

WIMBERLY, LAWSON, STECKEL,
SCHNEIDER & STINE, P.C.
Attorneys At Law
3400 Peachtree Rd., Suite 400
Atlanta, GA 30326-1107

ALERT

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SAN FRANCISCO JUDGE BLOCKS ADMINISTRATION FROM TERMINATING TPS DESIGNATION FOR VENEZUELA

A federal district judge in San Francisco on Monday temporarily blocked the Trump administration from terminating deportation protections for 350,000 Venezuelan migrants who were admitted under the 2023 Temporary Protected Status (TPS) designation. The case is *National TPS Alliance v. Noem*, No. 3:25-cv-01766 (N.D. Cal., Injunction issued 3/28/25.) The District Court judge found the plaintiffs were likely to succeed in showing the termination of TPS protections by Department of Homeland Security Secretary Kristi Noem was unlawful, arbitrary and capricious, and motivated by unconstitutional animus.

Edward Chen, appointed by President Barack Obama, issued the nationwide order involving Venezuelans whose Temporary Protected Status was set to end on April 7. Although the Biden Administration issued TPS extensions for Venezuelans and Haitians in January, Noem rescinded the protections and later announced she would let previous designations expire. Plaintiffs are expected to ask the judge to postpone the termination of protections for Haiti as well. Over half a million Haitians would see TPS protections end in August if the terminations go forward.

Another 250,000 Venezuelan migrants who arrived before 2023 and who were granted TPS status under the 2021 designation will lose their status in September.

How this ruling affects the work authorization of Venezuelans with TPS status is still to be determined. For the time being, employers should be safe relying on the expiration dates stated on the Employment Authorization cards (EADs). Some people may have EADs showing an expiration date as late as April 2, 2026.

The work authorization issues for workers in TPS status is constantly changing and employers should continue to follow developments.

Questions? Need more information? Call Jim Hughes at (404) 365-0900.

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