024; or Sept. 10, 2025.

#### Venezuela 2023 and 2021:

Through the reinstatement of the Jan. 17, 2025, [FRN](#), all Venezuelan TPS holders with a category A12 or C19 EAD and a “Card Expires” date of Sept. 10, 2025, April 2, 2025, March 10, 2024, or Sept. 9, 2022, receive an automatic extension of their EAD through April 2, 2026. TPS beneficiaries under either of Venezuela’s designations who wish to extend their TPS through Oct. 2, 2026, should file Form I-821 by Sept. 10, 2025.

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

As proof of continued employment authorization, TPS beneficiaries can show their category A-12 or C-19 EADs and one of the expiration dates listed above. While not required, it may be helpful to have these additional documents:

- A copy of the Jan. 17, 2025, FRN that provides the automatic extension through April 2, 2026, or Oct. 2, 2026, for those who re-register;
- A copy of the court order granting plaintiff’s motion to postpone the vacatur and termination of the 2023 designation;
- Form I-797C, Notice of Action, indicating that the individual has filed a re-registration application. If applicable, a copy of the [FRN](#) announcing the termination and the automatic extension through Nov. 7, 2025; or
- A letter from legal representative explaining the extension of TPS and employment authorization.

#### **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 shortened 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 to Aug. 3, 2025.

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

On July 1, 2025, a federal district judge in New York [ruled](#) that DHS Secretary Noem’s February decision to vacate the 2024 extension of Haiti TPS from 18 months to 12 months exceeded her authority. Pursuant to this court order, the Haiti TPS designation remains valid through Feb. 3, 2026.

USCIS has updated its [TPS page](#) to confirm the Feb. 3, 2026, expiration date is again being implemented.

**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.